

Tuesday - March 23, 1993 - 4:00 p.m.

Regular Meeting

Present: Vice-Mayor Eugene W. Ellison, Presiding; Councilwoman Barbara Field; Councilmen William G. Moore, Chris J. Peterson, Joseph Carr Swicegood and Charles R. Worley; City Attorney William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: Mayor Kenneth M. Michalove (out of town)

INVOCATION

Councilman Worley gave the invocation.

I. PROCLAMATIONS:

A. RESOLUTION NO. 93-35 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE NANCY PENLAND

Vice-Mayor Ellison read the resolution stating that Nancy Penland has been with the City for 29 years and has requested retirement from her position as Police Officer Sr. in the Asheville Police Department. He expressed the City Council's appreciation to Nancy for meritorious service, loyalty and dedication to the City of Asheville and its citizens.

Resolution No. 93-35 was adopted by acclamation.

RESOLUTION BOOK NO. 20 AT PAGE 98

B. REPORT RELATIVE TO BLIZZARD 1993

City Manager Bean updated the Council members on the blizzard that left over 24" of snow on Asheville last week. He commended the Police Department, Fire Department, Street Division, Water Department, Fleet Management Division, Buncombe County, utility companies, and all the volunteers for doing an outstanding job during this devastating period of time.

He estimated that the blizzard cost the City over a quarter of a million dollars, which included private contractors who helped with snow removal, overtime, equipment rental, equipment usage, etc. He said that FEMA representatives are in the process of making a final determination on whether this will be declared a disaster area and if so, the City will be eligible for reimbursement by FEMA for its expenses.

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He passed out weather emergency bulletins that were constantly being sent out to the media in order to keep the public aware of the blizzard conditions.

Councilman Moore expressed his appreciation to all the people involved.

Vice-Mayor Ellison thanked all the employees and volunteers for doing everything possible to keep the City running smoothly.

II. PUBLIC HEARINGS: None

III. UNFINISHED BUSINESS:

A. THIRD READING OF ORDINANCE NO. 2014, AN ORDINANCE AMENDING CHAPTER 23A OF THE CODE OF ORDINANCES RELATIVE TO THE REGULATION OF TREES

Vice-Mayor Ellison said that this ordinance passed on its first reading on February 16, 1993, with amendments to the proposed draft submitted by the Tree/Greenway Commission ("Commission"), and passed on its second reading on March 2, 1993.

Vice-Mayor Ellison said members of Council have been previously furnished with a copy of the ordinance and it would not be read.

On a roll call vote of 6-0, Ordinance No. 2014 passed on its third and final reading.

ORDINANCE BOOK NO. 13 - PAGE 196

IV. NEW BUSINESS:

A. RESOLUTION NO. 93-36 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CRISP, HUGHES & COMPANY FOR AUDITING SERVICES FOR FISCAL YEAR 1992-93

City Manager Bean said that this resolution will authorize the Mayor to execute a contract, the form of which shall be approved by the Local Government Commission, with Crisp, Hughes & Company, Certified Public Accountants, in the amount of \$40,800 for auditing services for fiscal year 1992-93.

Councilman Worley stated that he and Councilman Swicegood were on a committee that reviewed all the -3-

proposals sent in and not only was Crisp, Hughes & Company the best proposal, but it was also the best price.

Vice-Mayor Ellison said that members of Council have been furnished with a copy of the resolution and it would not be read.

Councilman Worley moved for the adoption of Resolution No. 93-36. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 20 - PAGE 99

B. RESOLUTION NO. 93-37 - RESOLUTION IN SUPPORT OF HOUSE BILL 134 AND SENATE BILL 48 - LOCAL FINANCIAL SECURITY

City Manager Bean said HB 134 and SB 48 are identical bills under consideration by the NC General Assembly. These bills would give local governments more financial security and restore growth to state-collected local revenues and taxsharing funds. They are a compromise worked out by a Fiscal Trends Study Commission subcommittee that was co-chaired by Rep. Martin Nesbitt of Asheville. The proposed resolution expresses Council's support for the two bills. It also expresses Council's thanks to Rep. Nesbitt, who introduced the House bill, and to Reps. Marie Colton and Jim Crawford, who co-sponsored it.

Vice-Mayor Ellison said that members of Council have been furnished with a copy of the resolution and it would not be read.

Councilman Moore moved for the adoption of Resolution No. 93-37. This motion was seconded by Councilman Peterson and carried unanimously.

RESOLUTION BOOK NO. 20 - PAGE 100

V. CONSENT AGENDA:

A. APPROVAL OF THE REGULAR MEETING HELD ON MARCH 2, 1993.

B. BIDS RELATIVE TO ANNUAL CONTRACT FOR ASPHALT

Summary: Recommend award of term purchase contract to furnish the City's annual requirement for bituminous concrete materials (asphalt) to the only bidder, APAC-Carolina Inc., Asheville, North Carolina, for a total of -4-

\$163,800. Purchases will be made on an as needed basis. A complete bid summary is attached hereto and made a part hereof as Exhibit "A".

C. RESOLUTION NO. 93-38 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW CONTRACT WITH DAP SECURITY INC. FOR SCHOOL CROSSING GUARDS ON BEHALF OF THE CITY OF ASHEVILLE

Summary: The City has contracted school crossing security since 1989. DAP Security Inc. has provided dependable services since that time and is the only security vendor to submit a proposal for services. Currently DAP Security Inc. provides this service to the City at an annual cost of \$64,411 and they have proposed to continue to provide this service to the City for the next year with no increase in annual cost.

RESOLUTION BOOK NO. 20 - PAGE 102

D. RESOLUTION NO. 93-39 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT WITH CAROLINA POWER & LIGHT COMPANY FOR THE EAST ASHEVILLE BOOSTER STATION.

Summary: As part of the site acquisition negotiations with Warren Wilson College, it was mutually agreed that underground electric service was preferable to overhead lines.

RESOLUTION BOOK NO. 20 - PAGE 104

E. MOTION SETTING A PUBLIC HEARING FOR APRIL 6, 1993, RELATIVE TO AMENDING THE ZONING ORDINANCE TO INCLUDE VETERINARY HOSPITALS AND CLINICS AS A CONDITIONAL USE IN THE COMMERCIAL GENERAL ZONING DISTRICT.

F. MOTION SETTING A PUBLIC HEARING FOR APRIL 6, 1993, RELATIVE TO REZONING 16 STERLING STREET.

G. MOTION SETTING A PUBLIC HEARING FOR APRIL 6, 1993, RELATIVE TO A VARIANCE FOR CENTRAL METHODIST CHURCH GROUP DEVELOPMENT

Councilman Moore moved for the adoption of the consent agenda. This motion was seconded by Councilman Worley and carried unanimously.

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VI. OTHER BUSINESS:

A. MOTION SETTING A PUBLIC HEARING FOR APRIL 27, 1993, RELATIVE TO ADOPTION OF THE MINIMUM HOUSING CODE

Councilman Moore moved to set a public hearing on April 27, 1993, relative to adoption of the Minimum Housing Code. This motion was seconded by Councilman Worley and carried unanimously.

B. REPORT ON THE FRANCHISE FEE FROM TCI CABLE OF ASHEVILLE

City Manager Bean stated that the City has received the franchise fee payment from TCI Cable for the period July 1, 1992, through December 31, 1992, in the amount of \$128,952.51.

C. REQUEST FOR DIFFERENT MEETING DATES AND TIMES SO AS NOT TO CONFLICT WITH THE BUNCOMBE COUNTY COMMISSIONERS MEETING DATES AND TIMES

Ms. Leni Sitnick urged the City Council to establish a schedule with the Buncombe County Board of Commissioners in order that the public can attend both the City Council meeting and the Board of Commissioners' meeting. As it is now, she states that both governing bodies meet at the same time on the same day. She also suggested a night meeting monthly.

D. CONCERNS REGARDING ASHEVILLE POLICE DEPARTMENT SHIFTS

Police Officer Alan O'Donnell read a prepared statement relative to concerns the police officers had regarding the shift schedule change which will go into effect on March 29, 1993. He felt that the change will adversely affect the patrolman's ability to provide the level of service citizens now receive. He used charts to illustrate the concerns.

Vice-Mayor Ellison asked that the City Manager investigate the officers' concerns and report back to the Council next week during Pre-Council.

E. COMMENTS RELATIVE TO MONTFORD AREA

Frank and Patricia Johnson voiced concern over the lack of law enforcement activities in the Montford area. He summarized some problems that have been occurring since November of 1992.

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Vice-Mayor Ellison urged the Johnsons to meet with the City Manager to address their concerns.

F. GROUP DEVELOPMENT

Ms. Mary Weber said the City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. She said in accordance with this procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. She said the following action was taken by the Planning and Zoning Commission on March 3, 1993:

SAM'S CLUB

Ms. Weber said that this group development request is for a 124,000 square-foot retail building at Patton Avenue and Regent Park Boulevard. The site is zoned Commercial-Highway and all adjacent areas are also zoned CH. Access will be from Regent Park Boulevard and off of the Hanover Interchange. The 23-acre site has a stream and an one acre wetland. The project will not impact the wetland but the stream will be directed into two culverts so that part of the parking lot can be located over the stream. The developer was scheduled on the March 15th Board of Adjustment agenda to obtain a permit for building in the floodway.

The project meets all requirements of the Asheville Zoning Ordinance and was

approved by the Planning and Zoning Commission at their March 3, 1993, meeting with four conditions:

1. Obtain permit from Board of Adjustment to build portions of the parking lot in the floodway.
2. Obtain approval from the North Carolina Department of Transportation to use the Hanover Interchange as an access.
3. Meet the Public Works Department's requirements regarding the drainage pipes and culvert design, and submit all additional information that has been requested. Also, the developer must agree to have a registered engineer inspect the inside of the culverts at least once a year.
4. Continue to work with staff on final approval of parking lot design.

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Councilwoman Field commented on the large number of parking spaces the project will have.

Upon inquiry of Councilman Moore's concern about the developer having a registered engineer inspect the inside of the culverts at least once a year, City Attorney Slawter stated that there is a process in place with the Planning and Public Works Departments that these inspections occur.

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action.

B. CLAIMS

City Manager Bean said the following claims were received by the City during the week of March 1-5, 1993: R.A. Riddle (Water); John Wabich (Streets); and Ronald Aguiar (Inspections).

He said that the following claims were received during the week of 8-12, 1993: Tracy Monk Durland (Parks); Mark Hensley (Sanitation); and Scott Haynes (Water).

He also said that the following claims were received during the week of March 15-19, 1993: Robert Lee Jones (Streets); Dennis Morgan (Streets); and Tomi McKenzie (Water).

He said these claims have been referred to the appropriate insurers for investigation.

VII. ADJOURNMENT.

Vice-Mayor Ellison adjourned the meeting at 4:55 p.m.

CITY CLERK MAYOR
