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Tuesday - May 17, 1988 - 4:00 P.M.

Regular Meeting

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

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

William F. Wolcott, Jr.

Absent: Councilman Walter R. Boland.

INVOCATION

The invocation was given by Councilman Norma Price.

APPROVAL OF MINUTES - MAY 10, 1988

Mayor Bisette announced the approval of the minutes of the May 10, 1988 meeting as submitted.

I. PROCLAMATIONS:

A. Proclamation - "Better Hearing and Speech Month" -

May, 1988

Mayor Bisette read the proclamation which was

requested by the Greater Asheville Audiologists and Speech Pathologists. He presented a copy to Dr. Bob MacPherson, Chief of Audiology at the VA Hospital and Mrs. Leatherwood from Thoms Rehabilitation

Hospital.

II. PUBLIC HEARINGS:

A. Public hearing relative to amending the Zoning Ordinance

- Section 30-7-1, Conditional Uses, adding Haywood Road under Item K. Professional Offices in R-3 District.

Ordinance No. 1689 - An Ordinance amending Ordinance No.

322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended (Wording Amendment - Section 30-7-1 Conditional Uses, Adding Haywood Road under Item K. Professional Office in R-3 District)

Mayor Bisette said per City Council's request of March

8, 1988, the Asheville Planning and Zoning Commission on April 6, 1988, considered a proposed wording amendment to the Asheville Zoning Ordinance, Section 30-7-1. Conditional Uses., Item K. to add Haywood Road to the list of thoroughfares permitting professional offices in the R-3 District adjacent to commercial and industrial zones. Commission unanimously recommended this

amendment to City Council.

Mayor Bissette opened the public hearing at 4:21 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 this action was

instituted after Council received a petition from a property owner on State Street asking permission to use his property for a professional office building. He said the Planning and Zoning Commission reviewed the request and recommended that Haywood Road be under Item K. Professional Offices in R-3 Residential District in order to provide flexibility in the use of property in the Haywood Road area. He said under these provisions requests would be considered as Conditional Uses and reviewed by the Board of Adjustment.

Upon inquiry of Council, Mr. Emrick said this

information would be disseminated to the property owner on State Street.

Mayor Bissette closed the public hearing at 4:24 p.m.

Mayor Bissette said members of Council were previously

furnished copies of the ordinance and it would not be read in its entirety.

Councilman Martin moved for the adoption of Ordinance

No. 1689. This motion was seconded by Vice-Mayor

Michalove.

On a roll call vote of 6-0, Ordinance No. 1689 passed on

first reading.

B. Public hearing relative to changing the name of Tower

Road to Summerlin Road.

Resolution No. 88-79 - Resolution changing the name of

Tower Road to Summerlin Road.

Mayor Bissette said 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, Manager, WWNC.

Mayor Bissette opened the public hearing at

4:26 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 request

was reviewed by the Police, Fire, and Public Works Department and no conflicts in changing the name of Tower Road were reported. He said it would be his recommendation to support the name change.

Scotty Rhodarmer, with WWNC, spoke in support of the

name change in memory of the late Sheldon Summerlin, Manager of WWNC. He said the residents on the road also support the change.

Mayor Bissette closed the public hearing at

4:28 p.m.

Mayor Bissette said members of Council were

previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Bratton, seconded by

Councilman Frank, Resolution No. 88-79 was unanimously adopted.

Resolution Book No. 17 Page No. 154

III. OLD BUSINESS:

A. Continuation of public hearing relative to closing a portion of Syrlin Street requested by Ellen Goldstein.

Mayor Bissette said a petition was received from

Ellen Goldstein to close a portion of Syrlin Street, being all of that portion of Syrlin Street extending northward from the northern margin of Tax Lot 178 and Tax Lot 13-1/4 of Ward 9, Sheet 7, of the Buncombe County Tax Maps. Several public hearings have been held relative to this closing and the public hearing was continued until May 17, 1988.

Mayor Bissette said he felt it would be in

everyone's interest to continue this public hearing until Ellen Goldstein's project, Beaver Lake Villas, is reviewed on May 24, 1988.

Councilman Frank moved to continue the public

hearing relative to closing a portion of Syrlin Street requested by Ellen Goldstein until May 24, 1988 without further advertisement. This motion was seconded by Councilman Price and carried

unanimously.

B. Ordinance No. 1688 - Third reading of an Ordinance

amending Section 28-81.3 and Section 28-81.4 of Article IV, Speed Regulations, of Chapter 28 of the Code of Ordinances of the City of Asheville reducing speed

limits on Ambler Road and Lakeshore Drive.

Mayor Bisette said this action will reduce the

speed limit, based on an engineering investigation, on Ambler Road from 35 mph to 25 mph, and on Lakeshore Drive from 35 mph to 30 mph. This ordinance was read on first and second reading on

May 10, 1988.

Charles Freeman, 33 Ambler Road, Vice-Chairman of

the Beverly Hills Homeowners Association, said the Board of Directors and the residents in the area are in complete agreement with the speed limit change. He said this should improve the safety factors in the area.

On a roll call vote of 6-0, Ordinance No. 1668

passed on third and final reading.

Ordinance Book No. 11 Page No. 267

IV. NEW BUSINESS:

V. CONSENT:

A. Resolution No.88-80 - Resolution directing the City

Clerk to investigate a petition received under G.S. 160A-58.1 to annex a non-contiguous area on Leicester Highway known as Dewey's Inc. property.

SUMMARY: The City of Asheville has received a

petition from Ms. Judith A. Prozzo requesting annexation of a non-contiguous area known as Dewey's Inc. on Leicester Highway.

Resolution Book No. 17 Page No. 155

B. Resolution No. 88-81 - Resolution of intent to close a portion of Gudger Street and calling a public hearing for June 21, 1988.

SUMMARY: A petition has been filed by Asheville

City Board of Education requesting that a portion of Gudger Street be permanently closed to the public use.

Resolution Book No. 17 Page No. 156-157

C. Resolution No. 88-82 - Resolution of intent to close Shawnee Trail and calling a public hearing for June 21, 1988.

SUMMARY: A petition has been filed by Centennial

American Properties, Ltd. on behalf of The Litchfield Co. of South Carolina Ltd. Partnership requesting that Shawnee Trail be permanently closed to the public use.

Resolution Book No. 17 Page No. 158-159

D. Scheduling of public hearing relative to rezoning

property at 27 Governors View Road requested by Smoky

Mountain Petroleum Company for June 7, 1988.

SUMMARY: The Asheville Planning and Zoning

Commission on May 4, 1988, reviewed and recommended approval of the petition of Smoky Mountain Petroleum Company that Ward 8, Sheet 15, Lot 98, and a portion of Lot 65 (27 Governors View Road), be rezoned from R-2 Residential District to CS Commercial Service District.

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Frank, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

RESOLUTION NO. 88-83 - RESOLUTION SUPPORTING LEGISLATION TO

INCREASE FUNDING FOR GIFTED CHILDREN'S EDUCATION

Councilman Frank read a resolution supporting

legislation to increase funding for gifted children's education. The resolution stated that the North Carolina General Assembly will soon vote on a proposal to spend \$12.5 million for the education of academically gifted students in 1988-89 and this resolution supports that action.

Upon motion of Councilman Frank, seconded by Councilman

Bratton, Resolution No. 88-83 was unanimously adopted.

Resolution Book No. 17 Page No. 160

PROCLAMATION - CENSUS AWARENESS DAY - MAY 20, 1988

Mayor Bissette read a proclamation proclaiming Friday,

May 20, 1988 as "Census Awareness Day".

CLAIMS - RENEE GRIFFIN (POLICE) - OCTAVIA CALDWELL (SEWER) -

JANET PHIPPARD (SANITATION)

The City Manager presented claims received from Renee

Griffin, Octavia Caldwell, and Janet Phippard.

Mayor Bissette referred the claims to the Corporation

Counsel for investigation and recommendation.

**MICHAEL PLEMMONS - COUNCIL OF INDEPENDENT BUSINESS OWNERS, INC. - RESOLUTION
RELATIVE TO PROPOSED PRIVILEGE TAX ORDINANCE**

Michael Plemmons presented a resolution adopted by the Council of Independent Business Owners, Inc. relative to the proposed revision to the privilege tax ordinance. The resolution requested that the City proceed with its plan to restructure the Privilege Tax Ordinance; that the City receive completed applications from all business owners that would be effected by the new ordinance giving the complete information that will be used to determine the amount of their Privilege Tax; that the

City take the amount of revenue raised under the current Privilege Tax Ordinance, and reapportion this exact amount of money over the business licenses to be issued under the revised ordinance, and that this amount be the Privilege Tax to be paid by each applicant; that no revenue increase be generated by the Privilege Tax Ordinance during its first year after revision; that after the initial year, if the City wishes to raise the Privilege Tax Revenue, that this increase be subjected to a public hearing at which the City would give a detailed report as to the amount of new funds to be generated and the way in which these funds would be spent and that all Privilege Tax License holders be notified by mail of said public hearing.

Mayor Bisette informed Mr. Plemmons that Council would take the resolution under advisement.

**RALPH BISHOP - COMMENTS RELATIVE TO MINUTES OF COUNCIL MEETING INCLUDING
ENTIRE STATEMENTS**

Ralph Bishop, referring to the memorandum presented by the Corporation Counsel at last week's meeting, said he felt the State law relative to the keeping of minutes would supersede any city regulations.

Mayor Bisette told Mr. Bishop that the Corporation Counsel would review the State law relative to the keeping of minutes.

ADJOURNMENT

Upon motion, the meeting adjourned at 4:50 p.m.

MAYOR CITY CLERK
