

Tuesday - June 5, 1990 - 4:00 P.M.

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor

William G. Moore; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Eugene W. Ellison and William W. Estes; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate

City Manager/City Clerk William F. Wolcott, Jr.

Absent:

INVOCATION

The invocation was given by Councilman Bratton.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes of the May 22, 1990 meeting as submitted.

I. PROCLAMATIONS:

A. Proclamation - Management Week - June 4 - 9, 1990

Mayor Michalove proclaimed the week of June 4-9, 1990

as "Management Week" and presented the proclamation to Greg Halford and Carol Hamlet with the National Management Association.

B. Proclamation - "Housing Authority of the City of

Asheville Week" - June 10 - 16, 1990 -- "Housing Authority of the City of Asheville Day" - June 12, 1990

Mayor Michalove proclaimed the week of June 10 - 16,

1990 as "Housing Authority of the City of Asheville Week" and June 12, 1990 as "Housing Authority of the City of Asheville Day" and presented the proclamations

to Mrs. Shook, Chairman of the Housing Authority; David Jones, Executive Director; Annette Coleman and Mabel Hopkins, Housing Authority Commissioners.

Mrs. Shook outlined the events taking place during

Housing Authority Week.

Mrs. Shook also presented the City with a check in the

amount of \$42,650 as payment-in-lieu of taxes.

II. PUBLIC HEARINGS:

A. Public hearing relative to zoning property located on

U. S. 25 (Petition of R. L. Jordon Oil Company, Owner)

**Ordinance No. 1853 - Ordinance zoning property located
on U. S. 25 (Petition of R. L. Jordon Oil Company, Owner)**

Mayor Michalove said the Asheville Planning and Zoning

Commission on May 2, 1990, reviewed and approved unanimously the new zoning classification of Commercial Service (CS) to parcel recently annexed south of the current city limits.

Mayor Michalove opened the public hearing at 4:25 p.m.

The City Clerk presented the notice to the public

setting time and date for the public hearing and the affidavit of publication.

Carol Alberice, from the Planning Department, said the

Planning and Zoning Commission unanimously approved the zoning of the property to Commercial Service. She reviewed surrounding uses and zoning. She said the Commercial Service zoning is comparable with the Limestone Township zoning. She said the intended use of the property is for a restaurant. She said the zoning would require buffering in accordance with the buffering ordinance. She showed a video of the property in question.

Winston Pulliam, owner of the property, said since this

has been a long process for the annexation and zoning

he is requesting three readings of the ordinance at today's meeting.

Mayor Michalove closed the public hearing at 4:30 p.m.

Mayor Michalove said the ordinance was previously

presented to members of Council and it would not be read.

Councilman Estes moved for the adoption of Ordinance

No. 1853. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1853 passed

on first reading.

Councilman Bratton moved to suspend the rules and

proceed to the second reading of Ordinance No. 1853. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1853 passed

on second reading.

Councilman Bratton moved to suspend the rules and

proceed to the third reading of Ordinance No. 1853. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1853 passed
on third and final reading.

Ordinance Book 12 - Page 126

B. Public hearing relative to amending zoning of property

located on Royal Pines Drive and Sweeten Creek Road (Petition of Roger N. Chipman and adjacent property owners).

Mayor Michalove said the Asheville Planning and Zoning

Commission on April 4, 1990, reviewed and recommended denial of rezoning Ward 7, Sheet 93, Lots 46 (eastern half only), 59, 60 61, 62, 64, 66, 72, and 77 (eastern

half only) (161 Royal Pines Dr. and portions of Sweeten Creek Road) from R-1 Residential District to CG Commercial General.

Mayor Michalove opened the public hearing at 4:34 p.m.

The City Clerk presented the notice to the public

setting the time and date for the public hearing and the affidavit of publication.

Carol Alberice from the Planning Department presented

the rezoning request. She said there are nine (9) properties involved in the rezoning request. She said the Planning Staff and the Planning and Zoning Commission recommended denial of the rezoning request stating that the surrounding properties are R-1 residential and the rezoning is not in accordance with the Comprehensive Use Plan and the rezoning would be infringing upon residential properties. She said the property was annexed in August, 1988 and the current zoning is the same as originally zoned by the Limestone Township. She said the petitioner appealed the decision of the Commission to Council. She showed a video of the property in question. She said the Planning Department received a number of calls in opposition to the rezoning.

Roger Chipman, 450 Emma Grove Road, Fletcher,

petitioner, gave a lengthy presentation in support of the rezoning. He said the property is under utilized. He also presented a petition with approximately 100-115 signatures in support of the rezoning. He presented maps showing the properties in question in relationship to the 2010 Comprehensive Plan.

Mike Moser, Chairman of the Planning and Zoning

Commission, reiterated that the rezoning would be an infringement upon the residential neighborhood and the Commission felt there is adequate commercial property available in the area.

The following individuals spoke in support of the
rezoning:

George H. Johnson, Jr. - Attorney

Mary Chipman, Co-owner of the property in question.

Resident at 14 Tree Top Road

Barbara Edans, 3661 Sweeten Creek Road, Arden Reading
Clinic

Mr. Edans, 3661 Sweeten Creek Road

The following individuals spoke in opposition to the
rezoning:

Tom Morrissey, 48 Cherry Street, Royal Pines

Jane Heath, 242 Birch Lane

Thurland Lance, 45 Cherry Street, Royal Pines

J. O. Williams, 60 Cherry Street

Mayor Michalove closed the public hearing at 5:46 p.m.

Mayor Michalove said members of Council were previously
furnished copies of the ordinance and it would not be read in its entirety.

Councilman Price moved to accept the recommendation of

the Planning and Zoning Commission to deny the rezoning request. This motion was seconded by Vice-Mayor Moore and carried unanimously.

**C. Public hearing relative to revising the landscaping
plans for Overlook Village.**

Mayor Michalove said the revisions to Overlook Village

landscape plans dated 8/2/89 were denied. The Planning and Zoning Commission reaffirmed landscape plans originally drawn on 3/14/89 and approved on 3/16/89 at a special meeting of the Commission.

Mayor Michalove opened the public hearing at 5:50 p.m.

The City Clerk presented the notice to the public

setting the time and date for the public hearing and the affidavit of publication.

Carol Alberice from the Planning Department reviewed

the history of the Overlook Village Group Development plan including landscaping plans. She said the developers are currently operating from landscape plans that were not approved and consist of major differences from plans that were approved on 3-16-89. She showed a

video of the property in question as it related to the landscape plan. She also presented maps showing the detailed difference of the two landscape plans.

Ms. Alberice also noted that the Soil Erosion Division

has indicated that the developer is in violation of the Erosion Control plan in that inferior materials are on the fill

slopes. She said they are being required to remove the inferior materials and install 4" of clean fill material and to submit soil testing for stabilization and compaction.

After a lengthy discussion, Councilman Price moved that

the Overlook Village landscape plan be remanded to the Planning and Zoning Commission for approval in order to work out a compromise decision with the developers and that the Planning and Zoning Commission schedule a special meeting to hear this matter as soon as possible (meeting to be held on June 13, 1990). This motion was seconded by Vice-Mayor Moore and carried unanimously.

The City Attorney noted that the developer could appeal

the decision of the Planning and Zoning Commission to City Council in the future if the need arises.

D. Public hearing relative to City of Asheville Annual

Budget for 1990-91.

Mayor Michalove opened the public hearing at 6:40 p.m.

The City Manager said the proposed budget for 1990-91

reflects a 58.5 cent tax rate, a 4.5 cent hike above the 54 cents that is equivalent to the current rate of 70 cents following revaluation. He said the proposed budget contains personnel and capital cuts.

Mike Plemmons, with the Council of Independent Business

Owners, said his organization established a Budget Committee consisting of 14 members. He said they had several questions relative to the proposed budget. He asked about the Burke Utilization Study, the Consultant for Biltmore, and the cost for consultants in the past five (5) years and the upcoming years including their names and how much was paid to each, the cost for CPA firms last year and for the proposed budget.

The City Manager said the Burke Utilization Study has

been completed. He said the study was initiated by the Water Department to evaluate staffing and equipment and it was determined that the study should also be done in the Public Works Department. He said the study is now being implemented and will show cost savings.

He said the consultant for Biltmore deals with the

Biltmore Village Historic District.

He said the costs for the consultants would be

furnished to CIBO.

He said the 1989-90 budget for CPA firms was \$30,000

and \$36,000 for 1990-91.

Debra Price with CIBO asked about the Parks and

Recreation Miscellaneous Budget being 44% over 1989-90 expected actual, Child Care Program in the Parks and Recreation Budget, why the number of employees had increased in the Planning Department, and why the number of employees had increased in the Personnel Department.

The City Manager said the Child Care Program is an in/out expenditure which is fee-supported.

He said there are no new positions allocated in the

proposed 1990-91 budget. He said the number of employees increasing in the departments is because of reorganizations.

Ann Cross with CIBO asked if the number of employees

reduced in the Public Works budget is due to lower services or more efficiency; the savings amount expected by the creation of the Risk Management Department, why the reduction in the number of employees for Code Enforcement, why park maintenance is over budget by 7% for 1989-90 and 10% in 1990-91.

The City Manager said the Public Works Department

expects more efficiency; the savings amount expected by the Risk Management Department has not been determined but the City should have more control by being in-house; the reduction of Code Enforcement employees is due to sign survey technicians not being needed.

A discussion was held relative to salaries. Bob Wurst,

Audit and Budget Director, said all salaries are currently included in the non-departmental budget but would be put in departmental budgets before June 30, 1990.

Harold Holcombe with CIBO asked about the Parking

Garage deficit; the Fire Department Special Services Division; the Civic Center budget in relation to the Southern Basketball Conference; and the budgeted amount for the Collection Division.

The City Manager said the Parking Garage revenues have

not increased and utilization has not increased; explained the purpose of the Special Services Division for the Fire Department; the Civic Center budget reflects the Southern Basketball Conference; the Collection Division budget reflects a new computer system.

Robert Carr, 370 Midland Drive, Chairman of the

Downtown Commission, requested that the Decorative Street Lighting program for downtown and contribution for economic partnership with downtown businesses not be cut from the budget. He said these elements for downtown are vital.

Pat McGuire also spoke in favor of retaining funding

for the Decorative Street Lighting Program.

Janie Wilson, 22 Maywood Road, and Quality Forward,

requested that the City consider curbside recycling since there is considerable interest in recycling in the community.

Mike Moser, with the CIBO Budget Committee, presented a

spread sheet prepared by a CPA on the proposed budget for 1990-91. He requested that Council study this spread sheet. He also questioned a 11.2% increase for the current years budget. He said the CIBO Budget Committee will be an ongoing committee and would appreciate feed back from members of Council.

Mayor Michalove and members of Council thanked the members of the CIBO Budget Committee for their comments and said he appreciates their interest in the budget. Mayor Michalove closed the public hearing at 7:26 p.m. and said the budget ordinance would be on the agenda on June 19, 1990.

III. OLD BUSINESS:

A. Sign Survey Report.

Julia Cogburn, Planning Director, presented the final and complete report for the Sign Survey. She highlighted the report by the number of signs and businesses surveyed and the number of signs and businesses that would be in compliance with the Sign Ordinance and the number that would be in noncompliance. She said letters would be sent to those businesses in noncompliance as well as those in compliance.

She thanked employees in her department for meeting the deadline on the sign survey.

Mayor Michalove suggested that a committee consisting of Vice-Mayor Moore, Councilman Mary Lloyd Frank, the City Attorney, the City Manager and the Planning Director be established to re-examine the sign ordinance in light of the survey. He said the committee should also consider readopting the sign ordinance in order to extend the time within which a court challenge could be filed since the ordinance was adopted on December 4, 1989 and the state law provides that any lawsuit contesting the validity of the ordinance be filed within 9 months.

Councilman Bratton moved to establish the Sign

Ordinance Committee as recommended by Mayor Michalove. This motion was seconded by Councilman Ellison and after discussion carried on a voice vote of 6-1 with Councilman Ellison voting "no".

Councilman Ellison moved that two businessmen be added

to the committee to provide a balance on the committee. This motion was seconded by Vice-Mayor Moore and after discussion the motion **failed** on a voice vote of 4-3 with Councilman Ellison, Councilman Estes and Mayor Michalove voting "aye".

It was noted that the committee would have the option of recommending that businessmen be added to the committee at a later date.

It was requested that the committee bring their recommendations to Council within the next two (2) weeks.

IV. NEW BUSINESS:

V. CONSENT:

A. Resolution No. 90-72 - Resolution authorizing the City

Manager to execute an agreement with Billy G. Reese for the rental of City property located at Route 1, Bee Tree Road, Buncombe County, Swannanoa, North Carolina.

SUMMARY: The City of Asheville owns a house at Bee

Tree Lake which has been occupied by Mr. Reese until his retirement. Mr. Reese wishes to continue his residence at that location, at a monthly rental rate of \$225.00 or \$2,700.00 annually.

Resolution Book 18 - Page 141

B. Resolution No. 90-73 - Resolution authorizing execution

of a cooperative agreement with the Department of Housing and Urban Development for a Fair Housing Assistance Grant.

SUMMARY: Funding in the amount of \$4,000 will be

provided by HUD for the fourth year of the Fair Housing Assistance Program administered under subcontract with the Asheville-Buncombe Community Relations Council.

Resolution Book 18 - Page 142

VI. OTHER BUSINESS:

Mayor Michalove thanked the City Manager and City Staff for their efforts during the telephone outage on June 2 and June 3, 1990.

CONVEYANCE OF PROPERTY TO HOSPITALITY HOUSE OF ASHEVILLE, INC.

The City Manager said on November 28, 1989 a resolution was adopted by City Council authorizing execution of a Community Development Agreement with **Hospitality House of Asheville, Inc.** for a **transitional shelter** for the homeless. On January 26, 1990, an Agreement was signed by the Mayor and the President of Hospitality House of Asheville, Inc. The agreement designated the Housing Authority of the City of Asheville as agent for the acquisition and disposition of property at **24 Grail Street** to be rehabilitated for use as a transitional shelter for the homeless. The Housing Authority has acquired the property and combined it with **Disposal Parcel 114 of the East End/Valley Street Community Improvement Program which adjoins 24 Grail Street.** A price has been established for the entire site in accordance with State Statute regarding disposition to a nonprofit organization. The Housing Authority is prepared to convey the property to Hospitality House of Asheville, Inc. after approval from City Council.

Vice-Mayor Moore moved to convey the property as outlined by the City Manager to the Hospitality House of Asheville, Inc. subject to review and legal approval of the deed by the City Attorney. This motion was seconded by Councilman Ellison and carried unanimously.

INQUIRY OF COUNCILMAN ELLISON - FUNDING FROM CDBG FOR HABITAT FOR HUMANITY

The City Manager said the CDBG Agreement would be presented for amendment to include funding for the \$30,000 for Habitat for Humanity in the near future. He said the amendment would require a public hearing process.

MAYOR MICHALOVE - PRESENTED PETITION RECEIVED FROM DR. STEVENS FROM RESIDENTS OF WINDSWEPT DRIVE - SEWER LINE

Mayor Michalove presented the attached petition he received from Dr. Stevens at the Health Department from residents of Windswept Drive requesting that the City assume its responsibility for maintenance of the present sewer line on Windswept Drive and to upgrade the line as necessary.

STEVE COHEN - MASSAGE THERAPIST - REQUEST

Steve Cohen, Massage Therapist, said he was granted a massage therapist license from members of Council on May 15, 1990. He requested that the provision that he submit a \$1,000 bond or \$1,000 in cash be waived since other similar professions do not require the bond.

Councilman Price moved that the request of Steve Cohen be studied by the staff and a recommendation brought back to Council. This motion was seconded by Councilman Estes and carried unanimously.

MIKE PLEMMONS - CIBO - RESOLUTION - BOARDS AND COMMISSIONS

Mike Plemmons presented a resolution of the Council of Independent Business Owners requesting Council to adopt a policy that any person sitting on a board or commission of the City of Asheville for more than six (6) consecutive years be required to vacate that position for at least two (2) years so that new persons might be appointed to those positions.

CLAIMS - UNITARIAN UNIVERSALIST CHURCH (SEWER) - WESTERN FREE WILL BAPTIST REST HOME (WATER) - BOBBY PRICE (WATER) - LINDA SMITH (SEWER) - MS. BENNIE WILKINS (WATER) - AUDREY HORTON (STREETS)

The City Manager presented claims received from Unitarian Universalist Church, Western Free Will Baptist Rest Home, Bobby Price, Linda Smith, Ms. Bennie Wilkins, and Audrey Horton.

Mayor Michalove referred the claims to the City Attorney for investigation and recommendation.

VII. ADJOURNMENT.

The meeting adjourned at 8:15 p.m.

MAYOR CITY CLERK
