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Tuesday - May 24, 1988 - 4:00 P.M.

Regular Meeting

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

M. Michalove; Councilmen Mary Lloyd Frank, Wilhelmina Bratton, Russell Martin, and Walter Boland; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Assistant City Manager/Acting City Clerk Charles Penny.

Absent: Councilman Norma Price and Associate City Manager/City

Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Mayor Louis Bissette.

APPROVAL OF MINUTES - MAY 17, 1988

Mayor Bissette announced the approval of the minutes of the May 17, 1988 meeting as submitted.

I. PROCLAMATIONS:

II. PUBLIC HEARINGS:

A. Public hearing relative to the submission of final

Statement of Community Development Objectives for FY 89 to Housing and Urban Development.

Resolution No. 88-83 - Resolution authorizing submission

of a final statement of Community Development Objectives and Projected Use of funds to the Department of Housing

and Urban Development for Community Development Block

Grant Entitlement Funds for 1988-89.

Mayor Bissette said this action will authorize

submission of CDBG entitlement application for

1988-89.

Mayor Bissette opened the public hearing at

4:29 p.m.

The Acting City Clerk presented the notice to the

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

Marvin Vierra, Community Development Director, said

meetings were held in the communities relative to the proposed use of the funds and the Neighborhood Advisory Group in Montford. He said entitlement funds for 1988-89 would be \$997,000 which would be funded as follows: Head of Montford Neighborhood Improvement Project - \$558,000; Neighborhood Housing Services Loan Pool - \$100,000; City-wide Housing Rehabilitation - \$125,000; Asheville-Buncombe Community Relations Council - \$14,000; Community Development Planning - \$50,000; Community Development Administration - \$123,000; Contingency - \$27,000.

Mayor Bissette closed the public hearing at

4:34 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 Martin, Resolution No. 88-83 was unanimously adopted.

Resolution Book No. 17 Page No. 160-161

B. Public hearing relative to Beaver Lake Villas - (Long-Syrlin Street Apartments).

Mayor Bissette said the Asheville Planning and

Zoning Commission on May 4, 1988, reviewed and recommended approval of Beaver Lake Villas to be located on Long Street, subject to the following:

- 1) Compliance with Erosion Control Ordinance;
- 2) Compliance with Landscape Ordinance
- 3) Locating fire hydrant at entrance of Long Street; and
- 4) Recommendation of closing Syrlin Street north of Lockley Avenue.

Mayor Bissette opened the public hearing at

4:35 p.m.

The Acting 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 recommended approval subject to the conditions outlined by Mayor Bissette and that the

project meets all parking, erosion control, and density requirements. He said the closing of Syrlin Street north of Lockley Avenue would have to be accomplished by the residents of the area and City Council under separate action.

Mr. Emrick said the project would consist of twelve (12) units - six (6) two-bedroom buildings.

Upon inquiry of the residents, Mr. Emrick said the project was redesigned to provide that all accesses to the project would be from Long Street.

Upon inquiry of Council, Mrs. Goldstein said the project was geared for the elderly, however there may be children in the project.

Mayor Bissette said he felt Mrs. Goldstein had redesigned the project to eliminate problems the residents were having relative to the use of Syrlin Street.

Mayor Bissette closed the public hearing at 4:52 p.m.

Councilman Boland moved to approve the site plan of the Beaver Lake Villas - Long-Syrlin Street Apartments - subject to the conditions outlined by the Planning and Zoning Commission. This motion was seconded by Councilman Bratton and carried unanimously.

III. OLD BUSINESS:

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

Resolution No. 88-84 - Resolution 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. He said several public hearings have been held relative to this closing and

the public hearing was continued until May 24, 1988.

Mayor Bissette said, in accordance with the

recommendations of the Asheville Planning and Zoning Commission relative to Beaver Lake Villas, the residents of Syrlin Street would have to resubmit their petition to close the remaining portion of Syrlin Street since it was previously denied by Council.

He said with the closing of Syrlin Street there

would be no way Syrlin Street could be used by the Beaver Lake Villas project.

Mayor Bissette closed the public hearing at

4:56 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 Frank, seconded by Vice-

Mayor Michalove, Resolution No. 88-84 was unanimously adopted.

Resolution Book No. 17 Page No. 162-163

B. Ordinance No. 1689 - Second reading of an ordinance

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

Mayor Bissette 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. This ordinance was read on first reading on May 17, 1988.

Verl Emrick, Director of Planning, said as requested by

Council the Planning Staff had notified the property owner interested in this amendment.

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

C. Motion to authorize the Mayor to sign an amendment to

the Airport Agreement and an amendment to the lease of the Airport property entered into between the City and the Airport Authority pursuant to the Airport Agreement, said documents to be consistent with the Memorandum of Agreement entered into by the City and County dated March 22, 1988.

Councilman Bratton moved to authorize the Mayor to sign

the amendment to the Airport Agreement and the amendment to the lease of the Airport property pursuant to the Airport Agreement. This motion was seconded by Councilman Martin and carried unanimously.

D. City Clerk to present certificate certifying the

sufficiency of the petition to annex a non-contiguous area on New Leicester Highway for the VFW Post.

Mayor Bissette said the City of Asheville has received a

petition from the VFW Post 891 requesting annexation of a non-contiguous area on New Leicester Highway. The City Clerk has certified the sufficiency of said petition.

The Acting City Clerk presented the certificate

certifying the sufficiency of the petition to annex a non-contiguous area on New Leicester Highway for the VFW Post.

E. Resolution No. 88-85 - Resolution fixing date of public

hearing on question of annexation pursuant to G.S. 160-58.2, as amended (V.F.W. Post 891, Leicester Highway) for June 7, 1988.

Mayor Bisette said the City of Asheville has

received a petition from the V.F.W. Post 891 requesting annexation of a non-contiguous area on New Leicester Highway. The City Clerk has certified the sufficiency of said petition. A public hearing is required pursuant to N.C.G.S.

Mayor Bisette said members of Council were

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

Upon motion of Councilman Frank, seconded by

Councilman Bratton, Resolution No. 88-85 was unanimously adopted.

Resolution Book No. 17 Page No. 164-165

IV. NEW BUSINESS:

A. Scheduling public hearing relative to an amended sign

package for the Oakley Plaza Shopping Center (previously approved as Cherokee Place Shopping Center) for June 14,

1988.

Mayor Bisette said the Asheville Planning and

Zoning Commission on May 4, 1988, reviewed the amended sign package for Oakley Plaza Shopping Center and recommended partial approval. A summary sheet listing requested signage and recommendation of the Commission is attached for your consideration. The Developer has been notified of

right to appeal.

Vice-Mayor Michalove moved to schedule the public

hearing relative to the amended sign package for the Oakley Plaza Shopping Center for June 14, 1988. This motion was seconded by Councilman Frank and carried

unanimously.

V. CONSENT:

VI. OTHER BUSINESS:

PROPOSED ORDINANCE REQUIRING SMOKE DETECTORS

The City Manager reported that Council would be considering an ordinance requiring smoke detectors on June 21, 1988.

BOND COUNSEL - PROPOSED GSA BUILDING

The City Manager reported that in order to proceed with the proposed GSA Building, the City needs to immediately retain bond counsel for some preliminary work. He said local legislation needs to be introduced in the N.C. General Assembly

by June 8th. He said it is important that bond counsel be involved in reviewing proposed local and state legislation in order that problems can be avoided in rendering an opinion on subsequent revenue bonds. He said three (3) proposals from bond attorneys have been received and he would recommend the acceptance of Kutak Rock & Campbell. He said the Kutak proposal is most advantageous to the City and calls for performing all necessary services on a contingent basis with the exception of legislative assistance. He said document preparation and bond sale work would be paid only should the project be consummated. He said the total fee would be \$44,000.

Vice-Mayor Michalove moved to authorize the City Manager to retain the firm of Kutak Rock & Campbell as bond counsel for preliminary work concerning revenue bonds for the proposed GSA Building. This motion was seconded by Councilman Boland and carried unanimously.

CLAIMS - JOE HARE (SEWER) - CANDACE CUMMINGS (WATER) - TERRY OSBORNE (INSPECTIONS) - FRANKLIN TOWE (WATER)

The City Manager presented claims received from Joe Hare, Candace Cummings, Terry Osborne, and Franklin Towe.

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

MR. GIBBS - INTERSTATE MOTEL - CONCERNS RELATIVE TO PROSTITUTION

Mr. Gibbs, owner of Interstate Motel on Hiwassee Street expressed concern relative to the prostitutes loitering around his motel. He said he is trying to run a legitimate motel and the management of the motel has been instructed not to let the prostitutes on his property. He said the prostitutes present a problem for his operation. He said he wanted Council members to know of his concern for his property. He said if the City can not enforce the laws relative to prostitution perhaps an ordinance could be adopted to prohibit loitering on the streets and sidewalks.

Mayor Bissette said Council members share the concerns expressed by Mr. Gibbs; however, loitering laws for streets and sidewalks can not be enforced due to a U.S. Supreme Court ruling. He said enforcing the laws relative to prostitution are tough because of the judicial system. He said arrests can be made but the fines are minimum which allows the prostitutes to return to the streets almost the same day of an arrest. He said the City

would continue in their efforts to minimize this problem.

ADJOURNMENT

Upon motion, the meeting adjourned at 5:25 p.m.

MAYOR CITY CLERK
