

Tuesday - December 18, 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 December 11, 1990 meeting as submitted.

I. PROCLAMATIONS:

A. Recognition of City Manager Intern - Nanci Farmer

The City Manager recognized Nanci Farmer, City Manager Intern for the past three (3) months and presented her with a Certificate of Achievement Award.

II. PUBLIC HEARINGS:

A. Continuation of public hearing - Hillside Development

Regulations

Mayor Michalove noted that at the October 30, 1990 Council

meeting a public hearing relative to Hillside Development Regulations was continued until December 18, 1990. He said it was Council's intent to have this public hearing along with consideration of street grades. He said Council will not be discussing street grades for several weeks and it is necessary that the public hearing be continued.

Councilman Estes moved to continue the public hearing

relative to Hillside Development Regulations until January 29, 1991 without further advertisement. This motion was seconded by Vice-Mayor Moore and carried unanimously.

C. Ordinance No. 1881 - Second reading of ordinance relative to

rezoning property located on Richmond Hill Drive from R-3 Residential District to OI Office Institutional District (Petition of James E. Samsel).

Mayor Michalove said the Asheville Planning and Zoning

Commission on November 7, 1990, reviewed and recommended approval of rezoning Ward 6, Sheet 31, Lot 182 (Richmond Hill) from R-3 Residential District to OI Office Institutional. Petitioner would like to rezone Ward 6, Sheet 31, Lot 182 from R-3 Residential District to OI Office Institutional. Total acreage is 1.37 acres. This ordinance was read on first reading on December 11, 1990.

Mayor Michalove said the ordinance was previously read on first reading and would not be read in its entirety.

On a roll call vote of 7-0, Ordinance No. 1881 passed on second reading.

Councilman Ellison moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1881. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1881 passed on third and final reading.

Ordinance Book No. 12 Page 281 - 282

A. Continuation of public hearing relative to a Group

Development Review - Cottages at Richmond Hill Inn.

Mayor Michalove said the Asheville Planning and Zoning

Commission on June 6, 1990, reviewed and approved the site plan with one contingency. He said this public hearing was continued from the November 6, 1990 meeting.

Gerald Green, from the Planning Department, said The

Education Center, owner of the Richmond Hill Inn, is proposing the construction of 18 additional guest rooms at the Inn. The additional rooms will be located in cottages separate from the main Inn. A total of 12 cottages is planned, nine one-unit cottages and three three-unit cottages. The guest rooms would be rented on a nightly basis. Parking for 27 vehicles is proposed as part of the development.

He said the developer has requested a variance to permit a

reduction in the required 20 foot landscaped buffer to allow a 10 foot landscaped buffer. After hearing the argument for this variance, the Planning and Zoning Commission voted to recommend approval of the variance for a reduced landscaped buffer. A second variance has been requested by the developers to permit a reduction in the rear building setback from the required 15 feet to 10 feet. Upon hearing the arguments for this variance, the Planning and Zoning Commission voted to recommend denial of the variance request for a reduced rear yard setback.

He said after reviewing the site plan for the project and

hearing the comments of staff, the project architect, and neighboring property owners, the Planning and Zoning Commission voted to recommend approval of the group development request with the following contingency: Approval by City Council of a variance for a reduction in the required width of the landscaped buffer from 20 feet to 10 feet.

Upon inquiry of Council, Mr. Green said no complaints have

been received relative to the project, and the WNC Baptist Home has been supportive.

Jim Samsel, Architect for the project, spoke in support of the project stating that there is a great demand for the guest rooms.

Mayor Michalove closed the public hearing at 4:27 p.m.

Councilman Bratton moved to approve the group development plan for the Cottages at Richmond Hill Inn as recommended by the Planning and Zoning Commission. This motion was seconded by Councilman Ellison and carried unanimously.

B. Continuation of public hearing relative to designating the Flat Iron Building as a local historic landmark.

Ordinance No. 1885 - Ordinance designating property known as the Flat Iron Building and located at 20 Battery Park Avenue as a local historic landmark

Mayor Michalove said this public hearing was continued from the December 11, 1990 meeting.

Kent Newell, Director of Historic Resources Commission,

reviewed a detailed report regarding the Historic Resources Commission Local Historic Landmark Program. The report included nomination criteria, existing historic landmarks, assessment history Survey Results, and proposed future designations.

Mr. Newell said the Flat Iron Building is significant for a Historic landmark designation.

Ralph Bishop objected to the loss of tax dollars through historic designations.

Russell Thomas, General Manager of the Flat Iron Building, spoke in support of the historic designation.

Mayor Michalove closed the public hearing at 4:50 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 for the adoption of Ordinance No. 1885. This motion was seconded by Councilman Bratton.

On a roll call vote of 7-0, Ordinance No. 1885 passed on first reading.

Vice-Mayor Moore moved to suspend the rules and proceed to

the second reading of Ordinance No. 1885. This motion was seconded by Councilman Bratton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1885 passed on second reading.

Councilman Ellison moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1885. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1885 passed on third and final reading.

Ordinance Book No. 12 Page 296 - 299

III. OLD BUSINESS:

A. Resolution No. 90-186 - Resolution to amend the plan for extension of major municipal services for the West Area.

Mayor Michalove said the N.C. Gen. Stat. 160A-49(e)

authorizes the municipal government to amend the report required by N. C. Gen. Stat. 160A-47 to make changes in the plans for serving the area proposed for annexation.

Patty Tallerday, from the Planning Department, said the plan

is being amended to reflect the removal of portions of the proposed annexation area and the figures changed to correspond to the new boundary description.

Mayor Michalove said copies of the resolution had

previously been distributed to Members of Council, and the resolution would not be read unless there was a specific request to do so.

Vice-Mayor Moore moved to adopt Resolution No. 90-186

amending the Report of Plans for Extension of City Services into the west area proposed for annexation with the amendments to the Plan as set forth in the amended Plan for services attached to the resolution which was distributed to members of Council, earlier today. This motion was

seconded by Councilman Bratton and carried unanimously.

Resolution Book No. 18 - Page 317

A. Ordinance No. 1883 - Second reading of ordinance to annex area known as the West Area.

Mayor Michalove said the adoption of an ordinance extending

the corporate limits to the West Area is the final step in the procedure for annexation defined in N. C. Gen. Stat. sec. 160A-49.

Vice-Mayor Moore moved to amend the annexation ordinance in

accordance with the ordinance distributed to members of Council earlier today, including revisions in the description attached to the ordinance as Exhibit "A" and the revisions in the Plan for services attached to the ordinance as Exhibit "B". This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1883 passed on

second reading.

Vice-Mayor Moore moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1883. This motion was seconded by Councilman Frank and carried unanimously.

Ralph Bishop spoke in opposition to the annexation ordinance and stated Council was rushing the process for annexation.

There being no further comments relative to the annexation ordinance, Mayor Michalove called for the third and final reading of Ordinance No. 1883.

On a roll call vote of 7-0, Ordinance No. 1883 passed on third and final reading.

Mayor Michalove said the effective date of the Annexation Ordinance is January 28, 1991.

Ordinance Book No. 12 Page 286 - 290

B. Ordinance No. 1879 - Third reading of ordinance amending

Section 30-5-15 of the Code of Ordinances of the City of Asheville (Conservation Overlay for Historic Landmarks).

Mayor Michalove said this ordinance provides for the

establishment of conditional use district for historic landmarks and procedures for obtaining rezoning and conditional use permit for historic landmarks.

Mayor Michalove said the ordinance was previously read on

second reading and would not be read in its entirety.

On a roll call vote of 7-0, Ordinance No. 1879 passed on third and final reading.

Ordinance Book No. 12 Page 276 - 280

D. Ordinance No. 1882 - Second reading of ordinance relative to

rezoning property located on South Louisiana Avenue from R-3 Residential District to CS Commercial Service District

(Petition of Lester and Sallie Sharp, Owners).

Mayor Michalove said the Asheville Planning and Zoning

Commission on November 7, 1990, reviewed and recommended

approval of rezoning Ward 6, Sheet 9, Lots 76 1/4 and

258 (southern portion) located on S. Louisiana Avenue from R-3 Residential District to CS Commercial Service District. Rezoning request involving one lot facing Louisiana Avenue and a portion of a lot internal to the block north of the Old Winn Dixie site at the corner of Haywood Road and South Louisiana Avenue.

Mayor Michalove said the ordinance was previously read

on first reading and would not be read in its entirety.

On a roll call vote of 7-0, Ordinance No. 1882 passed on second reading.

Councilman Ellison moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1882. This motion was seconded by Councilman Bratton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1882 passed on third and final reading.

Ordinance Book No. 12 Page 283 - 285

E. Ordinance No. 1884 - Second reading of an ordinance

reestablishing the Asheville Downtown Commission.

Mayor Michalove said the ordinance establishing the Downtown

Commission was reviewed by a City Council Committee and some changes were made in the ordinance.

Mayor Michalove said the ordinance was previously read on

first reading and would not be read in its entirety.

On a roll call vote of 7-0, Ordinance No. 1884 passed on second reading.

Councilman Ellison moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1884 This motion was seconded by Councilman Estes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1884 passed on third and final reading.

Ordinance Book No. 12 Page 291 - 295

IV. NEW BUSINESS:

A. Ordinance No. 1886 - Budget amendment for capital projects

transfers for Parks and Recreation projects.

Mayor Michalove said the 1990-91 Capital Improvement Program

contains approved Parks and Recreation projects. This amendment provides an appropriation and transfer revenues for those projects.

Mayor Michalove said copies of the ordinance had previously

been distributed to Members of Council, and the resolution would not be read unless there was a specific request to do so.

Vice-Mayor Moore moved for the adoption of Ordinance No.

1886. This motion was seconded by Councilman Estes.

On a roll call vote of 7-0, Ordinance No. 1886 passed on

first and final reading.

Ordinance Book No. 12 - Page 300

C. Report relative to recommendations on Fees and Charges.

The City Manager said the City received four proposals from

qualified firms for a User Fee Study for the examination of the services provided by its Parks and Recreation Department, Public Works Department (excluding garbage collection) and Inspection Division to determine whether service fees charged are equitable and whether there are other services for which a fee would be appropriate.

He said an evaluation committee has recommended that the

proposal received from the firm of David M. Griffith be accepted. The cost of their proposal is estimated not to exceed \$19,060 and a complete report would be received in two months.

Vice-Mayor Moore moved to accept the proposal received from

David M. Griffith for a User Fee Study as recommended by the City Manager. This motion was seconded by Councilman Price and carried unanimously.

Upon inquiry of Council, the City Manager reviewed the

procedure used in soliciting proposals from qualified firms. He said a RFP was sent to Patton & Hunter, who declined to submit a proposal.

D. Resolution No 90-187 - Resolution extending the terms of the current members of the Asheville-Buncombe Water Authority.

Mayor Michalove said this resolution will extend the terms

of the City appointees to the Asheville-Buncombe Water Authority by nine (9) months each. Similar actions will be taken by the County and the Water Authority to extend the terms of the other members by nine (9) months.

Councilman Price questioned whether there would be a

conflict of interest for her to vote on this resolution since she is a member of the Water Authority.

The City Attorney said he did not feel there would be a

conflict of interest but if she would like she could ask to be excused.

Vice-Mayor Moore moved to excuse Councilman Price from

voting on Resolution No. 90-187. This motion was seconded by Councilman Bratton and carried unanimously.

Upon motion of Councilman Bratton, seconded by Vice-Mayor

Moore, Resolution No. 90-187 was unanimously adopted.

Resolution Book No. 18 - Page 318 - 319

F. Report relative to water pressure.

Charles Penny, Assistant City Manager, reviewed the following report relative to fire flow.

MEMORANDUM TO: Mayor Michalove and Members of Council

FROM: Charles W. Penny, Assistant City Manager

DATE: December 14, 1990

SUBJECT: Adequate Fire Flow

At the November 27, 1990 City Council meeting the Planning staff presented to the City Council a group development plan for the expansion of a mobile home park in south Asheville. One of the staff concerns was the lack of adequate fire flow to the mobile home park. City Council asked that information be provided on what is considered adequate fire flow and how those standards are determined. Attached are reports from the Fire Department and the Water Department on the fire hydrant system and the methodology for determining needed fire flow.

Lakeview Mobile Home Park

Additional tests have been conducted on the fire hydrant at Lakeview Mobile Home Park since the Council meeting on November 27th. Since the first flows and pressure tests were done in early October an additional water main was connected into the Lakeview area. The addition of the water main has significantly increased the pressure

for fire protection in the area. On November 27th, Council was informed that the fire flow was approximately 550 gallons per minute with a residual of zero. The latest tests reveal a fire flow of 790 gallons per minute with a residual of 50 psi (pounds per square inch). With a residual of 50 psi, if it was necessary to attach to an additional hydrant on that main there will be water available for the additional hose. The standard staff utilizes for adequate fire flow is basically 500 gallons of water per minutes with a residual of 20 psi. The initial test with 0 psi would not allow for any additional hydrants to be utilized in the area.

Fire Flow Standard

Please find attached a report from the Fire Department entitled "Determining Need of Fire Flow". You will note from this report that calculating the amount of water needed to fight a fire is determined by the type of structures that are in the area. In Asheville 500 gallons per minute is the standard utilized for residential structures; however, the Insurance Service Office (ISO) sets as a minimum 1000 gallons per minute. City staff has maintained 500 gallons per minute minimum for fire flow.

Please see attachment B, which is a report from Harold Huff, Director of Water, Sewer & Engineering, in reference to the hydrant maintenance program in the City of Asheville. There are approximately 5000 hydrants throughout the Asheville-Buncombe Water system and it is estimated that 5% of those hydrants are not in working order. It is also estimated that 250 of the 5000 hydrants may have flows less than 500 gallons per minute. The report from Harold Huff also indicates that steps have been taken to repair the inoperable hydrants and significant dollars have been spent in the last eight (8) years replacing old 2" lines with 6" lines. On an annual basis the Water Authority is spending approximately one half million dollars to repair the distribution system which will help to alleviate some of the problems with the fire flows.

Staff is aware of areas that have less than the 500 gallon per minute flow required for fire protection; however, no master list has been developed from an engineering standpoint with hydraulic tests. The areas have been identified because of several reasons and they are as follows:

- 1) Hydrants are on water lines less than 6" in diameter;
- 2) Hydrants are on dead end lines and the possibility of reduced flow is very probable;
- 3) Fire Fighters have experienced difficulty with hydrants and have reported them for repair to the Water Department;

4) Water Maintenance hydrant and valve crews have identified problem areas.

In order to correct the deficiencies in the system, it is important that the Water Authority continue to expend the one half million dollars annually to upgrade the distribution system. In addition, the Water Authority should also develop a master plan for the distribution system as we currently have for the transmission system and to develop comprehensive mapping system of the entire distribution system.

If you have any further questions, please do not hesitate to contact me.

CWP/jr

cc: Mr. Douglas O. Bean

Mr. John Rukavina

Mr. Harold Huff

John Rukavina, Fire Chief, highlighted the report entitled "Determining Need of Fire Flow."

Councilman Ellison said members of Council recently turned down the Lakeview Mobile Home Park Group Development Plan because of inadequate water pressure. He said in light of the above report he would like to have Council reconsider the Group Development Plan.

After discussion, it was the consensus of Council that the City Attorney give members of Council a report on January 8, 1991 on the appropriate procedure to use in order to reconsider the Lakeview

Mobile Home Park Group Development.

G. Subdivision - Intersection of Long Shoals and Overlook Road.

Don Sherrill, Urban Planner from the Planning Department,

said Bruce E. Green and others request City Council approval of a final plat for a four (4) lot subdivision at the intersection of Long Shoals Road and Overlook Road. The parcel is 6.23 acres in size. He said at the meeting of December 5, 1990, the Asheville Planning and Zoning

Commission reviewed the preliminary plat. After hearing staff comments, the Commission voted to approve the preliminary plat for the subdivision.

Councilman Ellison moved to approve the final plat of the

subdivision at the intersection of Long Shoals and Overlook Road as recommended by the Planning and Zoning Commission. This motion was seconded by Councilman Price and carried

unanimously.

H. Subdivision - Tire America at Westgate Shopping Center.

Don Sherrill, Urban Planner from the Planning Department,

said Westgate Shopping Center is splitting off a parcel of land to be sold to Tire America. The City's Subdivision Ordinance requires this division of property to come through the Subdivision Review process. All services are available for this site. He said at their meeting on December 5, 1990, the Planning and Zoning Commission reviewed the preliminary plat for this subdivision. After hearing comments from the staff, the plat was approved with a

contingency that the building setback distances be as indicated on the final plat.

Councilman Ellison moved to approve the final plat for Tire

America at Westgate Shopping Center as recommended by the Planning and Zoning Commission. This motion was seconded

by Councilman Price and carried unanimously.

V. CONSENT:

A. Approve bids for automobiles and Trucks for City of Asheville.

SUMMARY: This will be an award of 12 vehicles consisting of eight (8) trucks (various sizes) and four (4) sedans.

A copy of the bid summary is on file in the Office of the City Clerk.

B. Approve bids for four (4) portable diesel powered brush chippers for the Public Works Department.

SUMMARY: Recommendation to award to the lowest bidder meeting specifications, Vermeer Carolinas, Inc., Charlotte, North Carolina for four (4) "Vermeer" Model 1250 brush chippers.

A copy of the bid summary is on file in the Office of the City Clerk.

C. Approve bids for one street sweeper for Public Works Department.

SUMMARY: Award to sole bidder, North Carolina Equipment Company, Asheville, N. C. for a 1990 "Ford" cab and chassis with a 1991 "Johnston" model 600 sweeper body.

A copy of the bid summary is on file in the Office of the City Clerk.

Upon motion of Councilman Frank, seconded by Vice-Mayor Moore, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

A. Approve bids for furniture for City Hall Building.

The City Manager reviewed the bids received for

miscellaneous office furniture for the Mezzanine, Third, Fourth, Fifth and Sixth Floors of the City Hall Building. He said it has been recommended that the award be given to Office Environments for a total amount of \$137,068.20, which is \$40,000 under budget.

A copy of the complete bid summary is on file in the Office of the City Clerk.

Councilman Price moved to accept the bid of Office

Environments for miscellaneous office furniture for the Mezzanine, Third, Fourth, Fifth and Sixth Floors of the City Hall Building in the amount of \$137,068.20. This motion was seconded by Vice-Mayor Moore and carried unanimously.

B. Resolution No. 90-188 - Resolution appointing member to the Asheville Area Civic Center Commission

Mayor Michalove said this resolution will appoint Rankin B.

Hipp as a member of the Asheville Area Civic Center to replace Diana Bilbrey who resigned. Mr. Hipp will serve the unexpired term of Ms. Bilbrey, term expiring June 30, 1991, or until his successor is duly appointed and qualified.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Bratton, Resolution No. 90-188 was unanimously adopted.

Resolution Book No. 18 - Page 319-A

C. Resolution No. 90-189 - Resolution appointing member to the Asheville Transit Authority

Mayor Michalove said this resolution will appoint Larry R.

Linney as a member of the Asheville Transit Authority to replace Raymond F. Myers whose term expires December 31, 1990. Mr. Linney will serve a term of four (4) years, term expiring, December 31, 1994, or until his successor is duly appointed and qualified.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Bratton, Resolution No. 90-189 was unanimously adopted.

Resolution Book No. 18 - Page 319-B

D. Resolution No. 90-190 - Resolution appointing member to the Board of Adjustment

Mayor Michalove said this resolution will reappoint Rudy J.

Stefanec as an Alternate member to the Board of Adjustment to serve a term of three (3) years, term expiring January 21, 1994, or until his successor is duly appointed and qualified.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Bratton, Resolution No. 90-190 was unanimously adopted.

Resolution Book No. 18 - Page 319-C

E. Resolution No. 90-191 - Resolution appointing members to the

Downtown Commission

Mayor Michalove said this resolution will appoint the

following individuals as members of the Asheville Downtown Commission: Don Martell as Chairman; Barbara Fields, Claudia Tucker, Brady Blackburn, Barry Olin, Ed McFarland, President of the Downtown Association, Councilman Mary Lloyd Frank, Councilman Wilhelmina Bratton, County Commissioner Jesse Ledbetter, and County Commissioner Bill Stanley.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Bratton, Resolution No. 90-191 was unanimously adopted.

Resolution Book No. 18 - Page 319-D

Mayor Michalove announced that Council would make one

additional appointment to the Downtown Commission on January 8, 1991. He said the individuals under consideration for this appointment are: Chris Peterson; Mrs. Dave "Butch" Denning; and Victor Trantham. He said this list of individuals was filed with the City Clerk on December 18, 1990.

F. Resolution No. 90-192 - Resolution appointing members to the

Buncombe County War on Drug Commission.

Mayor Michalove said this resolution will appoint Arthur

Eddington and Willie McDaniels as members of the Buncombe County War on Drug Commission.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Bratton, Resolution No. 90-192 was unanimously adopted.

Resolution Book No. 18 - Page 319-E

G. Resolution No. 90-193 - Resolution appointing members to the

Minority Business Committee.

Mayor Michalove said this resolution will appoint Ronald

Blythe as a member of the Minority Business Committee to replace Dee Williams representing the Asheville Business Development Center, term expiring August 1, 1991 and

appoint Matthew Bacoate as a member of the Minority Business Committee to replace Marilyn Bass representing the

YMI Cultural Center, term expiring August 1, 1991, or until their successors are duly appointed and qualified.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Bratton, Resolution No. 90-193 was unanimously adopted.

Resolution Book No. 18 - Page 319-F

H. Claims - Mike Renau (Streets) - City of Asheville (City

Vehicle damaged) Home Furniture (Water) - City of Asheville (City vehicle damaged)

Claims were presented from Mike Renau, City of Asheville,

Home Furniture, and another for the City of Asheville.

These claims have been referred to the appropriate insurers

for investigation.

VII. ADJOURNMENT:

Mayor Michalove said with the Christmas and New Year's

Holidays Council will not meet again until January 8, 1991. He wished everyone a Merry Christmas and a Happy New Year.

Mayor Michalove adjourned the meeting at 6:10 p.m.

MAYOR CITY CLERK
