

Tuesday - December 14, 1993 - 4:00 p.m.

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood and Councilman Herbert J. Watts; City Attorney William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

INVOCATION

Vice-Mayor Peterson gave the invocation.

I. PROCLAMATIONS:

A. RECOGNITION OF DeANNA McCARSON, FAYE HARPER AND SHARON McDONALD

City Manager Bean thanked DeAnna McCarson, City's Loan Executive to the United Way, Faye Harper and Sharon McDonald, Coordinators for the City's United Way Campaign, for all the hard work they put into the program this year. With their help and the help of all department coordinators, and all City staff, the City of Asheville was the 6th highest giver to the Campaign.

Mr. George Pfeiffer, President and CEO of the United Way, spoke about the huge success of this year's program and thanked the City of Asheville for their support.

II. PUBLIC HEARINGS:

A. PUBLIC HEARING 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

Mayor Martin opened the public hearing at 4:10 p.m.

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

City Attorney Slawter explained that TCI had until November 15, 1993, to file its rate schedule for basic service tier with the City of Asheville. On November 17, 1993, the City received a memorandum from TCI that it has -2-

requested an extension of time from the FCC within which to file the rate schedule with the City. According to the memorandum from TCI, that extension of time expired December 1, 1993. The City has 30 days after receipt of the rate schedule to either approve, disapprove, or determine that additional time is necessary to review the rate schedule. If the City determines that more time is necessary to review the rate schedule, it may extend the time for that decision by a period of 90 days.

On November 30, 1993, the City Council took action to set a public hearing on this matter today. In that we have not received a rate schedule from TCI, other than what was submitted to the City of Asheville on November 17, 1993, it is recommended that the City Council continue the public hearing until January 11, 1994.

A representative of TCI Cablevision of Asheville

said that the information requested is being processed in the corporate office.

Mr. Chris Johansen, a City resident, requested that the public hearing not be closed until the public has had an opportunity to review the rate schedule.

Councilwoman Field moved to continue the public hearing until January 11, 1993, without further advertisement. This motion was seconded by Councilwoman Sitnick and carried unanimously.

Councilwoman Field moved to publish the rate schedule in the CityWorks as soon as it is received, or at least the Friday before the January 11, 1994, meeting. This motion was seconded by Councilwoman Sitnick and carried unanimously.

City Manager Bean responded to an inquiry of Councilman Swicegood about an audit of TCI Cablevision.

III. UNFINISHED BUSINESS:

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

At the request of Assistant Director of Building Safety Jeff Trantham, Councilwoman Field 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 Watts and carried unanimously.

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Councilman Swicegood commented on the length of time it is taking the City to help this individual. Mr. Trantham explained the problems the City has encountered and said that on January 11, staff will present the Council with their report on the situation and leave it to the Council for action.

Upon inquiry of Vice-Mayor Peterson, Mr. Trantham said that the individual living in the structure is an heir to the property but has no resources to fix it.

Councilman Watts suggested staff contract his father who lives at the intersection of Walton and Depot Street for assistance.

Upon inquiry of Councilman McClure, Mr. Trantham explained the long drawn-out process involved in demolitions.

At the request of Councilwoman Sitnick, Mr. Trantham explained that it would take approximately 3-4 weeks after Council adopted the demolition ordinance in order to actually demolish the structure.

IV. NEW BUSINESS:

A. FINAL PLAT APPROVAL OF HOMEWAY SUBDIVISION

Mr. Tony Nicholson, Urban Planner, said that Gus Barlas is seeking final plat approval of a subdivision to be located in West Asheville along Homeway Road. While a small portion of the property is located within the City, most of the property and all of a proposed street is located in the extra-territorial jurisdiction. The four acre property is to be subdivided into six lots. In order to provide access to three of the lots, the developer must extend

Appalachian Way within its existing platted right-of-way. This will entail a 275-foot extension of Appalachian Way to be constructed to DOT standards.

The final plat of Homeway Subdivision meets the minimum requirements of the zoning ordinance and subdivision regulations.

At their June 2, 1993, meeting, the Planning and Zoning Commission approved the preliminary plat of Homeway Subdivision with a number of conditions which have since been met by the developers.

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At Council's meeting on August 17, 1993, a variance was granted in order to permit the proposed road to have a right-of-way width of 45 feet, rather than 50 feet as required by the subdivision regulations.

Vice-Mayor Peterson moved for the approval of the final plat of Homeway Subdivision. This motion was seconded by Councilwoman Field and carried unanimously.

B. FINAL PLAT APPROVAL OF SOUTH ASHEVILLE CINEMAS SUBDIVISION

Mr. Tony Nicholson, Urban Planner, said that South Asheville Cinemas, Inc., is seeking final plat approval of South Asheville Cinemas Subdivision located on Hendersonville Road. The 12 acre property is to be subdivided into three tracts (one at 10.5 acres, one at 1 acre, and the other at .5 acre). The existing cinema occupies the larger tract, while the two smaller tracts will be outlots. Two other outlots were previously subdivided and were exempt from the formal subdivision review process. The site is contained within the Commercial Highway Zoning District and is surrounded by office, retail, and multi-family residential uses. The final plat meets the minimum requirements of the Zoning Ordinance and Subdivision Regulations.

At their December 2, 1993, meeting, the Planning and Zoning Commission approved the preliminary plat of South Asheville Cinemas subdivision with one condition, i.e., approval for availability of services must be obtained from the Water Authority and Metropolitan Sewerage District.

Upon inquiry of Councilwoman Sitnick, Mr. Nicholson said that no development plans have been received to show what is proposed. She stated concern about the area adding to the existing stormwater problem.

In response to Councilman McClure's questions, Planning Director Julia Cogburn said that the City Council will be dealing with the stormwater ordinance on January 25, 1994.

Councilwoman Field moved for the approval of the final plat of South Asheville Cinemas Subdivision. This motion was seconded by Councilman McClure and carried unanimously.

C. REPORT ON PHASE II OF THE WATER MASTER PLAN

Mayor Martin said that he and others have met in early December with CDM to see if they could expect CDM to speed

up their recommendations from the end of 1994 to July 1, 1994. He stated specific reasons for his request and has asked Gene Rainey, Chairman of the Buncombe County Commissioners, Ernest Ferguson, Chairman of the Asheville-Buncombe Water Authority and now asking City Council to have a joint meeting in January with our consultant to get a full understanding of the process we need

to go through to get a final recommendation. He said that it was his goal to do this within the next 6 months and urged cooperation from everyone involved.

Councilman Swicegood commended Mayor Martin for speeding up the process. He felt it was very important for the community to plan and continue to grow.

Vice-Mayor Peterson, speaking as a new member on the Water Authority, also commended the Mayor on taking the lead to get the groups together and find the best way to correct the situation.

Councilwoman Sitnick (and member of the Water Efficiency Task Force) specifically commended the Task Force for their efforts because what they are doing has long term cost savings to the City. She asked Council and the Water Authority to support and encourage the Task Force for the work they have done and they continue to do.

Upon inquiry of Councilwoman Sitnick, Water Resources Director Mike Holcombe briefed the Council on specific questions relating to the \$26 million bond. Some questions were - what has happened to the \$26 million from the bond, was the \$3 million appropriate for repair sufficient, how that money has been appropriated, what has been accomplished and has the Fix It First Campaign been a success.

Councilman McClure inquired about the ongoing leak repair program and Mr. Holcombe responded.

Mayor Martin asked the City Manager to arrange a meeting in January with the Buncombe County Commissioners, the Asheville-Buncombe Water Authority and the City Council and to advise them of our goals.

D. ORDINANCE AMENDMENT RELATIVE TO THE REGULATION OF TREES

Mr. Ray Kisiah, Director of Parks and Recreation, said that Chapter 20 of the Code of Ordinances includes certain regulations regarding trees. Some of those regulations are enforced by the Director of Public Works and some are -6-

enforced by the Director of Parks and Recreation. It has been determined that it would be more consistent to have Chapter 20 enforced by the same director.

City Attorney Slawter suggested that the Council delete from their copy of the ordinance the last sentence at the bottom of the first page which reads "Any owner who shall fail or refuse to pay such expense shall be guilty of a misdemeanor."

Councilwoman Sitnick questioned if the Tree/Greenway Commission reviewed this change. Mr. Kisiah said that they had not because the problem was simply due to the recodification of the City Code.

Councilwoman Sitnick moved to table this matter in order to give the Tree/Greenway Commission an opportunity to review and comment. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

V. CONSENT:

A. RESOLUTION NO. 93-190 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXCHANGE WITH THE BUNCOMBE COUNTY FIREFIGHTERS ASSOCIATION ONE SURPLUS TRUCK FOR ONE TRAILER

Summary: In the early 1980's, the Buncombe County Firefighters Association (BCFA) purchased a mobile air compressor for delivery of compressed breathing

air to its membering departments. This compressor was mounted on a two-axle trailer after it was delivered. The Skyland Fire Department agreed to take responsibility for maintaining the compressor and trailer, and for delivering compressed breathing air.

In 1987, the Asheville Fire Department assumed responsibility for the trailer and compressor from Skyland. Asheville Fire personnel learned that the trailer was cumbersome and difficult to tow (due to the weight of the compressor), so when the Asheville Police Department declared one of its "paddy wagons" surplus, firefighters converted that surplus paddy wagon for mounting and transportation of the compressor.

Asheville is now turning the compressor over to the Weaverville Fire Department for maintenance and operation. Rather than removing the compressor from Asheville's surplus truck and remounting it on the original trailer, all parties agree that an exchange of Asheville's truck for the Association's trailer is the best solution. BCFA agreed to this exchange at its November 1993 meeting.

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RESOLUTION BOOK NO. 21 - PAGE 204

B. RESOLUTION NO. 93-191 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENCROACHMENT AGREEMENT WITH ROSELIN JUDITH WILLIAMS

Summary: Mrs. Roselin Judith Williams who owns property at 17 Pine Burr Road has encroached upon the right-of-way of Rosemary Road with a one story frame residential structure. This encroachment has existed for a period of approximately 20 years and has caused no problems for the City of Asheville or the property owner. The encroachment agreement will allow the residential structure to remain upon the right-of-way of Rosemary Road until such time that the residential structure is removed or destroyed.

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C. MOTION TO SET A PUBLIC HEARING ON JANUARY 11, 1994, TO CONSOLIDATE WORTHWOODS PARK AND WORTHWOODS ROAD INTO ONE AND CHANGE THAT NAME TO DOGWOOD COURT

Councilwoman Field moved to approve the consent agenda. This motion was seconded by Councilman Watts and carried unanimously.

VI. OTHER BUSINESS:

A. COMMENTS BY MAYOR MARTIN

Mayor Martin spoke briefly about the discontent in our community over the last several weeks. He stated that the City needed some harmony. He felt that since the Council has been elected to represent the total community, they would and he was certain they would work well together for the community.

B. CLAIMS

City Manager Bean said that the following claims were received by the City of Asheville during the week of November 29 - December 3, 1993: Charlie Crouch (Water), Richard Charlton, et al. (Police), Payl Statsky (Water), Gene Ducker (Water), Susan Crosby (Water), Diane Aldridge (Water), and Leslie Garrison (Parking Services).

He also said that the following claims were received by the City during the week of December 6-10, 1993: Martha -8-

Brown (Water), Wanda Hightower (Water), WNC Baptist Home (Water), Clarence Griffin (Water), Southern Bell (Water), Henry Berry (Water), Ken Messer (Streets), Vicki Ogle (Water), Stacy Plemmons (Water) and Sherrill Knight (Water).

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

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 5:00 p.m.

CITY CLERK MAYOR
