

Tuesday - September 8, 1987 - 4:00 P.M.

Regular Meeting

Present: Mayor W. Louis Bisette, Presiding; Vice-Mayor Mary

Lloyd Frank; Councilmen Kenneth M. Michalove, Norma T. Price, George Tisdale, and Walter Boland; Corporation Counsel William F. Slawter; City Manager Douglas O.

Bean; and Deputy City Clerk Carol Hensley.

Absent: Councilman Wilhelmina Bratton and Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

Mayor Bisette introduced Rev. Donnell Jefferies, Pastor of Berry Temple United Methodist Church who gave the invocation.

APPROVAL OF MINUTES

Mayor Bisette announced the approval of the minutes of the September 1, 1987 meeting as submitted.

I. PROCLAMATIONS:

A. Introduction of new firefighters.

Chief John Ruckavina, of the Fire Department introduced seven new firefighters.

Chief Ruckavina also presented former Fire Chief Powell

Ball with a "Gold" honorary lifetime membership card to the North Carolina Association of Fire Chiefs and a wooden plaque with Chief Ball's badge placed on the plaque for his many years of service with the City of Asheville.

B. Proclamation - September 13 - 20, 1987 - Constitution

Week.

Mayor Bisette read the proclamation and presented a

copy to Mrs. Helen Brown, Chairman of Constitution Week with the Daughters of the American Revolution and to Paul Limbert, member of the Bicentennial Commission.

C. Proclamation - September 20 - 26, 1987 - Foster Care

Awareness Week.

Mayor Bisette read the proclamation and presented a

copy to Bonnie Judkins, Executive Director of

Professional Parenting, Inc.

Ms. Judkins said this proclamation was requested by

Professional Parenting, Eliada Home, and Buncombe County Department of Social Services, foster care agencies, in an effort to help with recruitment efforts and to increase awareness of the citizens of Asheville and Buncombe County as to the needs of

homeless children.

D. Proclamation - September 13 - 19, 1987 - "Just Say No"

Pledge Week.

Mayor Bissette said this proclamation was requested by

the United States Conference of Mayors and a copy would be forwarded to the organization.

E. Proclamation - September 11 - 13, 1987 - "Berry Temple

100th Anniversary Weekend"

Mayor Bissette read the proclamation and presented a

copy to Rev. Donnell Jefferies, Pastor of Berry Temple United Methodist Church, and to Ms. Elrita Nesby, co-chairman of the celebration.

Ralph Bishop spoke against the Mayor issuing the

proclamation for Constitution Week.

II. PUBLIC HEARINGS:

A. Public hearing relative to site plan of the proposed

conversion of an existing house at 302 Cumberland Avenue into four apartment units.

Mayor Bissette opened the public hearing at 4:40 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 the Asheville

Planning and Zoning Commission at a meeting held August 12, 1987, reviewed a site plan of the proposed conversion of an existing house at 302 Cumberland Avenue into four apartment units. The plan was prepared by Mr. Lanwehr, 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 project subject to: 1) A variance from the 12' buffer requirement on the southern property line from the Board of Adjustment; and 2) Compliance with the Erosion Control Ordinance.

Mayor Bissette closed the public hearing at 4:43 p. m.

Councilman Price moved to approve the site plan of the

proposed conversion of an existing house at 302 Cumberland Avenue into four apartment units subject to the conditions outlined by the Planning and Zoning Commission. This motion was seconded by Councilman Boland and

carried unanimously.

B. Public hearing relative to proposed expansion of Twin Oaks Mobile Home Park on Bingham Road.

Mayor Bisette turned the meeting over to Vice-Mayor Frank.

Vice-Mayor Frank opened the public hearing at 4:46 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 the Asheville

Planning and Zoning Commission at a meeting held August 12, 1987, reviewed the proposed expansion of Twin Oaks Mobile Home Park on Bingham Road. The plan was prepared by Ray Anders, RLS, for Mr. Allen Moss, 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 project subject to: 1) Elimination of Site No. 6 and provision of plantings; and 2) Compliance with Erosion Control Ordinance.

Vice-Mayor Frank closed the public hearing at 4:48 p. m.

Councilman Price moved to approve the proposed expansion

of Twin Oaks Mobile Home Park on Bingham Road subject to the conditions outlined by the Planning and Zoning Commission. This motion was seconded by Councilman

Michalove and carried unanimously.

IV. NEW BUSINESS:

A. Resolution No. 87-160 - Resolution authorizing execution

of contract with the County of Buncombe for provision of billing and collecting services for County sewer user fees.

Vice-Mayor Frank said the Water Agreement requires that

both the City and County provide for a sewer user charge by July 1, 1987. The County, in order to bill for this charge on a water consumption basis, needs to have an agreement with the City for the City to provide this service.

Upon motion of Councilman Michalove, seconded by

Councilman Price, Resolution No. 87-160 was unanimously adopted.

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Mayor Bisette returned to the meeting.

C. Appeal of Melvin Walsh for in-line-of-duty disability

benefits.

Mayor Bissette said the Supreme Court has remanded Mr.

Walsh's claim to the City Council for determination of his entitlement to in-line-of-duty disability benefits under the Asheville Policemen's Pension and Disability

Fund.

Corporation Counsel Slawter noted that the courts have

determined that the police pension law as amended in 1979 would not apply to Melvin Walsh's case and that the law in effect as of the date Mr. Walsh was hired would prevail.

Councilman Boland moved that Melvin Walsh be awarded

in-line-of-duty disability benefits from the Asheville Policemen's Pension and Disability Fund. This motion was seconded by Vice-Mayor Frank and carried

unanimously.

V. CONSENT:

A. Resolution No. 87-161 - Resolution appointing member to the Asheville Transit Authority.

SUMMARY: This resolution will appoint Paul Hensley as a

member of the Asheville Transit Authority to serve the unexpired term of Mr. H. H. Queen, term expiring December 31, 1987 and to serve a four (4) year term, term expiring December 31, 1991, or until his successor has been duly appointed and qualified.

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B. Scheduling of public hearing relative to site plan of

the proposed Shoppes of Beaver Lake to be located on Merrimon Avenue at a special meeting on September 23, 1987 at 4:00 p.m.

SUMMARY: The Asheville Planning and Zoning Commission at

a meeting held September 2, 1987, reviewed a site plan of the proposed Shoppes of Beaver Lake to be located on Merrimon Avenue. The plan was prepared by Danie Johnson, Architect, for Beverly Developments, 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 project with the

following conditions:

1. That signage description be provided to City

Council;

2. Subject to compliance with Erosion Control Ordinance;

3. Subject to execution of an agreement to establish a 20' buffer on the Western Steer property; and
4. That developer give special concern to wildlife habitat during building process and after to avoid silting.

The Commission further noted that the public hearing

process revealed serious questions with regard to ownership of the right to develop the property in the manner intended. The Commission urges City Council to determine the status of the right to develop the site with regard to boundary survey, the location of the floodway, and any rights the residents of the Lakeview Park Commission might have relative to the use of this parcel.

Upon motion of Councilman Boland, seconded by

Councilman Price, the consent agenda was unanimously approved.

COUNCIL MEETING - SEPTEMBER 22, 1987

Mayor Bisette announced that the regularly scheduled meeting for September 22, 1987 has been cancelled due to the primary election.

RESOLUTION NO. 87-162 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CERTAIN DOCUMENTS FOR THE PACK PLAZA REDEVELOPMENT PROJECT AND THE PACK PLACE EDUCATION, ARTS AND SCIENCE CENTER PROJECT

The City Manager said this resolution will authorize the Mayor to complete the transfer of deeds and easements for the Pack Plaza Redevelopment Project and the Pack Place Education, Arts and Science Center Project and authorize the execution of certain subordination agreements required as a result of the UDAG Loan, UDAG Agreement and City/County Loan for the Pack Plaza Redevelopment Project. The resolution will also authorize the execution of all lease agreements by and between the City and Pack Place Education, Arts and Science Center for the project.

Upon motion of Vice-Mayor Frank, seconded by Councilman Price, Resolution No. 87-162 was unanimously adopted.

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HARRY BRUMMER - CONSTRUCTION OF HOUSE ON SUNSET SUMMIT

Harry Brummer spoke to members of Council relative to the difficulties he had had with constructing a residence on Sunset Summit. He outlined the history of events that has

kept him from completing the project.

After discussion, Council requested that the Corporation Counsel furnish members of Council with a status report on the residence on Sunset Summit.

CLAIMS - JOHN FULLER (WATER) - MR. O'NEIL (CIVIC CENTER) - ANTHONY DOBBS (SANITATION)

The City Manager presented claims received from John Fuller, Mr. O'Neil, and Anthony Dobbs.

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

LAWSUITS - HOUSING AUTHORITY OF THE CITY OF ASHEVILLE (CONDEMNATION OF ETTASTINE NEELY, ET AL., PROPERTY - EAST END/VALLEY STREET) - (CONDEMNATION OF EDDIE COLEMAN, ET AL., PROPERTY EAST END/VALLEY STREET) - (CONDEMNATION OF FRED R. QUICK, JR., ET AL., PROPERTY EAST END/VALLEY STREET

The City Manager said the City was named a party in lawsuits involving the Housing Authority of the City of Asheville relative to condemnation of Ettastine Neely, et al, property, Eddie Coleman property, and Fred R. Quick, Jr. property in the East End/Valley Street.

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

RALPH BISHOP - DOWNTOWN PROJECTS

Ralph Bishop asked questions relative to the Pack Place Project.

ADJOURNMENT

Upon motion of Councilman Tisdale, seconded by Vice-Mayor Frank the meeting adjourned at 5:20 p. m.

MAYOR CITY CLERK
