

Tuesday - November 16, 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

Councilman Swicegood gave the invocation.

PROCLAMATIONS:

A. RESOLUTION NO. 93-169 - DEDICATION OF THE WILLIAM F. WOLCOTT JR. BUILDING

Mayor Michalove read the resolution stating that Mr. Wolcott has faithfully and conscientiously served and continues to serve the City of Asheville and its citizens for over 43 years. He said that Mr. Wolcott has not only been instrumental in the construction and completion of the public works facility, but the Asheville Regional Airport, the Asheville Civic Center, the vehicle maintenance facility, the Rankin Avenue Parking Garage, the Wall Street Parking Garage, and many other projects too numerous to mention.

He said on behalf of the Asheville City Council and all our residents, we do hereby express to William F. Wolcott Jr. the everlasting thanks of a grateful community for this magnificent building and hereby name the public works building as the William F. Wolcott Jr. Building.

Resolution No. 93-169 was adopted by acclamation.

RESOLUTION BOOK NO. 21 - PAGE 171

B. PROCLAMATION PROCLAIMING THE WEEK OF NOVEMBER 21-27, 1993, AS "NATIONAL FAMILY WEEK"

Mayor Michalove proclaimed the week of November 21-27, 1993, as "National Family Week" and presented Ms. Cassie Pavone with the proclamation.

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C. RESOLUTION NO. 93-165 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE BILLY E. RICE, TRAFFIC SPECIALIST

Mayor Michalove read the resolution stating that Billy Rice has been an employee for 24 years and has requested retirement from his position as Traffic Specialist. He expressed City Council's appreciation to Billy for his service to the City of Asheville and its citizens.

Resolution No. 93-165 was adopted by acclamation.

RESOLUTION BOOK NO. 21 - PAGE 167

D. RECOGNITION OF RAY KISIAH AS THE PRESIDENT OF THE AMERICAN ACADEMY FOR PARK AND RECREATION ADMINISTRATION

City Manager Bean recognized Ray Kisiah, Director of Parks and Recreation, as being recently installed as President of the American Academy for Park and Recreation Administration.

E. RECOGNITION OF NEWLY ELECTED OFFICIALS

Mayor Michalove recognized the newly elected officials who were present at the meeting.

UNFINISHED BUSINESS:

A. AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH 22 OLIVE STREET

At the request of City Manager Bean, Councilman Worley moved to table this matter until November 30, 1993, in order to give staff an opportunity to work with the Housing Authority to provide adequate housing to the individual presently living in the structure. This motion was seconded by Councilman Moore and carried unanimously.

B. SECOND READING OF ORDINANCE NO. 2058 - AN ORDINANCE TO REZONE PORTIONS OF A LOT LOCATED AT 1899 HENDERSONVILLE ROAD FROM R-2 RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT AND FROM R-2 RESIDENTIAL DISTRICT TO OI OFFICE INSTITUTIONAL DISTRICT

Mayor Michalove said that the public hearing on this ordinance was had on November 9, 1993, at which time the ordinance passed on first reading.

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Ms. Carol Pennell, Urban Planner II, gave Council a brief update on the matter, corrected a comment made at the public hearing, and explained the motion made by Vice-Mayor Ellison on November 9.

Ms. Laurel Eide presented Council with a petition containing 21 signatures, dated November 15, 1993, opposing the proposed rezoning. She also presented several letters in opposition of the rezoning.

Councilman Worley moved to table the second reading of this ordinance until November 30, 1993, in order to give property owners in the area more time for negotiating. This motion was seconded by Councilman Moore and carried unanimously.

NEW BUSINESS:

A. AUTHORIZATION TO EXECUTE AGREEMENT WITH THE GROVE PARK INN RESORT AND MEDALIST SPORTS TO HOST THE TOUR DUPONT

City Manager Bean said the City became aware a short time ago that the Tour DuPont, America's premiere bicycle race, that starts in Delaware and goes through Pennsylvania, Maryland, Virginia, and North Carolina will be coming to Asheville. The Asheville leg will begin in Banner Elk with a finish line in downtown. This is a world-wide event with media exposure that cannot be bought. The Grove Park Inn Resort has pursued this event, and is a prime sponsor. He said that their staff will be working on many aspects of the race and they, in fact, are hosting the racers for one night. There are a number of things the host city needs to do such as close streets, provide security, etc. There is a

contract that must be signed with the sponsor and Medalist Sports who is the promoter of the event. The City will either have to enter into the primary contract, or have a side agreement with The Grove Park Inn Resort to provide public services. The Chamber of Commerce is raising funds that will be necessary to pay for the amenities, and our responsibility will be the coordination of some volunteers, and Police and Public Works services on race day. The race is scheduled to be in Asheville on May 12-13, 1994.

Mr. Craig Madison, representing The Grove Park Inn, and Ms. Carolyn Ketchum, representing the Chamber of Commerce, spoke about the economic benefits the Tour DuPont will bring to the Asheville area.

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Councilwoman Field moved to authorize the City Manager to execute an agreement with The Grove Park Inn and Medalist Sports to host the Tour DuPont. This motion was seconded by Vice-Mayor Ellison and carried unanimously.

B. ORDINANCE NO. 2062 - AN ORDINANCE TO REDUCE SPEED ON WEMBLEY ROAD FROM 35 MPH TO 25 MPH

City Manager Bean introduced the new Traffic Engineer, James H. Cheeks, Jr.

Mr. James Cheeks said that a petition was received on August 27, 1993, requesting the speed limit on Wembley Road be reduced to 25 miles per hour. He said that the posted speed limit is 35 mph and radar observations indicate that the 85th percentile speed is 33 mph and the pace speed ranges from 21 to 30 mph.

Wembley Road is a residential roadway, with intersecting side streets that serve as the access route to the Asheville Country Club. The vertical and horizontal alignment of Wembley dictates that additional stopping sight distance is required of motorists who use this roadway. A reasonable acceptable speed limit to address these issues along Wembley Road would be to use the average of the upper and lower limits of the pace speeds. Using this method, the speed limit on Wembley Road from Merrimon Avenue to Windsor Road should be reduced to 25 mph.

Mayor Michalove said that 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. 2062. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 2062 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 62

C. ORDINANCE NO. 2063 - ORDINANCE AMENDING CHAPTER 3 (ANIMALS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

Acting Police Chief Jay Breedlove said that currently all violations of the animal control ordinance constitute a civil penalty. With the exception of restraint of animals which shall continue to be enforced civilly, this amendment will make all other violations of the animal control ordinance a misdemeanor.

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Vice-Mayor Ellison moved to amend the ordinance to make this provision effective in 30 days from date of adoption, in order to educate the public on this change. This motion was seconded by Councilman Moore and carried unanimously.

Mayor Michalove said that 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. 2063. This motion was seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 2063 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 63

CONSENT:

A. RESOLUTION NO. 93-170 - RESOLUTION AUTHORIZING THE PURCHASING DIRECTOR TO DISPOSE OF APPROXIMATELY 35 TONS OF SCRAP METALS BY SEALED BID

Summary: This is for the disposal of approximately 30 tons of scrap metals for the Water Maintenance Division, approximately 5 tons of scrap metals for the Water Production Division and approximately 200 pounds of scrap copper for the Civic Center. Estimated revenue of \$8,500.

RESOLUTION BOOK NO. 21 - PAGE 172

B. MOTION TO SET PUBLIC HEARING ON THE COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS) FOR NOVEMBER 30, 1993.

C. RESOLUTION NO. 93-171 - RESOLUTION AUTHORIZING THE CONVEYANCE OF REAL PROPERTY TO THE ASHEVILLE CITY SCHOOL BOARD

Summary: Buncombe County owns five parcels of real property due to foreclosures for nonpayment of ad valorem taxes. The lots are also held in trust by the County for the City. The lots are adjoining the Isaac Dickson School. The Asheville City Board of Education is about to undertake a project for improvement of traffic flow at the Isaac Dickson School. In order to undertake said project, the School Board is in need of the five lots. This resolution gives the City's approval to convey the five lots to the School Board. The resolution also authorizes the Mayor to sign all documents to complete the conveyance.

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RESOLUTION BOOK NO. 21 - PAGE 175

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

PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO FILING AN APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION FOR FUNDS TO PROCURE SHELTERS AND BENCHES FOR THE TRANSIT SYSTEM

RESOLUTION NO. 93-172 - RESOLUTION AUTHORIZING THE EXECUTING OR FILING, AS APPROPRIATE, OF NORTH CAROLINA OF TRANSPORTATION GRANT AGREEMENTS, GRANT APPLICATIONS, ANNUAL OR BIENNIAL APPLICATIONS, ANNUAL BUDGETS, AND OTHER SUCH DOCUMENTS, AS APPROPRIATE, WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

PURSUANT TO RELEVANT SECTIONS OF THE FEDERAL TRANSIT ACT OF 1991, AS AMENDED

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

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

Mr. Carl Ownbey, Transit Planner, explained that the City is making application to the Federal Transit Administration for funds to procure shelters and benches for the transit system. He said the estimated project cost is \$110,000 - the federal share is estimated to be \$88,000, the state share is estimated to be \$11,000 and the local share is estimated to be \$11,000.

Mayor Michalove closed the public hearing at 4:40 p.m.

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

Vice-Mayor Ellison moved for the adoption of Resolution No. 93-172. This motion was seconded by Councilman Peterson and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 177

B. PUBLIC HEARING RELATIVE TO THE REVISED MINIMUM HOUSING CODE

Mayor Michalove opened the public hearing at 4:41 p.m.

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

Mayor Michalove set the stage for the public hearing by asking that the audience only focus on the four items the Committee failed to reach consensus on - those four items being screens, minimum insulation requirements, inspection frequency for rental property and inspection of owner-occupied homes at time of sale.

Mr. Paul Carston, 125 Overlook Drive, felt that if older houses are well insulated, there would be no need for inspections every 3-4 years.

Ms. Catherine Bentley, 824 Fairview Street, said that once a tenant calls the landlord about a problem, it should be fixed within one month.

Mr. Andy Reed, representing Citizens for Quality Development, urged Council to raise the adequate heating temperature from 58 deg. f to at least in the low 60's deg. f. He also supported a requirement that R-19 insulation be required in attic ceilings when attic space is accessible and foundation skirting be required on all appropriate housing units. He suggested a period of one year for compliance.

Mr. Scott Dedman, Executive Director of Mountain Housing Opportunities, urged Council to raise the adequate heating temperature from 58 deg. f. to 68% deg. f. and also asked Council to inspect older houses every three years.

Ms. Beth Maczka, Executive Director of Affordable Housing Coalition of Asheville and Buncombe County, read a prepared statement asking Council to adopt R-19 minimum attic insulation requirements for accessible attic areas.

Ms. Katherine Dix, 10 Alexander Drive, read a prepared statement asking Council

to require basic standards to include minimum insulation, skirting around the foundation of homes, and a heating capacity of 68 deg.

Ms. Molly Sandridge, property manager, asked Council to (1) raise the adequate heating temperature to 68 deg. f., (2) take a positive approach regarding insulation by perhaps providing for a tax credit given in the year the improvement is made, (3) take a second look at the enforcement provisions, (4) target unfit units, and (5) consider long-range implications to make sure that the ordinance is workable in future years.

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Mr. Mike Tavener, President of Asheville Board of Realtors, addressed the issues of enforcement of the Code and inspection frequency. He said the Asheville Board of Realtors suggested there be no mandatory certificates of inspection and there should not be a term policy on rental or residential properties. They support a complaint only basis with target areas as dictated by the City Council. He questioned why there would be periodic inspections on owner-occupied property since there is already in place sales contracts that call for inspections, private home inspectors, problems noted by appraisers and lender's requirements. He felt that if the City targets individuals and properties that are causing the problems, the same goal will be achieved. He suggested Council investigate what other cities are doing.

Ms. Donna Beck, Program Director for the Affordable Housing Coalition of Asheville and Buncombe County, urged Council to raise the adequate heating temperature to 68 deg. f. and also not to use the complaint only system because most people will be afraid of losing their apartments if they complain.

Mr. Mike Summey, owner of rental properties, spoke in opposition of mandatory three year inspections and felt that a complaint only or target area should be the basis for inspections.

Ms. Karen Dedman, family physician, recommend the raising the adequate heating temperature to 68 deg. f.

Mr. Tony Sayer, 27 Florida Avenue, felt that the complaint only system would not do the job. He felt that three year regular inspections would catch deteriorating situations before too much deteriorating occurred. He urged Council to begin the process quickly.

Mr. Mark Clifton felt that inspections would be too costly and would run rental property owners out of Asheville. He spoke in support of inspections in target areas.

Mr. Langdon Ammen, owner of rental property, spoke in favor of inspections on a demand system.

Mr. Rubin Falk supported older houses being inspected every three years.

Mr. Peter Laroche, Executive Director of the Consumer Credit Counseling Service and member of the Affordable

Housing Coalition, supported the raising of the adequate heating temperature to 68 degrees f., R-19 insulation in attic ceilings when attic space is available and foundation skirting.

Ms. Milly Buchanan urged Council to look at the water conservation issue and supported inspections every three years.

Ms. Minnie Jones stated reasons why the adequate heating temperature needed to be raised to 68 deg. f. She didn't favor the complaint system and also felt the targeting of inspections was discriminatory.

Mr. Bob Tinkler recommended the raising of the adequate heating temperature to 68%, foundation skirting and R-19 insulation in attic ceilings when attic space is accessible. He mentioned that some people can't hear or see the need for inspections, therefore regular inspections are necessary. He spoke against the target inspections.

Mr. George Morosani spoke in support of a target or complaint system. He questioned the possibility of inspection duplication.

Mr. Bert Sonner, Associate Director for the Self-Help Credit Union, spoke in support of raising the adequate heating temperature to 68 deg. f. when the outdoor temperature is Zero. He also recommended that the unsafe conditions section be amended to read substantially as follows: A dwelling would be considered unsafe if it had "no operating heating facilities capable of meeting the requirements of Section A.5.a. of 8-22 (minimum standards) on any day when the outside temperature is capable of causing the interior of the dwelling to fall below 68 deg. He spoke in support of a strong complaint system in addition to regular inspections.

Mr. Bruce Peterson, 213 North Bear Creek Road, supported raising the adequate heating temperature to 68 deg. f.

Mr. Bruce McTaggart asked the Code be clarified to require inspectors to cite the specific Code section when violations are indicated and that the inspectors not be able to amend their statement after five days, and especially after a sales contract has been accepted.

Mr. Jim Skalski, 20 Aurora Drive, spoke in support of

raising the adequate heating temperature to 68 deg. f. when -10-

the outdoor temperature is Zero, require R-19 insulation in attic ceilings when attic space is accessible, foundation skirting and older housing units being inspected every three years.

Ms. Carolyn Wallace, representative of Citizens for Quality Development, recommended regular inspections every three years for houses over 20 years old, the raising of adequate heating temperature to 68 deg. f. and R-19 insulation in attic ceilings when attic space is accessible. She suggested a three year period of compliance.

Mr. Jim Barrett, attorney for Pisgah Legal Services, noted that renovations needed to be done as needed, not wait until the structure is so dilapidated that it is very expensive to repair.

Ms. Hazel Fobes echoed Carolyn Wallace's comments.

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

It was the consensus of Council to hold another worksession on this matter on November 23, 1993, at 1:00 p.m. in Room 623 of the City Hall Building.

Councilman Peterson suggested representative from the Fire Department at the worksession in order to inform the Council if there are any safe heating units and possibly substitute heating units.

Councilman Worley clarified the Committee's intent on the adequate heating temperature and suggested a 68 deg. f. temperature at a 14 deg. f. outside air temperature.

OTHER BUSINESS:

A. CLAIMS

City Manager Bean said that the following claims were received by the City of Asheville during the week of November 8-12, 1993: John McPherson (Water) and Leota Stroud (Water).

He said that these claims would be referred to the appropriate insurers for investigation.

ADJOURNMENT:

Mayor Michalove adjourned the meeting at 6:15 p.m.

CITY CLERK MAYOR
