

Tuesday-November 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, Eugene W. Ellison and William W. Estes; City Attorney William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott

Absent: None

#### INVOCATION

The invocation was given by Mayor Michalove.

#### APPROVAL OF MINUTES

Mayor Michalove announced the approval of the October 29, 1991, City Council meeting minutes as submitted.

#### RECOGNITION OF NEW CITY COUNCIL MEMBERS

Mayor Michalove was pleased to recognize Mrs. Barbara Field, Mr. Charles Worley and Mr. Chris Peterson, who were recently elected to the Asheville City Council, to take office on December 3, 1991.

#### NEW BUSINESS:

##### A. LEDFORD SUBDIVISION

Mr. Don Sherrill, Urban Planner in the Planning Department, said that this subdivision of property involves the division of two existing parcels into four lots. The property is slightly over seven acres in area and is located at the intersection of Patton Avenue and Leicester Highway. The property is owned by Robert and David Ledford. Existing businesses are located on three of the proposed lots and the site is zoned Commercial Highway and R-3 Medium Density Residential. Three of the lots are approximately one acre each and the fourth lot is slightly over four acres. Most of the fourth lot is zoned R-3 Medium Density Residential with a small portion of the lot falling within the Commercial Highway Zoning District. The fourth lot is currently vacant with no development proposed at this time.

Mr. Sherrill stated that no new streets are required for this subdivision and water and sewer services are available to the property. He said that the Planning and -2-

Zoning Commission approved the subdivision of the Ledford property subject to the existing water and sewer lines be included on the final plat along with any required easements.

Councilman Ellison moved to approval the final plat of Ledford Subdivision subject to the existing water and sewer lines be included on the final plat along with any required easements. This motion was seconded by Vice-Mayor Moore and carried unanimously.

##### B. REPORT RELATIVE TO "T" INTERSECTION AT WHITE PINE DRIVE AND BRACKETTOWN ROAD

City Manager Bean briefly summarized the history of the requirement of a "T" intersection at White Pine Drive and Brackettown Road. He said that the

neighborhood of Kenilworth Forest wants a "T" intersection and no widening of White Pine Drive. He stated that on August 6, 1991, the staff was requested to develop a plan for a "T" intersection at Brackettown Road and White Pine Drive without the widening of White Pine Drive and that the plan be submitted to the Kenilworth Residents Association for review prior to it being submitted to Council.

City Manager Bean stated that a field survey has been conducted and staff has now designed a rough sketch of the intersection to address safety concerns without the additional of another lane. He said that the staff has met with the Kenilworth Residents Association and the owner of the Asheville Mall to present the proposed plan to them for their review. But, due to the number of concerns expressed by the neighborhood of the staff's plan, it was suggested that the neighborhood have an engineer review it.

City Manager Bean said that an estimate of the proposed work to be done on White Pine Drive would be approximately \$16,000 to \$26,000 depending upon street grade improvements that would need to be done on White Pine Drive.

Upon inquiry of Councilman Ellison, City Manager Bean stated that the developer would pay for the improvements to Brackettown Road and the City would pay for the improvements to White Pine Drive.

Mr. Rendall Davis, 285 White Pine Drive, submitted an alternative plan to the City Council and stated that the residents of Kenilworth Forest were very concerned about the intersection from a safety standpoint. He felt that the City staff did not give the residents an opportunity to -3-

comment on the plan, they just presented it and suggested that the residents hire an engineer to design their own plan. Mr. Davis went into detail of the alternate plan requested by the residents. He stated that the residents' design would virtually cost the City nothing and White Pine Drive would not have to be cut into. He feels that the developer should upgrade Brackettown Road whereby White Pine Drive would not have to be cut into.

Mr. Rick Coleman, representative of the Asheville Mall, stated that he did not have an opportunity to review the plan submitted by City staff and would like to reserve commenting on it until he has had time to study it. He felt that the engineering process that the City used to develop this plan needed to be reviewed and that this plan should not be rushed into. He stated that the Asheville Mall still offers to bear the total expense of all improvements to White Pine Drive and Brackettown Road if the original site plan presented in August was approved.

City Manager Bean stated that Mr. Coleman did, in fact, attend a meeting which consisted of the residents and the City which the City's plan was the subject of the meeting.

Councilman Ellison suggested a compromise that if the cost to improve White Pine Drive would not exceed \$26,000, would the Asheville Mall pick up the whole tab of all the improvements to the intersection of White Pine Drive and Brackettown Road. Mr. Coleman preferred not commenting until an engineering study was done.

Councilman Ellison moved to adopt the plan that was put before the City Council in August for 4 lanes to be paid by the developer and no expense to the City. This motion died for a lack of a second.

Vice-Mayor Moore moved to accept the City's plan provided it meets the safety requirements and engineering design requirements and that the City pay for the

improvements to White Pine Drive and the developer pay for the improvements to Brackett Road. This motion was seconded by Councilman Ellison.

Councilman Estes pointed out the unfairness that the Council had before it only one out of three plans which had detailed engineering design on it.

Councilman Price moved to amend the earlier motion of Vice-Mayor Moore to state that in the event there is a cut to be made to White Pine Drive that the final plans and -4-

specifications come back to the Council for further review. This motion was seconded by Councilman Frank and carried on a 6-1 vote, with Vice-Mayor Moore voting "no".

Councilman Ellison moved to postpone any action on this for 90 days and ask staff to develop a detailed set of plans and specifications on the City's plan. This motion was seconded by Councilman Estes and carried on a 6-1 vote, with Vice-Mayor Moore voting "no".

It was suggested that Mr. Davis also have the residents' plan developed on a more detailed basis.

C. RESOLUTION NO. 91-185 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND CORNERSTONE OF RECOVERY, INCORPORATED, FOR PREPAYMENT OF EMPLOYEE/DEPENDENT EXPENSES RELATING TO THE TREATMENT AND REHABILITATION OF DRUG AND ALCOHOL RELATED PROBLEMS

City Manager Bean stated that this is a new concept for the City which involves prepayment under the City's group medical plan of expenses relating to the treatment and rehabilitation of drug and alcohol related problems. He said this will provide significant cost savings to the City's self-insured program of group medical benefits all at no additional cost to the City or its employees.

Mr. John Miall, Director of Risk Management, stated that in the last year there were seven admissions relating to alcohol or chemical dependency at a cost to the City of \$81,000 and a cost to the employees of \$16,000. He stated that this agreement has an annual cost of approximately \$27,000 for its first full year of operation and the savings to the City would be immediate. He said that during the initial term of this agreement, no admission for dependency-related treatments will be authorized by General Administrators until the Employee Assistance Program has had an opportunity to review the problem, the recommended course of treatment and the specifics regarding admission. Cornerstone will be offered as an option to employees and dependents going into treatment and will cost them nothing out of pocket.

Upon inquiry of Vice-Mayor Moore, Mr. Miall stated that this program is less expensive than entering into one with Blue Ridge Mental Health.

Councilman Ellison questioned how it came to be that the City would contract with a company in Tennessee and asked if the City contacted any of the agencies in Asheville -5-

for these services. Mr. Miall stated that Cornerstone approached Asheville and he did check with five other agencies in Asheville and none were willing to contract the same services at the same low rate. Mr. Miall stated that this agreement is for only a 10-month period and at the end of that time, changes could be made. Councilman Ellison stated that he wouldn't like to see the City get into a long-term agreement with a Tennessee firm because he felt we should be giving the work to local people.

Mr. Bill Hood, Executive Director of Cornerstone, gave some detailed information about the agency to Councilmembers. He stated that there was no waiting period and that transportation would be provided if needed. He said there was a one year mandatory after-care program to be set up through Marv Rosen, Employee Assistance Provider.

Councilman Ellison stated concerns about the ability of the person to choose Cornerstone. He asked if there could be some way to make Cornerstone the sole source of treatment.

Councilman Ellison stated that he liked the concept of this program but would like to have more time to study it. He felt that the City might be able to obtain these services from somewhere in western North Carolina.

Councilman Ellison moved to postpone this item until the Council has had an opportunity to study it and to use the information presented today for informational purposes only. This motion died for a lack of a second.

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

Upon motion of Councilman Bratton, seconded by Vice-Mayor Moore, Resolution No. 91-185 was unanimously adopted.

RESOLUTION BOOK NO. 19 AT PAGE 29

D. RESOLUTION NO. 91-186 - RESOLUTION OF INTENT TO AUTHORIZE THE EXCHANGE OF PROPERTY WITH MURPHY-WILSON INVESTMENTS

City Attorney William Slawter said that the City of Asheville and the Airport Authority have been trying to obtain a parcel of land adjacent to the Asheville Regional Airport which is instrumental to the development and enhancement of the Airport. He said that Murphy-Wilson Investments (owner of that parcel of land) has made a -6-

proposal to the City to provide for the fee simple conveyance of that parcel of land as partial consideration for the lease to Murphy-Wilson Investments by the City of three parcels which the City own. He stated that the three parcels to be leased would not be needed by the City for the term of their proposed lease which is a term of 40 years. Mr. Slawter outlined the rental terms of the lease. He did state, however, that the lease of a portion of the property by the City to Murphy-Wilson Investments is subject to the prior approval of the Federal Aviation Administration.

City Attorney Slawter stated that this resolution states the City Council's intent to adopt a resolution at its regular meeting on December 17, 1991, authorizing the exchange of property with Murphy-Wilson Investments upon the terms and conditions set forth in the lease.

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

Upon motion of Councilman Estes, seconded by Councilman Frank, Resolution No. 91-186 was unanimously adopted.

RESOLUTION BOOK NO. 19 AT PAGE 30

E. CERTIFICATE OF CANVASS OF THE BUNCOMBE COUNTY BOARD OF ELECTIONS FOR THE SPECIAL ELECTION OF THE CITY OF ASHEVILLE ON THE 5TH DAY OF NOVEMBER, 1991

City Manager Doug Bean stated that the Board of Elections has provided to the City of Asheville a Certificate of the Buncombe County Board of Elections for the Special Election of the City of Asheville on the 5th day of November, 1991, concerning approval of the bond order authorizing \$26,000,000 for water system improvements. . He said this Certification is presented to the Council for their use in considering a resolution which will certify and declare the results of the Special Election. The Certificate is attached to and made a part of these minutes as Appendix "A".

F. RESOLUTION NO. 91-187 - RESOLUTION CERTIFYING AND DECLARING THE RESULTS OF THE SPECIAL ELECTION OF THE BOND ORDER ENTITLED "\$26,000,000 WATER BONDS" HELD IN THE CITY OF ASHEVILLE, NORTH CAROLINA, ON NOVEMBER 5, 1991

City Manager Bean said that the special election on the Water Bond Order was approved by Council Resolution of -7-

September 17, 1991. He said this resolution certifies and declares the results of that special election and completes the necessary preliminary steps to initiate bond issuance.

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

Upon motion of Councilman Price, seconded by Vice-Mayor Moore, Resolution No. 91-187 was unanimously adopted.

RESOLUTION BOOK NO. 19 AT PAGE 37

G. RESOLUTION NO. 91-188 - RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT PURCHASE CONTRACT, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND RELATED MATTERS.

City Manager Doug Bean said that the refinancing of the 1987 Parking Garage Certificates of Participation at a lower interest rate will provide about \$1,000,000 in savings. He said that this resolution will also set a public hearing for December 17, 1991, and directs the City Clerk to publish the notice.

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

Upon motion of Vice-Mayor Moore, seconded by Councilman Frank, Resolution No. 91-188 was unanimously adopted.

RESOLUTION BOOK NO. 19 AT PAGE 40

H. BIDS FOR FIRE PUMPER FOR THE FIRE DEPARTMENT

City Manager Bean stated that nine bids were received and recommended awarding the bid to the fourth lowest bidder (which met the specifications) KME Fire Apparatus, Nesquehoning, Pennsylvania, in the amount of \$157,099. A copy of the summary of the bids is attached to and made a part of these minutes as Appendix "B".

Vice-Mayor Moore moved to accept the bid of KME Fire Apparatus, Nesquehoning, Pennsylvania, in the amount of \$157,099. This motion was seconded by Councilman Frank and carried unanimously.

I. ORDINANCE NO. 1953 - BUDGET ORDINANCE AMENDMENT FOR CITY HALL RENOVATION

City Manager Doug Bean said that this budget amendment is to complete the energy conservation programs and renovations project for the City Hall. He said that improvements will be made to the second floor and the appropriations include costs for construction, workstations and A & E fees.

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

Vice-Mayor Moore moved for the adoption of Ordinance No. 1953. This motion was seconded by Councilman Bratton.

On a roll call vote of 7-0, Ordinance No. 1953 passed on its first and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 10

J. RESOLUTION NO. 91-189 - RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF ASHEVILLE TO ENTER INTO AN AGREEMENT WITH THE BUNCOMBE COUNTY BOARD OF EDUCATION FOR THE JOINT DEVELOPMENT OF A SCHOOL/PARK COMPLEX ON PROPERTY OWNED BY THE BUNCOMBE COUNTY BOARD OF EDUCATION

City Manager Doug Bean said that there is a need for additional park and recreation facilities in the south Buncombe area, including the need for certain sports facilities and the Buncombe County Board of Education has a program of developing excellent sports and educational facilities at the Valley Springs School. This resolution would authorize the City to enter into an agreement to develop a school/park complex at Valley Springs School.

Councilman Price expressed concern about the traffic patterns in that area.

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

Upon motion of Councilman Estes, seconded by Councilman Price, Resolution No. 91-189 was unanimously adopted.

RESOLUTION BOOK NO. 19 AT PAGE 44

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CONSENT:

A. RESOLUTION NO. 91-190 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH UNISYS CORPORATION TO PROVIDE SOFTWARE PRODUCTS AND SERVICES

SUMMARY: Information Services Division uses the Linc software products to provide automated solutions for the City of Asheville. They currently have it licensed on one of the City's mainframe computers and need to have it licensed on a second mainframe. This resolution will provide the necessary hardware and software resources for the Information Services Division to develop automated solutions in a timely fashion.

RESOLUTION BOOK NO. 19 AT PAGE 45

B. RESOLUTION NO. 91-191 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH THE DWELLING LOCATED AT 10 SUNSET SUMMIT

SUMMARY: Proceedings have been instituted in accordance with the provisions of the City of Asheville Housing Code, Section 8-29 (B) (2), as authorized by N. C. Gen. Stat. sec. 160A-443 (2). A hearing was held on September 24, 1990, and the dwelling at 10 Sunset Summit was found unfit for human habitation, and a Findings of Fact and Order was issued finding the dwelling, in its present condition, an imminent threat to life and property. The dwelling is more particularly described as: Being all of the Tax Lot 111, Ward 9, Sheet 5, as shown on the Buncombe County, City of Asheville tax maps located in the Buncombe County Courthouse in Asheville, North Carolina. Additionally, being further described as that same piece of real property conveyed to Florence Brummer from Alfred E. Butler by deed dated April 3, 1990. The owner was given 30 days from the receipt of the Order within which to demolish the dwelling. The owner has not complied with said Order in any respect and the time for doing so has expired.

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This resolution sets the public hearing for December 17, 1991, at 4:00 p.m. in the Council Chamber of the City of Asheville, North Carolina.

RESOLUTION BOOK NO. 19 AT PAGE 46

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

Mrs. Barbara Field stated that an architect has contacted her regarding the possibility of purchasing 10 Sunset Summit. Mayor Michalove suggested Mrs. Field tell the architect to contact Mr. Bob Hixson, Director of Building Inspections, to let him know of the architect's proposal. Mayor Michalove said if it was a viable plan, the public hearing that is scheduled for December 17, 1991, can always be postponed on that date.

OTHER BUSINESS:

A. BUNCOMBE COUNTY DETENTION FACILITY/JAIL COMPLEX

Mr. Don Sherrill, Urban Planner in the Planning Department, said the Asheville Planning and Zoning Commission on November 6, 1991, approved the site plan

for the Buncombe County Detention Facility/Jail Complex located directly behind the Buncombe County Courthouse subject to the following contingencies:

1. Variances be granted on the front setback from 35 feet to 1 foot and the rear setback from 8 feet to 3 feet.
2. Variance be granted for the required 10 foot wide landscaping strip for street trees.
3. Variance be granted for the reduction of required parking spaces from the 121 spaces to 6 spaces.
4. A variance be granted from the requirement in the parking and loading standards that states "No access or egress driveway, except for single and two family houses, shall be so arranged that vehicles can enter and leave only by backing on or across any sidewalk or to or from any street."
5. This area be rezoned from CS to CBD and that the rezoning process be carried out concurrently with -11-

the group development process going on to City Council in the anticipation that

by the time the rezoning process has been approved that this would coincide with the letting of bids in March, 1992.

Councilman Frank moved to schedule a public hearing relative to the group development plan for the Buncombe County Detention Facility/Jail Complex for December 17, 1991. This motion was seconded by Vice-Mayor Moore and carried unanimously.

#### B. MOTION REGARDING AIRPORT AUTHORITY

Councilman Ellison moved that the City Manager be authorized to execute an agreement and related documents providing for the sublease of property from the Asheville Regional Airport Authority to the French Broad Golf Center. This motion was seconded by Councilman Price and carried unanimously.

#### C. RESOLUTION NO. 91-192 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE SUPPLEMENTAL WATER AGREEMENT AND APPROVING AN AMENDMENT TO THE BY-LAWS OF THE ASHEVILLE-BUNCOMBE WATER AUTHORITY

Councilman Price said that the Asheville-Buncombe Water Authority has recommending to the City Council and will recommend to the Buncombe County Board of Commissioners that the membership of the Water Authority be expanded as outlined below. The reason for this request is that the Water Authority has a considerable amount of work in the next few years and due to the unique expertise of both appointees, the Water Authority has decided to use this approach.

The amendment to the Supplemental Water Agreement would:

(a) Allow the three members of the Asheville-Buncombe Water Authority appointed by the Buncombe County Board of Commissioners and the three members of the Asheville-Buncombe Water Authority appointed by the Asheville City Council to appoint two other members to the Asheville-Buncombe Water Authority, rather than one member, both of whom shall serve a three year term ending December 31, 1994 (after which membership on the Asheville-Buncombe Water Authority shall revert to seven (7) members); and

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(b) Provide for the preeminence of the obligations of the City of Asheville arising pursuant to the general obligation bonds to be issued in accordance with the referendum submitted to and approved by the voters of the City of Asheville on November 5, 1991.

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

Upon motion of Vice-Mayor Moore, seconded by Councilman Bratton, Resolution No. 91-192 was unanimously adopted.

RESOLUTION BOOK NO. 19 AT PAGE 48

#### D. RESOLUTION NO. 91-184 - RESOLUTION HONORING THE UNC-A WOMEN'S VOLLEYBALL TEAM FOR WINNING THE 1991 BIG SOUTH VOLLEYBALL CHAMPIONSHIP

City Manager Doug Bean said that the Asheville City Council wishes to recognize the UNC-A Women's Volleyball Team for winning the 1991 Big South Volleyball Championship.

Mayor Michalove said that members of Council were previously furnished copies

of this resolution and it would not be read in its entirety.

Upon motion of Vice-Mayor Moore, seconded by Councilman Bratton, Resolution No. 91-184 was unanimously adopted.

RESOLUTION BOOK NO. 19 AT PAGE 28

E. COMMENTS BY COUNCILMAN ELLISON

Councilman Ellison expressed his regret of losing many years of experience as the new City Council will be taking office on December 3, 1991. He said the outgoing Council members have made substantial accomplishments and stated that he will miss all members leaving the Council.

F. COMMENTS BY COUNCILMAN ESTES

Councilman Estes stated how much he enjoyed the past two years as being a member of the City Council and offered his support and help to the new Council members taking office in December. He felt that the City Council are good people giving their time and knowledge so that others can have a better lifestyle. He thanked the Council members and the public for letting him serve.

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G. NO CITY COUNCIL MEETING ON NOVEMBER 26, 1991

Mayor Michalove stated that the Asheville City Council would not be holding a meeting on November 26, 1991, due to the Thanksgiving holiday.

H. CLAIMS

City Manager Doug Bean stated that the following claims were received by the City of Asheville for the week of October 21 - 25, 1991: Beverly Gaines (Water), Sharon Rakityan (Police), Jerry Grant (Bele Chere), Shannon Davis (Fire), Billie Rustin (Water) and Roy V. Thomas (Parks).

Mr. Bean also stated that the following claims were received for the week of October 28 - November 1, 1991: Larry Hall (Water), Cody Tipton (Water) and Michael Calloway (Sanitation).

Mr. Bean finally stated that the following claims were received for the week of November 4 - 8, 1991: Mrs. Charles Buckner (Streets), Mrs. Wayne Stone (Water), James Murphy (Parks), Deborah Maney (Water) and Donald DeAndrea (Streets).

He said that all of the above claims have been referred to the appropriate insurers for investigation.

I. PRESENTATION OF THE CERTIFICATE OF ELECTION FOR THE NOVEMBER 5, 1991, MUNICIPAL ELECTION

City Clerk William F. Wolcott, Jr., presented the City Council with the Certificate of Election from the Buncombe County Board of Elections for the municipal election conducted on November 5, 1991. A copy of the Certificate is attached to and made a part of these minutes as Appendix "C".

Mayor Michalove adjourned the meeting at 6:45 p.m.

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City Clerk Mayor

