

Tuesday - June 15, 1993 - 4:00 p.m.

Asheville Civic Center - Banquet Room

Regular Meeting

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

Absent: None

INVOCATION

Vice-Mayor Ellison gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION HONORING DAVE HOGAN AND WELCOMING HIM BACK TO ASHEVILLE

Mayor Michalove recognized Dave Hogan who has returned to Asheville for continuation of a very successful career in broadcasting as host of the Dave Hogan Good Morning Show on 1310 WISE and simulcast on 1600 WTZQ in Hendersonville.

B. RESOLUTION NO. 93-78 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE IDA MERRELL

Mayor Michalove read the resolution stating that Ida Merrell has been an employee for 36 years and has requested retirement from her position as Data Entry Clerk in the Collections Division of the Finance Department. He expressed City Council's appreciation to Ida for her service to the City of Asheville and its citizens.

Resolution No. 93-78 was adopted by acclamation.

RESOLUTION BOOK NO. 20 - PAGE 215

C. RESOLUTION NO. 93-79 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE ROBERT SHOOK

Mayor Michalove read the resolution stating that Robert Shook has been an employee for 25 years and has requested retirement from his position as Sanitation Equipment Operator in the Sanitation Division of the Public Works Department. He expressed City Council's appreciation to Robert for his service to the City of Asheville and its citizens.

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Resolution No. 93-79 was adopted by acclamation.

RESOLUTION BOOK NO. 20 - PAGE 216

D. PROCLAMATION PROCLAIMING THE HARVEST HOUSE TROUBADOURS AS THE PARKS AND RECREATION VOLUNTEERS OF THE YEAR IN THE CITY OF ASHEVILLE

Mayor Michalove read the proclamation proclaiming the Harvest House Troubadours

as the Parks and Recreation Volunteers of the Year in the City of Asheville and presented each person with the proclamation.

E. RECOGNITION OF PARKS AND RECREATION DEPARTMENT FOR BEING SELECTED AS A PILOT AGENCY IN THE NATIONAL RECREATION AND PARK ASSOCIATION ACCREDITATION PROGRAM

Mayor Michalove recognized Ray Kisiah, Director of Parks and Recreation, and said that it was an honor that the City of Asheville Parks and Recreation Department has been selected as one of the 11 agencies throughout the United States which will serve as a Pilot Agency in the National Recreation and Park Association Accreditation Program.

Mr. Ray Kisiah briefed the Council on the program.

F. 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, 1992.

He said it is presented by the Government Finance Officers Association of the United States and Canada to government 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 13th year that the City has received this award.

Mr. Fisher briefed the Council on the reporting procedure and recognized City Accountant Pat Leckey and her staff from the Accounting Division as being instrumental in helping obtain this award.

II. PUBLIC HEARINGS:

A. PUBLIC HEARING TO ANNEX A PORTION OF THE OTEEN II AREA

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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.

Mr. Paul Benson, Urban Planner, described the area and then briefly described the plan for services.

Upon inquiry of Councilman Swicegood as to whether Mayor Michalove had a conflict of interest in this matter, City Attorney Slawter stated that there was no conflict of interest for the Mayor. He stated that just because the Mayor works for the company that owns The Summit, that does not violate the conflict of interest statute.

Upon inquiry of Councilman Peterson, Mr. Benson stated that the Blue Ridge Parkway and the VA Hospital are the only tax exempt properties in this proposed annexation area.

Vice-Mayor Ellison questioned if the Blue Ridge Parkway was adequately notified of the proposed annexation.

Vice-Mayor Ellison moved to continue the public hearing until after appropriate notice has been given to the Blue Ridge Parkway. This motion was seconded by

Councilman Worley and carried unanimously.

City Manager Bean said that during the community meetings, some very good questions arose which related to sanitation and street maintenance in mobile home parks. There has also been a request to delay action for one or two years and start the process over again with a delayed effective date of a year because some of the area has not been totally developed. He stated that the City staff has no problem if the Council wishes to delay action on this proposed annexation. He stated that if a delay occurred, it would give staff time to work out any issues at it relates to the Blue Ridge Parkway, the sanitation services, and also it would give time for the area to become more developed.

Because the proposed Beaverdam Run Condominium agreement regarding annexation that was entered into last year, City Manager Bean explained the circumstances surrounding that agreement in relationship to the request for delay in the Oteen II area.

Councilman Worley stated that he toured the proposed annexation area and was not convinced that the area was ready to come into the City. Therefore, Councilman Worley moved to stop the annexation of the Oteen II area with no date specific for further consideration. This motion was seconded by Councilman Swicegood.

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Councilman Moore felt that an effective date should be set out in any agreement made in connection with a delayed annexation. He stated that he was not at all adverse to the two year delay, but because of a promise that the City made to the VA Hospital relative to payments for fire protection, he felt the City needed to first find out how that delay would affect the VA Hospital.

City Manager Bean stated that the City did not budget anything for the VA Hospital contract this coming year, in anticipation of the area coming into the City within the next few months. He did state, however, that he would be happy to go back to the VA Hospital to discuss some sort of contract for the upcoming year or so. He did state that this delay could result in a reduction of revenues on the part of the City.

Councilman Worley was opposed to setting any definite date for the annexation to come back up because he felt that the City could not predict when the area would be appropriate to annex due to the diversity of the community.

Councilwoman Field also questioned the City Manager relative to the discussions with the VA Hospital. City Manager Bean stated that the City's discussions with the VA Hospital are not contingent upon annexing any other property.

Mr. Art Anderson, Vice-President of the Scenic Mobile Home Park, asked for clarification on the tax issues and read a resolution from the President which opposed the annexation.

Mr. Michael Monoperto, owner of the Scenic Mobile Home Park, spoke in opposition of the annexation and stated that the main reason people live in mobile homes is because they are affordable. He felt that any increase in taxes would force people to move. He felt there were a lot of unanswered questions and asked for assurances relative to the City's zoning ordinance and fire code regulations.

At the request of Councilman Peterson, City Attorney explained the section of the zoning ordinance as it relates to mobile home parks and Fire Chief John

Rukavina explained that fire regulations are identical outside and inside the City limits.

Mr. Harold Holcombe, homeowner in Riverknoll development, felt that the City would gain if the annexation would be delayed.

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Ms. Jean Sales was assured that when the annexation process was started again that the same procedures would be followed.

Mr. Mike Summey, owner of six properties in the area, spoke against the proposed annexation and felt that the residents in the area (through annexation) are being asked to pay the fire protection bill for the VA Hospital.

Vice-Mayor Ellison moved to rescind his prior motion to continue the public hearing until after appropriate notice has been given to the Blue Ridge Parkway. This motion was seconded by Councilman Worley and carried unanimously.

At this time, the motion made by Councilman Worley and seconded by Councilman Swicegood to stop the annexation of the Oteen II area with no date specific for further consideration was voted on. This motion carried on a 6-1 vote, with Councilman Moore voting "no" because he felt there should be a specific date set for further consideration of this annexation.

B. PUBLIC HEARING TO ANNEX BEAVERDAM RUN AREA

Mayor Michalove opened the public hearing at 5:30 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, described the area and then briefly described the plan for services.

A resident in Beaverdam Run Condominiums had several questions relative to public streets versus private streets.

As a result of some discussion surrounding this annexation, City Manager Bean explained the steps which led to this delayed annexation and read a portion of the agreement signed last year by the President of the Beaverdam Run Condominium Association.

Mr. Michael Monoperto, resident in Beaverdam Run Condominiums, spoke about the need for Beaverdam Road to be

widened and hoped that the City would be able to help with this aspect. City Manager Bean explained that even if a State-maintained road (which is Beaverdam Road) is annexed into the City, it still remains a State-maintained road. Councilwoman Field did state that Beaverdam Road was on the Transportation Improvement Plan's list of roads to be widened but there was no specific date set yet when that would occur.

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Mr. Ralph Bishop spoke against annexation in general.

Mr. Edward Rutkowski, resident of Crowfields Condominiums, felt that it is the responsibility of every condominium owner to attend the monthly meetings of

their association to protect their assets.

Mayor Michalove closed the public hearing at 6:00 p.m.

Mayor Michalove said that the City Council consider all the comments made at the public hearing today and schedule the first reading of this ordinance for June 29, 1993.

C. PUBLIC HEARING RELATIVE TO THE SOUTH PACK SQUARE REDEVELOPMENT PLAN

RESOLUTION NO. 93-80 - RESOLUTION APPROVING THE REDEVELOPMENT PLAN FOR THE SOUTH PACK SQUARE REDEVELOPMENT AREA

Mayor Michalove opened the public hearing at 6:01 p.m.

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

Mr. Verl Emrick, Executive Assistant in the Planning Department, said that the South Pack Square Redevelopment Plan was developed by a term of property owners, business owners, and interested citizens. The Plan has been approved by the Housing Authority, the Historic Resources Commission, the Downtown Commission, the Planning and Zoning Commission, and the South Pack Square Association. He said the total estimated cost is \$6,322,900 - public: \$2,342,000 and private: \$3,980,000. He then went on to describe the boundaries and explain the process which led up to this plan.

Ms. Wanda Henry-Coleman, representative of the YMI Cultural Center, gave Council a brief background of the plan and urged the Council to support the plan and which will help this community's progress.

Mr. Mitty Owens, Coordinator of Economic Development for the YMI Cultural Center, spoke about the human resource and economic development part of the plan and how proud he was to have this plan to work with. He passed out the Eagle/Market Facade Design Guidebook.

Mr. Larry Holt, Deputy Executive Director of the Housing Authority of the City of Asheville, spoke about the -7-

function of the redevelopment plan which is to lock in a plan so that they can work with residents in the area, and anyone interested in participating in the revitalization of this community, in bringing it back to its original position in terms of the cultural and historical area it once was.

There was some discussion by Council and Mr. Holt on the funding aspect of the plan. Council was assured by Mr. Holt that when specific projects are lined up, they will go to the banking community for loans and when public improvements are ready, they will come back to the Council for possible funding. Mr. Holt guaranteed Council that when money is requested for this plan that no money would be spent on the Pack Place Project - that the redevelopment will occur on the south side of Eagle Street. He stated that he would be happy to work with Pack Place in revitalizing the area, but not by using monetary resources.

Upon inquiry of Vice-Mayor Ellison, Mr. Holt explained that eminent domain procedures will only be used in last resorts in order to clear titles so that the owners can go to banks and obtain loans for improvements to their property. He explained that banks will not consider a loan for improvements until the land has clear title.

Mr. Ralph Bishop spoke against the use of eminent domain because he felt the

City would use it to force the property owners in the area to sell.

Mr. Roy Harris urged the Council to adopt the plan.

Ms. Dee Williams, Business Development Officer for the Asheville-Buncombe Development Center, spoke against the redevelopment plan. She stated many concerns about residents who oppose the plan, and also concerns about the competence of the staff of the YMI Cultural Center. She urged Council to address quality issues.

Upon inquiry of Vice-Mayor Ellison, Mr. Owners stated that they have signed documents from all property owners in the Eagle-Market Street area that support the plan and the YMI Cultural Center, with the exception of Mr. Jones. He said that they would not know of any opposition to the plan unless the owners either verbally or in writing stated their opposition.

Vice-Mayor Ellison questioned what type of uses Mr. Jones would have with his property in the Central Business District.

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Ms. Erline McQueen, owner of property in the Market Street area, spoke in support of the plan and hoped the area could be brought back to the beautiful are it once was.

Mayor Michalove closed the public hearing at 7:20 p.m.

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

Councilman Moore moved for the adoption of Resolution No. 93-80. This motion was seconded by Councilwoman Field and carried unanimously.

Upon inquiry of Councilman Peterson, Mr. Holt assured him that any monies requested for the redevelopment would come before the City Council.

RESOLUTION BOOK NO. 20 - PAGE 217

D. PUBLIC HEARING RELATIVE TO THE BINGHAM HEIGHTS/RICHMOND HILL EXPANSION INTO THE EXTRATERRITORIAL JURISDICTION AREA

ORDINANCE NO. 2030 - ORDINANCE AMENDING SECTION 30-1-3 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE (TERRITORIAL AND EXTRATERRITORIAL JURISDICTION OF ZONING ORDINANCE)

Mayor Michalove opened the public hearing at 7:23 p.m.

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

By use of a map, Mr. Verl Emrick, Executive Assistant in the Planning Department, described the area pointing out that many property owners in the area experience some major drainage problems and staff is working with them to see if the problems can be resolved. He said that staff recommendations for this area includes the R-2 and R-3 zoning classifications. He outlined the properties recommended for the specific zones.

Mayor Michalove closed the public hearing at 7:34 p.m.

Mayor Michalove stated that members of Council have been previously furnished

with a copy of the ordinance and it will not be read.

Councilman Worley moved for the adoption of Ordinance No. 2030. This motion was seconded by Councilwoman Field.

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On a roll call vote of 7-0, Ordinance No. 2030 passed on its first reading.

III. OLD BUSINESS:

A. SECOND READING OF ORDINANCE NO. 2028, RELATIVE TO AMENDMENT OF THE ZONING ORDINANCE TO ADOPT WATERSHED PROTECTION REGULATIONS FOR THE CITY OF ASHEVILLE

Mayor Michalove stated that the public hearing on this matter was held on June 8, 1993, at which time the ordinance passed on its first reading.

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

On a roll call vote of 7-0, Ordinance No. 2028 passed on its second reading.

B. SECOND READING OF ORDINANCE NO. 2029, RELATIVE TO ZONING OF THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL PROPERTY AT WESTRIDGE MARKET PLACE TO CH COMMERCIAL HIGHWAY

Mayor Michalove stated that the public hearing on this matter was held on June 8, 1993, at which time the ordinance passed on its first reading.

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

On a roll call vote of 7-0, Ordinance No. 2029 passed on its second reading.

C. THIRD READING OF ORDINANCE NO. 2027, RELATIVE TO ZONING SECTION I OF BRAESIDE AT BILTMORE PARK TO R-1 RESIDENTIAL DISTRICT

Mayor Michalove stated that the public hearing on this matter was held on June 8, 1993, at which time the ordinance passed on its first and second readings.

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

On a roll call vote of 7-0, Ordinance No. 2027 passed on its third and final reading.

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ORDINANCE BOOK NO. 13 - PAGE 226

IV. NEW BUSINESS:

A. WINTER 2010 MONITORING REPORT

This item will be reported on June 29, 1993.

B. APPROVAL OF THE ASHEVILLE-BUNCOMBE WATER AUTHORITY BUDGET

This item is being delayed at this time.

C. ORDINANCE NO. 2031 - BUDGET AMENDMENT FOR YEAR-END ADJUSTMENTS

City Manager Bean explained that the City's routine operating and capital budget revisions are held to year-end and adopted as an "omnibus" amendment. All adjustments have been included in the estimates and approved during the annual budget process.

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

Councilman Moore moved for the adoption of Ordinance No. 2031. This motion was seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 2031 passed on its first and final reading.

ORDINANCE BOOK NO. 13 - PAGE 267

V. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE MEETING HELD ON JUNE 8, 1993.

B. MOTION SETTING A PUBLIC HEARING ON JUNE 29, 1993, RELATIVE TO LOCAL ENFORCEMENT OF HANDICAPPED PARKING.

C. MOTION SETTING A PUBLIC HEARING ON JUNE 29, 1993, RELATIVE TO SITE PLAN APPROVAL UNDER THE VESTED RIGHTS PROCEDURE FOR DEMETRIUS ANASTASAKIS DEVELOPMENT.

D. MOTION SETTING A PUBLIC HEARING ON JUNE 29, 1993, RELATIVE TO SITE PLAN APPROVAL UNDER THE VESTED RIGHTS PROCEDURE FOR SWEETEN CREEK ANIMAL AND BIRD HOSPITAL.

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E. MOTION SETTING A PUBLIC HEARING ON JUNE 29, 1993, RELATIVE TO A VARIANCE FOR HOMEWAY SUBDIVISION.

F. RESOLUTION NO. 93-81 - RESOLUTION AUTHORIZING THE PURCHASING DIRECTOR TO DISPOSE OF APPROXIMATELY 20 TONS OF SCRAP METAL.

Summary: The City Meter Serves and Water Maintenance Division have accumulated approximately 20 tons of scrap metals consisting of approximately 14 tons of assorted cast and ductile iron and broker fire hydrants and approximately 6 tons of scrap metal cases, measuring chambers and assorted brass meter parts. An estimated revenue of \$6,000 is anticipated.

RESOLUTION BOOK NO. 20 - PAGE 307

G. RESOLUTION NO. 93-82 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH BROWNLEE CONSTRUCTION INC. FOR THE PROJECT KNOWN AS WATER MAINTENANCE BUILDING ROOF REPAIR

Summary: The project consists of the replacement of the roof on the Water Maintenance Division Building which was damaged in the March 1993 blizzard.

RESOLUTION BOOK NO. 20 - PAGE 310

H. RESOLUTION NO. 93-83 - RESOLUTION FIXING DATE OF PUBLIC HEARING FOR JUNE 29, 1993, ON THE QUESTION OF ANNEXATION OF PROPERTY LOCATED NORTH OF OVERLOOK ROAD

(SECTION III OF BRAESIDE AT BILTMORE PARK)

RESOLUTION BOOK NO. 20 - PAGE 311

I. RESOLUTION NO. 93-84 - RESOLUTION REAPPOINTING MEMBERS TO THE CARRIAGE PERMIT ADVISORY BOARD

Summary: The terms of Pat Haner and Ann Stuart expire on June 25, 1993. This resolution will reappoint Pat Haner, 5 Kimberly Avenue, Asheville, North Carolina, 28804, and Ann Stuart, DVM, Biltmore Veterinary Associates, 677 Brevard Road, Asheville, North Carolina, 28806, to serve additional three year terms respectively, terms expiring June 25, 1996, or until their successors have been duly appointed and qualified.

RESOLUTION BOOK NO. 20 - PAGE 314

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J. RESOLUTION NO. 93-85 - RESOLUTION REAPPOINT MEMBERS TO THE HISTORIC RESOURCES COMMISSION

Summary: The terms of Raymond Spells Jr. and Carleton Collins expire on July 1, 1993. This resolution will reappoint Raymond Spells Jr., 42 Rosewood Avenue, Asheville, North Carolina, 28801, and Carleton Collins, 105 Cranford Road, Asheville, North Carolina, 28806, to serve additional three year terms respectively, terms expiring July 1, 1996, or until their successors have been duly appointed and qualified.

RESOLUTION BOOK NO. 20 - PAGE 315

K. RESOLUTION NO. 93-86 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ADDENDUM NO. 1 TO AGREEMENT NO. 2 WITH MCGILL ASSOCIATES, P.A., FOR ENGINEERING SERVICES FOR STREET AND SIDEWALK REHABILITATION PROJECTS

Summary: McGill Associates has provided the City in accordance with the Agreement for Engineering Services dated October 18, 1988, with additional services beyond the basic services. The original Engineering Agreement with a fee of \$270,000 was based on \$2,730,000 in construction for three construction contracts. Since that time, the projects have grown not only in size but in complexity due not only to the extent and type of improvements, but also due to the addition of combined projects with the Metropolitan Sewerage District and more than doubling the size of the projects.

RESOLUTION BOOK NO. 20 - PAGE 316

L. RESOLUTION NO. 93-87 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY AMENDMENT #1 TO AN ENGINEERING SERVICES AGREEMENT WITH THOMPSON-GORDON-SHOOK ENGINEERS FOR ENGINEERING SERVICES FOR THE STREETS AND SIDEWALKS IMPROVEMENT PROGRAM

Summary: Thompson-Gordon-Shook has provided the City in accordance with the Agreement for Engineering Services with additional responsibilities beyond the basic services. The changes to accomplish the addition of requested work required the studying, revision and reworking of plans as well as revising the entire estimate and special provision for Contract No. 11.

RESOLUTION BOOK NO. 20 - PAGE 318

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

VI. OTHER BUSINESS:

A. RESOLUTION NO. 93-88 - RESOLUTION APPOINTING A MEMBER TO THE MINORITY BUSINESS COMMISSION

There is a vacancy on the Minority Business Commission for a representative of the Asheville-Buncombe Community Relations Council. This resolution will appoint Mr. Joe Webster, Post Office Box 9794, Asheville, North Carolina, 28815, to that vacancy to fill the unexpired term of Ed Shell, term expiring August 1, 1993, at which time he is hereby reappointed, as the representative of the Asheville-Buncombe Community Relations Council, to serve a one year term, term expiring August 1, 1994, or until his successor has been duly appointed and qualified.

Vice-Mayor Ellison moved for the adoption of Resolution No. 93-88. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 20 - PAGE 320

B. RESOLUTION NO. 93-89 - RESOLUTION REAPPOINTING A MEMBER TO THE ASHEVILLE AREA CIVIC CENTER COMMISSION

The term of Richard Shumacher, Celine Lurey and O.E. Starnes expires on June 30, 1993. This resolution will reappoint Richard Shumacher to serve an additional three year term, term to expire June 30, 1996, or until his successor has been duly appointed and qualified.

Vice-Mayor Ellison moved for the adoption of Resolution No. 93-89. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 20 - PAGE 321

C. RESOLUTION NO. 93-90 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE CRIME STOPPERS COMMITTEE

The terms of Councilman Charles Worley, Steve Curtis and Grant Osborne expire on June 30, 1993. This resolution will appoint Councilwoman Barbara Field to serve a three year term, term expiring June 30, 1996, or until her -14-

successor has been duly appointed and qualified. It will also reappoint Steve Curtis and Grant Osborne to serve additional three year terms respectively, terms expiring June 30, 1996, or until their successors have been duly appointed and qualified.

Vice-Mayor Ellison moved for the adoption of Resolution No. 93-90. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 20 - PAGE 322

D. RESOLUTION NO. 93-91 - RESOLUTION REAPPOINTING A MEMBER TO THE BUNCOMBE COUNTY DRUG COMMISSION

The term of Willie McDaniel expires on July 1, 1993. This resolution will reappoint Willie McDaniel to serve an additional three year term, term expiring July 1, 1996, or until his successor has been duly appointed and qualified.

Vice-Mayor Ellison moved for the adoption of Resolution No. 93-91. This motion

was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 20 - PAGE 323

E. RESOLUTION NO. 93-92 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ELECTRICAL EXAMINERS

The terms of E. Frank Davis, Harvey Burleson, Walter J. Harlow, Jonathan D. Smith and Malachie Cromartie expire on July 1, 1993. This resolution will appoint Allen Holden (as electrical inspector); Ray Burleson (as journeyman electrician); Kevin Butler (as utility representative); Joe Enderle (as licensed engineer); and Harold Garland (as layman); to serve two year terms respectively, terms expiring July 1, 1995, or until their successors have been duly appointed and qualified.

Vice-Mayor Ellison moved for the adoption of Resolution No. 93-92. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 20 - PAGE 324

F. RESOLUTION NO. 93-93 - RESOLUTION REAPPOINTING A MEMBER TO THE HOUSING AUTHORITY

The term of Phillip E. Crouch expired on June 11, 1993. This resolution will reappoint Phillip E. Crouch to serve an additional five year term, term expiring June 11, 1998, or until his successor has been duly appointed and qualified.

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

RESOLUTION BOOK NO. 20 - PAGE 325

G. RESOLUTION NO. 93-94 - RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

The terms of James A. Grant, Betty Donoho and Charles Bullman expire on June 30, 1993 and Octavia Caldwell has resigned. This resolution will (1) reappoint James A. Grant to serve additional three year term, term expiring June 30, 1996, or until his successor has been duly appointed and qualified (2) appoint William Estes and Lewis Isaac to serve three year term respectively, terms expiring June 30, 1996, or until their successors have been duly appointed and qualified and (3) appoint Larry Harmon to fill the unexpired term of Octavia Caldwell, term expiring June 30, 1994, or until his successor has been duly appointed and qualified.

Vice-Mayor Ellison moved for the adoption of Resolution No. 93-94. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 20 - PAGE 326

H. AGREEMENT WITH NAEGELE OUTDOOR ADVERTISING INC.

Vice-Mayor Ellison moved to authorize the Mayor to sign an agreement with Naegele Outdoor Advertising Inc. extending the statute of limitations for Naegele to file a new lawsuit against the City challenging the sign ordinance. This motion was seconded by Councilman Worley and carried unanimously.

I. RESOLUTION NO. 93-95 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A

PERMANENT MAINTENANCE AGREEMENT WITH WALMART STORES INC.

City Attorney Slawter said that Resolution No. 93-48 adopted on April 6, 1993, authorized the City Manager to execute a permanent maintenance agreement for a culvert on the property of Walmart Stores, Inc., upon which a Sam's Wholesale facility is currently under construction. The construction needs of Walmart Stores, Inc., have changed so as to require the construction of a bridge rather than a culvert. The Board of Adjustment of the City of Asheville approved the construction of the bridge on May 17, 1993, conditioned upon several items, including approval by the City Council of the permanent maintenance agreement for the bridge.

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

Vice-Mayor Ellison moved for the adoption of Resolution No. 93-95. This motion was seconded by Councilman Moore and carried unanimously.

RESOLUTION BOOK NO. 20 - PAGE 327

J. ORDINANCE NO. 2032 - AN ORDINANCE PROVIDING FOR TECHNICAL CHANGES IN THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

City Attorney Slawter said that a new Code of Ordinances was adopted by Ordinance No. 2024 on April 27, 1993. He said the new City Code, adopted in accordance with Ordinance No. 2024 was the result of a recodification process that required extensive editing over a lengthy period of time. He said that certain amendments to the Code of Ordinances are necessary in order to correct errors that occurred in that recodification process and this ordinance would correct those errors.

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

Councilman Moore moved for the adoption of Ordinance No. 2032. This motion was seconded by Vice-Mayor Ellison.

On a roll call vote of 7-0, Ordinance No. 2032 passed on its first reading.

Vice-Mayor Ellison moved to suspend the rules and proceed to the second reading of Ordinance No. 2032. This motion was seconded by Councilman Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 2032 passed on its second reading.

Vice-Mayor Ellison moved to suspend the rules and proceed to the third and final reading of Ordinance No. 2032. This motion was seconded by Councilwoman Field and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 2032 passed on its third and final reading.

ORDINANCE BOOK NO. 13 - PAGE 277

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K. REQUEST OF SENATOR DENNIS WINNER

It was the consensus of Council to wait until they saw a final Bill, which is pending in the legislature, before allowing Asheville's Planning and Zoning Commission having the final word on rezoning matters, subject to appeal to the City Council.

L. COMMENTS BY RALPH BISHOP

Mr. Ralph Bishop questioned who would be hiring the new Chief of Police and commented on whether or not he should hire someone within the Police Department.

M. CLAIMS

City Manager Bean said that the following claim was received by the City during the week of June 7-11, 1993: PTOC Retailers (Sanitation), Southern Bell (Water), Southern Bell (Water), William Jones (Sanitation), Jerry Maybin (Water) and Frank Beard (Sanitation).

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

VII. ADJOURNMENT.

Mayor Michalove adjourned the meeting at 7:50 p.m.

CITY CLERK MAYOR
