

Tuesday, April 15, 1986 - 4:00 p.m.

## Regular Meeting

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

Absent: None

## INVOCATION

Councilman Bratton introduced Rev. Presley with the Beverly Hills Baptist Church who gave the invocation.

## APPROVAL OF THE MINUTES - APRIL 8, 1986 MEETING

1. Consideration was given to the approval of the minutes of the April 8, 1986 meeting.

Mayor Bisette announced the approval of the minutes as submitted.

## ANNOUNCEMENT RELATIVE TO SOUTH PACK PLAZA PROJECT

2. Mayor Bisette read the following press release:

April 15, 1986

SUBJECT: South Pack Plaza Project

I am very pleased to announce that an agreement has been reached between Schneider Nine and a group of local financial institutions for a \$5,900,000.00 conventional loan on the South Pack Plaza Project. This agreement should clear the way for construction to begin on the Project in the very near future.

This Project is an example of the very finest in public/private cooperation. This Project includes the equity participation by the Developer, a Federal Urban Development Action Grant, City/County participation in the Project's public improvements and participation by eight local financial institutions in the construction and permanent financing.

I want to take this opportunity to publicly commend all of the parties involved, but particularly those financial institutions whose interest and commitment to this community have finally made this project a reality. The following financial institutions have agreed to participate in the South Pack Plaza Project:

Asheville Federal Savings & Loan Association

Blue Ridge Savings & Loan Association

Branch Bank & Trust Company

Clyde Savings & Loan Association

First Federal Savings & Loan Association

First Union National Bank

NCNB National Bank of North Carolina

Wachovia Bank & Trust Company, N.A.

These financial institutions and their local representatives have worked extremely hard to put in place this final part of the complex South Pack Plaza downtown rehabilitation project. On behalf of the City Council and the City of Asheville, I want to thank them for their support of this extremely important community project.

Councilman Bratton also thanked Mayor Bisette for his time, effort and energy working on the South Pack Plaza Project financing.

### **PROCLAMATION - WEEK OF APRIL 20-26, 1986 - "NATIONAL CONSUMERS WEEK"**

3. Mayor Bisette read a proclamation proclaiming the week beginning April 20, 1986, as "National Consumers Week".

### **RESOLUTION NO. 86-61 - RESOLUTION OF APPRECIATION AND COMMENDATION TO MARY ANN MORRIS**

4. Consideration was given to a resolution of appreciation and commendation to Mary Ann Morris.

Mayor Bisette said Mary Ann Morris has served the citizens of Asheville as a dedicated City employee since September 20, 1948. She has earned the admiration and friendship of her co-workers and citizens of Asheville, whom she has served faithfully for so long. On May 1, 1986, she will retire from the City of Asheville.

Upon motion of Councilman Tisdale, seconded by Councilman Michalove, Resolution No. 86-61 was unanimously adopted.

Mayor Bisette presented a copy of the resolution to Mary Ann Morris.

Complete text of Resolution No. 86-61 will be found in Resolution Book No. 16 at page 8.

### **PUBLIC HEARING - SITE PLAN OF PROPOSED WICK AND GREENE PLAZA - CORNER OF PATTON AVENUE AND OTIS STREET**

5. A public hearing was held relative to a site plan of the proposed Wick and Greene Plaza to be located at the corner of Patton Avenue and Otis Street.

Mayor Bisette opened the public hearing at 4:25 p.m.

The 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 the Asheville Planning and Zoning Commission at a meeting held March 19, 1986, reviewed the site plan of the proposed Wick and Greene Plaza to be located at the corner of Patton Avenue and Otis Street. The site plan was prepared by John Rogers, Architect, for Mr. Paul Greene, Wick and Greene Jewelers, 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.

Mr. Emrick said the project meets all the criteria of the group

development section of the Asheville Zoning Ordinance and is recommended for approval. By the use of a map, Mr. Emrick showed the location of the proposed project. He said plans for sidewalks and streets in the project are compatible with other developers in the Wall Street area. He said the project is also compatible with the suggestions of the Urban Design Workshop.

Mr. Emrick said the developers, Mr. Paul Greene, with Wick and Greene Jewelers, would be meeting with other developers on Wall Street relative to the design of streets and sidewalks.

John Rogers, Architect, said the project would entail the renovation and an addition to the old service station at the

corner of Patton Avenue and Otis Street, and would be used by Wick and Greene Jewelers.

Mayor Bissette closed the public hearing at 4:29 p.m.

Councilman Boland moved for the approval of the site plan of the proposed Wick and Greene Plaza to be located at the corner of Patton Avenue and Otis Street, said approval to be only up to the property line of the project. This motion was seconded by Councilman Tisdale and carried unanimously.

### **PRESENTATION OF TREE CITY USA AWARD**

6. Ray Kisiah introduced Fred White with the North Carolina Division of Forestry who presented the City of Asheville with the Tree City USA Award.

Susan Mayer with Quality Forward said this was the sixth year the City of Asheville had received the award.

### **PUBLIC HEARING - PROPOSED TREE ORDINANCE**

7. A public hearing was held relative to a proposed tree ordinance.

Mayor Bissette opened the public hearing at 4:35 p.m.

The City Clerk presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mayor Bissette announced that Council would only be taking public comments relative to the ordinance today. He said the first reading of the ordinance would be considered at a later date.

Ray Kisiah, Director of Parks, Recreation, and Public Facilities Department, summarized the proposed ordinance, stating that the purpose of the ordinance was for the preservation and protection of trees on City property and City rights-of-way, and on front lines of private property up to the setback lines outlined in the particular zone set out in the Zoning Ordinance. He said trees may be removed only after securing a permit to do so. He said the Asheville Tree Commission would be setting certain pruning standards. He said it is hopeful that the ordinance will slow down the process of the removal of trees in the City of Asheville.

Susan Mayer, with Quality Forward, spoke in support of the ordinance and said the City of Asheville would need to hire a horticulturist or arborist to enforce the tree ordinance.

Upon inquiry of Councilman Michalove, Mr. Kisiah said it would cost

approximately \$30,000.00 to enforce the ordinance.

The following individuals spoke in support of the ordinance:

Melinda Woods, Kenilworth

Steve Bowman, Real Estate Broker

Tom Youngblood - Peterson, Coordinator of MAGIC

Richard Lance, 16 St. Dunstons Circle

Pat Patton, North Asheville

Mack Hanner, 5 Kimberly Avenue

Jim Samsel, Architect

Carolyn Tingle

Barry Master, Pisgah Legal Services, representing the low income elderly residents on Montford Avenue

Larry Holt, Chairman of Quality Forward and Deputy Executive Director of the Housing Authority

Peter Austin, Hillside Avenue

Bonnie Burnette, Burnette Landscaping

Lowell Orbinson, Member of the Asheville Tree Commission

Anthony Lord, Architect and member of the Asheville Tree Commission

Roger Smith, member of the Asheville Tree Commission

Elrita Nesby, member of the Asheville Tree Commission

Mrs. Charles Waddell

Marty Miller

John Broadbrooks, Chairman of the Asheville Tree Commission and Architect

LaRue Bolick, Quality Forward

Doug Campbell, President of the American Institute of Architects

Anabelle Green

Ernest Hamill

Dorothy Davis

E. H. Ledherer, Lakeview Park Commission

Sybil Bowers, Historic Resources Commission

Carol Bowman

The following individuals spoke against the ordinance stating that the ordinance would be taking away the rights of private property owners:

Wayne Kinser, Developer

Gay Williams

Councilman Michalove said he was concerned about passing another ordinance that might not be enforced because of infringing on the rights of private property owners. He said he would like for the City Attorney to look into the legality of the enforcement of the ordinance prior to adoption.

Councilman Boland said he felt trees and the City's environment is very important.

Mayor Bissette closed the public hearing at 6:05 p.m.

**ORDINANCE NO. 1579 - AN ORDINANCE AMENDING SECTION 28-81.3 OF ARTICLE IV, SPEED REGULATIONS, OF CHAPTER 28 OF THE CODE OF ORDINANCES FOR THE CITY OF ASHEVILLE (GLEN FALLS ROAD, BLACKWOOD ROAD AND GRIFFING BOULEVARD)**

8. Consideration was given to an Ordinance amending Section 28-81.3 of Article IV, Speed Regulations, of Chapter 28 of the Code of Ordinances for the City of Asheville.

Mayor Bissette said this ordinance will lower the speed limit to 25 m.p.h. on the following streets: Glen Falls Road, Blackwood Road and Griffing Boulevard.

Mayor Bissette 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. 1579. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1579 passed on first reading.

Councilman Michalove moved to suspend the rules and proceed to the second reading of Ordinance No. 1579. This motion was seconded by Councilman Tisdale and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1579 passed on second reading.

Councilman Michalove moved to suspend the rules and proceed to the third reading of Ordinance No. 1579. This motion was seconded by Councilman Boland and failed on a voice vote of 4-3.

**ORDINANCE NO. 1578 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, BY ANNEXING A NON-CONTIGUOUS AREA NEAR THE INTERSECTION OF LONG SHOALS ROAD AND LEDBETTER ROAD, PURSUANT TO THE REQUEST OF THE PROPERTY OWNER**

9. Consideration was given to the second reading of Ordinance No. 1578, an ordinance to extend the corporate limits of the City of Asheville, North Carolina, by annexing a non-contiguous area near the intersection of Long Shoals Road and Ledbetter Road, pursuant to the request of the property owner.

Mayor Bissette said the City of Asheville has been petitioned under N. C. Gen. Stat. Sec 160A-58.1, as amended, to annex a non-contiguous area near the intersection of Long Shoals Road and Ledbetter Road. The City Clerk has been directed to investigate the sufficiency of the petition. The City Clerk has certified the sufficiency of the petition and a public hearing was held on April 8, 1986. This ordinance passed on first reading at the April 8, 1986 meeting.

Mayor Bissette said this ordinance was previously read on first reading and would not be reread in its entirety unless there was a specific request to do so.

Corporation Counsel Slawter said an agreement had been reached with the property owners relative to the sewer line in the area.

On a roll call vote of 7-0, Ordinance No. 1578 passed on second reading.

**BIDS - RENTAL UNIFORMS AND SERVICE TO EMPLOYEES IN VARIOUS DEPARTMENTS FOR TWO YEARS**

10. Consideration was given to a motion relative to bids received to furnish rental uniforms and service to employees in various departments for two years.

Mayor Bissette said sealed bids were invited to furnish rental uniforms and service to 143 employees in various departments. Two bids were received. National Linen Service, 115 Fairview Road, Asheville, was the low bidder. During the bid evaluation process, Harold Huff, Director of Water and Sewer Services, informed Norwood Dunn, Purchasing Director, that all uniforms for his department were to be purchased and not rented. Mr. Jerry Barkley, Branch Manager of National Linen Service agreed to provide rental uniform service at the same weekly rate as bid for the remaining 33 employees. These bids were discussed at the April 8 meeting and action was postponed until the April 15 meeting. He said the total for the two year contract is \$13,555.36. He said sufficient funds are provided in the individual budget of the various departments and divisions.

Councilman Tisdale moved to approve the bid of National Linen Service in the amount of \$13,555.36. This motion was seconded by Councilman Boland and carried unanimously.

**RESOLUTION NO. 86-62 - RESOLUTION AUTHORIZING THE MAYOR TO FILE ON BEHALF OF THE CITY OF ASHEVILLE AN APPLICATION FOR FEDERAL FUNDING ADMINISTERED THROUGH THE GOVERNORS HIGHWAY SAFETY PROGRAM AND AUTHORIZING THE PROJECT DIRECTOR TO EXECUTE ANY AGREEMENTS OR DOCUMENTS REQUIRED TO CARRY OUT THE PROJECT SHOULD THE GRANT BE APPROVED**

11. Consideration was given to a resolution authorizing the Mayor to file on behalf of the City of Asheville an application for federal funding administered through the Governors Highway Safety Program and authorizing the Project Director to execute any agreements or documents required to carry out the project should the grant be approved.

Mayor Bissette read the resolution stating that the application would be to the Governors Highway Safety Program for federal funding in the amount of \$21,600.00 to be made to the City of Asheville to assist and defray the cost of the Community Seat Belt Program.

Upon motion of Councilman Michalove, seconded by Councilman Bratton, Resolution No. 86-62 was unanimously adopted.

Complete text of Resolution No. 86-62 will be found in Resolution Book No. 16 at Page 9 and 10.

**CLAIMS - C. L. McMAHAN (WATER) - MRS. FREDRICK GOETZ (STREETS) - CLYDE CONNER (WATER)**

The City Manager presented claims received from C. L. McMahan, Mrs. Fredrick Goetz and Clyde Conner.

Mayor Bissette referred the claims to the Corporation Counsel for investigation and recommendation.

**LAWSUITS - ASHEVILLE HOUSING AUTHORITY VS. JOHN N. DAVIS ET ALS (CONDEMNATION RANKIN AVENUE PARKING LOTS)**

The City Manager said the City was served with a summons in connection with a lawsuit involving the Asheville Housing Authority vs. John N. Davis et als regarding condemnation proceedings involving the Rankin Avenue parking lots.

Mayor Bissette referred the summons to the Corporation Counsel for investigation and recommendation.

**ADJOURNMENT**

Upon motion of Councilman Boland, seconded by Councilman Tisdale, the meeting adjourned at 6:40 p.m.

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CITY CLERK MAYOR

