

Tuesday - August 25, 1992 - 4:00 p.m.

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor Eugene W. Ellison; Councilwoman Barbara Field; Councilmen William G. Moore; 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: Councilman Chris J. Peterson

INVOCATION

Councilman Swicegood gave the invocation.

APPROVAL OF THE MINUTES

Mayor Michalove announced the approval of the August 11, 1992, City Council minutes as submitted.

POSTPONEMENT OF AGENDA ITEM - GROUP DEVELOPMENT/PLANNED UNIT DEVELOPMENT PUBLIC HEARING RELATIVE TO UNIFIED DEVELOPMENT ORDINANCE

Mayor Michalove announced that the public hearing relative to group development/planned unit development policy issue for the unified development ordinance would be opened and postponed until Tuesday, September 8, 1992, at 7:00 p.m. in the Council Chamber on the second floor of the City Hall Building. The reason for this continuance is because a number of individuals and groups did not receive the information far enough in advance to formulate their comments.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING AUGUST 28-30, 1992, AS "GOOMBAY! FESTIVAL DAYS"

Mayor Michalove proclaimed August 28-30, 1992, as "Goombay! Festival Days" in the City of Asheville.

B. PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

City Manager Bean presented Finance Director Larry Fisher with the Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year ended June 30, 1991. He said it is presented by the Government Finance Officers Association of the United States and Canada to government -2-

units and public employee retirement systems whose comprehensive annual financial reports achieve the highest standards in government accounting and financial reporting. He stated that this is the 12th year that the City has received this award.

Mr. Fisher introduced Pat Leckey, Marceil Bodtker and Joe Elkins from the Accounting Division who were instrumental in helping obtain this award.

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, BY ANNEXING A NON-CONTIGUOUS AREA LOCATED ON U.S.

HIGHWAY 25 KNOWN AS THE ROBERT LEWIS PROPERTY (2323 HENDERSONVILLE ROAD)

ORDINANCE NO. 1985 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, BY ANNEXING A NON-CONTIGUOUS AREA LOCATED AT 2323 HENDERSONVILLE HIGHWAY (ROBERT LEWIS PROPERTY)

Mayor Michalove opened the public hearing at 4:18 p.m.

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

Ms. Patty Tallerday, Senior Planner, summarized the Standards and Services Report for the Noncontiguous Annexation of 2323 Hendersonville Road as follows:

She stated that a petition for the annexation of a noncontiguous area located at 2323 Hendersonville Highway was received on July 16, 1992, and that the property is owned by Robert D. Lewis and is occupied by the Sports Page Restaurant and Bar.

The noncontiguous area proposed for annexation meets all of the requirements of N. C. Gen. Stat. sec. 160A-58 as follows:

1. The nearest point on the proposed satellite corporate limits is not be more than three miles from the primary corporate limits of the annexing city in that the subject property is approximately .27 miles from the closest point of the existing corporate limits line.

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2. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.

3. The area is situated so that the City of Asheville will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

Fire Protection - The Asheville Fire Department's investigation concluded that the property proposed for annexation is situated approximately 1.5 miles from the Skyland Volunteer Fire Department ("Skyland VFD") located on Hendersonville Road. The Asheville Fire Department is negotiating an agreement with the Skyland VFD to provide fire protection service to the property proposed for annexation on a first response basis in case of an emergency. The Asheville Fire Department and Skyland VFD have decided to base payment for these services on the amount of tax paid for the property based on the fire district tax rate. The annual compensation to the Skyland VFD, based on a rate of \$.07 per \$100 valuation would be equal to approximately \$104.02.

Police Protection - The Asheville Police Department will provide the satellite area with the same law enforcement services that are provided within the primary corporate limits of the City of Asheville. The Police Department will furnish patrol response services to the proposed annexation area. There are no additional costs to the City of Asheville to provide law enforcement services.

Water & Sewer Services - The area proposed for annexation is presently served by a 6" public water main located along U.S. Highway 25 which is maintained by the Asheville-Buncombe Water Authority. The area proposed for annexation is also served by a public sewer line owned by Buncombe County and maintained by the Metropolitan Sewage District. There will be no additional cost to the City of Asheville to provide water or sewer services.

Street Maintenance and Street Lights - The area proposed for annexation is serviced by U.S. Highway 25 and therefore would remain the N.C. Department of Transportation's responsibility to maintain. Maintenance of private roads and lighting on private property are the owner's responsibility. The entrances to the property and the parking lot are private, and will, therefore, be maintained by the owner. There will be no additional cost to the City.

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Solid Waste Collection - The Public Works Department reports that due to the nature of the business, the property proposed for annexation is responsible for making arrangements with a private solid waste collector for daily solid waste collection service. There will be no additional cost to the City of Asheville for this service.

The area proposed for annexation is not a subdivision or a portion thereof.

The area within the proposed satellite limits, when added to the area within all other satellite corporate limits, does not exceed 10% of the area within the primary corporate limits of the annexing city.

The proposed annexation area is approximately .42 acres. The total of the land area of all current satellite areas in the City of Asheville is approximately 11.18 acres. Upon annexation of this property, the combined land area for all satellite areas of the City of Asheville would be 11.6 acres. The total land acreage of the City of Asheville is approximately 36.12 square miles. Ten percent of the area of the city is 3.61 square miles or 2,310.40 acres.

The real property tax value of the property under consideration for annexation is \$148,600. The 1992 ad valorem revenues, based on the City's tax rate of \$.60 per \$100.00 valuation, would be \$891.60.

Based on a valuation of \$148,600 at the present fire district tax rate of \$.07 per \$100.00 valuation, the annual compensation to the Skyland VFD would equal \$104.02.

Upon inquiry of Mayor Michalove about handling the zoning of this area and the consideration of annexation at the same meeting, City Attorney Slawter stated that there is a difficulty in proceeding with both at the same time because of the statutory requirements with regard to what has to be done for the zoning and what has to be done for the annexation, i.e., annexation proceedings do not go to the Planning and Zoning Commission but zoning the area does.

Mr. Ralph Bishop spoke against the annexation of this property for liquor by the drink.

Mayor Michalove closed the public hearing at 4:26 p.m.

Mayor Michalove stated that members of Council have copies of the ordinance and it will not be read.

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Vice-Mayor Ellison moved for the adoption of the ordinance. This motion was seconded by Councilman Moore.

On a roll call vote of 6-0, Ordinance No. 1985 passed on its first reading.

Vice-Mayor Ellison moved to suspend the rules and proceed to the second reading of Ordinance No. 1985. This motion was seconded by Councilman Moore and carried

unanimously.

On a roll call vote of 6-0, Ordinance No. 1985 passed on its second reading.

B. PUBLIC HEARING RELATIVE TO ANNOUNCING THE COMPLETION OF THE AZALEA AVENUE PROJECT BEGINNING AT THE END OF THE EXISTING PAVEMENT ON AZALEA AVENUE AND ENDING AT THE END OF THE ROADWAY, AND COUNCIL'S INTENT TO DETERMINE THE TOTAL COST OF THE AZALEA AVENUE PROJECT

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.

City Manager Bean explained that the Azalea Avenue Project has been completed at a cost of \$6,484.76 and a preliminary assessment roll will now be prepared.

Mr. Robert Alexander stated some concerns about the Project completion - 1) when the City paved Azalea Avenue they did not put in any curbing and they also destroyed the curbing that was already in place when the street was paved many years ago; 2) they paved over a manhole, and 3) after they paved, they installed a solid manhole cover, not a perforated one which allows sewer gas to escape.

Mayor Michalove asked that Mr. Alexander meet with Public Works Director Jim Ewing to resolve these concerns and felt the public hearing needed to be continued until after the concerns were resolved.

Vice-Mayor Ellison moved to continue the public hearing without further advertisement until September 1, 1992, at 4:00 p.m., in the Asheville Civic Center Banquet Room. This motion was seconded by Councilwoman Field and carried unanimously.

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C. PUBLIC HEARING RELATIVE TO A REQUEST FOR A VARIANCE TO ALLOW A PRIVATE STREET INSTEAD OF A PUBLIC STREET, AS REQUIRED BY THE SUBDIVISION REGULATIONS, IN HEATH RIDGE ACRES SUBDIVISION

At the request of Councilman Worley, Councilwoman Field moved to excuse Councilman Worley from discussion on this matter due to a conflict of interest, i.e., legal representation of one of the principals in the request for a variance. This motion was seconded by Councilman Moore and carried unanimously.

Mayor Michalove opened the public hearing at 4:37 p.m.

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

Mr. Tony Nicholson, Urban Planner, stated that a letter had been received in the City Clerk's Office from Mr. Ed Randall, owner/developer of Heath Ridge Acres Subdivision, appealing the Planning and Zoning Commission's denial of his request for a variance from Section 26-37 (1) of the City's subdivision regulations. The variance would permit the construction of a private street serving the lots in the subdivision and allow the street to be unpaved. Mr. Randall is proposing the construction of a gravel road to serve the eight lots in the proposed subdivision.

Heath Ridge Acres was originally approved as a four lot subdivision in July of 1991. At that time, the Planning and Zoning Commission recommended and City

Council granted a variance to permit the construction of a private street to serve the subdivision lots. The approval of this variance request was based in part on the fact that the street would serve only four lots. The proposed street was to be a gravel road with a 30-foot right-of-way. Upon approval of the subdivision last year, the road was partially constructed and four homes have been constructed.

In July of 1992, the Planning and Zoning Commission heard the request of Mr. Randall to resubdivide the property into eight lots. The Commission voted to recommend approval of the subdivision upon the condition that the road be constructed as a public road to State standards.

At the August 5, 1992, Planning and Zoning Commission meeting, Mr. Randall requested a variance to construct the road as a private street. The Commission unanimously denied the request for the variance. This decision was premised largely on two considerations. First, the approval of the -7-

original variance was based partially on the fact that the street would serve only four lots. Since four lots were added to the subdivision, the Commission felt the residents would be better served by a public street constructed to State standards. Second, the Commission felt that if the variance were granted, the future residents of the subdivision could and would petition the North Carolina Department of Transportation ("NC DOT") to assume maintenance of the road by taking it into the public domain. Thus, the road would eventually be constructed to State standards at the public's expense, rather than at the petitioner's expense. The NC DOT will assume maintenance of a subdivision road, such as the one in question, if it serves four occupied homes.

NC DOT standards for subdivision streets require a minimum right-of-way of 40 feet. This would be difficult in Heath Ridge Acres, since the existing homes were sited based on the previously approved 30-foot right-of-way. Danny Tolar of the NC DOT stated that ten feet of right-of-way would have to be added to the width of the street in order to meet the minimum standards. He also stated that for a subdivision of this type, NC DOT requires a 22-foot wide roadway consisting of an 18-foot wide pavement with a 2-foot wide concrete valley curb on each side.

Mr. Randall has stated that the cost of constructing a street to NC DOT standards in this subdivision would be prohibitive. The homes in the subdivision, which are modular and average 1,100 square feet each plus a finished basement, are being marketed to first time home buyers. The average sales price is \$70,000 to \$75,000 per home. According to Mr. Randall, the low cost of the homes prohibits the expenditure of additional funds on road construction. Mr. Randall has drawn up a maintenance agreement which provides for the continued upkeep of the private street. The agreement places the responsibility for maintaining the street on the residents of the subdivision.

Section 26-13 of the Subdivision Regulations authorizes the Planning and Zoning Commission to recommend and the City Council to grant variances to the requirements of the regulations. According to Section 26-13, a variance may be granted when the developer can show that the provision of the regulations "would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning Commission a departure may be made without destroying the intent" of the provision.

He said questions which the Council should address in considering the variance request include:

- What would be the impact of the variance on the subdivision?
- Would the requirement that the street be constructed as a public street place an unnecessary hardship on the developer?
- Are there topographical or other conditions peculiar to the site which justify the granting of the variance?
- If the road is constructed as a private road, who would be responsible for its long term maintenance and upkeep and would this be a burden on the responsible party?

As is the case with all variance requests, the staff neither supports nor recommends variances from the requirements established by the Asheville City Council.

There was some discussion relative to the road maintenance agreement and what exactly a "hardship" was.

Vice-Mayor Ellison asked what the cost would be to bring the road up to State standards. An estimate was received by Mr. Randall from APAC-Carolina Inc. for the road construction of \$23,715.25 and Pegg Enterprises Inc. for the storm drainage system of \$6,850.

Mr. W. Louis Bissette Jr., attorney representing Mr. Randall, gave background information on this particular subdivision. He stated that the cost for bringing this road up to State standards would have to be divided among the new 4 homes proposed to be built. At an additional cost of approximately \$8,000 per house, first time home buyers would probably not be able to afford the homes. He spoke about the topography of the area and how the gravel road is suitable to the area and that the owners of the 4 homes already built are satisfied with the gravel road. He urged the Council to grant the variance requested.

Mr. Randall spoke in favor of the variance stating that he is trying to provide homes for the community at a price people can afford. He stated that if the variance is not granted, he could not develop the lower half of the subdivision and it would have to remain vacant.

Upon inquiry of Councilwoman Field relative to road access of two of the proposed lots, it was stated that there are deeded rights-of-way for those lots.

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Mr. Elizabeth Graham, member of the Planning and Zoning Commission, echoed the comments of Mr. Nicholson about the reasons why the Planning & Zoning Commission denied the variance.

Upon inquiry of Councilman Swicegood, Mr. Randall stated that he only obtained one estimate for bringing the road up to State standards.

Mayor Michalove closed the public hearing at 5:15 p.m.

Vice-Mayor Ellison moved to deny the variance requested. This motion was seconded by Councilman Moore and carried unanimously.

D. PUBLIC HEARING RELATIVE TO A PARTIAL REZONING OF 8 CLAIRMONT AVENUE FROM R-3 RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT, EXCEPT FOR A 10-FOOT

STRIP TO REMAIN R-3 RESIDENTIAL DISTRICT WHICH STRIP RUNS PARALLEL WITH THE SOUTHERN PROPERTY LINE OF THE LOT

ORDINANCE NO. 1986 - AN ORDINANCE AMENDING ZONING OF 8 CLAIRMONT AVENUE

Mayor Michalove opened the public hearing at 5:17 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, stated that the Asheville Planning and Zoning Commission on June 3, 1992, received and recommended approval (4-3 vote) of partial rezoning of 8 Clairmont Avenue (PIN # 9740-18-41-5831) from R-3 Residential District to CH Commercial Highway District. The property in question is located one block east of Merrimon Avenue just north of Gracelyn Road. The current land use is occupied residential structure. Commercial access across the proposed 10-foot strip remaining R-3 along with commercial building and/or parking would be prohibited. Therefore, commercial access to the proposed split zoning would be prohibited by way of Clairmont Avenue.

Ms. Alberice then presented Council with a letter from Carole Williams, owner and resident of 7 Clairmont Avenue, opposing the proposed rezoning.

Mr. Larry McDevitt, attorney representing Mildred E. Reynolds, owner of 8 Clairmont Avenue, briefed the Council on the background of Citizens Hardware and the events leading up to this request for a rezoning. He stated that -10-

Citizens Hardware has approached Mrs. Reynolds with an offer to purchase her property if the property were rezoned CH Commercial Highway. He stated that this is the last lot Citizens Hardware needs in order to complete their plan and expand their building. He stated several reasons why the Council should rezone this piece of property. He spoke of how Mr. Jim Groce, owner of Citizens Hardware, has tried to make his business grow in a sound, responsible way.

Mr. George Kaltsunis, owner of property in the area, spoke in favor of the proposed rezoning.

Mr. Kevin McDonald, 11 Clairmont Avenue, spoke in support of the proposed rezoning.

Mr. Jim Groce urged the Council to rezone this property which would enable him to store all of his goods under one roof and continue with the development of his property. He said he would be willing to work with the Tree/Greenway Commission, which Councilwoman Field suggested.

Ms. Harriett Winner, member of the Planning and Zoning Commission, stated her reasons for voting against this proposed rezoning. Her concerns were for the neighborhood and the investment people had in the neighborhood.

Ms. Elizabeth Graham, member of the Planning and Zoning Commission, stated her reasons for voting in favor of this proposed rezoning. She felt this business could expand and it might be better to have this business expand in the area than to leave the area zoned R-3 which opens it up to all different kinds of development.

Mayor Michalove closed the public hearing at 5:55 p.m.

Mayor Michalove stated that 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. 1986. This motion was seconded by Councilman Swicegood.

On a roll call vote of 5-1, with Councilman Moore voting "no", Ordinance No. 1986 passed on its first reading.

Councilman Moore felt that this rezoning constitutes encroachment on an established residential neighborhood.

Councilwoman Field stated the urgency of getting a unified development ordinance in place in order to give guidance on these type issues.

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Vice-Mayor Ellison moved to suspend the rules and proceed to the second reading of Ordinance No. 1986. This motion was seconded by Councilman Swicegood and carried unanimously.

On a roll call vote of 5-1, with Councilman Moore voting "no", Ordinance No. 1986 passed on its second reading.

#### E. PUBLIC HEARING RELATIVE TO GROUP DEVELOPMENT/PLANNED UNIT DEVELOPMENT POLICY ISSUE FOR THE UNIFIED DEVELOPMENT ORDINANCE

Mayor Michalove announced that the public hearing relative to group development/planned unit development policy issue for the unified development ordinance would be opened and postponed until Tuesday, September 8, 1992, at 7:00 p.m. in the Council Chamber on the second floor of the City Hall Building. The reason for this continuance is because a number of individuals and groups did not receive the information far enough in advance to formulate their comments.

At this time (6:07 p.m.), it was the consensus of Council to take a five minute recess.

#### III. OLD BUSINESS:

##### A. SECOND READING OF ORDINANCE NO. 1980, AN ORDINANCE AMENDING ZONING OF FIVE PROPERTIES LOCATED ON REED STREET

Mayor Michalove stated that the public hearing and first reading of this ordinance was held on July 28, 1992.

Councilman Worley moved to the rezoning of the five properties on Reed Street except for a 2-foot strip along Reed Street to remain zoned R-3 Residential District. It was his understanding that this would create actually a 12-foot buffer zone (2 feet of R-3 zoning and 10 feet being the required buffer in the CH zone). This motion was seconded by Councilman Moore.

Ms. Carol Alberice explained the buffering requirements and stated that if Council leaves the 2-foot strip residential, there would have to be a 20-foot buffer starting at the commercial side of the residential strip, pursuant to the ordinance. She explained that if you zone the five properties CH Commercial Highway as requested, the petitioners would have to put in a landscape strip of 1 street tree per every 40 feet.

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Councilman Worley explained that he was trying to make the petitioners bound to provide a buffering for the residential area, but did not intend to take away a



row of their proposed parking.

Due to a misunderstanding of buffering requirements, Councilman Worley withdrew his motion. Councilman Moore then withdrew his second.

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

On a roll call vote of 4-2, with Councilman Moore and Councilwoman Field voting "no", Ordinance No. 1980 passed on its second reading.

Mayor Michalove stated that the third and final reading of this ordinance would be postponed until September 15, 1992, at the request of Councilman Peterson, who asked to be present at the final reading.

#### B. THIRD READING OF ORDINANCE NO. 1981, AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE REGARDING PARKING PENALTIES

Mayor Michalove stated that Ordinance No. 1981 passed on its first and second reading on August 11, 1992.

Mayor Michalove stated that 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. 1981 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 110

#### IV. NEW BUSINESS:

##### A. FINAL PLAT APPROVAL FOR WEST PARK SUBDIVISION

Ms. Mary Weber, Urban Planner, stated that the West Park Subdivision is located at 265 Smoky Park Highway between Skyland Oldsmobile and the Holiday Inn. The request is to subdivide a 4.91 acre tract into three lots (2.52 acres, 1.22 acres, and 1.17 acres) for commercial use. The site and all adjacent properties lie within the Commercial Service zoning district. The subdivision will be accessed by a new driveway off of the Smoky Park Highway. The site was very steep and has required an extensive amount of -13-

grading. The owner has submitted a letter of credit for \$47,000 to guarantee the completion of the public improvements, such as water and sewer, curb and gutter, storm drainage, and paving, after approval of the final plat.

The proposed subdivision meets the requirements of the Asheville zoning ordinance and the subdivision regulations. In addition, all utilities and the Fire Department have approved availability of services to the site. At their March 4, 1992, meeting, the Asheville Planning and Zoning Commission voted unanimously to recommend approval of the West Park Subdivision.

Councilman Moore moved for the approval of the final plat of West Park Subdivision. This motion was seconded by Councilwoman Field and carried unanimously.

#### V. CONSENT:

A. MOTION SETTING PUBLIC HEARING FOR SEPTEMBER 15, 1992, RELATIVE TO ASSIGNING ZONING CLASSIFICATIONS TO THE HAW CREEK II ANNEXATION AREA.

B. MOTION SETTING PUBLIC HEARING FOR SEPTEMBER 15, 1992, RELATIVE TO (A) EXPANSION OF EXTRA-TERRITORIAL JURISDICTION (ETJ) IN THE HAW CREEK AREA AND (B) ASSIGNING ZONING CLASSIFICATIONS TO THE EXPANDED ETJ.

C. RESOLUTION NO. 92-115 - RESOLUTION AUTHORIZING SUBMISSION OF AN ASHEVILLE REGIONAL HOUSING CONSORTIUM APPLICATION TO THE NORTH CAROLINA DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, DIVISION OF COMMUNITY ASSISTANCE, FOR HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FOR FISCAL YEAR 1992-93

Summary: The City of Asheville, as Lead Entity of the Asheville Regional Housing Consortium, will make application for the amount of \$1,000,000 through the Division of Community Assistance's HOME Investment Partnerships Program for 1992 funds. These funds will be disbursed to Member Governments that have submitted applications involving project-eligible activities. All program funds will benefit families with incomes less than 80% of their respective area's median income. Following is a list of the Consortium Member Government and the amount of funds applied for as approved by the Board of Directors: Asheville - \$304,600; -14-

Buncombe County - \$329,000; Henderson County - \$184,000; Hendersonville - \$60,800; and Woodfin - \$121,600.

RESOLUTION BOOK NO. 19 AT PAGE 248

D. RESOLUTION NO. 92-116 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH NEIGHBORHOOD HOUSING SERVICES OF AMERICA INC. TO AUTHORIZE THE PURCHASE OF MORTGAGES HELD BY NEIGHBORHOOD HOUSING SERVICES OF ASHEVILLE, NORTH CAROLINA, INC.

Summary: This action will enable Neighborhood Housing Services of Asheville to sell mortgage notes on the secondary mortgage market to raise additional capital for their revolving loan fund. City authorization is required since the notes were made with City Community Development Block Grant funds.

RESOLUTION BOOK NO. 19 AT PAGE 250

E. RESOLUTION NO. 92-117 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH THE DWELLING LOCATED AT 37 ADAMS STREET

Summary: On March 22, 1990, the Inspections Division inspected 37 Adams Street and found it was unfit for human habitation. Inspections revealed that part of the roof had collapsed and was damaged by fire; that part of the floor system had collapsed; and that the structure was dangerous to enter. A hearing was held on July 31, 1991, and the owner later ordered to demolish. The owner has failed to take any action at this time.

RESOLUTION BOOK NO. 19 AT PAGE 253

F. RESOLUTION NO. 92-118 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS FOR LIABILITY, PROPERTY AND MEDICAL INSURANCE PROGRAMS

Summary: Authorization for City Manager to sign those insurance contracts necessary to effect renewals of the City's liability, property and medical programs effective September 1, 1992.

RESOLUTION BOOK NO. 19 AT PAGE 255

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

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VI. OTHER BUSINESS:

A. REQUEST BY WAYNE WARREN RELATIVE TO LAW ENFORCEMENT SUPPLEMENTAL RETIREMENT

Mr. Wayne Warren, retired police officer, asked the City Council to adopt a resolution which would end the practice of taking the State pay raise out of the City's check.

Mayor Michalove stated that this item would be placed on an upcoming Pre-Council agenda in order for the Council to discuss the information received from the City Manager on this matter.

B. CLAIMS

City Manager Bean said that the City received the following claims during the week of August 3-7, 1992 - Betty Hasker (Water) and Lance Mulvihill (Water).

He said the City received the following claims during the week of August 10-14, 1992 - Betty Pruett (Streets) and Lewis Barnwell (Water).

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

C. RALPH BISHOP

Mr. Ralph Bishop commented on the City annexing properties in the County in order to sell liquor by the drink.

VII. ADJOURNMENT

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

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CITY CLERK MAYOR

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