

Tuesday - April 28, 1987 - 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 O. Bean; and City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Kenneth Michalove.

APPROVAL OF THE MINUTES - APRIL 14, 1987 MEETING

1. Consideration was given to the approval of the minutes of the April 14, 1987, meeting.

Mayor Bisette announced the approval of the minutes as submitted.

PROCLAMATION - MAY 1-7, 1987, "RESPECT FOR LAW WEEK"

2. Mayor Bisette read a proclamation proclaiming May 1-7, 1987, as "Respect for Law Week".

Mayor Bisette presented the proclamation to David Gantt, President of the Optimist Club.

PROCLAMATION - APRIL 28 - "DEPARTMENT OF PARKS, RECREATION AND PUBLIC FACILITIES VOLUNTEER RECOGNITION DAY"

3. Mayor Bisette read a proclamation proclaiming April 28 as "Department of Parks, Recreation and Public Facilities Volunteer Recognition Day".

Mayor Bisette presented the proclamation to Ray Kisiah, Director of Parks, Recreation and Public Facilities, Donnie Luke and Bill Ashe, with the Asheville Volleyball Club.

PROCLAMATION - APRIL 26 - MAY 2, 1987 - "AMERICAN HOME WEEK"

4. Mayor Bisette read a proclamation proclaiming April 26 - May 2, 1987 as "American Home Week".

Mayor Bisette said he had presented the proclamation to Diana Schommer, with the Asheville Board of Realtors. He said in connection with American Home Week, the Asheville Board of Realtors had completely remodeled an elderly person's home in Oakley and commended the Asheville Board of Realtors for this project.

PROCLAMATION APRIL 26 - MAY 3, 1987 - "DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST"

5. Mayor Bisette read a proclamation proclaiming April 26 - May 3, 1987 as "Days of Remembrance of the Victims of the Holocaust".

Mayor Bisette presented the proclamation to Rabbi Elliot H. Pearlson, Congregation with the Beth Israel Synagogue.

PROCLAMATION - MAY 1, 1987 - "LOYALTY DAY"

6. Mayor Bisette read a proclamation proclaiming May 1, 1987 as "Loyalty Day".

Mayor Bissette presented the proclamation to Mr. & Mrs. Paul Quinn.

PROCLAMATION - APRIL 26 - MAY 2, 1987 - "COMMUNITY DEVELOPMENT WEEK"

6a. Mayor Bissette read a proclamation proclaiming April 26 - May 2, 1987, as "Community Development Week".

Mayor Bissette presented the proclamation to Kenneth R. Reeves, County Extension Director for Buncombe County.

PUBLIC HEARING - CLOSING OF GEORGE WASHINGTON CARVER AVENUE, HAID STREET, GULLY STREET, PORTIONS OF MAX STREET, KNOB STREET AND GRAIL STREET, AND AN UNNAMED ALLEY

RESOLUTION NO. 87-69 - RESOLUTION TO CLOSE GEORGE WASHINGTON CARVER AVENUE, HAID STREET, GULLY STREET, PORTIONS OF MAX STREET, KNOB STREET AND GRAIL STREET, AND AN UNNAMED ALLEY

7. Consideration was given to a resolution to close George Washington Carver Avenue, Haid Street, Gully Street, portions of Max Street, Knob Street and Grail Street, and an unnamed alley.

Mayor Bissette said a petition has been filed by the Housing Authority of the City of Asheville requesting that certain streets and a public alley be permanently closed to public use. The streets and public alley are under the sole and exclusive authority and control of the City of Asheville and are not under the authority and control of the North Carolina Department of Transportation. The permanent closing of these streets and public alley would not be either detrimental to or contrary to the public interest or the property rights of any individual. By permanent closing of these streets and public alley, no individual owning property in the vicinity would be deprived of ingress and egress to his property. This public hearing was continued from the April 7, 1987 meeting.

Mayor Bissette opened the public hearing at 4:40 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.

Larry Holt, Deputy Executive Director of the Housing Authority, said all property owners adjacent to the streets to be closed had either joined in the petition for the closing, or been notified by certified mail of Council's intention to close these streets. He said the East End Valley Street Neighborhood Association had joined in the recommendation to close the streets.

Mayor Bissette closed the public hearing at 4:42 p.m.

Upon motion of Vice-Mayor Frank, seconded by Councilman Price, Resolution No. 87-69 was unanimously adopted.

Complete text of Resolution No. 87-69 will be found in Resolution Book No. 16 at page 322 and 323.

RESOLUTION NO. 87-70 - RESOLUTION NAMING GEORGE WASHINGTON CARVER STREET AND EXTENDING SECTIONS OF OTHER STREETS IN THE EAST END/VALLEY STREET REDEVELOPMENT AREA

8. Consideration was given to a resolution naming George Washington Carver Street and extending sections of other streets in the East End/Valley Street redevelopment area.

Mayor Bissette said the East End/Valley Street Community Improvement Program has resulted in the closing of portions of Max Street, Knob Street and Grail Street and all of George Washington Carver Avenue, Haid Street and Gully Street. The configuration of the remaining streets has been altered in connection with the community improvement program. Plats have been recorded in the Office of the Register of Deeds setting forth the configuration of the newly developed streets, including a newly proposed George Washington Carver Street. It is desirable to name

the streets as shown on the recorded plats.

Mayor Bissette said members of Council were previously furnished copies of the resolution and it would not be read in its entirety. He said any individual requesting a copy of the resolution would be furnished one at no cost.

Larry Holt, Deputy Executive Director of the Housing Authority, said the street names had been reviewed and approved by the East End/Valley Street Neighborhood Association.

Upon motion of Councilman Boland, seconded by Vice-Mayor Frank, Resolution No. 87-70 was unanimously adopted.

Complete text of Resolution No. 87-70 will be found in Resolution Book No. **16** at page **324**.

PUBLIC HEARING - CLOSING UNNAMED ROAD BETWEEN PATTON AVENUE AND OLD HAYWOOD ROAD

RESOLUTION NO. 87-71 - RESOLUTION TO CLOSE AN UNNAMED ROAD BETWEEN PATTON AVENUE AND OLD HAYWOOD ROAD

9. Consideration was given to a resolution to close an unnamed road between Patton Avenue and Old Haywood Road.

Mayor Bissette said a petition has been filed by Mary R. Thrash, owner of property adjoining an unnamed roadway, between Patton Avenue and Old Haywood Road, asking that said unnamed road adjoining Lots 1-3/4 and 89 of Ward 5, Sheet 24, and Lots 72 and 73 of Ward 5, Sheet 29, of the Buncombe County Tax Maps be permanently closed to public use. The unnamed roadway is under the sole and exclusive authority and control of the City of Asheville and is not under the control and authority of the North Carolina Department of Transportation. The permanent closing of said unnamed roadway will not be either detrimental to or contrary to the public interest or the property rights of any individual and no individual owning property in the vicinity of the unnamed roadway will, by the permanent closing of the roadway be deprived of reasonable means of ingress and egress to his property.

Mayor Bissette opened the public hearing at 4:45 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.

Larry Ward, Public Works Assistant Director, said the road to be closed is a dirt road which had never been paved or opened.

Mayor Bissette closed the public hearing at 4:46 p.m.

Mayor Bissette said members of Council were previously furnished copies of the resolution and it would not be read in its entirety. He said any individual requesting a copy of the resolution would be furnished one at no cost.

Upon motion of Councilman Tisdale, seconded by Councilman Price, Resolution No. 87-71 was unanimously adopted.

Complete text of Resoution No. 87-71 will be found in Resolution Book No. **16** at page **325**.

PUBLIC HEARING - CLOSING OF AN UNNAMED ALLEY BETWEEN PICKWICK ROAD AND AN UNNAMED ALLEY IN REAR OF LOTS FRONTING PICKWICK ROAD

RESOLUTION NO. 87-72 - RESOLUTION TO CLOSE AN UNNAMED ALLEY BETWEEN PICKWICK ROAD AND AN UNNAMED ALLEY IN REAR OF LOTS FRONTING PICKWICK ROAD

10. A public hearing was held relative to a resolution to close an unnamed alley between Pickwick Road and an unnamed alley in rear of lots fronting Pickwick Road.

Mayor Bissette said a petition has been filed by David L. and Mary G. Evers, owners of property adjoining an unnamed alley between Pickwick Road and an unnamed alley in the rear of property fronting Pickwick Road, asking that said unnamed alley adjoining Lots 146 and 148 of Ward 8, Sheet 2, of the Buncombe County Tax Maps, also shown as Lots 11 and 12 of Plat Book 5, Page 79 of a plat recorded in the Register of Deeds Office of Buncombe County, be permanently closed to public use. The unnamed alley is under the sole and exclusive authority and control of the City of Asheville and not the North Carolina Department of Transportation. The permanent closing of said unnamed alley will not be either detrimental to or contrary to the public interest or the property rights of any individual and no individual owning property in the vicinity of the unnamed alley will be deprived of reasonable means of ingress and egress to his property.

Mayor Bissette opened the public hearing at 4:48 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.

Larry Ward, Public Works Assistant Director, said this property has a very steep terrain and has never been opened as a road.

Mayor Bissette closed the public hearing at 4:50 p.m.

Mayor Bissette said members of Council were previously furnished copies of the resolution and it would not be read in its entirety. He said any individual requesting a copy of the resolution would be furnished one at no cost.

Upon motion of Vice-Mayor Frank, seconded by Councilman Michalove, Resolution No. 87-72 was unanimously adopted.

Complete text of Resolution No. 87-72 will be found in Resolution Book No. **16** at page **326**.

ORDINANCE NO. 1628 - AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO EXTEND ANNUAL DATES FOR CURBSIDE PICKUP OF LEAVES

11. Consideration was given to an ordinance amending Chapter 13 of the Code of Ordinances of the City of Asheville to authorize the City Manager or his designee to extend annual dates for curbside pickup of leaves.

Mayor Bissette said this ordinance will amend Chapter 13 of the Code of Ordinances of the City of Asheville to authorize the City Manager or his designee to extend the period for collection of loose leaves on an annual basis as he may deem appropriate, giving consideration to prevailing weather conditions and other appropriate factors.

The City Manager said this amendment would modify the present ordinance which states leaves will be picked up from October 15th through December 15, and from March 1st through May 1st, to allow an extension of the period for collection of loose leaves at the discretion of the City Manager or his designee.

Councilman Price moved for the adoption of Ordinance No. 1628. This motion was seconded by Councilman Michalove.

On a roll call vote of 7-0, Ordinance No. 1628 passed on first reading.

Councilman Michalove moved to suspend the rules and proceed to the second reading of Ordinance No. 1628. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1628 passed on second reading.

Councilman Michalove moved to suspend the rules and proceed to the second reading of Ordinance No. 1628. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1628 passed on third and final reading.

Complete text of Ordinance No. 1628 will be found in Ordinance Book No. **11** at page **129**.

ORDINANCE NO. 1627 - AN ORDINANCE AMENDING SECTION 28-81.2(b) OF ARTICLE IV, SPEED REGULATIONS OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

12. Consideration was given to the second reading of Ordinance No. 1627, ordinance amending Section 28-81.2(b) of Article IV, Speed Regulations, of Chapter 28 of the Code of Ordinances of the City of Asheville.

Mayor Bisette said this ordinance will lower the speed limit on Chiles Avenue from 35 m.p.h. to 20 m.p.h. This ordinance passed first reading at the April 14, 1987 meeting.

Mayor Bisette said this ordinance was previously read on first reading and would not be re-read in its entirety. He said any individual requesting a copy of the ordinance would be furnished one at no cost.

On a roll call vote of 7-0, Ordinance No. 1627 passed on second reading.

Councilman Michalove moved to suspend the rules and proceed to the third reading of Ordinance No. 1627. This motion was seconded by Councilman Price and carried unanimously.

Complete text of Ordinance No. 1627 will be found in Ordinance Book No. **11** at page **128**.

Councilman Michalove suggested that a 30-day warning period be given to travelers on Chiles Avenue.

Councilman Tisdale requested that the Asheville Transit Authority be notified of the speed limit change.

RESOLUTION NO. 87-73 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH PAVING ENTERPRISES, INC. FOR THE PROJECT KNOWN AS STREET AND SIDEWALK IMPROVEMENTS CONTRACT I

13. Consideration was given to a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract and any change orders within the budgeted amount with Paving Enterprises, Inc. for the project known as Street and Sidewalk Improvements Contract I.

Mayor Bisette said on April 23, 1987, bids were received for work to be performed under Street and Sidewalk Improvements Contract 1. Three bids were received; Paving Enterprises, Inc. - \$2,784,550.00; Taylor & Murphy - \$3,062,003.00; APAC Carolina, Inc. - \$3,347,695.00. Gary McGill of McGill Associates, P.A., Consulting Engineer hired for this project, has reviewed and evaluated the bids and recommends award to the low bidder, Paving Enterprises, Inc. in the amount of \$2,784,550.00. Clark Brown, Director of Public Works, concurs in this recommendation. This resolution will authorize the City Manager to execute the contract and any change orders within the budgeted amount with Paving Enterprises, Inc. for the project known as Street and Sidewalk Improvements Contract 1. Funding for this project will be provided from the Public Improvement Bond Fund.

Upon motion of Vice-Mayor Frank, seconded by Councilman Boland, Resolution No. 87-73 was unanimously adopted.

Complete text of Resolution No. 87-73 will be found in Resolution Book No. **16** at page **327**.

APPROVAL OF THE CONSENT AGENDA

NOTE: The following items are of a routine nature and they have been previously reviewed by the members of the City Council. There-

fore, by unanimous vote to approve these items, the City Council may, pursuant to the procedures established in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item schedule for approval on the consent agenda may be considered separately.

Resolution No. 87-74

A. Resolution authorizing the City Manager to execute an agreement between

the City of Asheville and United States Cellular Corporation for construction of a new communications tower at Brown Mountain Reservoir.

HIGHLIGHTS: This resolution will authorize the City Manager to execute

an agreement on behalf of the City of Asheville with United States Cellular Corporation providing for a lease of City-owned property located at Brown Mountain Reservoir in exchange for a radio communication tower to be constructed by United States Cellular Corporation at their expense.

FISCAL IMPACT: The cost of the tower is approximately \$56,000.00.

Resolution Book No. 16 - page 328.

Resolution No. 87-75

B. Resolution authorizing the City Manager to execute an agreement between

the City of Asheville and United States Cellular Corporation for construction of a new communications tower at White Fawn Reservoir.

HIGHLIGHTS: This resolution will authorize the City Manager to execute

this agreement on behalf of the City of Asheville with United States Cellular Corporation providing for a lease of City-owned property located at White Fawn Reservoir in exchange for a radio communication tower to be constructed by United States Cellular Corporation at their expense.

FISCAL IMPACT: The cost of the tower is approximately \$76,500.00.

Resolution Book No. 16 - page 329.

Resolution No. 87-76

C. Resolution authorizing the City Manager to execute an indenture conveying

a sewer line easement to the Buncombe County Board of Commissioners for the Venable Industrial Site Sewer Connector.

HIGHLIGHTS: The City Council of the City of Asheville desires to grant

to the Buncombe County Board of Commissioners a sewer line easement for the "Venable Industrial Site Sewer Connector". This resolution will authorize the City Manager to execute

said easement.

FISCAL IMPACT: None

Resolution Book No. 16 - page 330.

Resolution No. 87-77

D. Consideration of a resolution authorizing the Mayor to execute on behalf

of the City of Asheville an agreement and any amendments with CH2M Hill Southeast Inc. for engineering services for a sewer study to be completed

by June 30, 1987.

HIGHLIGHTS: The services of a consulting engineer are required to

evaluate the condition of the City's sewers and the advantages and disadvantages of a transfer of operation and maintenance responsibility. This resolution will authorize the Mayor to execute an agreement and any amendments with CH2M Hill Southeast Inc. for a sewer study to be completed

by June 30, 1987.

FISCAL IMPACT: \$25,442.00 - funding available in Sewer Master Plan

contingency funds.

Resolution Book No. 16 - page 331.

E. Motion relative to bids received for herbicide for Public Works, Street

Division and Parks, Recreation and Public Facilities Department.

HIGHLIGHTS: Sealed bids were invited to furnish the estimated 1987

season requirements of 350 gallons of herbicide for the Public Works, Street Division and Parks, Recreation and Public Facilities Department's annual treatment of undesirable vegetation and right-of-way maintenance program. Seven bids were received. Purchases will be made on an as needed basis at the unit price of \$72.45 per gallon. Clark Brown, Public Works Director and Ray Kisiah, Director of Parks, Recreation and Public Facilities Department have reviewed the bids and both concur to award this contract to the low bidder, Southern States, Inc.,

Asheville, North Carolina.

FISCAL IMPACT: \$25,357.50 - Adequate funding in FY 1986-87 operating

budget of the Public Works Department - Street Division.

Parks, Recreation and Public Facilities Department -

funds budgeted in FY 1986-87 Park Maintenance budget.

F. Motion to schedule a public hearing relative to an ordinance amending

Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended, rezoning property on Vanderbilt Road from

R-3 Residential District to R-1 Residential District for May 19, 1987

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting

held March 25, 1987, discussed the request of Asheville City Council that consideration be given to rezoning certain lots on Vanderbilt Road from R-3 Residential District to R-1 Residential District. After review and discussion, the Commission voted to recommend to City Council that Lots 58-1/2, 56-1/2, 56-1/4 and a portion of Lots 54 and 53-1/2, Sheet 4, Ward 7, be rezoned from R-3

Residential District to R-1 Residential District.

FISCAL IMPACT: None

G. Motion to schedule a public hearing relative to the site plan of Sunset

Pointe Condominiums to be located on Town Mountain Road for May 12, 1987.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting

held April 8, 1987 reviewed the site plan of Sunset Pointe Condominiums to be located on Town Mountain Road. The site plan was prepared by Freeman, Wells and Major, Architects, for W. R. Martin Corporation, 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: 1) compliance with Erosion Control Ordinance and Erosion Control Plan; 2) compliance with height ordinances, Ordinance 1514, restriction of structural heights in R-1 and R-2 zones, and Ordinance 1558, concerning protection of mountain ridges; 3) indicate adequate road access in accordance with Article 6, Group Developments, and contingent upon the driveway on the west side of the existing parking lot being taken from the area where there is a legal easement; 4) insuring that appropriate legal document be provided, prior to project going to City Council, that addresses restriction of development on rest site, restriction of tree cutting and color of buildings; 5) adequate fire protection; 6) compliance with parking requirements; 7) establishment of a Liaison Committee between developer and Grove Park-Sunset Homeowners Association; 8) compliance with Buffering

Ordinance.

FISCAL IMPACT: None

H. Motion to schedule a public hearing relative to a site plan of the

proposed expansion of Autohaus of Asheville, Inc. at 2 Kenilworth Knoll for May 19, 1987.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting

held April 8, 1987, reviewed a site plan of the proposed expansion of Autohaus of Asheville, Inc., at 2 Kenilworth Knoll. The site plan was prepared by David Aiton,

Architect, and submitted in accordance with the Group

Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to approve the project subject to compliance with the Erosion

Control Ordinance.

FISCAL IMPACT: None

I. Motion to schedule a public hearing relative to a site plan of Wall-Mart

Discount City to be located on Hendersonville Road for May 19, 1987.

HIGHLIGHTS: The site plan was prepared by Gray Engineering Consultants,

Inc. for Wyatt Development Company, Inc., Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to approve the project subject to the following conditions: 1) erection of a 6' high chainlink fence beginning at Southwest corner and continuing around perimeter to intersection of Hendersonville Road at Northwest corner; 2) submission of sign package in accordance with Zoning Ordinance; 3) removal of access to Peachtree Road; 4) closing of Oak

Street; and 5) compliance with Erosion Control Ordinance.

FISCAL IMPACT: None

Upon motion of Councilman Tisdale, seconded by Councilman Boland, the consent agenda was unanimously approved.

RESOLUTION NO. 87-78 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS AND THE PURCHASING DIRECTOR TO MAKE PURCHASES UP TO THE STATUTORY LIMITS REQUIRED FOR FORMAL BIDDING UNDER CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES

15. Consideration was given to a resolution authorizing the City Manager to execute contracts and the Purchasing Director to make purchases up to the statutory limits required for formal bidding under Chapter 143 of the North Carolina General Statutes.

Mayor Bisette said the North Carolina General Statutes permit the awarding of bids for purchases and other activities up to a certain statutory amount before a formal bidding process is required. He said this resolution will authorize the City Manager to execute the contracts and the Purchasing Director to make purchases up to those statutory limits in order to confirm the actions of these individuals and in executing agreements and making purchases.

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 87-78 was unanimously adopted.

Complete text of Resolution No. 87-78 will be found in Resolution Book No. 16 at page 332.

CLAIMS - HEWITT PRESS (SEWER) - VIRGINIA CANTOR (STREETS) - MICHAEL HARRIS (POLICE)

16. The City Manager presented claims received from Hewitt Press, Virginia Cantor, and Michael Harris.

COMMENTS BY R. L. BAILEY - STORM DRAINAGE ON CHEROKEE ROAD

17. Mr. R. L. Bailey spoke to members of Council relative to a major storm drainage problem he is having on Cherokee Road.

After discussion, Mayor Bisette instructed the City Manager to look into the concerns of Mr. R. L. Bailey.

COMMENTS BY HAROLD BLANKENSHIP - HARNETT STREET - DRAINAGE PROBLEMS

18. Harold Blankenship, of 51 Harnett Street, spoke to members of Council relative to a drainage problem which he had spoke to Council and City staff about previously, at the corner of his property beside the new Vance School. He said the catch basin at the corner of his property and Vance Elementary School, to carry the water from the ball field is

not adequate.

Mayor Bissette instructed the City Manager to look into the concerns of Harold Blankenship at 51 Harnett Street.

RALPH BISHOP - LOTTERY SALES

19. Ralph Bishop again spoke to members of Council relative to lottery sales in the City of Asheville.

ADJOURNMENT

Mayor Bissette adjourned the meeting at 5:10 p.m.

Mayor City Clerk
