

Tuesday - January 7, 1986 - 4:00 p.m.

Regular Meeting

Present: Mayor Louis Bisette, Presiding; Vice-Mayor Mary Lloyd Frank; Councilmen Wilhelmina Bratton, Walter R. Boland, Kenneth M. Michalove, Norma T. Price, George M. Tisdale; Corporation Counsel William F. Slawter; Acting City Manager William F. Wolcott, Jr.; and Deputy City Clerk Carol Hensley.

Absent: None.

## **INVOCATION**

The invocation was given by Councilman Norma Price.

## **APPROVAL OF THE MINUTES - DECEMBER 17, 1985 MEETING**

1. Approval of the minutes of the December 17, 1985 meeting.

Mayor Bisette noted that the minutes should be amended on page 309 correcting a typographical error.

Mayor Bisette announced the approval of the minutes as amended.

## **QUALITY FORWARD - SLIDE SHOW AND AWARDS PRESENTED - LITTERING**

LaRue Bolick, Community Educator with Quality Forward, said Quality Forward has been working diligently to clean up litter. She said a high school committee developed a slide presentation to be shown during all driver education classes in Asheville and Buncombe County. She said the slide show features Neville Bilbrey, an Asheville High School graduate, to help educate high school students about the impact of littering. She showed members of Council and the audience the slide show showing "famous Marvin" for his expertise in tossing litter and garbage out car windows in the trashing of Asheville and the rest of America. She said after the show was developed, Keep America Beautiful Committees across the country have asked to make copies of the 7 minute show. She said the slide show is being sold for the cost of copying.

Bess Baird, with Quality Forward, recognized and presented awards to Neville Bilbrey, Sheriff Tom Morrissey, and former Mayor McDevitt for helping with the slide presentation.

## **PUBLIC HEARING - AMENDING ZONING ORDINANCE RELATIVE TO GROUP DEVELOPMENT REVIEWS**

**ORDINANCE NO. 1563 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (WORDING AMENDMENTS - ARTICLE 2. DEFINITIONS, SECTION 30-2-1. GENERAL, ARTICLE 6. SECTION 30-6-1. GROUP DEVELOPMENTS/PLANNED UNIT DEVELOPMENTS)**

2. A public hearing was held relative to amending Article 2, Definitions, Section 30-2-1. General, and Article 6. Section 30-6-1, Group Developments/Planned Unit Developments of the zoning ordinance.

Mayor Bisette said this ordinance will amend the zoning ordinance to provide that any mobile home park, camper-trailer park, or any multi-family residential building or structure containing (3) or more individual units will require approval pursuant to Group Developments/Planned Unit Developments.

Mayor Bisette opened the public hearing at 4:24 p.m.

The Deputy City Clerk presented the notice to the public setting the time and date for the public hearing and the

affidavit of publication.

Verl Emrick, Director of Planning, said this ordinance would modify the current regulations in the zoning ordinance relative to group developments to require a group development review by the Planning and Zoning Commission and City Council for developments of 25,000 square feet or more or any mobile home park, camper-trailer park or multi-family residential building or structure containing three (3) or more units. He said the current regulation is five (5) units or more.

Mayor Bisette closed the public hearing at 4:27 p.m.

Mayor Bisette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety.

Councilman Price moved for the adoption of Ordinance No. 1563. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1563 passed on first reading.

### **CONTINUATION OF PUBLIC HEARING - GROUP DEVELOPMENT REVIEW - BUCK COVE DEVELOPMENT**

3. A public hearing was continued for a group development review for the Buck Cove Development.

Mayor Bisette said the Asheville Planning and Zoning Commission at a meeting held November 13, 1985, reviewed the site plan of the proposed Buck Cove Development (Townhouses) to be located on Old Chunn's Cove Road. The site plan was prepared by Dobson Engineering and Associates for Mr. Larry Buckner, Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the site plan to City Council subject to the following conditions: 1) that the street be constructed to an average grade of 15% and a maximum grade of 20%; 2) that the project comply with the Erosion Control Ordinance and that the final plans be shown with 2' contours instead of 5'. This public hearing was opened on December 17, 1985, and continued until January 7, 1986.

Verl Emrick, Director of Planning, said the developers are still having technical problems with their plan, and requested that the public hearing be continued until January 21, 1986.

Councilman Tisdale moved to continue the public hearing relative to the group development review for Buck Cove Development until January 21, 1986, without further advertisement. This motion was seconded by Vice-Mayor Frank and carried unanimously.

### **ORDINANCE NO. 1559 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (WORDING AMENDMENT - ARTICLE 5. USE DISTRICTS, SECTION 30-5-3, R-2 LOW DENSITY RESIDENTIAL DISTRICT)**

4. Consideration was given to the second reading of Ordinance No. 1559, an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended (Wording Amendment - Section 30-5-3, R-2 Low Density Residential District).

Councilman Tisdale moved to amend Ordinance No. 1559, deleting the provision relative to 40' height limitations. This motion was seconded by Councilman Price and carried unanimously.

Councilman Tisdale said he was still supportive of 4 units per acre but since the majority of Council would be voting for 6 units per acre he would support that amendment.

Councilman Michalove again expressed concerns that the amendment to the R-2 Low Residential District is too strong of a move to permanently change the R-2 district in all areas of the City.

Councilman Bratton said she felt members of Council should not amend the zoning ordinance until the comprehensive plan from the Alternatives for Asheville Committee is presented.

On a roll call vote of 5-2, Ordinance No. 1559 passed on second reading with Councilman Bratton and Councilman Michalove voting "no".

## **REPORT RELATIVE TO ASHEVILLE CABLEVISION**

Mike McPhee, Vice-President of Operations for Daniels and Associates, presented the following presentation to members of council:

Councilman Boland said he was happy to hear of the improvements by Asheville Cablevision, but he still felt the citizens were concerned about the inadequate programming on the basic service. He said there was considerable sentiments that programming by Asheville Cablevision does not compare with other cities' programming. He said he felt this was important for Asheville Cablevision to take under advisement.

Mr. McPhee, responding to Councilman Boland, said he realized the programming last March was unpopular, however the change was made for economical reasons to remove the expensive channels. He said he felt there was a need in Asheville to carry a low basic service for fixed-income subscribers. He said Asheville Cablevision has not increased the price for basic services in the past three years. He said Asheville Cablevision had to make a business decision to remove the expensive channels from the basic service in order not to increase the price for basic service. He said all cable companies have independent programming lineups.

Councilman Boland and Councilman Bratton said, in their opinion the subscribers felt betrayed when the programming was changed in March of 1985.

Councilman Bratton said she had voted for the last rate increase for Asheville Cablevision, based on the programming presented at that time.

Councilman Boland said he realized that Asheville City Council did not have a legal recourse to force Asheville Cablevision to do anything with their programming, however, Asheville Cablevision should take this into consideration.

Mr. McPhee, responding to Councilman Boland and Councilman Bratton, said cable companies have a right to modify their programming.

Councilman Price noted that the citizens of Asheville should know that Asheville Cablevision does not have an "exclusive franchise" and another cablevision company option is open for Asheville.

Councilman Boland said he would be interested in looking at the option of another cablevision company coming to Asheville.

Councilman Bratton said she felt the members of Council have a responsibility to the community to look into that option.

Councilman Tisdale commended Asheville Cablevision for their most recent efforts and asked that they continue with their improvements.

Morris Fox, of Valle Vista Road, said he was one of the original complainers during the May public hearings relative to Asheville Cablevision. He said since that time the services have improved tremendously, since Michael McPhee has been operating Asheville Cablevision.

Sam Hyatt, of Providence Road, said on a scale of 1 to 10, the rate of service for Asheville Cablevision, in the recent weeks, has been about a 9 and back in May it couldn't possibly have been above a 2. He said he felt tremendous progress has been made in service. He said when Asheville Cablevision officials changed their programming it should

have been clarified and done with proper understanding.

Chris Peterson, with Peterson Amusements Company, spoke in support of Asheville Cablevision.

Gary Moffitt, Manager of Cinjades, said he felt Asheville Cablevision's service is good and response and asked that Council rescind their letter of default.

Steve Brady, with Steven's Pub, said he felt Asheville Cablevision's service was excellent.

Carl Green told members of Council he felt Asheville Cablevision's prices were cheaper than other cable companies and other utility costs.

Wolfgang Reiner, with WCQS, said he felt Asheville Cablevision was very responsive and courteous to their subscribers. He said cablevision in Alabama was more expensive than Asheville Cablevision.

Don Chase, West Asheville resident, spoke to members of Council relative to his many problems with Asheville Cablevision citing bad reception and constant interference.

Patsy Roberts, with Norrell Services, spoke in favor of Asheville Cablevision.

Peter Winslow, Chairman of the Asheville/Buncombe Cable Television Study Committee, said he was still receiving complaints relative to programming problems. He said he felt their service was getting better. He asked questions of Mr. McPhee relative to the 5 year budget presented when Daniels and Associates took over Asheville Cablevision. He also indicated several commercial businesses in town that could not receive cablevision services.

Mr. Winslow said he felt Asheville City Council should continue to be a "watchdog" of Asheville Cablevision and requested that they work on programming.

June Ratcliff, also a member of the Asheville/Buncombe Cable Television Committee, said she felt Asheville Cablevision had violated its trust in its recent change in programming.

After discussion, Mayor Bissette said members of Council had discussed the cablevision issue during pre-council work session and executive session, and it was the consensus of Council that Mayor Bissette send a letter to Asheville Cablevision within the next two weeks.

Councilman Price said she would be interested in the Asheville/

Buncombe Cable Television Committee being active.

#### **ORDINANCE NO. 1564 - BUDGET ORDINANCE AMENDMENT APPROPRIATING FUNDING FOR PUBLIC IMPROVEMENTS IN THE HAYWOOD STREET REDEVELOPMENT PROJECT**

6. Consideration was given to a budget ordinance amendment appropriating funding for public improvements in the Haywood Street Redevelopment Project.

Mayor Bissette said this budget ordinance amendment is to appropriate funding totaling \$320,000 for public improvements in the Haywood Street Redevelopment Project. Funding will be provided from uncommitted General Revenue Sharing Funds. These public improvements will result in private investment of approximately \$5.5 million.

Councilman Michalove moved for the adoption of Ordinance No. 1564. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1564 passed on first and final reading.

Complete text of Ordinance No. 1564 will be found in Ordinance Book No. **10** at page **356**.

**RESOLUTION NO. 86-1 - RESOLUTION OF CONCURRENCE WITH A BUSINESS RELOCATION POLICY CHANGE**

7. Consideration was given to a resolution of concurrence with a business relocation policy change.

Mayor Bisette said this policy change provides sole proprietorships, with the owner being 65 years of age or older, who have businesses which are subject to relocation, with an option of receiving a payment of \$10,000 "in lieu of" moving expense payment or the actual moving expense cost. Possible cost is \$40,000. Funds for this purpose are budgeted in the Pack Plaza Project.

Mayor Bisette said members of Council were previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Michalove, seconded by Councilman Boland, Resolution No. 86-1 was unanimously adopted.

Complete text of Resolution No. 86-1 will be found in Resolution No. **15** at page **409**.

**BIDS - ELEVEN (11) 2-WAY RADIOS FOR POLICE DEPARTMENT**

8. Consideration was given to a motion relative to bids received for eleven (11) 2-way portable radios for the Police Department.

Mayor Bisette said sealed bids were received to furnish eleven (11) FM 2-way portable radios for use by the Police Department. Four (4) invitations were mailed to prospective bidders, however only one bid was received. This bid was from Motorola Communications in the amount of \$17,490. A total of \$16,622 was budgeted to purchase eleven (11) radios - seven (7) for the Patrol Bureau and four (4) for the Criminal Investigations Bureau. Bid of \$17,490, which is \$868 in excess of budget, should cause no negative effect because of anticipated savings on other purchases.

Councilman Price moved that the bid be awarded to Motorola Communications in the amount of \$17,490. This motion was seconded by Councilman Tisdale and carried unanimously.

**RESOLUTION 86-2 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NEGOTIATED SETTLEMENT AGREEMENT BY AND BETWEEN THE CITY OF ASHEVILLE AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

9. Consideration was given to a resolution authorizing the City Manager to execute a negotiated settlement agreement by and between the City of Asheville and the Equal Employment Opportunity Commission.

Mayor Bisette said members of Council were previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Tisdale, seconded by Councilman Price, Resolution No. 86-2 was unanimously adopted.

Complete text of Resolution No. 86-2 will be found in Resolution Book No. **15** at page **410**.

**RESULTS OF DEMOCRATIC PRIMARY - SEPTEMBER 24, 1985 AND GENERAL ELECTION NOVEMBER 5, 1985 FOR MAYOR AND CITY COUNCIL**

10. The Acting City Manager said he had received the results of the City Council Democratic primary of September 24, 1985, and the Mayor and City Council general election of November 5, 1985 and requested they be made a part of the minutes.

A copy of the results are attached.

**CLAIMS - MRS. A. B. HESS (WATER) - DONALD PENLAND (SEWER) - ROCK HAVEN MOTEL**

**(WATER) - LEIGH HIPPS (STREETS) - LUCY HUGHES (WATER) - MEEKER LINCOLN MERCURY INCORPORATION (SANITATION) - MIKE HAHN (SEWER)**

11. The Acting City Manager presented claims received from Mr. A.B. Hess, Donald Penland, Rock Haven Motel, Leigh Hipps, Lucy Hughes, Meeker Lincoln Mercury Incorporation, and Mike Hahn.

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