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Tuesday - September 29, 1987 - 4:00 P.M.

Regular Meeting

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

Lloyd Frank; Councilmen Wilhelmina Bratton, George Tisdale, and Walter Boland; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate

City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Kenneth M. Michalove and

Councilman Norma T. Price

INVOCATION

The invocation was given by Councilman Walter Boland.

I. PROCLAMATIONS:

A. Presentation of National Distinguished Professional

Award from National Recreation and Parks Association to Ray Kisiah, Director of Parks, Recreation and Public Facilities.

Mayor Bisette recognized Beverly Brandes, Southeastern

Representative of the National Recreation and Parks Association, who presented Ray Kisiah with the National Distinguished Professional Award, which is the highest honor bestowed upon a professional in the Recreation Field.

Ms. Brandes recognized past and present Parks and

Recreation Advisory Board members and the City of Asheville Parks, Recreation and Public Facilities staff.

Mayor Bisette said the City of Asheville has been

honored by Ray Kisiah receiving this annual National Award. He commended Mr. Kisiah for his many years of outstanding service to the City of Asheville.

B. Proclamation - Minority Enterprise Development Week -

September 28 - October 2, 1987

Mayor Bisette read the proclamation which was presented

to Ronnie Blythe, Executive Director for Cherokee Business Development Center and Bob Foxx, from the Asheville Business Center.

C. Proclamation - Nurse-Midwifery Week

October 4 - 10, 1987

Mayor Bissette read the proclamation which was

presented to Elizabeth Sciora, from the Asheville Women's Medical Center. Ms. Sciora introduced other associates of Asheville Women's Medical Center.

Karen Barnes, Certified Nurse-Midwife, outlined the events that would be taking place during Nurse-Midwifery Week.

D. Proclamation - "Fire Prevention Week" -

October 4 - 10, 1987

Mayor Bissette read the proclamation which was

presented to Chief John Rukavina from the Asheville

Fire Department.

II. PUBLIC HEARINGS:

II. OLD BUSINESS:

A. Ordinance No. 1651 - Second reading of Ordinance No.

1651, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville", as amended - property located on Hildebrand Street.

Mayor Bissette said the Asheville Planning and Zoning

Commission at a meeting held August 12, 1987, considered the petition of Mr. Sidney Shorter et al that Lots 89, 90, 2-1/4, 100, 4, and 6, Sheet 2, Ward 1, be rezoned from CS Commercial Service District to R-3 Residential District. The property is located on Hildebrand Street in the East End/Valley Street Redevelopment Area. After review and discussion, the Commission voted to recommend to City Council that Lots 89, 90, 2-1/4, 100, 4, and 6 and 2-1/2, Sheet 2, Ward 1, be rezoned from CS Commercial Service District to R-3 Residential District. (Staff recommended including Lot 2-1/2 for contiguity although owners had not signed petition). This ordinance was read on first reading on September 15, 1987 with the deletion of Lot 6.

Verl Emrick, Planning Director, said at the request of

Council, he had checked and there was no curb cut applications on file with the North Carolina Department of Transportation, the Public Works Department, or the Zoning Department for Lot 6. He said access to Lot 6 would require the approval of the City and the North Carolina Department of Transportation. He said to his knowledge there is no proposed use for this lot.

It was noted that at the first reading of the ordinance

Sue Evans, owner of Lot 6 and resident of 12 Bellair Road, and her agent Mike Robinson, real estate broker, objected to Lot 6 being rezoned to R-3 Residential District.

Mr. Ballantyne, representing Sidney Shorter, petitioner

for the rezoning, said it is Mr. Shorter's opinion that Lot 6 should be included in the rezoning to R-3 Residential District. He said the City's redevelopment plan also shows Hildebrand Street as residential property. He said deleting

Lot 6 from the rezoning would not be compatible with the community since the lot is surrounded by St. James AME Church and private residences. He said commercial development of Lot 6 would destroy the area. He said Lot 6 can not be developed as residential or commercial due to the size of the lot and the required setbacks.

Rev. Willis with St. James AME Church, said the church

was concerned about the exemption of Lot 6 from the R-3 Residential District stating that commercial development on Lot 6 would grossly impede the area. He requested that Council accept the recommendation of the Planning and Zoning Commission to include Lot 6 in the rezoning. He said the Housing Authority is in

concurrence with the Planning and Zoning Commission.

Upon inquiry of Councilman Tisdale, Rev. Willis said it

is certainly a possibility for the church to purchase Lot 6. He said the owner of Lot 6 has not offered to sell the lot.

Rev. Haith said the church had previously tried to

purchase Lot 6 but was not successful.

Mrs. W. B. Burton, Chairperson for the Board of

Trustees of the St. James AME Church, spoke in support of including Lot 6 in the rezoning.

Councilman Tisdale said it might be in the best

interest of Council to continue the second reading of the ordinance if Council is considering including Lot 6 in the rezoning until the owner of Lot 6 can be contacted since she was under the impression during the first reading of the ordinance that Lot 6 had been excluded.

After discussion, Councilman Bratton moved to amend

Ordinance No. 1651 to include Lot 6 in the rezoning to R-3 Residential District. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1651, as

amended, passed on second reading.

Council requested that Mr. Emrick check to see if a

curb cut for Lot 6 was previously applied for and to determine if the application was denied.

B. Approval of sign permit for identification sign to be

located at 64 Orchard Street for Booth Barfield Realty.

Mayor Bissette said Booth Barfield Realty has requested

approval of a wall sign for identification purposes at their business at 64 Orchard Street. This request requires the approval of Council pursuant to Zoning Ordinance No. 322 in that the sign will be situated closer than 600' from a limited access highway.

Verl Emrick, Director of Planning, said the sign

complies with all requirements of the sign ordinance. He said the sign permit was inadvertently issued prior to approval

of City Council. He said the only requirement for the sign is the approval from Council since the sign is within 600' of a limited access highway.

Councilman Bratton moved to approve the sign permit for

the identification sign to be located at 64 Orchard Street for Booth Barfield Realty. This motion was seconded by Councilman Tisdale and carried unanimously.

Councilman Boland requested that the Planning Staff or

the newly created Sign Commission develop criteria for Council's approval of such signs within 600' of a limited access highway.

IV. NEW BUSINESS:

A. Ordinance No. 1653 - Ordinance to establish a 20 m.p.h.

speed limit on Dunwell Avenue and Fenner Avenue.

Mayor Bissette said this action will establish a

municipal ordinance declaring

20 mph speed limit on Dunwell Avenue and Fenner Avenue. Following a review of this matter, both the Traffic Engineering Division and the Asheville Police Department recommend that this ordinance be approved.

Vice-Mayor Frank moved for the adoption of Ordinance

No. 1653. This motion was seconded by Councilman Tisdale.

On a roll call vote of 5-0, Ordinance No. 1653 passed

on first reading.

Vice-Mayor Frank moved to suspend the rules and proceed

to the second reading of Ordinance No. 1653. This motion was seconded by Councilman Tisdale and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1653 passed

on second reading.

B. Ordinance No. 1654 - Ordinance amending Section 18-7 of

the Code of Ordinances of the City of Asheville regarding the shooting or discharging of firearms, air rifles, spring guns, bows, etc.

Mayor Bissette said the only change is to provide for

the inspection and approval to be by the "Asheville Police Department" rather than by "the Department of Public Safety."

Councilman Boland moved for the adoption of Ordinance

No. 1654. This motion was seconded by Vice-Mayor Frank.

On a roll call vote of 5-0, Ordinance No. 1654 passed
on first reading.

Councilman Bratton moved to suspend the rules and

proceed to the second reading of Ordinance No. 1654. This motion was seconded by Councilman Tisdale and carried
unanimously.

On a roll call vote of 5-0, Ordinance No. 1654 passed
on second reading.

C. Ordinance No. 1655 - Budget Ordinance amendment -

Appropriation of \$15,000 to the Housing Authority for the Hillcrest Enrichment Program.

Mayor Bissette said this ordinance will amend the

annual operating budget ordinance to approve a one year appropriation of \$15,000 to the Housing Authority for the
Hillcrest Enrichment Program. This appropriation will begin on July 1, 1987 and end on June 30, 1988.

Councilman Tisdale moved for the adoption of Ordinance

No. 1655. This motion was seconded by Vice-Mayor Frank.

On a roll call vote of 5-0, Ordinance No. 1655 passed
on first and final reading.

Ordinance Book No. 11 Page No. 179

D. Ordinance No. 1656 - Budget Ordinance amendment -

Appropriating current year CDBG Entitlement funds.

Mayor Bissette said the City of Asheville recently

received the Letter of Credit from HUD for \$1,077,000 in Community Development Block Grant funds for the current
year program. The allocation of these funds were approved by City Council on May 26, 1987 in Resolution No. 87-92.
This ordinance will appropriate the funds into the Budget.

Councilman Boland moved for the adoption of Ordinance

No. 1656. This motion was seconded by Councilman Tisdale.

On a roll call vote of 5-0, Ordinance No. 1656 passed
on first and final reading.

Ordinance Book No. 11 Page No. 180

E. Motion to reject all bids received for specialized

transportation services and to refer the matter back to the Transit Authority for appropriate action.

Mayor Bissette said this is the same matter which was

considered by City Council a couple of months ago. Complaints were received and it was determined to extend the contract with Red Cross and readvertise for bids. The new advertisement for bids has resulted in the Transit Authority's action of September 16, 1987 to recommend to Council that the bids be rejected because they were not responsive, and that further bids be requested as soon as possible.

Vice-Mayor Frank moved to reject all bids received for

the specialized transportation services and to refer the matter back to the Transit Authority for appropriate action. This motion was seconded by

Councilman Boland and carried unanimously.

V. CONSENT:

A. Resolution No. 87-165 - Resolution of support to amend

the General Statutes of North Carolina to provide for the City of Asheville to construct and operate its storm water drainage system as a public enterprise.

SUMMARY: In order to manage the storm water drainage

system in the most efficient manner, the City desires to request the General Assembly of North Carolina to amend the General Statutes of North Carolina to provide for storm water drainage systems to be included in the definition of public enterprises.

Resolution Book No. 16 Page No. 426

B. Resolution No. 87-166 - Resolution authorizing the City

Manager on behalf of the City of Asheville to execute a contract with the Housing Authority of the City of Asheville for the operation of Hillcrest Recreation

Center and Enrichment Program.

SUMMARY: The Housing Authority of the City of Asheville

has requested that the City of Asheville continue funding the Hillcrest Enrichment Program for an additional two-year period in the amount of \$15,000.

Resolution Book No. 16 Page No. 427

C. Resolution No. 87-167 - Resolution authorizing the

Mayor to enter into a contract for transportation planning services with the Land-of-Sky Regional Council.

SUMMARY: Each year the City contracts with Land-of-Sky

Regional Council to assist with certain planning activities as required by the Planning Work Program. These include: Dwelling Unit County and Population Studies for areas outside the City Limits but within the Study Area and a Downtown Parking Inventory and Bicycle Route Planning. The funds have been allocated through Section 104 (f)

Planning Funds and were approved by the Transportation Advisory Committee in March, 1987.

Resolution Book No. 16 Page No. 428

D. Resolution No. 87-168 - Resolution authorizing the

Mayor to execute on behalf of the City of Asheville Amendment No. 1 to the Federal Aviation Administration

Grant Agreement for Project No. 3-37-0005-06.

SUMMARY: The City and County, as co-sponsors and

operators of the Asheville Regional Airport have hereto obtained and accepted a grant for planning, development, and land acquisition for project number 3-37-0005-06. Additional funding in the amount of \$7,449 was requested to cover certain cost overruns in the project. Notification has been received approving the additional funding and this resolution will authorize the execution of Amendment No. 1 to the Grant Agreement for the additional funding.

Resolution Book No. 16 Page No. 429

E. Resolution No. 87-169 - Resolution appointing member to

the Asheville Area Civic Center Commission.

SUMMARY: Garrett Alderfer, from the Chamber of

Commerce, resigned as a member of the Asheville Area Civic Center Commission. This resolution will appoint Dianna Jackson, with the Chamber of Commerce Convention Department, to serve the unexpired term of Garrett Alderfer, term expiring June 30, 1988, or until her successor has been duly appointed and qualified. This resolution will also reappoint O. E. Starnes III, as a member of the Asheville Area Civic Center Commission for a term of three (3) years, term expiring June 30, 1990, or until her successor has been duly appointed and qualified.

Resolution Book No. 16 Page No. 430

F. Scheduling public hearing - adoption of 2010 Asheville

City Comprehensive Plan - for October 6, 1987.

SUMMARY: On September 3, 1987, the Asheville Planning

and Zoning Commission voted to recommend the final Draft of the 2010 Asheville City Plan to the Asheville City Council for approval with

several amendments. After the public hearing relative to the plan, a resolution will be considered to adopt the 2010 Asheville City

Comprehensive Plan.

G. Scheduling public hearing - rezoning property located

on Ardmore Street - Mr. George Morosani, Petitioner -

for October 13, 1987.

SUMMARY: The Asheville Planning and Zoning Commission

at a meeting held September 9, 1987, reviewed the petition of Mr. George Morosani to rezone Ward 7, Sheet 52, Lot

140 from R-2 Residential District to CH Commercial Highway District. The Commission voted to recommend that Ward 7, Sheet 52, Lots 140, 128, 130, 134, and 138, be rezoned from R-2 Residential District to CH

Commercial Highway District.

H. Scheduling public hearing - rezoning property located

on Hazel Mill Road and Rose Street - Mrs. Martha

Calloway et al - for October 20, 1987.

SUMMARY: The Asheville Planning and Zoning Commission

on September 9, 1987, considered the petition that Ward 6, Sheet 16, Lots 356, 318, 313, 232, and 316, be rezoned from R-3 Residential District to CH Commercial Highway District. The Commission voted to recommend to City Council that Ward 6, Sheet 16, Lots 316, 320-1/2, 318 and a portion of Lot 356, be rezoned from R-3 Residential District to CH Commercial

Highway District.

I. Scheduling public hearing - Group Development

-conversion of second floor of 20 Broadway into four

apartment units - Ray Quate - for October 20, 1987.

SUMMARY: The Asheville Planning and Zoning Commission

at a meeting held September 9, 1987, reviewed a site plan of the proposed conversion of the second floor of 20 Broadway into four apartment units. The plan was prepared by Mr. Ray Quate, 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 compliance with all building codes.

J. Scheduling public hearing - Group Development -

Additional buildings for Black Forest Restaurant on

Hendersonville Road - for October 20, 1987,

SUMMARY: The Asheville Planning and Zoning Commission

at a meeting held September 9, 1987, reviewed a site plan of proposed additional buildings at the Black Forest Restaurant on Hendersonville Road. The plan was prepared by Mr. Kenneth Pankow, Engineer, for Mr. M. B. Elliston, 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 the following conditions: 1) Compliance with Erosion Control Ordinance; and 2) A variance on the buffer on the southern property line by

the Board of Adjustment.

K. Scheduling public hearing - Group Development -

Expansion of Ingles #3 on Merrimon Avenue

- for October 13, 1987.

SUMMARY: The Asheville Planning and Zoning Commission

at a meeting held September 9, 1987, reviewed a site plan of the proposed expansion of Ingles #3 located at 915 Merrimon Avenue. The plan was prepared by Mr. Carroll Hughes, Spaceplan, for Mr. Robert Ingle, 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 the following conditions: 1) Compliance with Erosion Control Ordinance; 2) Signage in accordance with Section 30-9-3 of the Zoning Ordinance; and 3) City Council granting a variance of 14-1/2 feet from the required setback of 17-1/2 feet on the southeast corner.

Upon motion of Councilman Tisdale, seconded by Vice-

Mayor Frank, the consent agenda was unanimously

approved.

CLAIMS - SHERRY SHELTON (INSPECTIONS) - DEWEY FORD (WATER) - JACK INGLE (SANITATION) - ARNOLD KROCHMAL (WATER) - CARRIE BRUCE

(WATER) - FRANK TUURI (INSPECTIONS) - DARLENE HIGHTOWER (SANITATION) - JACK PADGETT (FIRE)

The City Manager presented claims received from Sherry Shelton, Dewey Ford, Jack Ingle, Arnold Krochmal, Carrie Bruce, Frank Tuuri, Darlene Hightower, and Jack Padgett.

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

LAWSUITS - WILLIE ALLEN AND WALTER ROBERTSON VS. CITY OF ASHEVILLE - JOHN F. TYNDALL, ET AL., VS. CITY OF ASHEVILLE - THOMAS L. THRASH AND WIFE, LORA R. THRASH VS. CITY, ET AL.

The City Manager said the City of Asheville was named a party in lawsuits involving Willie Allen and Walter Robertson (Alleged racial discrimination); John F. Tyndall, et al., (petition challenging annexation of west area); Thomas L. Thrash and wife, Lora R. Thrash et al., (petition challenging annexation of west area).

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

COUNCIL MEETINGS CANCELLED - NOVEMBER 3, 1987 - NOVEMBER 17, 1987

Mayor Bissette announced that the regular scheduled meeting for November 3, 1987 would not be held due to the election and November 17, 1987 due to the North Carolina League of Municipalities Convention in Greensboro.

RALPH BISHOP - COMMENTS RELATIVE TO OBTAINING CITY RECORDS

Ralph Bishop spoke to members of Council relative to his being refused the right to obtain public records relative to James J. Moulds.

Mayor Bissette said the City Attorney would look into his request.

ADJOURNMENT

Upon motion of Councilman Boland, seconded by Councilman Tisdale, the meeting adjourned at 6:00 p. m.

MAYOR CITY CLERK
