

Tuesday - September 29, 1992 - 4:00 p.m.

Regular Meeting

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

INVOCATION

Vice-Mayor Ellison gave the invocation.

APPROVAL OF THE MINUTES

Mayor Michalove announced the approval of the September 15, 1992, City Council minutes as submitted.

I. PROCLAMATION:

A. PRESENTATION OF LIBERATION OF KUWAIT METAL II

Mayor Michalove, with the assistance of Sgt. Royster from the Department of the Army, presented Brian Kunka, John E. Jones and Shirley Johnson with the Liberation of Kuwait Metal II.

On behalf of the City Council and the citizen of Asheville, Mayor Michalove thanked these servicemen and everyone who served in the conflict.

B. CERTIFICATE OF ACHIEVEMENT TO STEPHEN V. OXNER

City Manager Bean presented former City Manager Intern Stephen V. Oxner with a Certificate of Achievement.

C. PRESENTATION TO ASHEVILLE POLICE DEPARTMENT AND RONNIE DAVIS FROM THE NORTH CAROLINA SPECIAL OLYMPICS

Mr. Pete Curtis, representing the North Carolina Special Olympics, presented a plaque to the Asheville Police Department and Officer Ronnie Davis for the outstanding fundraising and special efforts put forth by Officer Davis and the Police Department. He said that out of the \$140,000 raised state-wide, Officer Davis raised over \$20,000 for this very worthwhile cause.

-2-

D. PROCLAMATION PROCLAIMING THE WEEK OF SEPTEMBER 27 - OCTOBER 3, 1992, AS "GREEK HERITAGE WEEK"

Mayor Michalove proclaimed the week of September 27-October 3, 1992, as "Greek Heritage Week" and presented it to Councilman Peterson, who accepted it on behalf of Constantine Zourzoukis, Asheville's Greek Festival Chairman. Councilman Peterson urged everyone to attend the 6th Annual Greek Festival to be held on October 2-4, 1992, at the City County Plaza.

E. NATIONAL ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS 1992 AGENCY AWARD OF EXCELLENCE FOR PROJECT DESIGN RECEIVED BY THE HOUSING AUTHORITY OF THE ASHEVILLE OF ASHEVILLE

Mrs. Annette Coleman, Chairman of the Housing Authority, and Mr. David Jones, Executive Director of the Housing Authority, stated that the Hillcrest Renovation Project received the National Association of Housing and Redevelopment Officials 1992 Agency Award of Excellence for Project Design.

Mrs. Coleman said that project, designed by Spaceplan Architecture, Interiors and Planning, P.A. of Asheville, NC, was recognized in the southeastern regional competition and was moved into the national competition this summer. She said Spaceplan incorporated the suggestions and ideas of the residents into the design and the old 1950 barrack style institutional design was turned into two-story townhouses.

II. PUBLIC HEARING:

A. CONTINUATION OF PUBLIC HEARING TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, BY ANNEXING A NON-CONTIGUOUS AREA LOCATED AT U.S. HIGHWAY 19-23 (KNOWN AS A PORTION OF THE WESTRIDGE MARKET PLACE ASSOCIATES INC. PROPERTY)

ORDINANCE NO. 1991 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, BY ANNEXING A NON-CONTIGUOUS AREA LOCATED AT U.S. HIGHWAY 19-23 (KNOWN AS A PORTION OF THE WESTRIDGE MARKET PLACE ASSOCIATES INC. PROPERTY)

Mayor Michalove stated that the public hearing on this matter was opened on August 11, 1992, and comments from interested persons were heard at that meeting.

-3-

Ms. Patty Tallerday, Senior Planner, stated that fire protection from the Asheville Fire Department to this location is consistent with similar situations inside the City limits.

City Attorney Slawter said that the status of the two lawsuits relative to annexation of the West II area are still in the courts and unfortunately there is no way to tell how long they will be in that system.

Mr. George Beverly, Managing General Partner of Westridge Market Place Associates, Inc., and property owner of record, stated that his company has a contract with the North Carolina Board of Alcoholic Control which lease is contingent upon satellite annexation of this property. He said that they already have three tenants in the shopping center that either serve or sell alcohol.

Upon inquiry of Vice-Mayor Ellison about the possibility of waiting for the outcome of the proposed annexation of the area before finalizing this satellite annexation request, Mr. Beverly stated that the lease has already been extended until November 15. He felt that without knowing a specific closing date they would prefer not to wait for the annexation outcome.

Mr. Frank Griffin, resident on Asbury Road, spoke against the proposed satellite annexation. He reiterated all of his comments made at the August 11, 1992, public hearing.

Mayor Michalove closed the public hearing at 4:43 p.m.

Mayor Michalove stated that all members of Council had received a copy of the ordinance and it would not be read.

Councilwoman Field moved for the adoption of Ordinance No. 1991. This motion was seconded by Vice-Mayor Ellison.

Vice-Mayor Ellison asked that the motion be amended to have the effective date of the annexation "effective six months from the date of final adoption of the ordinance." Councilwoman Field accepted the amendment.

Councilman Peterson stated that it was very hard for him to make this decision. He felt that in all other matters, the neighbors' comments very much weighed his decision, and, because of that, he felt the City should wait until the outcome of the proposed annexation of the entire area.

-4-

Councilman Worley said that he has also given this matter a great deal of thought. He stated that the area is already in the process of annexation and if that annexation occurs, it will make this issue moot. He believed that you have better control over alcoholic beverages with an ABC Store and explained his reasoning. He also said that the Council should be equitable in their decisions regarding non-contiguous satellite annexations and that the City has upheld annexations in similar situations, including an annexation in the same general area.

On a roll call vote of 5-1, with Councilman Peterson voting "no", Ordinance No. 1991 passed on its first reading.

Councilwoman Field moved to suspend the rules and proceed to the second reading of Ordinance No. 1991. This motion was seconded by Councilman Swicegood and carried on a 5-1 vote, with Councilman Peterson voting "no."

On a roll call vote of 5-1, with Councilman Peterson voting "no", Ordinance No. 1991 passed on its second reading.

Mayor Michalove stated that consideration of the third and final reading of this ordinance would be held in approximately 30 days.

B. PUBLIC HEARING RELATIVE TO PROPOSED CHANGES IN DUPLICATE STREET NAMES

RESOLUTION NO. 92-132 - RESOLUTION TO CHANGE NAMES OF CERTAIN STREETS IN THE CITY OF ASHEVILLE

Mayor Michalove opened the public hearing at 4:55 p.m.

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

Fire Chief John Rukavina said that because of the number of streets in the City of Asheville with identical names, which has the potential to cause life- and property-threatening confusion to emergency responders, the Asheville Fire Department has devised a method to provide for differentiation among these duplicate street names with minimum impact on the occupants of the streets. He recommended the designation of "north", "west", "south", or "east" be an additional suffix to the end of the street name. He said there are to exceptions to the directional designation, i.e., Galax Avenue to be changed to Galax Drive and Davidson Street to be changed to Davidson Drive because -5-

there are no occupants on those streets. He said they have eliminated Robinson Street because the residents actually live on Carver Street and there is an administratively way to deal with that issue. He recommended the changes take effect on January 1, 1993, in order that everyone affected will have adequate

notification. He stated that residents on the streets with the same names will not have to change their addresses on checks or anything because the Post Office disregards the direction designations. He stated that the changes will help 911 dispatchers know which duplicate street an emergency call is coming from.

Upon inquiry of Councilman Swicegood, Fire Chief Rukavina felt that a consolidated police, fire and 911 center would save precious moments in emergency situations and might even save tax dollars.

Mr. Jerry VeHaun, Emergency Operations Center, felt that a consolidated center was a good concept, but he felt it would not save the City or County any money. He felt that the change in street designations is unnecessary due to the present 911 computer technology defining locations of all streets. He stated he would go into the 911 database to make sure the direction designations do not create a problem. He presented the Council with a petition with 33 names on it objecting to the changing of Beverly Road, in West Asheville, to Beverly Avenue.

Fire Chief Rukavina stated that the Fire Department did do a preliminary check with County Planning and found no problems with the directional designations. He stated that a thorough check would be done.

Upon inquiry of Ann Cross, Fire Chief Rukavina said that two groups (Public Works Department and the Planning Department) presently review the street naming process so duplicate names can be avoided in the future.

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

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

Vice-Mayor Ellison moved for the adoption of Resolution No. 92-132. This motion was seconded by Councilman Worley and carried unanimously

RESOLUTION BOOK NO. 19 AT PAGE 278

-6-

C. PUBLIC HEARING RELATIVE TO THE REZONING OF 1221 SWEETEN CREEK ROAD FROM CS COMMERCIAL SERVICE DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT

ORDINANCE NO. 1992 - AN ORDINANCE AMENDING ZONING OF 1221 SWEETEN CREEK ROAD

Mayor Michalove opened the public hearing at 5:16 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 on September 2, 1992, the Asheville Planning and Zoning Commission reviewed and recommended approval of the rezoning of 1221 Sweeten Creek Road (PIN # 9656-05-29-0829) from CS Commercial Service District to CH Commercial Highway District. She said that the petitioner is Martin K. Reidinger, attorney for the owner. She said the subject property is a 3.6 acre tract with a vacant commercial structure (old Nashville Club) located on a flat terrain. She said the use of that structure will be a church and the current CS zoning does not permit churches. She said the 2010 Asheville City Plan calls for commercial land use and there has been no neighborhood opposition.

Mr. Reidinger said that the church is currently in an office space that has since been rented and would like very much to be able to start renovating the vacant structure in order to move in.

Upon inquiry of Councilman Swicegood about the disrepair of the road leading into the vacant structure, Ms. Alberice said that it is a private drive and the City does not maintain it.

Mayor Michalove closed the public hearing at 5:22 p.m.

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

Vice-Mayor Ellison moved for the adoption of Ordinance No. 1992. This motion was seconded by Councilman Worley.

On a roll call vote of 6-0, Ordinance No. 1992 passed on its first reading.

Vice-Mayor Ellison moved to suspend the rules and proceed to the second reading of Ordinance No. 1992. This motion was seconded by Councilman Worley and carried unanimously.

-7-

On a roll call vote of 6-0, Ordinance No. 1992 passed on its second reading.

Vice-Mayor Ellison moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1992. This motion was seconded by Councilman Worley and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1992 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 146

III. OLD BUSINESS:

A. THIRD READING OF ORDINANCE NO. 1988, AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH AND REMOVE THE DWELLING KNOWN AS 37 ADAMS STREET, ASHEVILLE, NORTH CAROLINA

Mayor Michalove said that this ordinance passed on its first and second readings on September 15, 1992.

Mr. Bob Hixson, Director of Inspections, stated that he has received a verbal response from Montford Housing Services that they are not interested in this house for rehabilitation purposes. He also has received a written response from Mountain Housing stating that they are not interested in rehabilitating the house either.

On a roll call vote of 6-0, Ordinance No. 1988 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 126

B. THIRD READING OF ORDINANCE NO. 1989, AN ORDINANCE ASSIGNING ZONING CLASSIFICATIONS TO THE HAW CREEK II ANNEXATION AREA

Mayor Michalove said that the first and second reading of this ordinance passed on September 15, 1992.

On a roll call vote of 6-0, Ordinance No. 1989 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 128

C. THIRD READING OF ORDINANCE NO. 1990, AN ORDINANCE AMENDING SECTION 30-1-3 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE (TERRITORIAL AND EXTRATERRITORIAL JURISDICTION OF ZONING ORDINANCE)

-8-

Mayor Michalove said that the first and second reading of this ordinance passed on September 15, 1992.

On a roll call vote of 6-0, Ordinance No. 1990 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 138

IV. NEW BUSINESS:

A. REPORT REGARDING "ADOPT A PARK" PROGRAM

Sgt. Stephen V. Oxner, former City Manager Intern, outlined his "Adopt A Park" Program. He feels that the Adopt a Park Program, the City will be able to utilize a volunteer force to accomplish five basic objectives: (1) foster pride within the community; (2) create a clean, safe and inviting environment for the people who use the parks; (3) invoke community involvement in our parks system; (4) enhance the relationship between the City and the community it serves; and (5) provide a monetary savings for the City. He feels the program will utilize a volunteer work force composed of businesses and professional organizations which will provide maintenance and clean up for our parks. This program can also be established to allow companies or organizations to adopt specific projects rather than the entire park. He explained that the program will be flexible enough to allow more than one group to adopt a park and provide differing levels of service. He explained the steps associated with the program and how it would work through the coordination of the Director of Parks and Recreation.

Upon inquiry of Vice-Mayor Ellison relative to the cost of this program, Sgt. Oxner stated that a cost analysis has not been done but feel the cost of getting into the program would be minimal.

Councilman Peterson commended Sgt. Oxner on his report and suggested that some of the housing project parks be considered first.

Vice-Mayor Ellison moved to authorize the City Manager to set up a pilot program and report back to the Council, within a reasonable period of time, the status of that pilot program. This motion was seconded by Councilman Worley and carried unanimously.

B. REPORT ON FEES AND CHARGES STUDY

Councilmen Peterson and Swicegood reported that although they have made significant progress in some areas,

-9-

they feel that they are not able to give a full report on their study regarding fees and charges. They felt that an additional 30 days will enable

them to complete their study and report back to the Council.

Vice-Mayor Ellison asked that they make the Council aware of who would be impacted the most by any increase in user fees, in particular the parks and recreation function.

C. FINAL PLAT APPROVAL OF HEATH RIDGE ACRES SUBDIVISION WAS POSTPONED AT THE REQUEST OF THE PLANNING STAFF

D. RESOLUTION NO. 92-133 - RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA, DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS

E. RESOLUTION NO. 92-134 - RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AUTHORIZING THE CITY FINANCE DIRECTOR TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF THE CITY'S PROPOSED REFUNDING BOND FINANCING AND TO SUBMIT SUCH APPLICATION TO THE LOCAL GOVERNMENT COMMISSION

City Manager Bean said that the City issued \$3,000,000 General Obligation Bonds for Streets & Sidewalks in 1987 and \$8,400,000 General Obligation Bonds for Public Improvements in 1988. \$2,300,000 of the 1987 and \$7,350,000 of the 1988 bonds remain outstanding. Interest rates have fallen significantly since original issue dates but not far enough to refund at current levels. Further declines in the interest rate is possible. The staff has initiated the procedures necessary for tentative approval of refunding bonds and will carry forward the application only when interest rates provide a savings. The two resolutions here (1) direct the publication of notice of intention to apply to the Local Government Commission for approval and (2) authorize the Finance Director to apply to the Local Government Commission for approval.

Mayor Michalove said that members of Council have been furnished with copies of the resolutions and they will not be read.

Councilman Worley moved for the adoption of Resolution No. 92-133. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 280

-10-

Councilman Worley moved for the adoption of Resolution No. 92-134. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 281

F. ORDINANCE NO. 1993 - ORDINANCE AMENDING CHAPTER 18, SECTION 18-20-1 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE (REGULATING TOPLESS WAITRESSES, EMPLOYEES, DANCERS OR ENTERTAINERS)

City Manager Bean explained that in 1991 the North Carolina General Assembly amended N. C. Gen. Stat. sec. 14-4 to permit cities to increase the fine for violation of city ordinances for an amount not to exceed \$500. Although cities are still free to permit fines not to exceed \$50 under the new legislation, the \$50 fine does not appear to be cost prohibitive and therefore should be amended to reflect a fine not to exceed \$500.

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

Vice-Mayor Ellison moved for the adoption of Ordinance No. 1993. This motion

was seconded by Councilman Worley.

On a roll call vote of 6-0, Ordinance No. 1993 passed on its first reading.

Councilman Worley moved to suspend the rules and proceed to the second reading of Ordinance No. 1993. This motion was seconded by Vice-Mayor Ellison and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1993 passed on its second reading.

Vice-Mayor Ellison moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1993. This motion was seconded by Councilman Worley and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1993 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 148

G. ORDINANCE NO. 1994 - BUDGET AMENDMENT TO APPROPRIATE FUNDS FOR THE NEW AFTER SCHOOL PROGRAM AT REID AND SHILOH RECREATION CENTERS

-11-

City Manager Bean said that this budget amendment, in the amount of \$48,000, is to appropriate funds to operate two paying after school programs at Reid and Shiloh Recreation Centers. He said the revenue collected will offset all expenditures.

Mayor Michalove said that members of Council have been furnished with a copy of the ordinance and it would not be read.

Councilman Worley moved for the adoption of Ordinance No. 1994. This motion was seconded by Councilwoman Field.

On a roll call vote of 6-0, Ordinance No. 1994 passed on its first and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 149

H. RESOLUTION NO. 92-136 - RESOLUTION TO PROVIDE FOR A REFERENDUM BY THE CITY OF ASHEVILLE'S ELIGIBLE FIRE DEPARTMENT EMPLOYEES UNDER PROVISIONS OF ARTICLE 2 OF CHAPTER 135 OF THE GENERAL STATUTES OF NORTH CAROLINA AND UNDER THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER OF JULY 21, 1961

City Manager Bean explained that there are employees within the Asheville Fire Department not covered under the Federal Social Security Act. He said the City Council has received requests from various members of that department to hold a referendum to determine whether or not the majority of those members who are not currently covered wish to be covered under the Federal Social Security Act. He said this resolution will authorize such an election for January 15, 1993. He said if the firefighters vote in favor of Social Security coverage, the estimated annual City contribution would be approximately \$300,000 and the firefighters would contribute a like amount.

Mayor Michalove said members of Council have been furnished with a copy of the resolution and it would not be read.

Councilman Swicegood moved for the adoption of Resolution No. 92-135. This motion was seconded by Vice-Mayor Ellison and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 282

V. CONSENT:

A. RESOLUTION NO. 92-136 - RESOLUTION APPOINTING MEMBERS TO THE MINORITY BUSINESS COMMISSION

-12-

Summary: The terms of Ann Davis, Ron Duyck, Lynn Staton, Larry Linney, Marilyn Nason, Matthew Bacoate, Gail Gouge, Ronald Blythe and Barbara Field expired on August 1, 1992. This resolution will reappoint Ann Davis, Ron Duyck, Marilyn Nason and Ronald Blythe. This resolution will also appoint Karen Beard, Charles Lawrence, Laura Todd and Edward Schell, all to serve their respective terms until their successors have been duly appointed and qualified.

RESOLUTION BOOK NO. 19 AT PAGE 284

B. RESOLUTION NO. 92-137 - RESOLUTION APPOINTING A MEMBER TO THE TOURISM DEVELOPMENT AUTHORITY

Summary: The term of Barbara McEwan expired on August 30, 1992. This resolution will appoint Loyd Kirk to serve a three year term, term expiring August 30, 1995, or until his successor has been duly appointed and qualified.

RESOLUTION BOOK NO. 19 AT PAGE 286

C. RESOLUTION NO. 92-138 - PRELIMINARY RESOLUTION CALLING FOR A PUBLIC HEARING TO LEVY SPECIAL ASSESSMENTS FOR THE WHITE PINE DRIVE PROJECT BEGINNING NEAR ITS INTERSECTION WITH BRACKETTOWN ROAD AND ENDING AT ITS INTERSECTION WITH U.S. HIGHWAY 70 (TUNNEL ROAD)

Summary: The nature of the project is to construct, reconstruct, pave, widen, install curbs and gutters, and otherwise build and improve White Pine Drive beginning on White Pine Drive (approximately 208 linear feet from its intersection with Brackettown Road) and ending at its intersection with Tunnel Road. The proposed basis for making the assessments is the value added to the land served by the White Pine Drive Project, or subject to being served by it, at an equal rate per dollar of value added. The public hearing is set for October 20, 1992, at 4:00 p.m. on the Second Floor of the City Hall Building.

RESOLUTION BOOK NO. 19 AT PAGE 287

D. RESOLUTION NO. 92-139 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Summary: From time to time the City desires to encroach on the right-of-way of a state maintained road or highway for various purposes. The N.C. Department of

-13-

Transportation is willing to permit encroachments for certain purposes, in certain locations and under certain circumstances.

RESOLUTION BOOK NO. 19 AT PAGE 289

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

VI. OTHER BUSINESS:

A. RESOLUTION NO. 92-140 - RESOLUTION APPROVING THE ISSUANCE OF A PERMIT BY THE CITY OF ASHEVILLE INSPECTIONS DIVISION TO ALTER/REPAIR A WOOD FRAME BUILDING WITHIN THE PRIMARY FIRE LIMITS

City Manager Bean said that an application for a special permit at 19 and 21 Haywood Street has been received to allow the adaptive re-use of this TYPE VI building in the fire district. The building is one story too high to comply with Table 400 of the Building Code, however, the architect has accomplished an analysis using Appendix Q of the Building Code which shows that the improvements that will be made to the building meet the minimum requirements in Appendix Q and make the project possible. These improvements include fire rating the walls in the building, providing occupancy separation, installing fire/smoke alarms and a communication system in the building and ensuring that exit travel distances remain less than half of the maximum allowable. The Building Inspections Division and the Fire Prevention Division of the Fire Department both recommend approval of this application. Upon City Council of the application, the Director of Building Inspections will forward the request to the Department of Insurance for their approval, prior to the issuance of a permit to do the work.

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

Vice-Mayor Ellison moved for the adoption of Resolution No. 92-140. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 290

B. CERTIFICATION OF THE PETITION RECEIVED UNDER N. C. GEN. STAT. SEC. 160A-58.1 TO ANNEX A CONTIGUOUS AREA LOCATED NORTH OF OVERLOOK ROAD (SECTION 1 OF BRAESIDE AT BILTMORE PARK)

-14-

C. RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION OF PROPERTY LOCATED NORTH OF OVERLOOK ROAD, PURSUANT TO N. C. GEN. STAT. SEC. 160A-31 (SECTION 1 OF BRAESIDE AT BILTMORE PARK)

City Manager Bean said that a petition requesting annexation of property located north of Overlook Road (Section 1 of Braeside at Biltmore Park) has been received and signed by the sole owner of the property. The City Clerk has investigated the sufficiency of the petition and has certified to the City Council the sufficiency thereof. He said the property is contiguous to the existing corporate limits as defined by N. C. Gen. Stat. sec. 160A-31 (f) in that it is separated from the municipal boundary by a portion of the right-of-way of Overlook Road. This resolution will set a public hearing on the question of annexation for October 13, 1992, at 4:00 p.m. in the Council Chamber on the second floor of the City Hall Building.

Mayor Michalove said that members of Council have been furnished with a copy of the resolution and it would not be read.

Councilman Worley moved for the adoption of Resolution No. 92-141. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 291

D. CLAIMS

City Manager Bean said the following claims were received by the City during

the week of September 7-11, 1992: Mary Floyd (Water); Betty Harrell (Water); and Linda Smith (Water).

He stated that the following claims were received by the City during the week of September 14-18, 1992: James Pratt (Sanitation); John Powell (Traffic Engineering); George Farlow (Traffic Engineering); Pat Smith (Water); Elsie Wright (Water); Darryl Rhymes (Streets); and Edna Cole (Civic Center).

He also stated that the following claims were received by the City during the week of September 21-28, 1992: Delia Robinson (Water); David Bailey (Streets); Southern Bell (Water); Oliver Watts (Fire); and Grace Covenant Presbyterian Church (Water).

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

-15-

VII. ADJOURNMENT.

Mayor Michalove adjourned the meeting at 5:57 p.m.

CITY CLERK MAYOR
