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Tuesday - October 27, 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, Wilhelmina Bratton, George Tisdale, and Walter Boland; Corporation Counsel William F. Slawter; Assistant City Manager Charles Penny; and Associate

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

Absent: City Manager Douglas O. Bean

INVOCATION

The invocation was given by Mayor Bisette.

APPROVAL OF MINUTES OF SEPTEMBER 23, 1987 MEETING.

Mayor Bisette announced the approval of the minutes of the September 23, 1987 meeting with several noted amendments.

APPROVAL OF MINUTES OF OCTOBER 6, 1987 MEETING.

Mayor Bisette announced the approval of the minutes of the October 6, 1987 meeting with several noted amendments.

APPROVAL OF MINUTES OF OCTOBER 20, 1987 MEETING.

Mayor Bisette announced the approval of the minutes of the October 20, 1987 meeting with several noted amendments.

I. PROCLAMATIONS:

A. Proclamation - Alzheimer's Disease Awareness Month - November, 1987.

Mayor Bisette proclaimed the month of November, 1987 as

"Alzheimer's Disease Awareness Month."

II. PUBLIC HEARINGS:

A. Public hearing relative to Highland Gate Subdivision.

Mayor Bisette said the Asheville Planning and Zoning

Commission approved the preliminary plat of Highland Gate Subdivision (then called Vance Gap Road Subdivision) on March 25, 1987, subject to City Council granting a variance on the road and cul-de-sac width from 50' to 40'. Said variance was granted on August 25, 1987. The final plat is now submitted for Council's approval.

Mayor Bisette opened the public hearing at 4:34 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 Planning

and Zoning Commission had approved the preliminary plat and Council had approved the variances on the road and cul-de-sac width. He said the Traffic Engineer had inspected the proposed streets and determined that the streets will meet city specifications and the developer will dedicate the streets as public streets. He said the plat is being amended to reflect that the streets will be public streets. He said curb and gutter installation is shown on the plat. He said the plat is now ready for recording after approval from Council.

Mayor Bissette closed the public hearing at 4:35 P.M.

Councilman Bratton moved for the approval of the site plan for the Highland Gate Subdivision. This motion was seconded by Councilman Boland and carried unanimously.

III. OLD BUSINESS:

A. Ordinance No. 1659 - Third reading of Ordinance No.

1659, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, rezoning property located on Ardmore Street

(George E. Morosani, et al., property)

Mayor Bissette said 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.

This ordinance was read on first reading on

October 13, 1987 and on second reading on October 20, 1987.

Mayor Bissette said this ordinance was previously read

on first and second readings and will not be reread in its entirety.

On a roll call vote of 7-0, Ordinance No. 1659 passed

on third and final reading.

Ordinance Book No. 11 Page No. 184.

IV. NEW BUSINESS:

A. Report from Bele Chere Board of Directors on the economic impact of Bele Chere 1987.

Jim Daniels, Chairman of the Bele Chere Board of

Directors, said Pro-gen Research of Greenville, South Carolina has completed its Festival Market Survey. He said this is Pro-Gen's second year to conduct the survey for Bele Chere. He said the following facts were determined from the survey.

- Official crowd estimated for 1987 is over 250,000;
- Approximately 80,000, of 33%, were from out of town;
- 88% of those who attended came specifically for Bele Chere; this figure has doubled from the '86 figures;
- Almost 70% had attended the Festival previously;
- local adult attendees spent approximately \$52 per person;
- out-of-town adult attendees spent approximately \$95 per person;

Economic Impact for the City is estimated at:

- \$12.5 million - up over a million from the estimated '86 figures;
- Roughly 73% in attendance were between the ages of 25-44 and almost 75% earned over \$20,000 annually;
- most importantly, over 95% attending gave the

Festival positive marks and promised to return next year;

- Public relations and marketing effort undertaken on behalf of Bele Chere '87 had an estimated value well in excess of \$500,000;
- 72 page Festival Supplement had 36 pages of sold advertising space - our best ever - and distribution of almost 125,000 copies;
- over 30,000 Festival brochures and posters were distributed over Western North Carolina;
- The Bele Chere story, through television, radio, and print reached into a 12 state area;
- Festival's good reputation is spreading all over the Southeast;
- Had over 100 vendors and almost 100 performing acts in '87. Received overwhelmingly positive response from public and almost unanimous support of vendors and entertainers alike to participate in Bele Chere '88;
- Festival has become a very successful marketing and promotional tool for many area firms;
- has been an economically satisfying endeavor for our sponsors to the extent that many are already committing to next year and some are even expressing interest in 'locking in' to long-term sponsorships.
- Bele Chere '88 - 10th Anniversary Celebration - already in the planning stages;
- with Asheville's future heavily dependent on tourism, city-wide festivals can play a major role in boosting community pride and involvement as well as providing short and long-term economic boosts to the area.

B. Ordinance amending Chapter 27 (Taxicabs) of the Code of

Ordinances of the City of Asheville.

Mayor Bisette said after numerous meetings with the taxicab owners and operators Chapter 27, Taxicabs, has been rewritten.

Corporation Counsel Slawter reviewed the proposed

ordinance stating that the amended ordinance would create more of an open market for taxicab operations. He said taxicab companies could operate as many taxicabs as they desired providing they meet all the requirements set forth in the ordinance. He said the ordinance provides for a Taxicab Inspector, under the Motor Transport Division, charged with enforcement of the ordinance. He said taxicab owners had expressed concern relative to insurance requirements, rates, and inspection fees. He said the ordinance provides for a thorough inspection of each taxicab and background investigations of taxicab owners and drivers. He said

the ordinance includes procedures for revocation and an appeal process from the decision of the Taxicab Inspector to the City Manager.

Wade Hall, Attorney representing all taxicab owners,

said many of the changes recommended by the taxicab owners were incorporated into the ordinance; however, many were not. He said the operators were concerned about insurance requirements, rates, and inspection fees. He spoke at length on several objections to the ordinance and said he would present his objections in writing prior to the second reading of the ordinance.

After discussion, Councilman Price moved for the

adoption of the ordinance incorporating the following into the proposed ordinance: 1) That the insurance requirements be the same as required by state statutes; 2) That fares be set by City Council in the adoption of the annual fees and charges schedule; 3) That the ordinance become effective January 1, 1988; 4) That existing taxicab owners comply with the ordinance by July 1, 1988; 5) That the makeup of the taxicab advisory committee be reconsidered; 6) That the inspection fee for taxicabs be set at \$10.00. This motion was seconded by Councilman Boland.

The City Manager and Corporation Counsel were requested

to review the recommended amendments to the ordinance prior to the second reading of the Ordinance.

On a roll call vote of 7-0, Ordinance No. 1661 passed

on first reading.

C. Ordinance No. 1662 - Ordinance amending Chapter 8 of

the Code of Ordinances of the City of Asheville to permit use of automatic fire sprinklers in lieu of additional stairwells in certain historical buildings.

Mayor Bisette said this ordinance would permit

installation of a complete sprinkler system in lieu of a second stairwell in historic buildings not over 8 stories in height, of Type I or Type II construction with an enclosed stairwell, other than educational and institutional occupancies. The purpose of this ordinance would be to take advantage of major advances in sprinkler system technology in order to bring buildings like City Hall into compliance with the State Building Code. At this time, the State Building Code

does not provide for an alternative to a second stairwell in buildings like City Hall. However, Section 143-138 (e) of North Carolina statutes authorizes local adoption of building rules and regulations, provided that such rules and regulations are approved by the Building Code Council.

Chief John Rukavina, Fire Chief, briefly outlined the

provisions of the ordinance. He said this ordinance would provide better life safety measures for historical buildings.

Upon inquiry of Ralph Bishop, Chief Rukavina said the

City Hall Building is eminently fire proof, meaning that if the building burns, the structure would still stand. He said a fire proof building does not mean that the contents or occupants would be safe.

Vice-Mayor Frank moved for the adoption of Ordinance

No. 1662. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1662 passed

on first reading.

Councilman Michalove moved to suspend the rules and

proceed to the second reading of Ordinance No. 1662. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1662 passed

on second reading.

After discussion, Council approved staff forwarding the

documents to the Building Code Council prior to the third reading of the ordinance in order for the issue to be placed on the Building Code Council's agenda for December, 1987 since there is a requirement that all agenda items for the Council be received at least 30 days in advance of the meeting.

D. Ordinance No. 1663 - Budget Ordinance amendment to

establish mapping project budget.

Mayor Bissette said this budget ordinance will

establish funding for the Mapping Project in the amount of \$190,000.

Councilman Michalove moved for the adoption of

Ordinance No. 1663. This motion was seconded by Vice-Mayor Frank.

On a roll call vote of 7-0, Ordinance No. 1663 passed

on first and final reading.

Ordinance Book No. 11 Page No. 217

E. Resolution No. 87-189 - Resolution authorizing the

Mayor to execute an agreement on behalf of the City of Asheville with Asheville Area Chapter of the American Red Cross for specialized transportation service.

Mayor Bissette said the City is a recipient of funds

under Section 9 of the Urban Mass Transportation Act. Section 504 of the Act requires that the City provide public transportation services within the corporate limits to qualified handicapped and elderly individuals, including wheelchair users and semi-ambulatory persons. This resolution will authorize the Mayor to execute an agreement with Asheville Area Chapter of the American Red Cross to provide said service on an annual basis.

Councilman Tisdale, City Council liaison for the

Asheville Transit Authority, said the Asheville Transit Authority recommended the acceptance of the low bid submitted by the Asheville Area Chapter of the American Red Cross since they are currently providing the specialized transportation service.

Upon motion of Councilman Boland, seconded by

Councilman Tisdale, Resolution No. 87-189 was unanimously adopted.

Resolution Book No. 16 Page No. 452

F. Resolution No. 87-190 - Resolution authorizing the

submission of an Emergency Shelter Grants Program Application on behalf of the Asheville-Buncombe Community Christian Ministry Shelter.

Mayor Bisette said this action authorizes the City of

Asheville to apply for \$75,000 to the N. C. Department of Natural Resources and Community Development for Emergency Shelter Grants Program. The project will be subcontracted to the Asheville-Buncombe Community Christian Ministry to provide shelter and support services for the homeless. The project involves \$35,000 for building rehabilitation and \$40,000 for operation/service activities.

A lengthy discussion was held relative to the City's

future obligation in submitting the grant applications for the Emergency Shelter Grants for the Asheville-Buncombe Community Christian Ministry Shelter as well as Eliada Homes, Incorporated (Item G), and Hospitality House of Asheville, Inc. (Item H).

Marvin Vierra, Community Development Director, said the

grant applications must be received by the end of October in order for the agencies to compete with other applicants. He said grant regulations would require that the City provide for the ongoing operation of the programs if the agencies fail to continue the programs.

Council members expressed concern that the City might

be required to fund the programs. It was noted that the County of Buncombe is responsible for funding social service type programs.

Councilman Michalove said in order for the applications

to be submitted by the deadline date Council could authorize the submission of the grant applications and if the grants were awarded perhaps the funds could be turned over to the County of Buncombe as the grantee.

Corporation Counsel Slawter said since he had not

reviewed the Code of Federal Regulations which would apply to these grants he did not know if it would be permissible to turn the grants over to the County of Buncombe as the grantee.

Councilman Bratton said she felt coordination of these

grant applications should have been handled through the Department of Social Services because it affects the entire community. She said she could not support the resolutions since it is not consistent with Council's policy on social service programs. She said Council has previously turned down similar agency requests.

She said she was wholeheartedly in favor of social service programs but it is a policy of Council that social service programs be funded by the County of Buncombe.

After discussion, Councilman Michalove moved for the

adoption of Resolution No. 87-190. This motion was seconded by Councilman Boland and carried on a voice vote of 6-1, with Councilman Bratton voting "no".

Resolution Book No. 16 Page No. 453-454

G. Resolution No. 87-191 - Resolution authorizing the

submission of an Emergency Shelter Grants Program Application on behalf of the Emergency Family Shelter of Eliada Homes, Incorporated.

Mayor Bissette said this action authorizes the City of

Asheville to apply for \$27,735 to the N. C. Department of Natural Resources and Community Development for Emergency Shelter Grants Program. The project will be subcontracted to the Emergency Family Shelter of Eliada Homes, Incorporated to provide shelter and support services for the homeless. The project involves \$9,812 for building rehabilitation and \$17,923 for operations/service activities.

(See discussion in Item "F")

After discussion, Councilman Michalove moved for the

adoption of Resolution No. 87-191. This motion was seconded by Councilman Boland and carried on a voice vote of 6-1, with Councilman Bratton voting "no".

Resolution Book No. 16 Page No. 455-456

H. Resolution No. 87-192 - Resolution authorizing the

submission of an Emergency Shelter Grants Program Application on behalf of the Hospitality House of Asheville, Inc.

Mayor Bissette said this action authorizes the City of

Asheville to apply for \$15,000 to the N. C. Department of Natural Resources and Community Development for Emergency Shelter Grants Program. The project will be subcontracted to the Hospitality House to provide shelter and support services for the homeless. All of the grant funds will be used for operations/service activities.

(See discussion in Item "F")

After discussion, Councilman Michalove moved for the

adoption of Resolution No. 87-192. This motion was seconded by Councilman Boland and carried on a voice vote of 6-1, with Councilman Bratton voting "no".

Councilman Michalove moved that the Corporation Counsel

look into the future legal obligations of the City of Asheville if the grant applications are awarded and that the City staff look into the possibility of the County of Buncombe being designated as the "grantee" of the grants. This motion was seconded by Vice-Mayor

Frank and carried unanimously.

Resolution Book No. 16 Page No. 457-458

I. Motion approving action by the Asheville-Buncombe Water

Authority for the sale of water to the Town of Weaverville and authorizing the Mayor to execute a contract with the Town of Weaverville.

Mayor Bissette said at the Asheville-Buncombe Water

Authority meeting held on October 20, 1987, the Authority approved the sale of water to the Town of Weaverville. This motion will concur in that action and authorize the Mayor to sign the necessary documents.

Councilman Boland moved to approve the action by the

Asheville-Buncombe Water Authority for the sale of water to the Town of Weaverville and authorize the Mayor to execute a contract with the Town of Weaverville. This motion was seconded by Vice-Mayor Frank and carried unanimously.

J. Resolution No. 87-194 - Resolution authorizing the City

Manager to execute contract between the City of

Asheville and the YMI Cultural Center for minority economic development.

Mayor Bissette said the YMI Cultural Center, Inc. has

agreed to provide economic development services to the City of Asheville and the services to be provided are much needed within the City. This resolution will authorize the City Manager to execute an agreement with YMI Cultural Center, Inc. to assist in the funding of an economic development project.

Upon motion of Councilman Price, seconded by Councilman

Michalove, Resolution No. 87-194 was unanimously adopted.

Resolution Book No. 16 Page No. 461

K. Bids received for the sale of disposal parcels in the

East Riverside Redevelopment Project and the East End/Valley Street Community Improvement Program.

Mayor Bissette said the Housing Authority has

tentatively accepted the following bids for disposal parcels in the East Riverside Redevelopment Project and the East End/Valley Street Community Improvement Program. The Housing Authority has recommended Council's acceptance of the bids for these disposal

parcels.

57-A-ER Commercial 90,200 110,250 L. B. Jackson Co.

57-B-ER Commercial 250,000 260,000 Asheville Merchants

97-EE/VS Residential 4,300 4,812 R & R Associates

98-EE/VS Residential 4,500 5,050 Keith Knox

199-EE/VS Assemblage 850 850 Christopher Summey

Larry Holt, Deputy Executive Director of the Housing Authority, explained the locations and details of the proposed bids.

Disposal Parcel 57-A is located on Asheland Avenue and the development will consist of an 8,000 sq. ft. office building for L. B. Jackson Company at an estimated construction cost of \$490,000.00.

Disposal Parcel 57B is located at the intersection of Asheland Avenue, Southside Avenue and McDowell Street. The Asheville

Merchants Association will construct and occupy a 12,000 sq. ft. office building with an estimated construction cost of \$1,200,000.00.

Disposal Parcel 97 is a single family residential lot on George Washington Carver Street upon which R & R Associates will construct a 1,200 sq. ft. house at an estimated cost of \$50,000.00 for sale. A qualified purchaser may receive a \$1.00 lot subsidy in the amount of \$4,299.00 to apply to the purchase.

Disposal Parcel 98 is a single family residential lot on George Washington Carver Street being sold to a qualified \$1.00 lot subsidy applicant. The house to be constructed on the lot will be 1,008 sq. ft. and estimated to cost \$45,240.00. The subsidy will cover \$4,499.00 of the lot price with the purchaser paying the remainder.

Disposal Parcel 199 is a non-buildable lot being sold to the adjacent owner on Mountain Street.

Councilman Michalove moved to approve the recommendation of the Housing Authority on the sale of the above mentioned disposal parcels. This motion was seconded by Councilman Tisdale and

carried unanimously.

V. CONSENT:

A. Resolution No. 87-193 - Resolution authorizing filing

an application with the North Carolina Local Government Commission relating to a proposed financial agreement and designating the authorized representative of the

City to file the application.

SUMMARY: This action authorizes filing an application

with the North Carolina Local Government Commission for a proposed financial agreement for City Hall improvements.

Resolution Book No. 16 Page No. 459-460

B. Resolution No. 97-195 - Resolution authorizing the City

Manager to sign an agreement providing for delivery of

fire protection services to the Veteran's Administration Medical Center at Oteen through

September 30, 1988.

SUMMARY: Negotiations with representatives of the

Veterans Administration have been concluded. The Agreement recommended includes the following features: 1) Total payment to City remains unchanged (in large part because application of fire protection cost formula contained in City Council Resolution 81-198 results in no increase); 2) Specific enumeration of training and inspection services to be provided; 3) Recovery of other than direct expenses (i.e. for foam, other specialized equipment) in connection with a fire involving hazardous materials; and 4) Provision for billing for services provided in addition to (or not otherwise contemplated by) those set forth.

Resolution Book No. 16 Page No. 462

C. Resolution No. 87-196 - Resolution authorizing the

distribution to the Trust Fund for the Asheville-Buncombe Library System of a bequest from Dr. Sprinzl

Weizenblatt.

SUMMARY: Dr. Sprinzl Weizenblatt, a physician who

practiced in Asheville for many years, died on April 5, 1987. Dr. Weizenblatt left a Last Will and Testament giving the sum of \$50,000 to the City of Asheville for the express purpose of applying such funds at the direction of the Library Board of the City of Asheville. Wachovia Bank, executor of the will, is preparing to make a distribution of the bequest to the City. Wachovia Bank feels that the distribution should be made to the City and the City in turn could deliver the proceeds to the Trust Fund for the library.

This resolution will authorize said action.

Resolution Book No. 16 Page No. 463-464

D. Bids received for computer equipment for Police and

Fire Communications System.

SUMMARY: Recommendation for award of Bids for computer

equipment for the Police and Fire Departments "Computer Aided Dispatch" system as follows: Executive Productivity Systems, Norfolk, Virginia, for bid item No. 1, in the amount of \$13,650 and Unisys Corporation, Charlotte, North Carolina, for bid items 2 through 6, in

the amount of \$35,083.89.

E. Scheduling of public hearing relative to rezoning

property located on Louisiana Avenue - J. D. Jackson and Associates for Mr. John Queen et al for November 10, 1987.

SUMMARY: The Asheville Planning and Zoning Commission

on October 14, 1987, considered the request of J. D. Jackson Associates for Mr. John Queen et al that Ward 6, Sheet 9, Lot 76 and portions of Lots 77 and 258 be rezoned from R-3 Residential District to CS Commercial Service District. The Commission voted to recommend to City Council that Ward 6, Sheet 9, Lot 76 and a portion of Lot 77 be rezoned

to CS Commercial Service District and the rezoning request for a portion of Lot 258 be denied.

F. Motion rescheduling the public hearing relative to closing an unnamed alley on West Avon Parkway from November 10, 1987 to November 24, 1987.

SUMMARY: A petition was received from property owners

along a portion of West Avon Parkway requesting that the unnamed alley be closed as a public alley. A public hearing is required prior to the closing of the unnamed

alley.

Due to the public hearing notice not being

placed in the newspaper in time for four successive weeks the public hearing needs to be rescheduled.

G. Motion rescheduling the public hearing relative to closing a portion of Fairview Avenue between Stevens Street and Fairview Road from November 10, 1987 to November 24, 1987.

SUMMARY: A petition was received from property owners

along a portion of Fairview Avenue requesting

that the portion between Stevens Street and Fairview Road be closed as a public street right of way. A public hearing is required

prior to the closing of the unnamed alley.

Due to the public hearing notice not

being placed in the newspaper in time for four successive weeks the public hearing needs to be rescheduled.

H. Motion rescheduling the public hearing relative to closing Syrlin Street from November 10, 1987 to November 24, 1987.

SUMMARY: A petition was received on July 17, 1987

from the property owner along a portion of Syrlin Street. The petition requested that a portion of Syrlin Street, be closed as a

public street right of way.

Due to the public hearing notice not

being placed in the newspaper in time for four successive weeks the public

hearing needs to be rescheduled.

Upon motion of Vice-Mayor Frank, seconded by Councilman

Tisdale the consent agenda was unanimously approved.

ADJOURNMENT

Upon motion of Councilman Price, seconded by Councilman

Boland, the meeting adjourned at 6:40 P.M.

MAYOR CITY CLERK
