

Tuesday - May 19, 1992 - 4:00 p.m.

Asheville Civic Center - Banquet Room

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor Eugene W. Ellison; Councilwoman Barbara Field; Councilmen William G. Moore, Chris J. Peterson, Joseph Carr Swicegood and Charles R. Worley; City Attorney William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

INVOCATION

Councilman Worley gave the invocation.

APPROVAL OF THE MINUTES

Mayor Michalove announced the approval of the May 5, 1992, City Council minutes.

I. PROCLAMATIONS:

A. RESOLUTION NO. 92-61 - RESOLUTION IN MEMORY OF ROBERT H. McDONALD, SR., CITY OF ASHEVILLE TRAFFIC ENGINEER

Mayor Michalove read the resolution and presented it to Bob's wife, Jean, and his children, Suzanne and Rob. He expressed the City of Asheville's deep appreciation of Bob's 22 years of service to this community and extended the City Council's sincere sympathy upon his passing.

Upon motion of Councilman Moore, seconded by Vice-Mayor Ellison, Resolution No. 92-61 was unanimously adopted.

RESOLUTION BOOK NO. 19 AT PAGE 177

B. PROCLAMATION PROCLAIMING JUNE 1, 1992, AS "NAVY LEAGUE DAY"

Mayor Michalove read the proclamation proclaiming June 1, 1992, as "Navy League Day" in the City of Asheville and presented it to Mr. Ken Vasilik.

C. PROCLAMATION PROCLAIMING MAY 19, 1992, AS "BIKE TO WORK DAY"

Mayor Michalove proclaimed May 19, 1992, as "Bike to Work Day" in the City of Asheville and presented it to Councilwoman Field.

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II. PUBLIC HEARINGS: None

III. OLD BUSINESS:

A. ORDINANCE NO. 1970 - SECOND READING OF AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE TO AN AREA KNOWN AS THE BEAVERDAM RUN AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

Mayor Michalove said that the first reading of this ordinance passed on May 5, 1992.

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

On a roll call vote of 5-2, with Councilmen Peterson and Swicegood voting "no", Ordinance No. 1970 passed on its second reading.

B. ORDINANCE NO. 1969 - THIRD READING OF AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, BY ANNEXING A NON-CONTIGUOUS AREA LOCATED ON U.S. HIGHWAY 25 - 2310 HENDERSONVILLE ROAD (KNOWN AS THE ASHEVILLE OIL COMPANY, INC., PROPERTY)

Mayor Michalove said that the first and second readings of this ordinance were passed on May 5, 1992.

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

On a roll call vote of 7-0, Ordinance No. 1969 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 47

#### IV. NEW BUSINESS:

##### A. PRESENTATION OF THE 1992-93 ANNUAL OPERATING BUDGET

City Manager Bean presented the City Council with the 1992-93 annual operating budget and stated that the public hearing would be held on June 2, 1992. He then summarized the following budget message:

Councilwoman Field moved to schedule a public hearing on the 1992-93 annual operating budget for June 2, 1992, at 4:00 p.m. in the Asheville Civic Center Banquet Room. This motion was seconded by Councilman Worley and carried unanimously.

B. RESOLUTION NO. 92-63 - RESOLUTION AUTHORIZING SUBMISSION OF A FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT FUNDS FOR 1992-93

Mr. Marvin Vierra, Community Development Director, said that the City anticipates receiving \$1,342,000 through the CDBG Entitlement Program for 1992-93. The total budget including \$38,550 of program income and prior year surplus will be \$1,364,500. The City has received requests for CDBG funds totalling \$2,071,030. The requests have been reviewed by the Housing and Community Development Committee. The Committee has recommended the funding contained in the Proposed Statement of Objectives that was published in the newspaper on May 1, 1992, for public comment. A public hearing was conducted at the Montford Community Center on May 4, 1992, and another public hearing was conducted by the City Council on May 5, 1992. Due to comments received, a new project to support Habitat for Humanity is being recommended with funding to come from an increase in projected program income. He said the following is the proposed budget in the Statement of Objectives:

Hill/Cherry (Head of Montford) area \$ 405,500

City Wide Housing Rehabilitation \$ 265,650

Neighborhood Housing Services \$ 125,000  
Mountain Housing Opportunities - HOPE 3 \$ 15,000  
Mountain Housing Opportunities - New  
Rental Housing \$ 100,000  
Hospitality House Transitional Shelter \$ 27,000  
Habitat for Humanity \$ 15,000  
YMICDC-South Pack Square Redevelopment \$ 114,500  
Hillcrest Enrichment Program \$ 30,000  
City Contracting Disparity Study \$ 45,000  
A-B Community Relations Council \$ 14,500  
CD Planning \$ 30,000  
Minority Business Program \$ 44,000  
CD Administration \$ 149,400  
Total \$1,368,550

Vice-Mayor Ellison stated that he had received a letter supporting the South Pack Square Redevelopment Project through the YMI Cultural Center. He stated that no one is interested in changing the makeup of the Market Street/Eagle Street area. He stressed that the City is interested only in preserving, as much as it can, the heritage in that area. He said they are trying to improve the area and make it a part of the entire City.

Mr. Vierra said that he received a letter from Pisgah Legal Services and their calculations of the amount going to benefit low and moderate income people is different than HUD's calculations. He said HUD calculates \$997,000 going to benefit low and moderate income people.

Ms. Dee Williams, representing the Asheville Minority Business Development Center, stated that her client, Mr. Elijah Jones (d/b/a Jolly Cab Company and Jones Convenience Store) owns over two acres of land in the South Pack Square redevelopment area. She said that she has submitted correspondence to the Council opposing the South Pack Square Redevelopment Plan. She objected to the redevelopment plan that the YMI has submitted because she feels the YMI wants to be both negotiator and buyer of the property. She stated the YMI's role is one of facilitating business development among the minority population of entrepreneurs in that area and feels that the YMI is overstepping its bounds. She feels that this plan does nothing to preserve the capital formation opportunities for minorities in the area. She was concerned that the redevelopment plan targeted most of Mr. Jones' property. She said Mr. Jones has asked for assistance of CDBG funds in the past and has been turned down because he was not income eligible. She asked what options Mr. Jones has if the amount offered to him is not enough. She stated the area will not tolerate eminent domain.

Vice-Mayor Ellison again stated that the City is only interested in improving that area and has no plans to exercise any eminent domain powers. He stressed that they make Mr. Jones an offer and he refuses, that he has that right to

refuse and no one will force him to do anything he does not want to do.

Ms. Williams requested assistance from City staff and others who know of resources available to furnish that information to Mr. Jones. She stated that Mr. Jones should have been given technical assistance via the YMI to access CDBG funding.

Councilman Peterson stated that the Housing and Community Development Committee had no intentions on taking anyone's property. He stated that they are only trying to make the area better and keep it in the hands of the black business owners.

Upon inquiry of Vice-Mayor Ellison, Ms. Williams stated that Mr. Jones had not made any applications for CDBG funds or any other loans this year.

Mr. Ralph Bishop spoke about being opposed to Pack Plaza from the very beginning of the project.

Mayor Michalove clarified that no group, i.e., the YMI or the Housing Authority, has the authority to adopt a redevelopment plan. He said it is the City Council's decision on whether or not to adopt it. Then the City Council designates those agencies to carry out its plan.

Mr. Elijah Jones stated that 95% of the targeted property is owned by him. He said he has spent many years in acquiring the block for the purpose of improving it. He feels that he should be given a chance to work with someone about development in the community.

Vice-Mayor Ellison stated that there has been a lack of direct communication between the South Pack Square Redevelopment Committee and Mr. Jones. He urged Mr. Jones to attend the next meeting which is May 20, 1992, at 8:00 a.m. at the YMI Cultural Center. He felt that if Mr. Jones could attend the meetings, he could be kept better informed and the lines of communication would stay open.

A gentlemen asked Mrs. Henry-Coleman what the YMI can do to help minorities prosper and get ahead in the area if they don't own businesses down there.

Mrs. Wanda Henry-Coleman, Executive Director of the YMI Cultural Center, stated that the YMI has been working in that area for the past 10 years and has tried to develop a plan for the area itself before someone else outside the area did it for them. She stated that Mr. Jones had been approached and asked if he was interested in the loan pool program at which time he declined. She vehemently disagreed that the YMI is fronting for anybody at Pack Place and stressed that the YMI is working for and with the community.

A gentlemen stated that he did not feel that anyone can become involved in the community unless they are part of the community.

Vice-Mayor Ellison moved to excuse Councilman Swicegood at 5:07 p.m. This motion was seconded by Councilman Peterson and carried unanimously. Mayor Michalove explained that Councilman Swicegood needed to be excused to get to another event that evening and did not leave due to a lack of interest. He stated that the remaining Council members would brief him on the remaining issues.

Mr. Martinez felt the poor community was being bulldozed. He told a story about a program he submitted to the YMI to have evaluated. The YMI rejected his program and did not even offer to help him write a program that might be approved.

Ms. Eleanor Lloyd asked the City Council for a commitment for the program for business start-up incubator. Mayor Michalove suggested that Mrs. Lloyd attend the public hearing on June 2 when the Council will be addressing items related to the general fund.

Upon inquiry of Ms. Helen Kennedy, Vice-Mayor Ellison explained the meaning of eminent domain.

Councilwoman Field stated that the City would like to make the area an historic district.

Mr. Clarence Benton spoke about the need of preservation in the area.

Mr. Matthew Bacoate, member of the YMI Board, stated that he was in favor of the area remaining ethnic minority controlled as much as possible.

Mr. Lewis Isaac, member of the YMI Board, stated that they want to develop the property with the people.

Mr. Larry Linney, member of the YMI Board, asked the City Council to vote in favor of the projects the Housing and Community Development Committee recommended funding with CDBG funds.

A gentlemen spoke in favor of the projects the Council is considering funding with CDBG funds.

Upon inquiry of Councilman Peterson, Mrs. Henry-Coleman said that all property owners are on a mailing list and they all receive copies of meeting notices.

Mayor Michalove said that the City Council is not adopting a redevelopment plan at this meeting. He said the plan Mrs. Williams has been referring to is only a preliminary draft and that other groups will have to review the plan prior to City Council's consideration of it.

The President of the Hillcrest Residents Association asked the City Council not to put up more public housing until the public housing that Asheville has is cleaned up.

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

Councilman Moore moved for the adoption of Resolution No. 92-62. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 178

C. RESOLUTION NO. 92-63 - RESOLUTION AUTHORIZING THE INSTALLMENT PURCHASE OF A FIRE TRUCK

City Manager Bean stated that on April 14, 1992, City Council approved the purchase of one 1992 Grumman Emergency Products Model Panther I fire truck. The acquisition of this fire truck via installment purchase has been contemplated in the City's Capital Improvements Program. He said the estimated cost of the truck is \$445,000. He said the term is for 7 years with semi-annual payments of approximately \$41,054 to First Union National Bank.

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

Vice-Mayor Ellison moved for the adoption of Resolution No. 92-63. This motion

was seconded by Councilman Moore and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 183

V. CONSENT:

A. RESOLUTION NO. 92-64 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE UTILITY AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS OF US 25 FROM YORKSHIRE STREET NEAR I-40 TO SOUTH OF SR 3081 (ROCKHILL ROAD)

Summary: The North Carolina Department of Transportation will include in its construction contract provisions to relocate and adjust certain city-owned waterlines located along the project. The estimated cost of the project is \$429,000.

RESOLUTION BOOK NO. 19 AT PAGE 184

B. RESOLUTION NO. 92-65 - PRELIMINARY RESOLUTION CALLING FOR A PUBLIC HEARING ON JUNE 16, 1992, AT 4:00 P.M. IN THE CIVIC CENTER BANQUET ROOM TO LEVY SPECIAL ASSESSMENTS FOR THE WOODLAND ROAD PROJECT BEGINNING AT THE INTERSECTION OF SCHOOL ROAD IN WEST ASHEVILLE WITH WOODLAND ROAD AND ENDING AT THE DEAD END

Summary: A petition has been received from at least a majority of all property owners on Woodland Road for the City to improve Woodland Road. The petitioning property owners represent a majority of the property owners and represent at least a majority of all the lineal feet of the frontage of the street. The petitioning property owners want to accomplish these improvements by using the special assessment process. The total project cost will be \$13,896.13.

RESOLUTION BOOK NO. 19 AT PAGE 185

C. RESOLUTION NO. 92-66 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE AN AGREEMENT BY AND BETWEEN THE CITY OF ASHEVILLE AND THE SKYLAND VOLUNTEER FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICE TO THE NEWLY ANNEXED NON-CONTIGUOUS AREA LOCATED AT 2310 HENDERSONVILLE HIGHWAY (ASHEVILLE OIL COMPANY, INC., PROPERTY)

Summary: The City of Asheville Fire Department has determined that the most efficient fire protection service to the area proposed for annexation can be provided by the Skyland Volunteer Fire Department. There will be an annual payment to the Skyland Volunteer Fire Department of \$315.00.

RESOLUTION BOOK NO. 19 AT PAGE 187

D. RESOLUTION NO. 92-67 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO CONVEY REAL PROPERTY IN THE LEICESTER TOWNSHIP AREA TO MARK CARLSON

Summary: The City owns property in the Leicester Township consisting of a .93 acre tract previously used as the Mt. Carmel water pumping station. Mark Carlson has made an offer for the purchase of said property in the sum of \$6,074 and has deposited a bid deposit equal to 5% of the bid amount. Notice of intent of the Council to convey said property to Mark Carlson has been published and since there has been no upset bid, the Mayor is authorized to execute a deed of conveyance.

RESOLUTION BOOK NO. 19 AT PAGE 188

Councilman Moore moved for the adoption of the consent agenda. This motion was

seconded by Councilman Worley and carried unanimously.

VI. OTHER BUSINESS:

A. GROUP DEVELOPMENT

Mr. Gerald Green, Senior Planner, introduced Mr. Tony Nicholson, a new employee in the Planning Department, who will be handling future group developments.

Councilman Worley moved to excuse Councilwoman Field at 5:50 p.m. This motion was seconded by Vice-Mayor Ellison and carried unanimously.

Mr. Gerald Green, Senior Planner, 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 this 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 on May 6, 1992:

PACK PLACE (PHASES B & C)

Mr. Green said that in 1989 the Asheville Planning and Zoning Commission and the City Council reviewed the plans for Phase A of Pack Place. Phase A consisted of plans for the building and the utilities which would serve the facility. These plans were approved with contingencies, one of which was that plans for Phase B and C be submitted to the Planning Department and approved by the Planning and Zoning Commission prior to opening of the facility. Phases B and C consist of two interior courtyards, the entry court, and the service alley. As part of the construction of the entry court, street trees will be planted, a fire hydrant moved, and the brick replaced in the sidewalk.

During the review of the plans for the entry court by City staff, concerns were identified regarding the proposed design's deviation from the original design of the area. Staff has met with the architect and manager of Pack Place to discuss these concerns and an agreement has been reached whereby the entry court will be redesigned to incorporate the concerns of staff.

The possible queuing of buses as they wait to load and unload children is of concern to City staff. This is an issue which must be studied further, particularly after the opening of Pack Place, to determine the magnitude of the problem, if there is one, and to determine possible solutions.

After reviewing the plans and hearing the staff report, the Planning and Zoning Commission voted to approve Phases B and C of Pack Place with two conditions:

1. The design for the entry court be approved by the

Planning Director for conformance with the Streetscape Plan; and

2. The circulation patterns be monitored by both the City and Pack Place for possible problems and steps taken to address any problems that may occur. Staff will provide the Planning and Zoning Commission with a report in January, 1993 which addresses any potential circulation problems in that area.

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

B. RESOLUTION NO. 92-68 - PRELIMINARY RESOLUTION CALLING FOR A PUBLIC HEARING ON JUNE 16, 1992, AT 4:00 P.M. IN THE CIVIC CENTER BANQUET ROOM TO LEVY

SPECIAL ASSESSMENTS FOR THE GREENLEAF CIRCLE PROJECT BEGINNING AT THE PRESENT HYDRANT LOCATION ON GREENLEAF CIRCLE AND ENDING AT THE ENTRANCE TO BEAVER LAKE HEIGHTS

City Manager Bean said a petition has been received from at least a majority of all property owners on Greenleaf Circle to construct, reconstruct, extend and otherwise build a 6-inch diameter water line 950 feet in length beginning at the present hydrant location on Greenleaf Circle and ending at the entrance to Beaver Lake Heights. The petitioning property owners want to accomplish these improvements by using the special assessment process.

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

Vice-Mayor Ellison moved to schedule a public hearing on this matter for June 16, 1992, at 4:00 p.m. in the Asheville Civic Center Banquet Room. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 190

C. APPOINTMENT OF COUNCILMAN WORLEY TO RIVERLINK

Mayor Michalove appointed Councilman Charles Worley as a member of the RiverLink Committee to serve a term to expire December 7, 1993, or until his term as a City Council member expires.

D. HYDER WASTE PROPOSAL

Mr. Mike Griffin asked the City Council to consider Hyder Waste's proposal for sanitation services in the City of Asheville.

Mayor Michalove said that the City Council has asked the City Manager to obtain some information for them on this matter.

E. RALPH BISHOP

Mr. Ralph Bishop spoke against the business being operated by J.B. Plemmons at 704 Riverside Drive.

F. ANNOUNCEMENT OF NO COUNCIL MEETING NEXT WEEK

Mayor Michalove announced that the City Council would not be meeting next week, May 26, 1992, due to the Memorial Day holiday.

G. CLAIMS

City Manager Bean stated that the following claims were received by the City of Asheville during the week of May 4-8, 1992: Phillip McLaughlin (Streets); Vivian Tesner (Parking Services); Margaret Barnes (Police); Paul Rucker (Sanitation); Mike Evans (Water); and The Superette (Water).

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

VII. ADJOURNMENT

Mayor Michalove adjourned the meeting at 6:05 p.m.

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CITY CLERK MAYOR

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