

Tuesday - October 15, 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, 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

Absent:

INVOCATION

The invocation was given by Councilman Ellison.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes of the September 17, 1991, October 1, 1991, and October 8, 1991 meeting as submitted.

I. PROCLAMATIONS:

A. Proclamation - United Nations Day -
October 24, 1991

Mayor Michalove proclaimed October 24, 1991 as "United Nations Day".

B. Proclamation - "Dr. Martin Luther King, Jr.
Memorial Week" - October 14 - 20, 1991

Mayor Michalove proclaimed the week of
October 14 - 20, 1991 as "Dr. Martin Luther King, Jr. Memorial Week" in
recognition of a sculpture to be placed in a special garden in the Martin
Luther King, Jr. Park.

Mayor Michalove presented the proclamation to Oralene Simmons, who recognized
other members of the Martin Luther King, Jr. Memorial Committee.

C. Proclamation - "Voice of Democracy Month" -
October, 1991

Mayor Michalove proclaimed the month of
October, 1991 as "Voice of Democracy Month".

II. PUBLIC HEARINGS:

III. OLD BUSINESS:

A. Resolution No. 91-176 - Resolution to adopt the Comprehensive Housing
Affordability Strategy.

Mayor Michalove said the Comprehensive Affordability Strategy (CHAS) identifies
low and moderate income housing needs and analyzes the institutional capacity
and available resources to address these needs. The CHAS also contains a five
year strategy and priority for addressing the needs. Also included is a one
year plan that contains goals for low and moderate income housing. Approval of
the CHAS by HUD is a requirement for the City to remain eligible for Community
Development Block Grant and other HUD housing resources.

Marvin Vierra, Director of Community Development, said during the presentation of the CHAS to City Council on October 1, 1991, Council expressed concern about: (1) Organizational relationship of the new Housing Affordability Task Force; (2) Cost responsibility of the City for the housing goals; (3) Staff support for CHAS recommendations and (4) duties of the Task Force. He presented a detailed clarification of each of these concerns

A lengthy discussion was held relative to the hiring of additional staff to implement the CHAS project. It was noted that perhaps the Housing Committees, i.e. Housing Authority, Habitat for Humanity, Mountain Housing could provide the staff support and monitoring responsibilities on a volunteer basis.

Councilman Frank also suggested that the banking community fund the position.

Tony Clarke-Sayre, Chairman of the CHAS Task Force, said he personally felt a full time dedicated staff person would be needed to direct the program.

After discussion, Vice-Mayor Moore moved to adopt Resolution No. 91-176 adopting the CHAS Plan deleting the section in the CHAS plan entitled "Staff Support for CHAS implementation". This motion was seconded by Councilman Bratton and carried unanimously.

It was noted that the Housing Authority/Community Development Committee would discuss the position needed for directing the CHAS project.

Resolution Book No. 19 - Page 17 - 18

B. Report relative to South Pack Square Redevelopment Project.

Verl Emrick, with the Planning Department, said on September 17, 1991 the redevelopment plan for the South Pack Square Improvement Area - Phase II was presented to members of Council. He said after discussing the plan it was requested that the staff review the effect of removing the seven (7) specific properties presently included in the Pack Plaza Redevelopment Project and making them a part of the proposed South Pack Square Improvement Area - Phase II.

He said the staffs of the YMI, Planning Department and Housing Authority, South Pack Square Association, and Housing/Community Development Committee recommend the following in order to accomplish the goals and objectives of the forthcoming South Pack Square Improvement Area Redevelopment Plan.

1. That no formal boundary amendment to the existing Pack Plaza Redevelopment Plan be undertaken at this time.
2. In lieu of such an amendment that the areas outlined in an Exhibit E - be included and addressed in the South Pack Square Improvement Area Redevelopment Plan as a "Planning Overlay" area for the purposes of implementing the goals and objectives of the South Pack Square Plan.

After discussion, Councilman Ellison moved to accept the staff recommendations as presented. This motion was seconded by Vice-Mayor Moore and carried unanimously.

C. Final Plat approval - Beaver Lake Heights Subdivision.

Don Sherrill, from the Planning Department, said

at the June 4, 1991 meeting, the Asheville City Council approved the

preliminary plat for Beaver Lake Heights Subdivision subject to the following contingencies:

- 1) The proposed street be constructed to City standards and be dedicated to the City once completed.
- 2) The developer be responsible for installing a 2 inch water line but in no case shall the line be extended more than 1000 ft. in order to tie into the existing City water system and the water lines shall meet all state and local regulations;
- 3) That each house be installed with sprinklers;
- 4) That approval is contingent upon the Water Authority approving and moving ahead with the installation of the 6" water line along Merrimon Avenue to increase the pressure and quantity of the water in the area; and
- 5) The project shall comply with the City's Erosion Control Ordinance.

The roadway has been constructed to City standards. The Public Works Department has made an inspection of the street and the roadway meets the requirements for acceptance by the City of Asheville. However, the Public Works Department will require that the driveway entrances be sloped toward the roadway and that rip rap be placed at the storm drain.

The improvements to the water line along Merrimon Avenue have been completed and have resulted in an increase in water flow and pressure to the area.

The 2 inch water line has been installed according to the appropriate specifications and certified by the utility contractor and an engineer. As built drawings have been submitted to the City Engineering Department.

A Wastewater Collection Permit was issued by the N. C. Environmental Management Commission with the Department of Environment, Health and Natural Resources. The sewer lines have been installed to the appropriate specifications for connection to the MSD system.

The site is currently in compliance with the City's Erosion Control Ordinance.

After discussion, Councilman Ellison moved to approve the final plat for the Beaver Lake Heights Subdivision subject to the following contingencies: (1) That each house be installed with sprinklers and (2) that the entire project comply with all city and state codes. This motion was seconded by Councilman Estes and carried unanimously.

IV. NEW BUSINESS:

A. Goal Statements for Downtown Parking.

Mayor Michalove said Councilman Frank, Councilman Bratton, City Staff, and the Downtown Commission has recommended the following goal statements for Downtown Parking: "To progressively market and systematically manage parking in the central downtown core in order to accomplish economic growth, firm yet sensitive enforcement and a self-supporting position in the Parking Enterprise Fund (balancing revenue with operations, small capital and general maintenance costs). Implementation will be by the Downtown Development office."

He said the 1991-92 Objectives (as submitted and approved with budget) area as follows:

1. Enroll more merchants in the validation program - an increase of 25 enrollees over previous year.
2. Continue to keep parking decks clean. Find good way to deal with pigeon problem.
3. Produce revenues so as to cover operational costs and hopefully cover some of bond costs - 25% increase in revenues over previous year (an increase of \$132,966).
4. Focus on working closer with the Civic Center - pre-paid parking for events and parking information in advertising of Civic Center.
5. Continue to implement parking marketing plan resulting in 25% increase in revenues.
6. Enforce parking appropriately, focusing on targeting habitual violators and concentrating on key areas.
7. Examine parking system fees and other issues with report to Downtown Commission by December 30, 1991.

Councilman Frank said Council should initiate these goals and objectives in order to supplement the debt service for the Parking Garages.

Councilman Ellison suggested that the language "yet sensitive" be deleted from the goal statement in order to be specific and make sure there is no favoritism shown.

Mayor Michalove said he felt an example of "sensitive" would be that during the day parking is enforced along Haywood and O'Henry and at night, especially during an event at the Civic Center, parking restrictions are not enforced so stringently.

After discussion, Vice-Mayor Moore moved to approve the Goal Statements for Downtown Parking and the 1991-92 Objectives with the deletion of the words "yet sensitive" from the goal statement. This motion was seconded by Councilman Frank and carried unanimously.

B. Report relative to parking fees.

Don Martell, Chairman of the Downtown Commission, presented the following recommended fee structure for parking facilities for the purpose of increasing utilization of the facilities:

Current Proposed

Civic Center Deck
- 550 Spaces
Top Level group rate
(10 or more) \$20/month
Group Rate (10 or more) \$24/month
Monthly rate-individual \$30/mth \$28/month
Transient \$.50/hour
\$2.50/day

Rankin Ave. Deck - 262 spaces

Monthly Rate -individual \$30/month
Transient \$.50/hour
\$2.50/day

Wall Street Deck - 232 spaces
Monthly rate -individual \$30/month
Transient \$2.50/day

Surface Lots Value priced
(range: \$10-20)

Mr. Martell indicated that the occupancy rate for the Civic Center Deck is 36% and the other decks have an occupancy rate of 50 - 60%.

A discussion was held relative to two or three businesses getting together to form a group in order to get the group rate of 10 or more.

Leslie Anderson, Downtown Development Director, said the policies have not been defined but she felt the Commission would be creative with the neighborhood residents.

Council suggested that the area businesses be notified that they could form a group of 10 or more to get a group rate.

Vice-Mayor Moore moved to accept the parking fee structure as recommended by the Downtown Commission and to amend the Fees and Charges Manual to reflect the changes in parking fees at the Civic Center Parking Garage from \$30/monthly to \$20 monthly for top level group rates of 10 or more; \$24 monthly for group rates of 10 or more; and \$28 monthly for individuals. This motion was seconded by Councilman Price and carried unanimously.

Councilman Price left the meeting at 5:20 unexcused.

D. Bids - Parking Meter Mechanisms.

The City Manager presented the bids with a recommendation for award of 307 new parking meter mechanisms for Downtown Development Department, Parking Division to low bidder, POM Incorporated, Russellville, Arizona, in the amount of \$24,870.00 at a unit price of \$81.01. He said funds are budgeted in the Parking Division's account and a 400% increase in revenue is expected.

Vice-Mayor Moore moved to accept the recommendation for award to the low bidder, POM Incorporated in the amount of \$24,870.00 for 307 new parking meter mechanisms. This motion was seconded by Councilman Frank and carried unanimously.

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

E. Ordinance No. 1950 - Budget Amendment to allocate funds to construct restroom facilities at the Shiloh Ballfield.

The City Manager said the Shiloh Ballfield does not have a restroom facility located adjacent to the field. When the field was originally constructed it was the intent to have users of the ballfield be able to use the facilities in the recreation center. However, due to games scheduled at times other than when the center is open, the need for the restroom is apparent. He said this budget amendment in the amount of \$30,000 will appropriate funds to construct the restroom facilities.

Mayor Michalove said members of Council were previously furnished copies of the

ordinance and it would not be read in its entirety.

Vice-Mayor Moore moved for the adoption of Ordinance No. 1950. This motion was seconded by Councilman Ellison.

On a roll call vote of 7-0, Ordinance No. 1950 passed on first and final reading.

Ordinance Book No. 13 - Page 6

F. Ordinance No. 1951 - Budget Amendment to allocate additional funds for Chillers at the Civic Center.

The City Manager said a major, budgeted repair project has commenced on the Civic Center's main air-conditioning equipment. Upon disassembly, unanticipated damage was noted in the internal components of the unit. One part requires replacement and another part requires more extensive repair than envisioned in the scope of work section of the repair contract with Compressor Services, Inc., the low bidder. Completion of the original contract, and operation of the air-conditioning system, cannot proceed until the additional work, funded by this budget amendment in the amount of \$17,866, is performed.

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

Vice-Mayor Moore moved for the adoption of Ordinance No. 1951. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1951 passed on first and final reading.

Ordinance Book No. 13 - Page 7

G. Sale of Disposal Parcel 106 - East End/Valley Street Community Improvement Program.

The City Manager said the Housing Authority has tentatively accepted a bid, in the amount of \$1,000 for the sale of Disposal Parcel 106 in the East End/Valley Street Community Improvement Program. The Redeveloper, Mae Belle Anderson Cureton, is the owner of the adjoining residential property and plans to use the parcel to enlarge her present lot. Parcel 106 is not independently buildable due to its irregular shape.

H. Resolution No. 91-177 -Resolution approving Leicester Highway plans and authorizing the Mayor and City Clerk to execute a Municipal Agreement with the North Carolina Department of Transportation.

The City Manager said the North Carolina Department of Transportation has developed and adopted plans for improving Leicester Highway from the Asheville City Limits to Newfound Road. He said the Agreement between the City and the North Carolina Department of Transportation spells out the responsibility of both the City and the Department of Transportation for accomplishing the project. The Department of Transportation will be responsible for plan preparation, right of way acquisition, utility relocation and construction of the project. The City of Asheville will be responsible for relocation and adjustment of municipally owned and franchised utilities.

Chris JoHansen requested that the City officials encourage the North Carolina Department of Transportation to provide bicycle lanes in any of their new improvement projects.

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

Upon motion of Councilman Ellison, seconded by Councilman Frank, Resolution No. 91-177 was unanimously adopted.

Resolution Book No. 19 - Page 19-20

V. CONSENT:

VI. OTHER BUSINESS:

A. Report of Group Development Actions by 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 October 2, 1991.

(1) Public Service Building

Don Sherrill said the Asheville Planning and Zoning Commission on October 2, 1991, reviewed and approved the site plan of Public Service Building to be located at 91-93 Patton Avenue. He said the project was approved with no contingencies and no opposition was received.

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action.

(2) Lowe's Companies, Inc. - South Tunnel Road

Don Sherrill said the Asheville Planning and Zoning Commission on October 2, 1991, reviewed and approved the site plan of Lowe's Companies, Inc. on South Tunnel Road subject to the following contingency:

1. Approval of a driveway permit by NCDOT for the proposed driveway entrances.

Mr. Sherrill said several individuals have expressed opposition to this project.

Mayor Michalove indicated that at their work session on October 8, 1991 Council consented to scheduling a public hearing on this group development plan for October 29, 1991.

B. Forest Lake Subdivision

At the request of Don Sherrill, from the Planning Department, Vice-Mayor Moore moved to schedule the Forest Lake Subdivision for the October 29, 1991 City Council agenda. This motion was seconded by Councilman Bratton and carried unanimously.

C. Presentation relative to North Asheville Park

Mayor Michalove announced that the Chairman of the Parks and Recreation Advisory Board will be establishing a committee to give Council recommendations relative to the proposed North Asheville Park. He said the Committee will consist of the Parks and Recreation Advisory Board and representatives of the neighborhood both for and against the proposed park.

He said the Committee will have their initial meeting on October 28, 1991 at

7:30 p.m. at the Ira B. Jones School to discuss various ideas and resolutions. He said the committee will be giving members of Council their recommendations in mid to late January, 1992.

Mayor Michalove said in the meantime Council members will be receiving a report from the Parks and Recreation Staff on parks in general and priorities pertaining to the parks.

D. Construction on/near landfills

Vice-Mayor Moore requested that the City adopt formal or written guidelines/policies for construction on or near landfills.

E. Public Market Idea - Grove Arcade

The City Manager said the public market idea for the Grove Arcade has been discussed extensively by the news media lately and he wanted to note that the burden of what establishments will go in the downtown building will be on the City of Asheville. He said the City has plenty of time to deal with this matter; however, he anticipates that the City will establish a procedure whereby any developer could present a proposed project to the City - the City would evaluate the project and decide what activities would go into the Grove Arcade based on economic and downtown development.

F. Meeting - Patton Avenue Street Project

Mayor Michalove reminded members of Council that a meeting would be held at the Asheville Civic Center Banquet Room on Thursday, October 17, 1991 at 7:30 p.m. to receive public input into the proposed Patton Avenue Street Project.

G. Minority Business Commission - Appointment - Ann Davis

Mayor Michalove noted that members are appointed to the Minority Business Commission based on their affiliation to certain organizations. He said Ken Jackson was appointed a member of the Minority Business Commission as an affiliate to the Council of Independent Business Owners (CIBO). He said Ken Jackson can no longer serve on the Commission and CIBO has requested the appointment of Ann M. Davis of 31 Graystone Road.

Councilman Ellison moved to appoint Ann M. Davis a member of the Minority Business Commission to serve the unexpired term of Ken Jackson as an affiliate of the Council of Independent Business Owners. This motion was seconded by Councilman Bratton and carried unanimously.

H. Pack Plaza Project

The City Attorney said Council will consider a resolution at their work session on October 22, 1991 to authorize the Mayor and the City Attorney to execute a subordination agreement for the Pack Plaza Project to enable the Bank of Scotland to maintain a first lien priority position for its prior funding of the Pack Plaza Project in the principal sum of \$7,779,200 and an additional principal amount of up to \$3,300,000.

Councilman Ellison said the City Attorney informed him that it would not be a conflict of interest for him to discuss or vote on an issue dealing with the Pack Plaza Project just because he is in the process of negotiating a rental lease in the Pack Plaza Project.

I. Petition - Sidewalks on Fairview Road

Vice-Mayor Moore presented a petition he received from residents requesting that the sidewalk on Fairview Road be extended from Oakley Elementary School to River Ridge Market Place, and from Merchant Street to Biltmore, to provide safety for pedestrians. He said the petition contained some 607 signatures.

The City Manager said he would have the petition investigated.

J. Claims - Swannanoa Cleaners (Sanitation) - Carolyn Shank (Downtown Development) - Rick Rohrbough (Water) - Connie Cohn (Water) - Bart Paschel (Water) - Linda Hardy (Water) - Derek Morris (Water) - David Myers (Streets) - Louis Dilalo (Inspections) - Perry Hines (Water)

The City Manager said claims were received from Swannanoa Cleaners, Carolyn Shank, Rick Rohrbough, Connie Cohn, Bart Paschel, Linda Hardy, Derek Morris, David Myers, Louis Dilalo, and Perry Hines.

Mayor Michalove said these claims have been referred to the appropriate insurers for investigation.

VII. ADJOURNMENT.

Mayor Michalove adjourned the meeting at 5:45 p.m.

MAYOR CITY CLERK
