

//3// Tuesday - April 12, 1988 - 4:00 P.M.

Regular Meeting

Present: Mayor W. Louis Bisette, Presiding; Councilmen Mary

Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Michalove, Councilman Walter Boland and

Councilman Russell Martin

INVOCATION

The invocation was given by Councilman Frank.

APPROVAL OF MINUTES - APRIL 5, 1988

Mayor Bisette announced the approval of the minutes of the April 5, 1988 meeting as submitted.

I. PROCLAMATIONS:

A. Resolution No. 88-60 - Resolution honoring A C Reynolds

High School Men's Basketball Team, 4-A State

Championship 1987-88.

Mayor Bisette said the Rockets of A C Reynolds High

School scored victory over Richmond County High School winning the State 4-A Championship Title, completing their 1987-88 season with a school record

of 27 victories.

Mayor Bisette presented a copy of the resolution to

each member of the A C Reynolds High School Men's Basketball Team and its coaches.

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B. Proclamation - "Victims' Rights Week" -

April 17 - 23, 1988

Mayor Bisette read the proclamation and presented a

copy to Captain Will Annarino and Jan Phillips from The Victim Assistance Unit of the Asheville Police

Department.

C. Proclamation - "Vocational Industrial Clubs of America

Week" - April 10 - 16, 1988

Mayor Bissette read the proclamation and presented a copy to Carol E. Weir, Vocational Director for the Asheville City Schools and to Bill Teague, Vocational Director for the Buncombe County Schools.

D. Proclamation - "Women's Conference 1988 - Pathways to Progress" - April 22 and 23, 1988

Mayor Bissette read a proclamation proclaiming April 22 and 23, 1988 as "Women's Conference 1988 - Pathways to Progress". Councilman Frank and Councilman Price commented on the activities taking place during the Women's Conference 1988.

## II. PUBLIC HEARINGS:

A. Public hearing relative to closing First Street between Wanoca Avenue and Unaka Avenue.

Resolution No. 88-61 - Resolution to close First Street between Wanoca Avenue and Unaka Avenue in the City of Asheville, North Carolina

Mayor Bissette said a petition has been received from the property owners along a portion of First Street, requesting that a portion of First Street be closed as a public street right-of-way.

Mayor Bissette 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.

The City Manager said this road is an unopened and unimproved road. He said the city staff has recommended the closing of the road with the stipulation that utility easements be obtained.

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

Upon motion of Councilman Frank, seconded by

Councilman Price, Resolution No. 88-61 was  
unanimously adopted.

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B. Public hearing relative to rezoning property located at  
177 Brickyard Road.

An Ordinance amending Ordinance No. 322, known as "An

Ordinance Providing for the Zoning of the City of Asheville," as amended,  
petition of Mr. Carl Chambers,

property located at 177 Brickyard Road.

Mayor Bissette said the Asheville Planning and

Zoning Commission at a meeting on March 2, 1988, reviewed the petition of Mr.  
Carl Chambers that Lot 22, Sheet 12, Ward 12 (177 Brickyard Road) be rezoned  
from R-2 Residential District to R-5 Residential District. Commission  
recommended

approval of the petition.

Mayor Bissette opened the public hearing at

4:36 p.m.

The City Clerk presented the notice to the public

setting the time and date of the public hearing and the affidavit of  
publication.

Verl Emrick, Director of Planning, said the

petitioner requested the rezoning for the purpose of subdividing a lot for a  
single family residence.

Mayor Bissette closed the public hearing at

4:40 p.m.

Councilman Price moved for the adoption of Ordinance

No. 1685. This motion was seconded by Councilman Frank.

On a roll call vote of 4-0, Ordinance No. 1685

passed on first reading.

C. Public hearing relative to amending Ordinance No. 322,

known as "An Ordinance Providing for the Zoning of the City of Asheville" as  
amended, Section 30-3-14, Landscape and Buffering Requirements.

Ordinance No. 1686 - An Ordinance amending Ordinance No.

322, known as "An Ordinance Providing for the Zoning of the City of Asheville"

as amended (Wording Amendment - Section 30-3-14. Buffering)

Mayor Bissette said this ordinance will amend Ordinance

No. 322 by creating a new Section 30-3-14, Landscape and Buffering Requirements.

Mayor Bissette opened the public hearing at 4:41 p.m.

The City Clerk presented the notice to the public

setting the time and date of the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said this amendment

will "fine tune" the current buffering ordinance.

Al Kopf, from the Planning Division, said the current

buffering ordinance has been in place for two years and has had a substantial environmental impact on the community. He reviewed the proposed revisions to the current ordinance stating that many of the changes are minor. He said one of the substantial changes is the creation of a new section to provide the planning staff flexibility in dealing with special circumstances. He said during the three public hearings held by the Planning and Zoning Commission there was no opposition expressed.

Mike Plemmons said he had not heard of the public

hearings held by the Planning and Zoning Commission. However, a representative from the Home Builders Association is present at the meeting.

George Jenson, Engineer, pointed out several provisions

in the ordinance which Council should address, mainly dealing with clarification from a designer's standpoint. He requested that Council instruct the city staff to come up with more specific language.

June Grant, local realtor, also spoke relative to the

proposed amendments as it relates to the Historic Districts and developments abutting residential properties.

Mayor Bissette noted that notices were mailed to local

organizations that might be affected by the buffering/landscape ordinance.

Mayor Bissette closed the public hearing at 5:26 p.m.

Councilman Price moved for the adoption of Ordinance No.

1686 with the stipulation that Section 4(d) be changed to eliminate the word "morals" and that Section f(5) be changed to read "Unless buffering is required" in lieu of "unless more extensive landscaping is required" and further that the Planning Staff work with Mr. Jenson on more specific language to include in the ordinance prior to the third reading. This motion was seconded by Councilman Frank.

On a roll call vote of 4-0, Ordinance No. 1684 passed on

first reading.

III. OLD BUSINESS:

A. Ordinance No. 1684 - Third reading of an ordinance amending Section 18-12 of the Code of Ordinances of the City of Asheville regulating noise.

Mayor Bisette said this ordinance will amend the noise ordinance so as to regulate noise level emissions associated with automobile racing and related events. This ordinance passed on second reading on March 29, 1988.

The Corporation Counsel suggested an amendment to

Section 2(16)(iii)(d) to include a sentence to read as follows: "One additional practice session per race track per year shall be allowed during the same hours on a date preceding by not more than two (2) weeks the first competition event of the year, subject to the notice provisions set forth

hereinafter."

IV. NEW BUSINESS:

V. CONSENT:

A. Scheduling public hearing relative to changing name of Tower Road to Summerlin Road for May 17, 1988.

SUMMARY: Mr. Dick Cullom, Director of Operations,

Radio Station WWNC, has requested that the name of the road leading to the station be changed from Tower Road to Summerlin Road

in memory of the late Sheldon Summerlin.

B. Resolution No. 88-62 - Resolution directing the City

Clerk to investigate validity of annexation petition

(V.F.W. Post #891 on New Leicester Highway).

SUMMARY: G.S. 160A-58.1 requires that the City

Council instruct the City Clerk to investigate the validity of a petition for a non-contiguous annexation. The V.F.W. Post #891 on New Leicester Highway is requesting annexation.

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C. Resolution No. 88-63 - Resolution authorizing the City

Manager to execute a contract extension with Traffic

Systems, Inc. for downtown signals.

SUMMARY: This action will authorize a contract extension

for the purpose of updating traffic data, redeveloping system timing plans and expanding management services for the installation of the new Downtown Closed-Loop Signal System. The contract extension will allow for the correction of invalid timing parameters, provide for additional testing and field supervision of equipment installation and allow project to stay on schedule with installation beginning in May.

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Upon motion of Councilman Frank, seconded by Councilman

Price, the consent agenda was unanimously approved.

#### VI. OTHER BUSINESS:

Resolution No. 88-64 - Resolution authorizing the City

Manager to sign a contract with Land Design/Research, Inc. for market analysis of Downtown Asheville

The City Manager said professional market analysis can

produce information which will be extremely helpful in the revitalization of downtown. Six firms submitted proposals responding the City's request for proposals. The Downtown Commission recommends the firm of Land Design/Research, Inc. He said the City had budgeted \$40,000 for the project and the proposal was for \$62,500. He said the Asheville Area Economic Development Partnership has approved funding the

remaining \$22,500 from appropriations from the private sector.

Upon motion of Councilman Frank, seconded by Councilman

Price, Resolution No. 88-64 was unanimously adopted.

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#### JOHN MIDGETT - NORTH CAROLINA CHAPTER OF POLICE BENEVOLENT ASSOCIATION

John Midgett with the North Carolina Chapter of the Police Benevolent Association said he wanted to come to Council to clear up a discrepancy that he felt Council has regarding the association. He said the association is not a union and is only action in retired police officer's benefits and to create a professional concept of law enforcement. He said the association also provides support in some disciplinary actions on a case by case basis.

#### MIKE PLEMMONS - PRIVILEGE LICENSES

Mike Plemmons said he felt Council should take a close look at the proposed privilege license ordinance since the Director of Finance had commented that the costs could increase from 150%-300%.

#### RALPH BISHOP - SEEKING REDRESS FROM COUNCIL

Ralph Bishop again spoke to members of Council relative to right to seek redress at the Council meeting and his right to address Council members during

the pre-council work sessions.

ADJOURNMENT:

Upon motion, the meeting adjourned at 6:00 p. m.

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MAYOR CITY CLERK

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