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Tuesday - April 26, 1988 - 4:00 P.M.

Regular Meeting

Present: Mayor W. Louis Bissette, Presiding; Vice-Mayor Kenneth

M. Michalove; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Russell Martin, and Walter Boland; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Deputy City Clerk Carol Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott,

Jr.

### **INVOCATION**

The invocation was given by Vice-Mayor Michalove.

### **APPROVAL OF MINUTES - APRIL 19, 1988 MEETING**

Mayor Bissette announced the approval of the minutes of the April 19, 1988 meeting as submitted.

### **I. PROCLAMATIONS:**

#### **A. Proclamation - "Respect for Law Week" -**

**May 1 - 7, 1988**

Mayor Bissette read the proclamation and presented it to

Sgt. Herb Watts, with the Asheville Police Department on behalf of the Optimist Club.

Sgt. Watts invited all Council members, the City Manager

and the Assistant City Manager to a "Respect for Law Week" luncheon to be held at the Sheraton Motor Inn on Thursday, May 5, 1988 at 12:20 P.M.

#### **B. Proclamation - Clean Streams Day -**

**Saturday, April 30, 1988**

Mayor Bissette read the proclamation and presented it to

LaRue Bolick with Quality Forward.

LaRue Bolick said over 1,000 people would be working in the tributaries of the French Broad River during Clean Streams Day.

**C. Proclamation - "Glad Bag-A-Thon Day" -**

**Saturday, April 23, 1988.**

Mayor Bissette read the proclamation and presented it to

LaRue Bolick with Quality Forward.

LaRue Bolick said during the Bag-A-Thon 8 tons of trash

was picked up by over 1,000 people and 1 ton of trash was picked up from the Swannanoa River. She thanked the City Council, city employees, County of Buncombe, the City of Asheville Sanitation Department, and the North Carolina Department of Transportation for their efforts

during Bag-A-Thon Day.

**JOHN WINKENWERDER, CHAIRMAN OF TOURISM DEVELOPMENT AUTHORITY -**

**LITTER**

John Winkenwerder, Chairman of the Tourism Development

Authority, said the Authority had discussed the problem with litter in the City. He said millions of dollars are spent to entice tourists each year and then the City still has a severe litter problem. He asked what the Tourism Development Authority could do to get involved with cleaning up the litter or what the City of Asheville could do to have a "crack down" on the enforcement of the litter ordinance. He said he felt if there was a "crack down" of making arrests and fining the ones who litter the problem would be less severe. He said while visiting many main tourist spots he found that these places did not have a litter problem.

Councilman Bratton said during the Council Retreat the

litter problem was listed as Council's number one priority. She said she felt the ordinance basically needs enforcement.

Councilman Frank said the Intergovernmental Services

Committee will also be discussing the litter problem and the Litter Control Officer.

Councilman Boland said he felt some type of

beautification program, with the help of the Western North Carolina Development Association, could set in motion a major clean up city wide with neighborhood groups participating.

Assistant City Manager Charles Penny said he had met

with community groups and Western North Carolina Development Association in an effort to start such a program. He said he would know by May 15, 1988 if there is interest in such a program since the entry date for competing in the beautification contest is May 15, 1988. He said monetary awards would be given to the winners in

the contest.

**C. Proclamation - Volunteer Recognition Day -**

**April 26, 1988**

Mayor Bissette read the proclamation. Ray Kisiah

introduced Mr. John Woods, President of the Ambassadors Club of Asheville and members of the club as Volunteers of the Year. He said the Ambassadors Club prepares Thanksgiving dinner at the Senior Opportunity Center, furnishes coffee for the center and holds an annual picnic for youngsters each year.

Mayor Bisette said the proclamation would be presented

to the Ambassadors Club of Asheville at the annual Volunteers Award dinner tonight at 6:30 P.M. at the Senior Opportunity Center.

## **II. PUBLIC HEARINGS:**

### **III. OLD BUSINESS:**

#### **A. Ordinance No. 1685 - Third reading of an ordinance**

**amending Ordinance No. 322, known as "An Ordinance providing for the Zoning of the City of Asheville," as amended, rezoning property located at 177 Brickyard Road.**

Mayor Bisette 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. This ordinance

passed on first reading on April 12, 1988 and on second

reading on April 19, 1988.

Mayor Bisette said this ordinance was previously read on

first and second readings and will not be read in its

entirety.

On a roll call vote of 7-0, Ordinance No. 1685 passed on

third and final reading.

#### **Ordinance Book No. 11 Page No. 255**

#### **B. Ordinance No. 1686 - Third reading of 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 Bisette said this ordinance will amend Ordinance

No. 322 by creating a new Section 30-3-14, Landscape and Buffering Requirements. This ordinance was read on first reading on April 12, 1988 and on second reading on April

19, 1988.

Al Kopf, from the Planning Department, said the planning

staff had reviewed the changes recommended by George Jenson during the second reading of the ordinance. He said

staff agrees that under the maintenance of landscaping that the requirement for replacing unhealthy plants within thirty (30) days include language that states "weather and season permitting." He said staff also reviewed the request for reducing the number of parking spaces required to compensate for the requirement for planting of trees. He said staff feels this should be studied during the review of the total concept of the zoning ordinance. He said staff also reviewed the request for an incentive to encourage the preservation of trees. He said staff recommends that the ordinance remain as it is now written to evaluate each group development on a case by case basis to allow flexibility. However, he presented two other alternatives to providing

incentives to encourage the preservation of trees.

Upon inquiry of Councilman Martin, Mr. Kopf said the

criteria the Planning Director would use on the case by case basis would be the location, size, and health of the existing trees, the area involved, and the

aesthetics.

Vice-Mayor Michalove said he felt it would be more

practical to review each development on a case by case

basis.

After discussion, Councilman Price moved to amend

Ordinance No.1686, Section I (4) to read "Unhealthy or dead plants shall be promptly replaced within thirty (30) days or as soon thereafter weather and/or season permitting not to exceed one hundred twenty (120) days. This motion was seconded by Councilman Martin and carried

unanimously.

On a roll call vote of 7-0, Ordinance No. 1686 passed on

third and final reading.

Complete text of Ordinance No. 1686 will be found in

**Ordinance Book No. 11 at page 256-261.**

#### **IV. NEW BUSINESS:**

##### **A. Ordinance No. 1687 - Ordinance amending Ordinance No.**

**1567 known as an ordinance establishing the Asheville Downtown Commission providing for an increase in the composition of the Commission.**

Mayor Bissette said this amendment will increase the

members appointed by City Council from the private sector of the community to five (5) members.

Councilman Frank moved for the adoption of Ordinance No.

1687. This motion was seconded by Vice-Mayor Michalove.

On a roll call vote of 7-0, Ordinance No. 1687 passed on

first reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the second reading of Ordinance No. 1687. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1687 passed on

second reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the third and final reading of Ordinance No. 1687. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1687 passed on

third and final reading.

Complete text of Ordinance No. 1687 will be found in

**Ordinance Book 11 at page 262.**

**B. Resolution No. 88-68 - Resolution appointing members to**

**the Asheville Downtown Commission. (Mark Rosenstein, Fred Ayers, Rob Pew)**

Mayor Bisette said this resolution will appoint Mark

Rosenstein, Fred Ayers, and Rob Pew to the Asheville Downtown Commission, with Rob Pew serving as Chairman, as provided for in the new ordinance.

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Price, Resolution No. 88-68 was unanimously adopted.

**Resolution Book No. 17 Page No. 137**

**V. CONSENT:**

**A. Resolution No. 88-69 - Resolution authorizing the City**

**Manager to execute an agreement between the City of Asheville and Poinsett Safety and Loss Prevention Services, for the purpose of providing loss prevention consultation to the City of Asheville under its self-insured workers' compensation program.**

SUMMARY: Poinsett Safety and Loss Prevention Services

have provided this service to the City of Asheville for the past four years. They have made a responsible proposal to continue their services in this capacity at a fixed price over the next two years.

**Resolution Book No. 17 Page No. 138**

**B. Resolution No. 88-70 - Resolution authorizing the City**

**Manager to execute an agreement with the County of Buncombe and the Asheville Board of Education regarding the distribution of proceeds from the sale of tax lots**

**owned by the City and the County.**

SUMMARY: This agreement will provide for a method of distribution of the proceeds from those sales and future sales based upon the tax rate of each governmental unit.

**Resolution Book No. 17 Page No. 139**

Upon motion of Vice-Mayor Michalove, seconded by Councilman Price, the consent agenda was unanimously approved.

**VI. OTHER BUSINESS:**

**CITY MANAGER COMMENTS - ANNEXATION CASE**

The City Manager commended the Corporation Counsel and the Staff Attorney for their efforts during the recent annexation suit.

**SUSAN PATTERSON AND JACQUILINE SHOWER- CLAXTON SCHOOL PARENTS -**

**COMMENTS RELATIVE TO ASHEVILLE SCHOOL BOARD**

Susan Paterson and Jacqueline Shower appeared before

Council stating their discontent and concern relative to the Asheville School Board's unresponsiveness. She said parents at Claxton School have appeared before the Asheville School Board on several occasions in an attempt to get an answer relative to the reinstatement of the Alternative (Open-Education Concept) Program. They said they have received no response from the Board.

After discussion, Mayor Bisette advised Ms. Paterson

and Ms. Shower that the only contact the Asheville City Council has with the Asheville School Board is the appointments to the Board. However, Council would write a letter to the Chairman of the School Board to let them know that Council had received their comments.

**CLAIMS - MRS. DONALD HUTTON (SEWER) - JEFF FISHER (WATER) - JACK VAN WEBB, JR. (PARKS) - MARY BALLEW (WATER) - HOWARD TERRELL (WATER) - CURTIS BRIDGERS (STREETS)**

The City Manager presented claims received from Mrs.

Donald Hutton, Jeff Fisher, Jack Van Webb, Jr., Mary

Ballew, Howard Terrell, and Curtis Bridgers.

Mayor Bisette referred the claims to the Corporation

Counsel for investigation and recommendation.

**RALPH BISHOP - LOTTERY SALES**

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

**ADJOURNMENT:**

Upon motion, the meeting adjourned at 5:45 p.m.

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**MAYOR CITY CLERK**

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