

Tuesday - November 30, 1993 - 4:00 p.m.

Asheville Civic Center - Banquet Room

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor Eugene W. Ellison; 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: None

INVOCATION

Councilman Worley gave the invocation.

ANNOUNCEMENT - PUBLIC HEARING RELATIVE TO THE ADOPTION OF AN ORDINANCE REGULATING CONTROL OF STORMWATER

Mayor Michalove stated that information was presented to the City Council at their Pre-Council meeting earlier in the afternoon and asked for the City Attorney to comment on the information.

City Attorney Slawter stated that based upon the information presented, it was his opinion that the ordinance before the Council today was not in sufficient form for adoption.

Mayor Michalove said that because of the opinion of the City Attorney, he felt that it would be more beneficial for the new Council taking office on December 7, 1993, to hear the public comments. Even if public comments were taken today, the Council would not have an ordinance in front of them to vote on. And, by the time the ordinance is in shape for public comment, it will have changed significantly from what the Council has before it.

Councilman Moore was very much opposed to postponing the public hearing due to the size of the audience present wishing to voice their opinions and the length of time it has taken in order to get this ordinance to the Council.

Councilman Worley was concerned about the people present who did make the trip to voice their comments, however, since the ordinance may be changed drastically, he felt a postponement of the public hearing would be in order. He suggested a copy of the proposed ordinance be mailed to any interested person prior to the public hearing date.

-2-

Mayor Michalove spoke in favor of holding the public hearing at this time since the new Councilmembers were in the audience and would benefit from the public comment.

Vice-Mayor Ellison moved to postpone the public hearing until January 25, 1994, with the understanding that the new Council will not pass the ordinance on that date, and to mail a copy of the proposed ordinance to interested parties at least one week before the public hearing. This motion was seconded by Councilman Swicegood and carried on a 4-3 vote, with Councilwoman Field, Councilman Moore and Mayor Michalove voting "no."

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING NOVEMBER 29 - DECEMBER 3, 1993, AS "GREATER ASHEVILLE LIONS CAMPAIGN SIGHTFIRST"

Mayor Michalove proclaimed the week of November 29-December 3, 1993, as "Greater Asheville Lions Campaign Sightfirst" in the City of Asheville.

Ms. Pat Leckey, President of the Greater Asheville Lions Campaign Sightfirst, introduced representatives of the Lions Club and gave a brief report regarding the Lions Club.

B. RESOLUTION NO. 93-173 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE JOSEPH WHITAKER, WATER PLANT TECHNICIAN

Mayor Michalove read the resolution stating that Joseph Whitaker has been an employee for 30 years and has requested retirement from his position as Water Plant Technician. He expressed City Council's appreciation to Joseph for his service to the City of Asheville and its citizens.

Resolution No. 93-173 was adopted by acclamation.

RESOLUTION BOOK NO. 21 - PAGE 179

C. RESOLUTION NO. 93-174 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE RONDA CASTLEWITZ, POLICE OFFICER SR.

Mayor Michalove read the resolution stating that Ronda Castlewitz has been an employee for 6 years and has requested retirement from her position as Police Officer Sr. He expressed City Council's appreciation to Ronda for her service to the City of Asheville and its citizens.

Resolution No. 93-174 was adopted by acclamation.

-3-

RESOLUTION BOOK NO. 21 - PAGE 180

D. RESOLUTION NO. 93-175 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE RICHARD A. QUEEN, POLICE OFFICER SR.

Mayor Michalove read the resolution stating that Richard A. Queen has been an employee for 18 years and has requested retirement from his position as Police Officer Sr. He expressed City Council's appreciation to Richard for his service to the City of Asheville and its citizens.

Resolution No. 93-175 was adopted by acclamation.

RESOLUTION BOOK NO. 21 - PAGE 181

E. RESOLUTION NO. 93-176 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE KENNETH K. WADDELL, DISTRICT FIRE CHIEF

Mayor Michalove read the resolution stating that Kenneth Waddell has been an employee for 32 years and has requested retirement from his position as District Fire Chief. He expressed City Council's appreciation to Kenneth for his service to the City of Asheville and its citizens.

Resolution No. 93-176 was adopted by acclamation.

RESOLUTION BOOK NO. 21 - PAGE 182

F. RESOLUTION NO. 93-177 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE JACK D. MOODY, FIREFIGHTER III AND DRIVER

Mayor Michalove read the resolution stating that Jack D. Moody has been an employee for 30 years and has requested retirement from his position as Firefighter III and Driver. He expressed City Council's appreciation to Jack for his service to the City of Asheville and its citizens.

Resolution No. 93-177 was adopted by acclamation.

RESOLUTION BOOK NO. 21 - PAGE 183

G. RESOLUTION NO. 93-182 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE JAMES "MIKE" JONES, DISTRICT FIRE CHIEF

Mayor Michalove read the resolution stating that James "Mike" Jones has been an employee for 29 years and has -4-

requested retirement from his position as Assistant Fire Chief. He expressed City Council's appreciation to Mike for his service to the City of Asheville and its citizens.

Resolution No. 93-182 was adopted by acclamation.

RESOLUTION BOOK NO. 21 - PAGE 188

## II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO REZONING 15 OVERBROOK PLACE FROM R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT

ORDINANCE NO. 2064 - ORDINANCE TO REZONE 15 OVERBROOK PLACE FROM R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT

Mayor Michalove opened the public hearing at 4:37 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Ms. Carol Pennell, Urban Planner II, said that the property (9658.11.66.3246) is a corner lot of 4.3 acres with a developed church facility. Existing neighborhood land uses include Springwood Mobile Home Park directly across the street to the southeast and Governor's View Apartments across the street from the subject property to the southwest. The Ranch Apartments are one block away. The subject property is contiguous to CH zoning along Tunnel Road. Existing conditions in the area reflect a conflict with the low density land use notation in the 2010 Plan. Staff feels that the area's land use is better represented as medium density residential. Therefore, the staff recommendation is approval of the rezoning request from R-2 Residential District to R-3 Residential District.

The Planning and Zoning Commission, on November 3, 1993, reviewed and recommended approval (6-1) of rezoning 15 Overbrook Place from R-2 Residential District to R-3 Residential District.

Ms. Marianna S. Williams, Clerk of Sessions for Westminister Presbyterian Church, spoke in support of the proposed rezoning which will allow their part-time day care center to be full-time.

Ms. Angelina Spencer, 44 Broadview Avenue, also spoke in support of the rezoning.

-5-

Mayor Michalove closed the public hearing at 4:43 p.m.

Mayor Michalove stated that members of Council have been previously furnished with a copy of the ordinance and it will not be read.

Vice-Mayor Ellison moved for the adoption of Ordinance No. 2064. This motion was seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 2064 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 65

B. PUBLIC HEARING ON THE COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS)

RESOLUTION NO. 93-183 - RESOLUTION TO ADOPT THE CONSOLIDATED COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY

Mayor Michalove opened the public hearing at 4:44 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Sherman Fearing, Housing Development Analyst, explained that CHAS is a report required by HUD for the City and the Regional Housing Consortium to be eligible for funding under certain HUD programs including CDBG and HOME. The CHAS includes housing needs and strategies to address the needs within the jurisdiction of the Consortium which includes Buncombe, Henderson, Madison and Transylvania Counties. There are 84,688 occupied homeowner units and 31,235 occupied renter units within the area. Elderly households 62 and over comprise of 31% of all households. The total housing needs are 52,622 units. Primary funding resources for addressing needs will be HUD CDBG and the HOME Investment Partnerships Program. Priority for housing assistance will be for low income rental households. The annual goals is to assist 331 renter units and 176 owner units. The City, as Lead Entity for the Consortium, will monitor implementation and publish the Performance Report after the close of Fiscal Year 1994.

Mr. Fearing said that CHAS must undergo a 30-day public comment period, which began October 29 and ended November 29. Written comments from the Housing Assistance Corporation of Henderson County and the Affordable Housing Coalition of Asheville and Buncombe County were received and summarized as follows:

-6-

Affordable Housing Coalition

- 1) The CHAS process needs more community input;
- 2) Dedicated revenue source for affordable housing
- 3) Local housing bonds
- 4) Assess a local financial institution's involvement in affordable housing as a factor in deciding where City deposits will be located; and

5) Employer assisted housing program sponsored by the NC State Housing Finance Agency in partnership with the City

Housing Assistance Corporation of Henderson County

A homeless survey was conducted by a subcommittee of the Planning Alliance for Community Empowerment, an alliance located in Henderson County comprised of public agencies, private non-profit organizations and funding agencies. This survey was conducted from May 1 through July 31 1993. The date indicated that 50% of the homeless households surveyed were female-headed households.

He said that staff recommends Council adopt the CHAS as presented, including the comments received during the 30 day public comment period. The Housing and Community Development Committee has reviewed the CHAS and recommended approval at the last Committee's meeting held on November 17, 1993.

Councilwoman Field, Chairman of the Asheville Regional Housing Consortium, said that the Consortium supports CHAS and she is personally committed in finding some kind of revenue stream for affordable housing in our community over the next two years.

Vice-Mayor Ellison and Councilman Peterson, members on the Housing and Community Development Committee, spoke about the fine job staff did in preparing the CHAS and both members supported the document.

Councilman Peterson stated that Vice-Mayor Ellison will be missed on the Committee (as his term on Council will be ending) and thanked him for advocating housing for the elderly and poor.

Ms. Beth Maczka, Executive Director of the Affordable Housing Coalition, spoke in favor of the CHAS and clarified some points.

Mayor Michalove closed the public hearing at 4:57 p.m.

-7-

Mayor Michalove stated that members of Council have been previously furnished with a copy of the resolution and it will not be read.

Vice-Mayor Ellison moved for the adoption of Resolution No. 93-183. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 189

III. UNFINISHED BUSINESS:

A. ORDINANCE NO. 2065 - ORDINANCE ESTABLISHING THE REVISED MINIMUM HOUSING CODE

Mayor Michalove stated that a public hearing on this matter was held on November 16, 1993. On November 23, 1993, the City Council met in a worksession to develop consensus on unresolved issues.

The Fire Department's Director of Building Safety Bob Hixson summarized the City Council's most recent actions with regard to development of the final draft of the revised Minimum Housing Code. The principal actions included:

1. Establishment of heating capacity of residential furnaces at a minimum of 68 deg. f. at an outside design temperature of 14 deg. f.;
2. Establishment of an insulation standard to be effective five years after the

date of Council adoption of the ordinance including a minimum insulation value of R-19 placed in accessible attic space of a dwelling;

3. Identification of an inspection schedule for rental dwellings based on age of the dwelling (or building) and the number of dwelling units in a particular building;

4. Development of an inspection frequency standard for owner occupied dwellings, which provides for a "exemption certificate" for dwellings held by one owner for less than seven years; and

5. A recommended effective date of July 1, 1994, to provide for development of inspection procedures, checklists for inspectors (and for dwelling owners and occupants) and inspection scheduling.

-8-

Enforcement of the revised Minimum Housing Code as proposed will require 2.5 housing code inspectors for implementation at an estimated expenditure of \$85,000.

Fire Chief John Rukavina answered questions relative to portable heaters at the request of Ms. Hazel Fobes.

Ms. Leni Sitnick, requested that the literature Fire Chief Rukavina supplied on November 23, 1993, to the City Council regarding portable heaters be used as a handout for educational purposes to people who use portable heaters.

Vice-Mayor Ellison moved for the adoption of Ordinance No. 2065. This motion was seconded by Councilman Moore.

On a roll call vote of 7-0, Ordinance No. 2065 passed on its first reading and final reading

ORDINANCE BOOK NO. 14 - PAGE 67

B. AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH 22 OLIVE STREET

At the request of Assistant Director of Building Safety Jeff Trantham, Vice-Mayor Ellison moved to table action in order to give staff more time to work with the Housing Authority to provide adequate housing to the individual presently living in the structure. This motion was seconded by Councilman Worley and carried unanimously.

C. SECOND READING OF ORDINANCE NO. 2058 - AN ORDINANCE TO REZONE PORTIONS OF A LOT LOCATED AT 1899 HENDERSONVILLE ROAD FROM R-2 RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT

Mayor Michalove said that the public hearing on this ordinance was had on November 9, 1993, at which time the ordinance passed on first reading. The second reading was postponed on November 16, 1993, in order to give the property owners in the area more time for negotiating.

At 5:05 p.m., and at the request of City Attorney Slawter, Councilman Moore moved to go into executive session relative to a legal concern. This motion was seconded by Councilman Peterson and carried unanimously.

At 5:10 p.m., Vice-Mayor Ellison moved to come out of executive session. This motion was seconded by Councilwoman Field and carried unanimously.

-9-

Vice-Mayor Ellison said that he has toured the property in question and cannot support the rezoning request as proposed.

At the request of Mayor Michalove, City Attorney Slawter explained that at this time Council had the following options available (1) Council could vote on the rezoning and if the ordinance was not adopted, the petitioners would have to wait a year and then start the rezoning process all over again (through the Planning and Zoning Commission and then through City Council); (2) the petitioners could withdraw their petition and file a new petition starting the rezoning process all over again; or (3) the petitioners could amend their petition.

Mr. Craig Justice, attorney representing the petitioners, amended their petition to rezone only the extension as surveyed of Commercial Highway on the eastern part of subject lot at 1899 Hendersonville Road from R-2 Residential District. He then withdrew the remaining request of the portion from R-2 Residential District to OI Office Institutional District.

Upon inquiry of Mayor Michalove, Ms. Pennell stated that staff and the Planning and Zoning Commission supported the rezoning request as Mr. Justice stated above.

On a roll call vote of 7-0, Ordinance No. 2058, as amended, passed on its second and final reading.

ORDINANCE BOOK NO. 14 - PAGE 51

#### IV. NEW BUSINESS:

##### A. FINAL PLAT APPROVAL FOR SAVOY SUBDIVISION

Mr. Tony Nicholson, Urban Planner, said that Tom Savoy is seeking final plat approval of the subdivision of a 4.33 acre parcel located at 850 New Haw Creek Road. The property is zoned R-2 Residential and is surrounded by single-family residential properties. The proposal is to divide the property into two lots (1 at 2 acres and 1 at 2.33 acres). One of the lots would front on New Haw Creek Road and the other would front on Old Haw Creek Road.

All utilities have approved the availability of services to the site and the final plat does meet the requirements of the Zoning Ordinance and Subdivision Regulations.

-10-

At their November 3, 1993, meeting, the Planning and Zoning Commission approved the preliminary plat of the Savoy Subdivision with one condition, i.e., if a septic tank is utilized, availability must be approved by the Buncombe County Health Department.

Vice-Mayor Ellison moved to approve the final plat of Savoy Subdivision subject to the one condition noted by the Planning and Zoning Commission. This motion was seconded by Councilwoman Field and carried unanimously.

##### B. RESOLUTION NO. 93-184 - RESOLUTION AMENDING SECTION 47 OF THE CITY OF ASHEVILLE PERSONNEL POLICY (FAMILY AND MEDICAL LEAVE POLICY)

City Manager Bean said that the Family and Medical Leave Act of 1993 (FMLA) became effective August 5, 1993. The law guarantees 12 weeks of leave to

eligible employees for specified reasons. Section 47 of the City's Personnel Policy, which authorizes, but does not guarantee, up to six months of leave needs to be amended to comply with the FMLA.

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

Councilman Moore moved for the adoption of Resolution No. 93-184. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 191

C. ORDINANCE NO. 2066 - BUDGET AMENDMENT RELATIVE TO VALLEY SPRINGS PARK CONSTRUCTION CONTRACT

City Manager Bean explained why the budget amendment is in the amount of \$155,000 when the actual cost overrun to complete the project is \$74,925. The amount will be paid for by delaying and eliminating other park projects currently shown in future years of the Capital Improvement Plan.

Upon inquiry of Councilman Swicegood, Director of Parks and Recreation Ray Kisiah explained why the design was changed with regard to the canopy instead of a fixed structure.

Mayor Michalove stated that members of Council have been previously furnished with a copy of the ordinance and it will not be read.

-11-

Councilman Worley moved for the adoption of Ordinance No. 2066. This motion was seconded by Councilman Moore.

On a roll call vote of 7-0, Ordinance No. 2066 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 107

D. RESOLUTION NO. 93-185 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUNCOMBE CONSTRUCTION COMPANY FOR CONSTRUCTION OF IMPROVEMENTS TO THE BALLFIELD COMPLEX AT VALLEY SPRINGS SCHOOL

City Manager Bean said that the South Buncombe Youth League Program serves approximately 850 youth in baseball, softball, soccer, and football. In an agreement with the Superintendent of Buncombe County Schools, the City of Asheville will develop the Valley Springs Ballfield Complex which will be jointly used by the schools and the community. Improvements include reorienting, regrading and seeding five ballfields, installing lights on two ballfields, constructing restroom/concession facility, storage facility, dugouts, fencing, landscaping, and walkways. This is the Second Phase of this project. The first phase included construction of a lighted baseball/soccer field on the adjoining property which was the former location of the old Valley Springs School.

He said bids were solicited and received for the construction of various facilities as follows: A & B Construction - \$237,705; D. Michael Ward - \$204,000; H & M Constructors - \$195,724; J. Cole Construction - \$193,800;

G.E.M. Constructors - \$183,898; and Buncombe Construction - \$179,340.

Mayor Michalove said that members of Council have been previously furnished



with a copy of the resolution and it would not be read.

Councilman Worley moved for the adoption of Resolution No. 93-185. This motion was seconded by Councilman Moore and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 194

#### F. APPEAL OF TREE/GREENWAY COMMISSION DECISION

City Manager Bean gave a brief report to the Council stating that Mr. Jerry Hobbs of 106 Old Toll Road requested permission from the Tree/Greenway Commission to cut some trees that were obstructing his view from his home. Some of -12-

the trees happen to be on City right-of-way, therefore, are within the jurisdiction of the Tree/Greenway Commission. Initially Mr. Hobbs submitted his request to Ray Kisiah, Director of Parks and Recreation, who informed him that his request was denied based upon a sight visit by City staff and a member of the Commission. Mr. Hobbs then appealed that decision to the Tree/Greenway Commission. The Commission, sitting as an appeal's committee, heard Mr. Hobbs' request, visited the site and subsequently denied his request. After receiving their decision, he was informed that a further appeal could be made to the Asheville City Council. Mr. Hobbs does have a letter from Mr. William F. Jureit who lives at 36 Blue Briar Road stating that Mr. Hobbs could have the trees removed as long as he had the approval of the City and that no mature, valuable hardwood trees were removed.

At the request of Mayor Michalove, City Attorney Slawter said that Mr. Hobbs would have no further appeal beyond the City Council.

Mr. Hobbs passed out information while urging the Council to allow him to prune four trees in order to have a good view from his house on Old Toll Road. He presented Council with letters from three realtors who felt that if the trees were not pruned, the value of his home would be decreased. He said that people who live on a mountain live there mainly because of the view. He said that he pruned the trees years ago and no damage was done to them by that pruning.

Mr. Dennis Wilson, member of the Tree/Greenway Commission ("Commission"), explained that as a policy, the Commission does not top trees because it weakens the tree. He explained that members of the Commission visited the site and at first felt that if he thinned the trees, he would have a view. But, when they went down to the trees at the street, they found that the trees actually supported the road. The trees were very tall and high headed and they felt that if they were pruned the whole crown of the tree would have to come off and all you would have left would be four "telephone poles". He explained that the Commission removes trees only if they are damaged, diseased or cause a hazard. The Commission felt that the only reason Mr. Hobbs wants to prune the trees is to enhance his private property.

Ms. Leni Sitnick, member of the Commission, was concerned about the Commission setting a precedent. She questioned Mr. Jureit's right to give permission to cut trees that were located on the City's right-of-way. She stated that the Commission's advice should be weighed very heavily because they are Council's advisory body on tree -13-

matters. Other than setting a dangerous and bad precedence, there is the issue of undermining the road because the roots are clearly imbedded in the road and taxpayer's money should not be used to repair it. In addition, the four trees in question are on a steep embankment and removal will cause severe erosion.

Mr. Lowell Orbison, member of the Commission, also defended the Commission's denial of the request to prune the trees. He felt they would be seriously damaged and open to infection if topped.

Councilman Moore expressed his appreciation to all the members on the Tree Commission for volunteering their time and expertise.

Vice-Mayor Ellison moved to allow Mr. Hobbs to trim and prune the four trees but in return Mr. Hobbs donate 25 trees for Quality Forward to plant in the surrounding area under the supervision of representatives of the Commission. This motion was seconded by Councilman Swicegood.

Mr. Hobbs read from Section 20-10 of the City Code stating that "a permit is not required for the pruning of trees" and asked the City Attorney if there was any need at all for him to be before the City Council asking to prune the trees. If not, he would have the tree company start pruning them.

City Attorney Slawter stated that Section 20-10 had to be read along with Section 20-5 (b) which does require a permit for some types of trimming. He further stated that he could not tell from the information presented whether Section 20-10 or Section 20-5 (b) would apply and could only tell if a plan were presented showing precisely what was to be done to the trees.

Vice-Mayor Ellison moved to allow Mr. Hobbs to trim and prune the four trees as outlined above in his prior motion, if approval by the Council was needed.

At this time (6:20 p.m.), Councilman Swicegood left the meeting.

After some discussion, Vice-Mayor Ellison then moved to continue this matter so as to allow Mr. Hobbs an opportunity to present to the City Attorney a plan for the trimming proposed to be done so that the City Attorney could advise the Council whether a permit would be required under Section 20-5 (b) or whether a permit would not be required under Section 20-10. This motion was seconded by Councilwoman Field and carried unanimously.

-14-

Councilwoman Field felt that some portions of the Code might be in conflict and suggested that they be looked at in the future.

#### V. CONSENT:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 9, 1993 AND THE REGULAR MEETING HELD ON NOVEMBER 16, 1993

B. RESOLUTION NO. 93-186 - RESOLUTION APPOINTING A MEMBER TO THE MINORITY BUSINESS COMMISSION

Summary: Dr. Charles Lawrence, representing the Black Business and Professional League, has resigned as a member on the Minority Business Commission. This resolution will appoint Mr. Clarence Benton to serve the unexpired term of Dr. Lawrence, term to expire August 1, 1994, or until his successor has been duly appointed and qualified.

RESOLUTION BOOK NO. 21 - PAGE 196

C. RESOLUTION NO. 93-187 - RESOLUTION REAPPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD

Summary; The term of Charles Penny, as a member of the Metropolitan Sewerage

District Board, expires on January 19, 1994. This resolution will reappoint Mr. Penny to an additional three year term, term to expire January 19, 1997, or until his successor has been duly appointed and qualified.

RESOLUTION BOOK NO. 21 - PAGE 197

D. RESOLUTION NO. 93-188 - RESOLUTION ACCEPTING THE DONATION OF A HORSE BY THE NAME OF K.E.W. ORION'S PHANTOM AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO REFLECT THE TERMS OF THE DONATION

Summary: The City desires to continue its mounted law enforcement patrol in the downtown Asheville area. In order to continue its mounted patrol in the downtown Asheville area, the City desires to accept Reverend Sandra Brown's donation of a horse by the name of K.E.W. Orion's Phantom. Reverend Brown has requested that the City enter into an agreement with her that will require the City to offer her first refusal to K.E.W. Orion's Phantom should the City ever cease to need K.E.W. Orion's Phantom for City purposes.

RESOLUTION BOOK NO. 21 - PAGE 198

-15-

E. MOTION SETTING A PUBLIC HEARING ON DECEMBER 14, 1993, TO REVIEW THE SCHEDULE OF RATES AND CHARGES OF TCI CABLEVISION OF ASHEVILLE FOR THE BASIC SERVICE TIER AND ALL EQUIPMENT, INSTALLATION AND OTHER SERVICES USED FOR THE BASIC SERVICE TIER

Vice-Mayor Ellison moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Worley and carried unanimously.

#### VI. OTHER BUSINESS:

A. MOTION TO SET PUBLIC HEARING REGARDING OAKLEY BALLFIELD PROPERTY

Vice-Mayor Ellison moved to set a public hearing for December 21, 1993, to take public comments regarding the granting of a security interest in the Oakley ballfield property to the Buncombe County Board of Education. This motion was seconded by Councilman Moore and carried unanimously.

B. LENI SITNICK - COUNCIL MEETING TIME AND DATE

Ms. Leni Sitnick once again urged Council to work with the Buncombe County Commissioners so that Council and Commission meetings do not fall on the same days at the same time.

C. CLAIMS

City Manager Bean said that the following claims were received by the City of Asheville during the week of November 15-19, 1993: Bill Blanchard (Water), Mary Delores Pulley (Sanitation), Martha Glenn (Water), Thomas Carpenter (Water), and Kenneth Gene Davis (Water).

He said that the following claims were received by the City during the week of November 22-26, 1993: Lucille Lipe (Water) and Lucretia Finlay (Water).

He said that these claims would be referred to the appropriate insurers for investigation.

D. COMMENTS BY VICE-MAYOR ELLISON

Vice-Mayor Ellison expressed his appreciation to the citizens of Asheville for allowing him to serve for four years. He said that despite all the times of disagreement, the results achieved by this Council were outstanding.

-16-

E. COMMENTS BY COUNCILMAN WORLEY

Councilman Worley read a statement giving advice to the new Council members and stated his pleasure in serving the citizens of Asheville for the last two years. He said he thoroughly enjoyed working with each member of Council and will continue to be actively involved with the City, especially through his service on the Asheville-Buncombe Water Authority.

F. COMMENTS BY COUNCILMAN PETERSON

Councilman Peterson commented that it was his pleasure to serve with the Council for the past two years and wished each of the outgoing members the best of luck.

G. COMMENTS BY MAYOR MICHALOVE

Mayor Michalove stated that he enjoyed his time serving the citizens of Asheville and expressed his appreciation to the other members of Council and City staff.

VII. ADJOURNMENT:

Mayor Michalove adjourned the meeting at 6:40 p.m.

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CITY CLERK MAYOR

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