

Tuesday - March 19, 1991 - 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, 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: Councilman Eugene Ellison

INVOCATION

The invocation was given by Councilman Estes.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes of the February 26, 1991 and the March 5, 1991 meetings as submitted.

I. PROCLAMATIONS:

A. Proclamation - "Community Development Week" -

April 1 - 7, 1991

Mayor Michalove proclaimed the week of April 1 - 7, 1991

as "Community Development Week" and presented a copy of the proclamation to Marvin Vierra, Community Development Director.

Marvin Vierra highlighted the events taking place during

"Community Development Week".

B. Proclamation - "Military Appreciation Day" -

Saturday, April 6, 1991

Mayor Michalove proclaimed Saturday, April 6, 1991 as

"Military Appreciation Day" and presented a copy of the proclamation to Sgt. Glenn Royster, U S. Army Recruiter for the Asheville Area.

Sgt. Glenn Royster highlighted the events taking place

during "Military Appreciation Day".

C. Proclamation - "Days of Remembrance of the Victims of

the Holocaust" - April 7 - 14, 1991

Mayor Michalove proclaimed the week of April 7 - 14,

1991 as "Days of Remembrance of the Victims of the Holocaust". He said he would be presenting the proclamation later this month at a special ceremony.

D. Proclamation - "Agriculture Day" -

Thursday, March 21, 1991

Mayor Michalove proclaimed Thursday, March 21, 1991 as

"Agriculture Day".

E. Proclamation - "Vegetarian Education Day" -

Wednesday, March 20, 1991

Mayor Michalove proclaimed Wednesday, March 20, 1991 as

"Vegetarian Education Day." He said the proclamation was requested by Cecil Bothwell, Southern Appalachian Vegetarian Edacity Society.

F. E M T - Demonstration - Automated Defibrillation

John Rukavina, Fire Chief, said last year, the City

Council approved funds for the purchase of three "automated defibrillator" units. Since that time, the Fire Department has been pursuing state approval to offer this service through Memorial Mission Hospital medical command and control and providing the necessary on-duty training for the firefighters who will operate the equipment. He said counting the automated defibrillator already located at Station 21 (Skyland), four of the nine fire stations in Asheville have defibrillators. The Fire Department's goal is to have one automated

defibrillator in each fire station.

Chief Rukavina presented a short video on the "RapidZap"

defibrillation equipment.

Tim Hinson, with the Asheville Fire Department, spoke to

members of Council relative to the automated defibrillation. Several members of the Asheville Fire Department and Buncombe County Emergency Medical Team presented a demonstration of defibrillation.

II. PUBLIC HEARINGS:

A. Public hearing relative to closing Post Street between

North French Broad Avenue and Otis Street.

Mayor Michalove opened the public hearing at 4:30 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.

Jim Ewing, Director of Public Works, said a petition to

close Post Street between North French Broad Avenue and Otis Street has been received from the United States of America General Services Administration. GSA is the owner of all property adjoining the street petitioned to be closed with the exception of one lot which they are in the process of purchasing but which has not been consummated at this point in time. The closing of Post Street will allow for the construction of the new Federal Building Project. All public utility companies have been requested to provide information for utility easements which may need to be retained.

The City Manager reviewed the preliminary site plan for the new federal office building in downtown. He said the preliminary site plan includes the closing of Post Street and an unnamed alley.

Gary Rowe, Attorney, speaking on behalf of himself and others, said they are in the Pioneer Associates building across from Post Street. He said they are not opposed to GSA coming into downtown but they are concerned about the closing of Post Street. He said this closing is detrimental to the public interest. He said this closing would eliminate 20 parking spaces and access to parking lots in the area and this street is a direct line of access into downtown. He said he felt this would also increase traffic congestion in the area.

Mr. Rowe said the N. C. General Statutes require that a street proposed to be closed be posted prior to the public hearing for the closing. He said the property owners in the area could not find where Post Street had been posted.

It was noted that an affidavit of posting by the Public Works Department is in the City Clerk's file.

After discussion, Vice-Mayor Moore moved to continue the public hearing relative to the closing of Post Street until April 9, 1991 without further advertisement. This motion was seconded by Councilman Frank and carried unanimously.

B. Public hearing relative to closing an unnamed alley between Otis Street and Patton Avenue.

Mayor Michalove opened the public hearing at 4:55 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.

Mr. Jim Ewing, Director of Public Works, said a petition to close an unnamed alley between Otis Street and Patton Avenue has been received from the United States of America General Services Administration. GSA is the owner of all property adjoining the unnamed alley petitioned to be

closed with the exception of one lot which they are in the process of purchasing but which has not been consummated at this point in time. The closing of the unnamed alley will allow for the construction of the new Federal Building Project. All public utility companies have been requested to provide information for utility easements which may need to be retained.

Alan Cartledge, with the U. S. Forest Service, said on

January 21, 1986 the City of Asheville granted the USDA-Forest Service an easement agreement to allow a portion of the right-of-way of the Wall Street Extension for the purpose of Forest Service outside landscaping and sign placement. This area of approximately .03 acres lies along the west side of Otis Street and borders the U. S. Courthouse property.

Mr. Cartledge said since construction funding for a new

Federal Building has not received congressional approval and may be years before construction, we are requesting that the original agreement granted to the U. S. Forest Service be continued until such time the construction contract for a new building is awarded. This will

permit the Forest Service to retain their identity for public service.

The City Attorney said he would have to research this

request before advising Council on the proper procedure to take in order to grant the request.

Councilman Frank moved to continue the public hearing

relative to the closing of the unnamed alley between Otis Street and Patton Avenue until April 9, 1991 without further advertisement. This motion was seconded

by Councilman Frank and carried unanimously.

III. OLD BUSINESS:

A. Ordinance No. 1898 - Second reading of an ordinance

rezoning property located at 482 Deaverview Road

(Petition of Robert M. Ward)

Mayor Michalove said the Asheville Planning and Zoning

Commission on February 6, 1991, reviewed and recommended approval of rezoning Ward 6, Sheet 21, Lots 32 and 96 located at 482 Deaverview Road from R-3 Residential District to CG Commercial General District. This

ordinance was read on first reading on March 5, 1991.

Mr. Robert Ward requested that Council read the

ordinance on second and third readings at today's meeting.

Councilman Price left the meeting at 4:59 p.m.

unexcused. Therefore, votes for Councilman Price will be counted as "aye" votes.

On a roll call vote of 6-0, Ordinance No. 1898 passed on second reading.

Vice-Mayor Moore moved to suspend the rules and proceed

to the third and final reading of Ordinance No. 1898. This motion was seconded by Councilman Estes and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1898 passed on third and final reading.

Ordinance Book No. 12 - Page 334

IV. NEW BUSINESS:

A. Resolution No. 91-36 - Resolution authorizing the City

Manager to sign on behalf of the City of Asheville an amendment to the Fire protection contract with Skyland Volunteer Fire Department, Inc.

The City Manager said State law requires either a

contract or assumption of a proportional share of debt between Asheville and Skyland as a result of annexation of Woods Edge Apartments. Skyland proposes amendment of the present contract.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Frank, Resolution No. 91-36 was unanimously adopted.

Resolution Book No. 18 - Page 362

B. Resolution No. 91-34 - Resolution approving the report

for the extension of major municipal services into an area known as the Brevard Road area.

Patty Tallerday, from the Planning Department, said

N. C. Gen. Stat. sec. 160A-49 requires the City to approve the report extending City services to the proposed annexation area at least thirty (30) days prior to the public hearing. The public hearing is scheduled for April 23, 1991.

Ms. Tallerday outlined the report for the extension of

the municipal services into the Brevard Road area.

Ms. Tallerday said a neighborhood meeting will be

scheduled in April prior to the public hearing date.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Frank, Resolution No. 91-34 was unanimously adopted.

Resolution Book No. 18 - Page 360

C. Resolution No. 91-35 - Resolution authorizing the City

Manager to execute an agreement with Deloitte & Touche for auditing services for the fiscal year ending June 30, 1991.

The City Manager said General Statute 159-34 requires an

annual independent audit. City staff is suggesting reappointment of the firm Deloitte & Touche as auditors for FY '91. He said the contract amount will not exceed \$43,000.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Frank, Resolution No. 91-35 was unanimously adopted.

Resolution Book No. 18 - Page 361

D. Ordinance No. 1902 - Budget ordinance amendment for Pack

Plaza Property Management.

The City Manager said this budget amendment will

appropriate \$178,000 of investment earnings to Pack Plaza Property Management and Downtown Reserve.

Councilman Bratton moved for the adoption of Ordinance

No. 1902. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 6-0, Ordinance No. 1902 passed on

first and final reading.

Ordinance Book No. 12 - Page 338

E. Ordinance No. 1903 - Budget ordinance amendment to

appropriate funds for property management of properties owned by the Housing Authority in the East End/Valley Street Neighborhood and Biltmore Avenue Area.

The City Manager said this ordinance will appropriate

CDBG program income for property management costs of property owned by the Housing Authority in the East End/Valley Street neighborhood and Biltmore Ave. area. Property maintenance and disposal costs are paid from this account.

Councilman Bratton moved for the adoption of Ordinance

No. 1903. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 6-0, Ordinance No. 1903 passed on

first and final reading.

Ordinance Book No. 12 - Page 339

V. CONSENT:

A. Resolution No. 91-37 - Resolution authorizing the City

Manager to sign a lease agreement with the Garren Creek Volunteer Fire Department, Incorporated, for use of a fire truck until March 1, 1992 or until delivery of a

new fire truck.

SUMMARY: Garren Creek Volunteer Fire Department has

lost the use of its primary fire truck. They are buying a new one, but it won't be delivered for some time. Asheville will have a fire truck available for loan in mid-March, after its newest fire truck is expected to be delivered. Action requested of City Council is authorization of City Manager to execute an eleven-month lease of a fire truck to Garren

Creek.

Resolution Book No. 18 - Page 363

B. Resolution No. 91-38 - Resolution authorizing the City

Manager of the City of Asheville to sign agreement and commitments of site facility use for the Nutrition Program for Older Americans at certain recreation

centers.

SUMMARY: The Buncombe County Council on Aging has been

designated as the coordinating agency for the Nutrition Program for the elderly for Buncombe County. The Buncombe County Council on Aging and the Asheville Parks and Recreation Department have been working cooperatively with this program at the Reid Memorial Recreation Center, the Senior Opportunity Center, and the West Asheville Recreation Center. This cooperation has resulted in improved services for the elderly in Asheville and Buncombe County.

Resolution Book No. 18 - Page 364

C. Award of bid for two (2) backhoes for Public Works

Department, Street Division.

SUMMARY: Recommendation to award to low bidder, Arden

Equipment Company, Inc. Arden, North Carolina, in the amount of \$63,906.00 for the purchase of two (2) 1991 J. I. Case Company, Model 580K Phase III Backhoes at a unit

price of \$31,953.00.

D. Resolution No. 91-39 - Resolution making the findings

and authorizing the application to use allocated sales tax revenues for other than Water and Wastewater Capital

Needs.

SUMMARY: This resolution makes the findings and

authorizes the application to the Local Government Commission for exemption from the requirement to use forty percent (40%) for the first five years and thirty percent (30%) for the next five years of the revenue generated for water and wastewater capital needs and debt service payments.

Resolution Book No. 18 - Page 365 - 366

E. Scheduling of public hearing relative to amending

Article 10 of Chapter 30 of the Zoning Ordinance

(Penalty Provisions) for April 9, 1991.

SUMMARY: The Asheville Planning and Zoning Commission

on February 6, 1991, reviewed and recommended approval of the amendment to the penalty

provisions of the Zoning Ordinance.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Bratton, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

A. Schedule public hearing relative to Civil Service Rule

Vice-Mayor Moore moved to schedule a public hearing relative

to a new Civil Service Board rule for April 23, 1991. This motion was seconded by Councilman Frank and carried

unanimously.

B. Resolution No. 91-40 - Resolution calling for a public

hearing for the adoption of an ordinance directing the Director of Building Inspection Division to demolish the dwelling located at 143 Blanton Street, Asheville, North Carolina for April 9, 1991.

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

91-40. This motion was seconded by Councilman Frank and carried unanimously.

Resolution Book No. 18 - Page 367-368

C. Council Meeting for April 9, 1991

Mayor Michalove announced that the Council meeting for

April 9, 1991, will begin at the Council Chambers, but will recess at approximately 4:30 p.m. and reconvene at the Banquet Hall of the Asheville Civic Center at 5:00 p.m. due to the large number anticipated to attend the public hearings scheduled on that date. He also announced that the Council will conduct a worksession on March 26, 1991, in the 6th Floor training room, and that the Council will not meet on April 2, 1991, due to the Easter holiday.

D. Sister City - Presentation

Carol Alberice, from the Planning Department, and Corrine

Meade, City Manager Intern, said three officials from Vladikavkaz, Russia will be visiting Asheville April 13 through April 19. They highlighted events taking place during their visit and asked each Council member to sign up as a sponsor for having breakfast with the officials.

E. REPORT OF GROUP DEVELOPMENT ACTIONS BY THE PLANNING AND ZONING COMMISSION

Don Sherrill, from the Planning Department, said the City

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

Zoning Commission at their meeting on March 6, 1991.

Ⓢ (1) LAKEVIEW MOBILE HOME PARK EXTENSION (RESUBMITTAL)

Mr. Sherrill said the Asheville Planning and Zoning

Commission on March 6, 1991, reviewed and approved the site plan of Lakeview Mobile Home Park Extension subject to two contingencies: 1) Approval by City Council of a variance to permit the placement of seven (7) mobile homes on a site of 47,700 square feet; and (2) All relocated mobile homes shall

be at least twenty (20) feet from internal streets.

Vice-Mayor Moore moved to schedule a public hearing

relative to the group development plan for Lakeview Mobile Home Park Extension (Resubmittal) for April 9, 1991. This motion was seconded by Councilman Frank and

carried unanimously.

Ⓢ (2) PUBLIC WORKS COMPLEX

Mr. Sherrill said the Asheville Planning and Zoning

Commission on March 6, 1991, reviewed and approved the site plan of the Public Works Complex subject to two contingencies: 1) Approval of driveway permit, as required, by NCDOT; and 2) Approval by City Council of the closing of Dixon Alley and another unnamed alley.

Councilman Frank moved to schedule a public hearing

relative to the group development plan for the Public Works Department for April 9, 1991. This motion was seconded by Councilman Estes and carried unanimously.

F. Dee Williams - Lease for Buncombe County Child Development Program

Upon inquiry of Dee Williams, Mayor Michalove said the

Resolution authorizing the Mayor to execute a lease agreement by and between the City of Asheville and the County of Buncombe for a Buncombe County Child Development Program at Reid Memorial Recreation Center was postponed until all agencies can be notified that Council is considering the action. He said Council particularly wanted to notify the Asheville City School system.

G. Chris Johansen - Bicycle Week - Bike to Work Week

Chris Johansen said he would be requesting that the Mayor

proclaim May 12 - 18 as "Bicycle Week" and May 17 as "Bike to Work Day". He said he would be asking Council members to Bike to Work on May 17.

H. Claims -Bill Wolfe (Streets) - Leland Sale (Streets) -

David Jackson (Wastewater) - Theresa Darity (Streets) - Lisa Lanning (Water) - Cynthia Crozer (Water) - Earl Conley (Streets)

The City Manager said claims were received from Bill

Wolfe, Leland Sale, David Jackson, Theresa Darity, Lisa Lanning, Cynthia Crozer, and Earl Conley.

Mayor Michalove said the claims have been referred to the

appropriate insurers for investigation.

VII. ADJOURNMENT

Mayor Michalove adjourned the meeting at 5:55 p.m.

MAYOR CITY CLERK
