

Tuesday - March 30, 1993 - 4:00 p.m.

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 Moore gave the invocation.

I. PROCLAMATIONS:

A. RESOLUTION NO. 93-40 - RESOLUTION OF THANKS TO INDIVIDUALS, AGENCIES AND ORGANIZATIONS THAT ASSISTED THE CITY OF ASHEVILLE IN ITS EMERGENCY RESPONSE TO THE BLIZZARD OF 1993

Mayor Michalove read the resolution expressing the City of Asheville's most heartfelt thanks to all agencies, individuals and organizations for the invaluable assistance rendered during and immediately after the blizzard of 1993.

He presented Certificates of Appreciation to the North Carolina National Guard, United Way, Manna Food Bank, ABCCM, NC Department of Environment, Health & Natural Resources, MSD, Salvation Army, Communication Service Inc., David Branson, William Cecil Jr., Kenneth Allen (Paving Enterprises), American Red Cross, Mae Bessie Ellison, Beaverdam Division of the Reems Creek Fire Department, Buncombe County, Willie and Sherlyn Allen, Bill Sturgis (Suburban Propane), Jeffrey Gillespie (Suburban Propane), Ramada Inn, Charles Livengood, Jane Knisely, Roger Roberts, Rick Shepard, Mark Hobbs, Lauren Scott, Chip Bacarisse, Jeff Ray, Doug Watson, Steve McHenry, John Putnam, Tim Robinson, Steve Madden, Chris Reynolds, WSKY Radio, WCQS Radio, WLOS-TV, WYFF-TV, WSPA-TV, WWNC and WKSF and the Asheville Citizen-Times.

Resolution No. 93-40 was adopted by acclamation.

RESOLUTION BOOK NO. 20 AT PAGE 105

B. PROCLAMATION PROCLAIMING THE MONTH OF APRIL, 1993, AS "ALCOHOL AWARENESS MONTH"

-2-

Mayor Michalove proclaimed the month of April, 1993, as "Alcohol Awareness Month" in the City of Asheville and presented the proclamation to representatives of the Buncombe County Drug Commission, who gave a brief summary of activities which will take place during the month.

C. PROCLAMATION PROCLAIMING THE WEEK OF APRIL 5-11, 1993, AS "COMMUNITY DEVELOPMENT WEEK"

Mayor Michalove proclaimed the week of April 5-11, 1993, as "Community Development Week" in the City of Asheville and presented the proclamation to Community Development Director Marvin Vierra, who gave a summary of activities

which will take place during the week.

At this time Mayor Michalove changed the order of items in order to accommodate the large number of people in audience.

UNFINISHED BUSINESS:

THIRD READING OF ORDINANCE NO. 1958, AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH THE DWELLING LOCATED AT 10 SUNSET SUMMIT

Mayor Michalove explained that this action was postponed from the January 19, 1993, meeting in order to see what action the Board of Adjustment would take with regard to the appeal filed by the surrounding property owners.

City Attorney Slawter said that on March 1, 1993, the Board of Adjustment heard the appeal filed by the surrounding property owners which stayed the permits. He said that on that date, the Board denied the appeal. He said the appellants have indicated that they would appeal the Board's decision, but to date the decision has not been signed and issued. He suggested the Council postpone taking action on this matter until the decision is signed and the 30 day time period, within which the surrounding property owners have to appeal the decision, has elapsed.

Councilwoman Field moved to postpone action on this matter until May 11, 1993. This motion was seconded by Councilman Moore and carried unanimously.

City Attorney Slawter said that he would prepare a report updating the Council on this matter prior to May 11, 1993.

-3-

NEW BUSINESS:

RESOLUTION ADOPTING A SMALL AREA PLAN KNOWN AS THE HENDERSONVILLE ROAD CORRIDOR PLAN AS AN ADDENDUM TO THE COMPREHENSIVE PLAN FOR THE CITY OF ASHEVILLE (ASHEVILLE CITY PLAN 2010)

Vice-Mayor Ellison moved to set a public hearing on this matter for May 11, 1993, in order to give Council members time to tour the area. This motion was seconded by Councilman Moore and carried unanimously.

PUBLIC HEARING:

CONTINUATION OF A PUBLIC HEARING TO AMEND ZONING OF 570-582 HENDERSONVILLE ROAD

Mayor Michalove stated that the public hearing on this matter was opened on January 5, 1993, and continued until this date in order to give the Council the benefit of the Hendersonville Road Corridor Study.

Because the Council will be touring the Hendersonville Road Corridor Plan area and holding a public hearing on that matter until May 11, Councilman Moore moved to continue this public hearing, without further advertisement, until May 11, 1993. This motion was seconded by Councilwoman Field and carried on a 4-3 vote, with Councilmen Peterson, Swicegood and Worley voting "no."

Councilmen Swicegood and Worley opposed the continuance because he felt that it has been Council's policy not to continually postpone a request such as this.

UNFINISHED BUSINESS:

DISCUSSION RELATIVE TO OVERLOOK POINTE BI-LO GROUP DEVELOPMENT

Mayor Michalove said that the public hearing on this matter was held on March 2, 1993, at which time a motion was made to postpone any action on this matter in order to give the City an opportunity to review the engineering studies of the developer and Crowfields.

Mr. Jim Ewing, Director of Public Works, said that he has reviewed the reports by the developer and the homeowners group and feels that the reports essentially say the same thing, but are couched in different language. He went on to read his report as follows:

-4-

"Both the developer and the homeowners association showed a post development storm of 10 Yr 24 Hrs duration. The rain event chosen is a minimum event to consider for storm water quantity control.

"Under this event and the runoff controls as proposed for this project, the Bi-Lo site will create no more run off into Dingle Creek than under predevelopment conditions. Unfortunately, any event grater (sic) than the 10 Yr 24 Hr event will not be curtailed. This will result in the design year storm runoff being held in the basin and all the remaining will top the reservoir and run into Dingle Creek. The present design calls for the overflow to run down the ditch line of Overlook Road until it reached Pebble Creek. This is a possibility, however, there needs to be some work done on the ditch line as it has been filled in adjacent to Deer Run. Because this is a very small portion of the drainage basin, the immediate impact will probably be negligible.

"To further compound the problem, the 10 year storm can be calculated in an infinite combination of intensities and durations. The Storm event is defined as a quantity of water impacting the drainage basin rather than either an intensity or a duration. For example, if a 10 year event is defined as 100 Inches this can be achieved if a storm has an intensity of .1 IPM for 1000 Minutes, or an intensity of 10 IPM for 10 minutes.

"There are two designs for a containment basin. One is a retention and the other is a retention basin. The retention basin always has water contained in to be a decorative fixture in a development. The other is a detention basin which is dry except when necessary to contain runoff during an event. In the proposed situation and location, the detention basin design is the preferred design for maintenance reasons.

"Under the current ordinances of the city, we have no ability to require that the developers have a specific design criteria for the protection of adjacent properties. This would be one of the requirements that a Storm Sewer Utility would have in the enabling ordinance.

"It appears that this design is better than one which requires no variance. The site would have the same area of impervious area, but the developer would not have as great an incentive to accommodate all the requests that we have made of him to mitigate the observable problems. In -5-

addition to storm water problems, the location changes in the building to accommodate the site with no variance would probably result in a reduction of parking spaces. The development would still have all that is required by the zoning ordinance, but by their own admission, the resulting lot would not be sufficient during high traffic times. This would create the possibility of dangerous situations both on Hendersonville Highway and Overlook Road"

He stated that some ditching needs to be done along Overlook Road to make sure the flow from the detention basin doesn't get into the road. He also proposes a different device in order to give better protection downstream.

There was some discussion relative to the retention basin.

At the request of Mayor Michalove, City Attorney Slawter explained that if Council grants the variance, it can impose conditions upon the group development. However, if the variance is not granted, Council has no authority to place conditions on the group development, because the developer already meets all requirements of the group development section of the zoning ordinance. He explained the reasoning behind granting a variance and it was his opinion that this request did not meet the "practical difficulties or hardship with the property" standards for granting a variance.

Mr. Gerald Green, Senior Planner, summarized the recommendations of the Planning and Zoning Commission stating that the Planning and Zoning Commission approved the group development subject to the granting of a variance. He briefed the Council on the concerns Crowfields had on the group development.

Mr. Phil Carson, attorney for Hughes Development Corporation, stated that, after the public hearing by the City Council, the developers met with Crowfields' representatives and tried to negotiate their concerns. However, those negotiations have stopped because the developers have been told that those representatives of Crowfields had no authority to be negotiating. He stated that the developers have gone the extra mile to work with Crowfields. He told the Council that if the variance is denied, the developer will develop the land only based upon the original site plan which is subject only to the ordinance requirements. However, if the variance is granted, the developer will honor the various obligations made with Crowfields. He further stated that if the -6-

granting of the variance is appealed, the developers will withdraw their request for a variance and go back to the original site plan, minus any obligations made with Crowfields.

Mr. O.E. Starnes, attorney representing Crowfields Condominiums, felt that this development did not meet the hardship criteria for the granting of a variance. He passed out to Council a list containing 10 points of concern that Crowfields property owners have expressed.

It was again confirmed that if Council grants the variance, they can impose conditions upon the developer. If the variance is denied, the Council can impose no conditions upon the developer.

Councilman Moore felt that since the granting of a variance is to relieve a real hardship, the developer cannot show to his satisfaction that this variance request meets the hardship requirements, thus he will vote against the granting of a variance.

Councilman Swicegood felt that the developers have tried to work with Crowfields on their concerns and felt that some concerns were not realistic, thus he will vote for the granting of a variance.

Councilman Peterson moved to approve the site plan including the variance subject to the buffering requirements and the installation of the detention basin at the rear end of the project. This motion was seconded by Councilman Swicegood.

Councilman Worley stated that he would vote for the variance request because he

felt the community needs as much protection as possible and if the Council does not grant the variance, that protection cannot be obtained.

Vice-Mayor Ellison felt that the granting of the variance will be for the best interest of the neighborhood and thus, will vote for it.

Mr. Starnes stated that if the Council grants the variance, he requests that they place various conditions upon the developer. Mr. Carson stated that he would be happy to negotiate some conditions.

At this time, Mayor Michalove asked that the two parties involved and the representatives of the Planning -7-

Department meet in the Council Conference Room to work out any details and come back to the meeting with definite conditions that could be enforced by the Planning Department.

Approximately 25 minutes later, the parties emerged and the following motion was agreed upon by the developers, the Crowfields representatives and the Planning staff:

Councilman Peterson moved to amend his prior motion to read that the site plan (including the 7.5 foot variance) dated March 30, 1993, (and initialed by representatives of Hughes Development Corporation and Crowfields Condominiums) be approved with the following conditions:

- A. Drainage to be piped to creek at the nearest practical point as mutually agreed upon by the parties involved;
- B. An engineering study to be conducted to determine a method of modifying the parking lot slope for the purpose of creating a water collection basin at the mouth of the drainage pipe at the northeast corner of the lot to limit runoff entering the driveway;
- C. Buffering at the northwest corner of the building to be as submitted on initialed revision to landscape plans;
- D. Wall to be dark colored and textured (color selected by developer's architect to reduce visual impact or mutually agreed upon);
- E. Lights to be baffled and low glare; and
- F. Debris collectors at inlets of drainage outlet pipes.

Councilman Swicegood then seconded Councilman Peterson's amended motion. This motion carried on a 6-1 vote, with Councilman Moore voting "no."

Mr. Carson again confirmed to the Council that if the variance is appealed to Superior Court, the developers will withdraw their request for a variance and go back to the original site plan, minus any obligations made with Crowfields.

-8-

PUBLIC HEARINGS:

PUBLIC HEARING TO CLOSE AN UNNAMED ALLEY RUNNING WEST OFF PEARL STREET

RESOLUTION NO. 93-41 - RESOLUTION TO CLOSE AN UNNAMED 12 FOOT ALLEY RUNNING WEST OFF PEARL STREET IN THE CITY OF ASHEVILLE

Mayor Michalove opened the public hearing at 5:53 p.m.

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

Mr. Jim Ewing, Director of Public Works, stated that a petition has been received from Victor C. Shealy Jr. and Patricia Shealy requesting the unnamed alley running west off Pearl Street be closed. The Shealys, and a partnership which they own, are the only property owners who have property which adjoins the alley. The closing would not deny access to any individual property owner.

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

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

Councilman Moore moved for the adoption of Resolution No. 93-41. This motion was seconded by Councilman Peterson and carried unanimously.

RESOLUTION BOOK NO. 20 - PAGE 106

PUBLIC HEARING TO CLOSE A PORTION OF LENOX COURT

RESOLUTION NO. 93-42 - RESOLUTION TO CLOSE A PORTION OF LENOX COURT

Mayor Michalove opened the public hearing at 5:56 p.m.

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

Mr. Jim Ewing, Director of Public Works, stated that a petition has been received from the Jewish Community Center of Asheville to close a portion of Lenox Court. All property adjoining this portion of Lenox Court is under the ownership of the Jewish Community Center of Asheville. No property owners in the area would be denied reasonable means of egress and ingress to their property.

-9-

He said there would be a slight decrease in Powell Bill revenue mileage resulting in a reduction of only \$18.30 in funds. The maintenance cost reductions would equate to approximately \$24.00 per year. There would be no increase in property taxes due to the Jewish Community Center being tax exempt.

Mr. Bruce Boyd, property owner in the area, stated some concerns about parking on Lenox Court and the type of buffering after the renovations are completed.

Mr. Gary Friedman, attorney, stated that the Jewish Community Center has no plans to change the traffic flow on Lenox Court and that after the renovations are done, it should alleviate some of the on-street parking on Lenox Court. He said that they have landscape architects currently working on the buffering for the area.

Mayor Michalove closed the public hearing at 6:02 p.m.

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

Vice-Mayor Ellison moved for the adoption of Resolution No. 93-42. This motion was seconded by Councilman Moore and carried unanimously.

RESOLUTION BOOK NO. 20 - PAGE 108

PUBLIC HEARING TO CLOSE A PORTION OF A 10' ALLEY LOCATED BETWEEN LENOX COURT AND MURDOCK AVENUE

RESOLUTION NO. 93-43 - RESOLUTION TO CLOSE A PORTION OF A 10' ALLEY LOCATED BETWEEN LENOX COURT AND MURDOCK AVENUE

Mayor Michalove opened the public hearing at 6:03 p.m.

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

Mr. Jim Ewing, Director of Public Works, stated that a petition has been received from the Jewish Community Center of Asheville requesting that a portion of a 10' alley between Lenox Court and Murdock Avenue be closed. The closing of this portion of the 10' alley would not deny reasonable means of egress and ingress to any property owner.

-10-

He said the alley is not maintained by the City of Asheville so there would be no effect upon Powell Bill revenues or maintenance cost. The property added to private ownership would not increase ad valorem taxes due to the fact that the Jewish Community Center is a tax exempt organization.

Mayor Michalove closed the public hearing at 6:06 p.m.

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

Councilman Moore moved for the adoption of Resolution No. 93-43. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 20 - PAGE 110

PUBLIC HEARING RELATIVE TO THE ADOPTION OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH THE DWELLING LOCATED AT 42 ROBERTS STREET

ORDINANCE NO. 2017 - AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH THE DWELLING LOCATED AT 42 ROBERTS STREET

Mayor Michalove opened the public hearing at 6:05 p.m. He stated that the public hearing for demolition of 67 Mt. Clare Avenue and 16 Clyde Street will also be opened at this time. Those other two items follow this item.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing relative to the demolition of 42 Roberts Street.

Mr. Bob Hixson, Director of Inspections, said that on January 14, 1992, and February 10, 1992, the Inspection Division inspected 42 Roberts Street and found it was unfit for human habitation. Inspections revealed that (1) north and west walls are damaged and structurally unsound, (2) first and second floors are damaged and structurally unsound, (3) there is no water nor electricity, (4) structure is being occupied by vagrants and is badly deteriorated and, (5) structure is a danger and hazard to the general public.

Mayor Michalove closed the public hearing at 6:10 p.m.

Mayor Michalove said that members of Council have been furnished with a copy of

the ordinance and it would not be read.

-11-

Councilman Moore moved for the adoption of Ordinance No. 2017. This motion was seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 2017 passed on its first reading.

Councilman Swicegood moved to suspend the rules and proceed to the second reading of Ordinance No. 2017. This motion was seconded by Councilman Worley and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 2017 passed on its second reading.

Councilman Worley moved to suspend the rules and proceed to the third and final reading of Ordinance No. 2017. This motion was seconded by Councilman Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 2017 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 202

PUBLIC HEARING RELATIVE TO THE ADOPTION OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH THE DWELLING LOCATED AT 67 MT. CLARE

ORDINANCE NO. 2018 - AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH THE DWELLING LOCATED AT 67 MT. CLARE

Mayor Michalove opened the public hearing at 6:05 p.m., at the same time the public hearing was opened for the demolition of 42 Roberts Street and 16 Clyde Street.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing relative to the demolition of 67 Mt. Clare Avenue.

Mr. Bob Hixson, Director of Inspections, said that on February 17, 1992, the Inspection Division inspected 67 Mt. Clare and found it was unfit for human habitation. Inspection revealed that the piers and supports are damaged, the plumbing system is inoperable, there is no electricity or heat, the building is unsecured and needs paint, the structure has broken windows, the sills and jambs are rotted, the roof and floors are badly damaged, the landing to upstairs unit completely is rotted out, the lot is overgrown and littered, unsanitary, unfit for human habitation and dangerous to the general public.

-12-

City Attorney Slawter stated that his office has received word that some heirs to this property have some concerns over the demolition of this structure. Vice-Mayor Ellison instructed the City Attorney to notify the heirs that Council will be taking final action on this matter on April 6, 1993.

Mayor Michalove closed the public hearing at 6:10 p.m.

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

Councilman Moore moved for the adoption of Ordinance No. 2018. This motion was seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 2018 passed on its first reading.

Councilman Swicegood moved to suspend the rules and proceed to the second reading of Ordinance No. 2018. This motion was seconded by Councilman Worley and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 2018 passed on its second reading.

PUBLIC HEARING RELATIVE TO THE ADOPTION OF AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH THE DWELLING LOCATED AT 16 CLYDE STREET

ORDINANCE NO. 2019 - AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH THE DWELLING LOCATED AT 16 CLYDE STREET

Mayor Michalove opened the public hearing at 6:05 p.m., at the same time the public hearing was opened for the demolition of 42 Roberts Street and 67 Mt. Clare Avenue.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing relative to the demolition of 16 Clyde Street.

Mr. Bob Hixson, Director of Inspections, said that on June 4, 1991, the Inspection Division inspected 16 Clyde Street and found it was unfit for human habitation. Inspection revealed that the roof and floor structures are extensively damaged by fire; the rear foundation is removed as well as wall foundations are being undermined; there is insufficient plumbing, heating and electrical systems; the dwelling is structurally unsound and dangerous to the general public. This structure could collapse at any time.

-13-

Mayor Michalove closed the public hearing at 6:10 p.m.

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

Councilman Moore moved for the adoption of Ordinance No. 2019. This motion was seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 2019 passed on its first reading.

Councilman Swicegood moved to suspend the rules and proceed to the second reading of Ordinance No. 2019. This motion was seconded by Councilman Worley and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 2019 passed on its second reading.

Councilman Worley moved to suspend the rules and proceed to the third and final reading of Ordinance No. 2019. This motion was seconded by Councilman Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 2019 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 206

UNFINISHED BUSINESS:

RESOLUTION DIRECTING THE KITCHEN PLACE PROJECT BEGINNING AT ITS INTERSECTION WITH ANGLE STREET TO ITS INTERSECTION WITH BROOK STREET BE UNDERTAKEN AND

SPECIAL ASSESSMENTS MADE AGAINST BENEFITTED PROPERTIES

RESOLUTION DIRECTING THE BOSTON WAY PROJECT FROM ITS INTERSECTION WITH HENDERSONVILLE ROAD TO ITS INTERSECTION WITH ALL SOULS CRESCENT AT ITS WESTERN END BE UNDERTAKEN AND SPECIAL ASSESSMENTS MADE AGAINST BENEFITTED PROPERTIES

Vice-Mayor Ellison moved to postpone action on these matters until April 6, 1993. This motion was seconded by Councilman Worley and carried unanimously.

-14-

NEW BUSINESS:

RESOLUTION NO. 93-44 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN OPTION AGREEMENT WITH THE STATE OF NORTH CAROLINA RELATED TO PROPERTY ADJACENT TO THE AGRICULTURAL CENTER

City Attorney Slawter said that the City owns a tract of land adjacent to the Agricultural Center on Airport Road which tract consists of approximately 15.65 acres. He said 7.45 acres of that tract is the subject of a condemnation proceeding by the N.C. Department of Transportation ("NC DOT") for the purpose of facilitating highway improvements within the area. The N.C. Department of Agriculture has made an offer for the remaining 8.2 acres at a purchase price of \$27,500 per acre. The transaction cannot be finalized until it is approved by the Federal Aviation Administration ("FAA") and the N.C. Department of Agriculture has requested that the City enter into an option agreement so as to facilitate the commitment of State funds for that purchase pending approval by the FAA. This resolution will authorize the Mayor to execute that option agreement providing for the sale to the State of North Carolina of an 8.2 acre tract of land for the sum of \$225,000, subject to the approval of the FAA.

He said that the purchase price offered by NC DOT and the N.C. Department of Agriculture together for the entire tract of 15.65 acres is \$461,372. Bill Duckworth and Max Swicegood appraised the property in 1989 at \$410,300. Tom Steitler appraised the property in 1991 at \$406,900.

Upon inquiry of Councilman Peterson, City Manager Bean said that 50% of the \$225,000 will go to the Airport and 50% will go into the City's capital account.

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

Councilman Worley moved for the adoption of Resolution No. 93-44. This motion was seconded by Councilman Moore and carried unanimously.

RESOLUTION BOOK NO. 20 - PAGE 112

RESOLUTION NO. 93-45 - RESOLUTION ESTABLISHING THE BELE CHERE COMMISSION

City Manager Bean said that since the Bele Chere Festival was created in 1979, it has been extremely -15-

successful and continues to generate millions of dollars for the community, create a positive image for the City of Asheville and remains a source of great pleasure for many thousands annually. He said the Bele Chere Festival has previously been operated by a public/private partnership between the City of Asheville and an independent board. He said that because the City of Asheville maintains ultimate responsibility and legal liability for activities conducted in conjunction with the Bele Chere Festival, the Council desires to establish

the Bele Chere Commission charged with responsibilities for conducting the Bele Chere Festival in order that the City of Asheville maintain more direct control over the activities of the Festival.

He then set out the following criteria establishing the Bele Chere Commission:

1. There is hereby established the Bele Chere Commission, said Commission consisting of sixteen (16) members appointed by the Asheville City Council to serve as follows:
 - a. Fourteen (14) members shall be the most recent past Festival chairmen;
 - b. Two (2) members shall be appointed by the City Council and serve a term of two (2) years;
 - c. Each year the most recent Festival chairman shall become a member of the Commission and the member from the Festival longest past shall have their term expire;
 - d. The Chairman of the Commission must have served as a Festival chairman and shall be elected from among its membership to serve a one (1) year term.
 2. The Bele Chere Commission shall be charged with the following duties:
 - a. Revise and adopt the Strategic Plan, following input from the City Council, Board of Directors and community;
 - b. Advocate for the community's interest concerning the Festival;
 - c. Build community support for Bele Chere, other festivals and Downtown;
- 16-
- d. Serve as a resource to Festival Board and staff;
 - e. Recommend an appropriate level of reserve funds and use of any additional surplus funds;
 - f. Recruit and appoint a Festival Chairman and Chairman-elect; and
 - g. Organize committees as they so choose and appoint appropriate leadership.
3. The Bele Chere Commission shall meet at least four (4) times a year, and one of those meetings shall be a joint worksession with City Council in September of each year to review a preliminary report on the Festival.
 4. A final financial report for each Festival will be provided to the City Council by November 1 of each year.

Mayor Michalove thanked Vice-Mayor Ellison and Councilman Worley for working with the Bele Chere Board of Trustees in arriving at this new Commission.

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

Councilman Moore moved for the adoption of Resolution No. 93-45. This motion was seconded by Councilman Worley and carried unanimously.

BIDS RELATIVE TO OFFICE FURNITURE AND WORKSTATIONS FOR THE PUBLIC WORKS COMPLEX

City Manager Bean said the City recommends award of bid to Office Environments, Asheville, North Carolina, in the amount of \$80,219.68; Contren, Charlotte, North Carolina, in the amount of \$20,011.42; and Hoyle Office Supply, Asheville, North Carolina, in the amount of \$23,707.90. These bids fully meet all specifications, terms and conditions of subject bid. A complete bid summary is attached hereto and made a part hereof as Exhibit "A".

Upon inquiry of Councilman Peterson, Associate City Manager/City Clerk Wolcott said that the Public Works -17-

Complex is within its budget. He said that in addition to the new furniture being bought, the City is going to be putting old furniture that has been repainted and reupholstered into the new building.

At the request of Councilman Swicegood, Mr. Norwood Dunn, City Purchasing Agent, and Mr. John Legerton, Design Architect, explained that they were recommending awarding the bid in group 7 to the second lowest bidder because Workspaces Inc. (lowest bidder) did not meet the specifications. Workspaces Inc. did not include filler panels and strips as required for complete installation.

Mr. Dunn said that the prices were better than state contract because of the size of the bid.

Councilman Moore moved to excuse Councilwoman Field due to a conflict of interest. This motion was seconded by Councilman Worley and carried unanimously.

Councilman Moore moved to award the bids to Office Environments, Asheville, North Carolina, in the amount of \$80,219.68; Contren, Charlotte, North Carolina, in the amount of \$20,011.42; and Hoyle Office Supply, Asheville, North Carolina, in the amount of \$23,707.90. This motion was seconded by Councilman Worley and carried on a 5-2 vote, with Councilmen Peterson and Swicegood voting "no."

ORDINANCE NO. 2020 - BUDGET ORDINANCE AMENDMENT RELATIVE TO THE FLEET MANAGEMENT SERVICE STATION

City Manager Bean said that the design and construction of the Fleet Management Service Station was approved in 1991. During removal of old fuel tanks, soil contamination was found. Following EPA and State Environmental regulations caused additional planning by the architect, extensive costly soil testing, and removal and disposition of contaminated soil. These unexpected costs caused an overrun of approximately \$33,000 over budget authority. In addition, the necessity of providing a weather shelter for drivers while using the Gas Boy Key Stand has become apparent. Landscaping to the minimum City standards is also required. This budget amendment ordinance provides for an additional \$50,000 loan from the 20 Fund as part of planned CIP loans.

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

Councilman Moore moved for the adoption of Ordinance No. 2020. This motion was seconded by Vice-Mayor Ellison.

-18-

On a roll call vote of 7-0, Ordinance No. 2020 passed on its first and final

reading.

ORDINANCE BOOK NO. 13 - PAGE 208

CONSENT AGENDA:

A. APPROVAL OF THE REGULAR MEETING HELD ON MARCH 23, 1993.

B. MOTION AUTHORIZING THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO SELL ONE DISPOSAL PARCEL IN THE HEAD OF MONTFORD REDEVELOPMENT PROJECT.

Summary: Disposal Parcel #4 is located at 125 Cherry Street and consists of a 1,956 sq. ft. two-story house on a 8,050 sq. ft. lot. The house is structurally sound but badly in need of rehabilitation. The appraisal value of the property is \$21,500. The proposed redeveloper is Bonnie View, Inc., a North Carolina corporation, and their bid amount is \$21,500. No upset bids have been received.

Redevelopment of the property includes rehabilitating the structure and converting it to office space on the first floor and a two bedroom apartment on the second floor. The estimated cost of rehabilitation is \$65,000.

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

VI. OTHER BUSINESS:

A. CLAIMS

City Manager Bean said the following claims were received by the City during the week of March 22-26, 1993: Hope Crowder (Water); Suzanne Huntley (Streets), Jerry Harper (Streets); Sarah Johnson (Parks); Ruth Marshall (Streets); James Ballard (Water); and Andy Hutchinson (Sanitation).

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

VII. ADJOURNMENT.

Mayor Michalove adjourned the meeting at 6:48 p.m.

CITY CLERK MAYOR
