

Tuesday - June 30, 1992 - 4:00 p.m.

Asheville Civic Center - Art Museum Area

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; 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: Vice-Mayor Eugene W. Ellison

INVOCATION

Councilman Peterson gave the invocation.

APPROVAL OF THE MINUTES

Mayor Michalove announced the approval of the June 16, 1992, City Council minutes as submitted.

I. PROCLAMATIONS:

A. RESOLUTION NO. 92-84 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE GARY FOSTER

Mayor Michalove read the resolution stating that Gary Foster has been an employee for 19 years and has requested retirement from his position as Police Captain in the Police Department. He expressed City Council's appreciation to Gary for meritorious service, loyalty and dedication to the City of Asheville and its citizens.

Councilman Moore moved for the adoption of Resolution No. 92-84. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 211

B. RESOLUTION NO. 92-85 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE LAWANDA NIX

Mayor Michalove read the resolution stating that LaWanda Nix has been an employee for 15 years and has requested retirement from her position as Deputy Revenue Collector in the Collections Division of the Finance Department. He expressed City Council's appreciation to LaWanda for meritorious service, loyalty and dedication to the City of Asheville and its citizens.

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Councilman Moore moved for the adoption of Resolution No. 92-85. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 212

C. RESOLUTION NO. 92-86 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE PAUL LOWE

Mayor Michalove read the resolution stating that Paul Lowe has been an employee for 8 years and has requested retirement from his position as Custodian in the

Park Maintenance Division of the Parks and Recreation Department. He expressed City Council's appreciation to Paul for meritorious service, loyalty and dedication to the City of Asheville and its citizens.

Councilman Moore moved for the adoption of Resolution No. 92-86. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 213

D. RESOLUTION NO. 92-87 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE IOLA BYERS

Mayor Michalove read the resolution stating that Iola Byers has been an employee for 29 years and has requested retirement from her position as Recreation Center Director with the Parks and Recreation Department. He expressed City Council's appreciation to Iola for meritorious service, loyalty and dedication to the City of Asheville and its citizens.

Councilman Moore moved for the adoption of Resolution No. 92-87. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 214

E. RESOLUTION NO. 92-88 - RESOLUTION IN MEMORY OF FRANCINE DELANY

Mayor Michalove read the resolution stating that Mrs. Delany, who was a veteran educator, worked her way up from secretary to principal in the Asheville City School system. In recognition of her contributions to the City Council, the City of Asheville and its citizens, the City Council expresses its deep appreciation to her service and extends to her family its sincere sympathy upon her passing. He presented the resolution to Mr. Logan Delany.

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Resolution No. 92-88 was adopted by acclamation.

RESOLUTION BOOK NO. 19 AT PAGE 215

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO CREATING NEW ZONING FOR 2310 HENDERSONVILLE ROAD

ORDINANCE NO. 1978 - ORDINANCE CREATING NEW ZONING FOR 2310 HENDERSONVILLE ROAD (PETITION OF CITY OF ASHEVILLE)

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

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Ms. Carol Alberice, Urban Planner II, said that the Asheville Planning and Zoning Commission on June 3, 1992, reviewed and recommended CH Commercial Highway zoning for 2310 Hendersonville Road (Bosco's Italian Eatery). She said this zoning is required as a result of the recent satellite annexation requested by Asheville Oil Co. Inc.

At Councilman Swicegood's suggestion, City Attorney Slawter was asked to see if there was some way the satellite annexation procedure and the zoning procedure could be combined at the same meeting.

Mayor Michalove closed the public hearing at 4:32 p.m.

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

Councilman Worley moved for the adoption of Ordinance No. 1978. This motion was seconded by Councilman Moore.

On a roll call vote of 6-0, Ordinance No. 1978 passed on its first reading.

Councilman Worley moved to suspend the rules and proceed to the second reading of Ordinance No. 1978. This motion was seconded by Councilman Moore and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1978 passed on its second reading.

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Councilman Worley moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1978. This motion was seconded by Councilwoman Field and carried on a 5-1 vote, with Councilman Moore voting "no."

On a roll call vote of 6-0, Ordinance No. 1978 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 104

III. OLD BUSINESS:

A. ORDINANCE NO. 1973 - THIRD READING OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH THE DWELLING LOCATED AT 40-1/2 RECTOR STREET

Mr. Jeff Trantham, Assistant Director of Building Inspections said proceedings have heretofore been instituted in accordance with the City of Asheville Housing Code and a condemnation hearing was held on March 19, 1992. At said hearing it was determined that 40-1/2 Rector Street was unfit for human habitation. The dwelling had been partially burnt and was occupied by vagrants. The lot was overgrown and infested with rats. The owner of the dwelling was given 30 days from receipt of the Order of Findings and Fact to either renovate or demolish the dwelling and the owner has failed to obey the Order in any respect. The resolution calling for a public hearing on this issue was adopted on June 2, 1992. The public hearing was held on June 16, 1992, at which time the ordinance passed on first and second reading.

Mr. Trantham said that Mountain Housing Opportunities and Western North Carolina Habitat for Humanity were contacted to see if they would be interested in rehabilitating this dwelling before action to demolish was taken. Both agencies declined the offer.

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

On a roll call vote of 6-0, Ordinance No. 1973 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 76

B. ORDINANCE NO. 1974 - THIRD READING OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH THE DWELLING LOCATED AT 34 HAZZARD STREET

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Mr. Jeff Trantham, Assistant Director of Building Inspections said proceedings have heretofore been instituted in accordance with the City of Asheville Housing Code and a condemnation hearing was held on January 22, 1992. At said hearing it was determined that 34 Hazzard Street was dilapidated, unfit for human habitation, and dangerous to the general public. The owner of the dwelling was given 30 days from receipt of the Order of Findings and Fact to either renovate or demolish the dwelling and the owner has failed to obey the Order in any respect. The resolution calling for a public hearing on this issue was adopted on June 2, 1992. The public hearing was held on June 16, 1992, at which time the ordinance passed on first and second reading.

Mr. Trantham said that Mountain Housing Opportunities and Western North Carolina Habitat for Humanity were contacted to see if they would be interested in rehabilitating this dwelling before action to demolish was taken. Both agencies declined the offer.

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

On a roll call vote of 6-0, Ordinance No. 1974 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 79

IV. NEW BUSINESS: NONE

V. CONSENT:

A. RESOLUTION NO. 92-89 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF PLACING FENCING, DRAINAGE AND PARKING WITHIN THE RIGHT-OF-WAY OF I-240 UNDERNEATH THE SMOKY PARK BRIDGE

Summary: The Street and Sanitation Divisions of the Department of Public Works has temporarily relocated to the J.M. Westall property located at 300 Riverside Drive. The right-of-way for I-240 runs through this property and its use is controlled by the North Carolina Department of Transportation. In order for the Street and Sanitation Divisions to maximize the use of the Westall property, they need to have an encroachment agreement with NC DOT to allow use of the property within the right-of-way of I-240 for -6-

parking purposes. There will be fencing and drainage improvements placed upon the right-of-way as well. The use of the right-of-way underneath the Smoky Park Bridge of I-240 will have no effects upon the upkeep and maintenance of I-240 or interfere with its traffic carrying capabilities.

RESOLUTION BOOK NO. 19 AT PAGE 216

B. RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

This item was deleted from the agenda.

Councilman Worley moved for the adoption of the consent agenda. This motion was seconded by Councilman Moore and carried unanimously.

VI. OTHER BUSINESS:

A. RESOLUTION NO. 92-90 - RESOLUTION AUTHORIZING THE MAYOR AND THE CITY ATTORNEY TO EXECUTE AN AFFIRMATION OF SUBORDINATION FOR THE PACK PLAZA PROJECT

Mayor Michalove read the resolution stating that the City of Asheville is the beneficiary under three deeds of trust regarding the Pack Plaza Project, all of which are subordinate to the first mortgage held by the Bank of Scotland, secured by a deed of trust in favor of the Bank of Scotland. The Bank of Scotland has requested that the City enter into an agreement which affirms the subordination of those three deeds of trusts to the deed of trust of the Bank of Scotland. This resolution would authorize the Mayor and the City Attorney, as trustee under the three deeds of trust in which the City is a beneficiary, to execute an Affirmation of Subordination wherein the City affirms the subordination of its three deeds of trust to the deed of trust in favor of the Bank of Scotland for the Pack Plaza Project.

Councilman Moore moved for the adoption of Resolution No. 92-90. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 217

B. GROUP DEVELOPMENT - 794 RIVERSIDE DRIVE WAREHOUSE

Mayor Michalove said that the Planning and Zoning Commission will consider an item relative to an amendment to -7-

the site plan for 794 Riverside Drive (warehouse owned by Jerry Sternberg) on July 1, 1992. After the Planning and Zoning Commission considers the amendment it then is considered by the City Council.

In an effort to expedite consideration by the City Council, Councilman Worley moved to set a public hearing on the amended site plan for July 14, 1992, at 4:00 p.m. in the Banquet Room of the Asheville Civic Center. This motion was seconded by Councilman Swicegood and carried unanimously.

Councilman Moore hoped that Mr. Sternberg realized that this action is made by the Council to show the effort to expedite matters of importance to the entire community.

Councilman Peterson felt this action is a good move in streamlining how government works and making the process more efficient.

Councilman Worley echoed Councilman Peterson's comments and stated that this action shows how government can be responsive.

Councilwoman Field was concerned about deviating from rules and regulations set but agreed with Councilman Worley that government needs to be responsive.

C. COUNCILMAN PETERSON COMMENDING POLICE DEPARTMENT

Councilman Peterson commended Chief Gerald Beavers and the entire Police Department staff for their efficient

handling of the parades recently held in Asheville.

D. RALPH BISHOP

Mr. Ralph Bishop spoke about corruption in the Asheville Police Department relative to lottery sales taking place.

V. ADJOURNMENT

Mayor Michalove adjourned the meeting at 4:50 p.m.

City Clerk Mayor
