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Tuesday - July 19, 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, Russell Martin, and Walter Boland; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F.

Wolcott, Jr.

Absent: Councilman Wilhelmina Bratton

### **INVOCATION**

The invocation was given by Councilman Frank.

### **APPROVAL OF MINUTES - JULY 12, 1988**

Mayor Bisette announced the approval of the minutes of July 12, 1988 meeting as submitted.

### **I. PROCLAMATIONS:**

#### **A. Proclamation - "Welcome Wagon 60th Birthday Week" - Week of July 25, 1988.**

Mayor Bisette read the proclamation and presented a

copy to Lucibra Britt from the Welcome Wagon. He also recognized Nancy Ellis, Margaret Yanik, Rosa Lee Davidson, and Joyce Sergeant.

### **II. PUBLIC HEARINGS:**

#### **A. Public hearing relative to closing a portion of Syrlin Street.**

#### **Resolution No. 88-113 - Resolution closing a portion of Syrlin Street.**

Mayor Bisette said a petition was received from Norman

C. Bradford, Virginia Bradford, and others requesting that a portion of Syrlin Street be permanently closed to the public use. The petition requested that a portion of Syrlin Street between Tax Lots 178 and 13-1/4 of Ward

9, Sheet 7, be closed as a public street right of way.

Mayor Bisette opened the public hearing at

4:14 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.

Julia Cogburn, Acting Planning Director, said the

closing of this portion of Syrlin Street is in connection with the Beaver Lake Villas being constructed on Long and Syrlin Street and the request of the residents in the area.

Mayor Bissette noted that the closing of this portion of

Syrlin Street would make certain that there would be no ingress or egress from Syrlin Street into the Beaver Lake Villas.

Mayor Bissette closed the public hearing at 4:16 p.m.

Mayor Bissette said members of Council were previously

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

Councilman Martin moved for the adoption of Resolution

No. 88-113 contingent upon any necessary easements the City may need. This motion was seconded by Vice-Mayor Michalove and carried unanimously.

**Resolution Book No. 17 Page No. 199-200**

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

#### **A. Ordinance No. 1699 - Third reading of an ordinance**

**amending Section 30-11-4 of the Zoning Ordinance,**

**Procedures for Group Developments.**

Mayor Bissette said the Asheville Planning and

Zoning Commission on May 18, 1988, recommended approval of this amendment to City Council. It will facilitate the approval of group developments meeting certain criteria. Representatives of homeowner's associations, Coalition of Asheville Neighborhoods, Council of Independent Business Owners, Home Builders Association, and other professional groups provided input at our hearings.

Mayor Bissette said it has been recommended that the

ordinance be amended to delete the portion of the ordinance stating that the Planning Director shall report the final recommendation of the Planning and Zoning Commission at the next scheduled pre-Council work session of the Asheville City Council in order that these recommendations can be presented at the regular City Council meetings.

Councilman Price moved to amend Ordinance No. 1699

to provide that the recommendations of the Planning and Zoning Commission be presented at the regular City Council meetings. This motion was seconded by Councilman Frank.

Vice-Mayor Michalove made a substitute motion to

leave the ordinance as it is now written to avoid City Council from holding another public hearing on issues since the actions taken during pre-Council meetings would also be reported in regular session. He said this would avoid individuals from thinking they have to make an entire new presentation of their projects to members of Council.

After discussion, Vice-Mayor Michalove suggested

that the third reading of Ordinance No. 1699 be tabled for one week giving members of Council an opportunity to discuss the section in question.

Councilman Price withdrew her motion to amend the ordinance and Councilman Frank agreed.

It was noted that the third reading of Ordinance No.

1699 would be scheduled for July 26, 1988.

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

##### **A. Sale of Disposal Parcel 220B in the East Riverside**

##### **Redevelopment Project.**

Mayor Bissette and Vice-Mayor Michalove requested that

they be excused from participation and vote on the sale of Disposal Parcel 220B in the East Riverside Redevelopment Project due to a conflict of interest.

Councilman Price moved to excuse Mayor Bissette and

Vice-Mayor Michalove from participation and vote on the sale of Disposal Parcel 220B in the East Riverside Redevelopment Project. This motion was seconded by Councilman Martin and carried unanimously.

Councilman Price presided over the meeting during the

action taken on Disposal Parcel 220B.

Councilman Price said the Housing Authority has

tentatively accepted the following bid for Disposal

Parcel 220B in the East Riverside Redevelopment Project:

##### **Reuse Price Bid Redeveloper**

Office \$12,100 \$12,120 Livingston Medical

Institutional Partnership

Disposal Parcel 220B is located on Livingston Street

and will be developed along with the adjoining property under contract to the redeveloper as a medical office complex.

Councilman Frank moved to approve the recommendation

of the Housing Authority relative to the sale of Disposal Parcel 220B in the East Riverside Redevelopment Project. This motion was seconded by

Councilman Martin and carried unanimously.

**B. Ordinance No. 1702 - Ordinance amending Section 28-52**

**(b) of Chapter 28 of the Code of Ordinances of the City of Asheville relative to prohibiting truck traffic on Beverly Road.**

Mayor Bissette said this action will include Beverly

Road, between Tunnel Road and New Haw Creek Road, in the ordinance regulating truck traffic on certain residential streets.

The City Manager said this ordinance is in

conjunction with a petition from the residents in the Beverly Road area. He said the Public Works Department has investigated this petition and recommends the adoption of this ordinance.

Mayor Bissette said members of Council were

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

Councilman Boland moved for the adoption of

Ordinance No. 1702. This motion was seconded by Councilman Price.

On a roll call vote of 6-0, Ordinance No. 1702

passed on first reading.

**V. CONSENT:**

**A. Approval of bids for one (1) fifty foot snorkel**

**"Telesqurt" on Fire Department Engine No. 6.**

SUMMARY: Award of bid request for furnishing and

installing one (1) fifty (50) foot Snorkel "Telesqurt" model B5042 (aerial ladder/waterway unit) on Fire Department Engine No. 6 is recommended to the low bidder, Snorkel-Economy, St. Joseph, Missouri, in the amount of

\$82,910.00.

**B. Resolution No. 88-114 - Resolution authorizing the City**

**Manager to execute a contract with Executone Piedmont, Inc. to perform maintenance of the City's SL-1N Telecommunications System.**

SUMMARY: This contract is to perform maintenance of

the City's telephone equipment for a period of five years effective June 1, 1988. The contract provides coverage for 24 hours a day, 7 days a week. A technician will be on site at the City each normal working day to check the

system for problems.

**Resolution Book No. 17 Page No. 201**

**C. Resolution No. 88-115 - Resolution authorizing the City Manager to enter into an agreement with the Chamber of Commerce.**

SUMMARY: Continuation of agreement with the

Chamber of Commerce to provide services for development and promotion of small business, industrial growth, visitor inquiry, convention development, etc.

**Resolution Book No. 17 Page No. 202**

**D. Resolution No. 88-116 - Resolution authorizing the City Manager to enter into an agreement with the Community Relations Council.**

SUMMARY: Continuation of agreement with the

Asheville-Buncombe Community Relations Council for human relations services, Federal Compliance services, Affirmative Action/E.E.O. support and training services, etc.

Vice-Mayor Michalove said there is language in the

agreement that the Community Relations Council will evaluate the Affirmative Action Plan. He said he would like for the board or a representative group of the board to be included in this process. He also requested that the City Manager look into funding being provided to the Community Relations Council and the YMI Cultural Center, Inc. for minority business development and how these two agencies relate in that aspect.

**Resolution Book No. 17 Page No. 203**

**E. Resolution No. 88 - 117 - Resolution authorizing the City Manager of the City of Asheville to enter into a contract for the construction of a public restroom facility on the First Floor of the City Hall Building.**

SUMMARY: Clement and Blount, Inc. submitted to

lowest responsible bid in the amount of \$58,380. Recommendation to accept this bid.

**Resolution Book No. 17 Page No. 204**

**F. Resolution No. 88-118 - Resolution appointing members to the Asheville Tree/Greenway Commission.**

SUMMARY: This resolution will reappoint Roger Smith

for a three (3) year term. Also will appoint Henry Arch Nichols and Rebecca Norris for three (3) year terms.

**Resolution Book No. 17 Page No. 205**

**G. Resolution No. 88-119 - Resolution appointing member to the Recreation Board.**

SUMMARY: This resolution will appoint Nancy Boland for a three (3) year term.

**Resolution Book No. 17 Page No. 206**

**H. Resolution No. 88 -120 - Resolution appointing members to the City of Asheville Police Officers and Firefighter's Disability Review Board.**

SUMMARY: The Asheville City Council adopted

Ordinances 1650 and 1674 establishing the Asheville Police Officers and Firefighter's Disability Review Board for former members of the Asheville Policemen's Pension and Disability Fund and the Asheville Firemen's Pension and Disability Fund. The Disability Review Board is to consist of a member of the Asheville City Council to serve as Chairman; a current member of the Asheville Police Department, elected by former members of the Asheville Policemen's Pension and Disability Fund; a current member of the Asheville Fire Department, elected by former members of the Asheville Firemen's Pension and Disability Fund; a licensed medical doctor; the City Manager or his designee; and two members at large chosen by the City Council. On October 23, 1987 an election was held by the former members of the Asheville Policemen's Pension and Disability Fund, whereby Jay Hill Breedlove was elected to the Board to serve a two (2) year term. On April 22, 1988 an election was held by the former members of the Asheville Firemen's Pension and Disability Fund, whereby Rayburn E. Whitt was elected to the Board to serve a two (2) year term.

This resolution will also appoint Dr. John

A Henderson, Douglas R. Franklin, and Captain John A. Best for two (2) year terms.

**Resolution Book No. 17 Page No. 207 and 208**

**I. Resolution No. 88-121 - Resolution appointing member to the Zoning Board of Adjustments.**

SUMMARY: This resolution will appoint Michelle Rippon for a three (3) year term.

**Resolution Book No. 17 Page No. 209**

**J. Scheduling public hearing relative to proposed wording amendment to Asheville Zoning Ordinance, Section**

**30-9-4, District Sign Regulations for August 9, 1988.**

SUMMARY: The Asheville Planning and Zoning

Commission on June 29, 1988, reviewed and recommended approval of amending the Asheville Zoning Ordinance, Section 30-9-4. District Sign Regulations, Subparagraph (D)(1) by adding a new item (b) as follows: "(b) Off-premise advertising signs three hundred (300) square feet per display face or less shall be allowed only in the CH Commercial Highway District, CS Commercial Service District, LI Light Industrial District and

HI Heavy Industrial District.

**K. Scheduling public hearing relative to request of Thoms**

**Rehabilitation Hospital to rezone property from R-3 Residential District to OI Office Institutional District for August 9, 1988.**

SUMMARY: The Asheville Planning and Zoning

Commission on June 29, 1988, reviewed and recommended approval of rezoning Ward 7, Sheet 15, Lots 81, 82, and 231, and Ward 7, Sheet 11, Lot 20, from R-3 Residential District to OI- Office Institutional District. (Property extends from One Rotary Drive over to Caribou Road)

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Frank, the consent agenda was unanimously

approved.

**VI. OTHER BUSINESS:**

**VICE-MAYOR MICHALOVE - REQUEST OF CORPORATION COUNSEL TO RESEARCH WATER AGREEMENT**

Vice-Mayor Michalove requested that the Corporation Counsel research language in the Water Agreement dealing with financing of improvements with bonds in the future. He asked that the language be reviewed to determine whether or not the City can break the Water Agreement if there is a bond issue city-wide or county-wide.

**CITY MANAGER AUTHORIZED TO SIGN AGREEMENTS/LEASES IN CONNECTION WITH BELE CHERE FESTIVAL**

At the request of the City Manager, Councilman Price moved to authorize the City Manager to execute various agreements and leases in connection with the Bele Chere Festival, with said documents being subject to the approval of the City Attorney. This motion was seconded by Councilman Frank and carried unanimously.

**MINNIE JONES - PISGAH VIEW APARTMENTS - RELATIVE TO DRUG PROBLEMS AT HILLCREST APARTMENTS**

Minnie Jones from the Pisgah View Apartments said she was concerned about how the current problems at Hillcrest Apartments are going to affect Pisgah View Apartments. She said the problems with drugs at the Hillcrest Apartments should have been handled in a better manner. She said the Housing Authority is well aware of all these problems and how the problems at Pisgah View Apartments have increased since the opening of the Police substation at Hillcrest Apartments to deal with the drug problems.

Mayor Bissette and members of Council said they were concerned about the drug problems all over the City and they are working as best they can on the problem. It was noted that the Metropolitan Enforcement Task Group was formed

to deal with these

problems. They said they would continue working on the problems.

**JEANNIE EBLEN - REQUEST FOR ADOPTION OF RESOLUTION RELATIVE TO A MORATORIUM ON NUCLEAR TESTING AND FOR THE SUPPORT OF A COMPREHENSIVE TEST BAN TREATY**

Jeannie Eblen with Peace Link made a presentation to members of Council requesting Council's adoption of a resolution relative to a moratorium on nuclear testing and for the support of a Comprehensive Test Ban Treaty. She also presented information to members of Council relative to commemorating August 5th as the 25th anniversary of the Partial Test Ban Treaty; the cost to taxpayers for nuclear testing; and local groups, city, county and state legislatures that have passed resolutions calling for a mutual moratorium on nuclear testing. She read the proposed test ban resolution.

Mayor Bisette and several members of Council said they did not know enough about national defense and nuclear testing to adopt the proposed resolution. It was noted that the President, Congress, and the Senate should deal with concerns on national defense issues. It was also noted that perhaps members of Council could adopt a similar resolution with Council's own language that everyone could support in a positive manner.

It was suggested that Council look at the request for adoption of the resolution to see if Council could come up with language that all Council members can agree upon.

Susan Walker commented that the President and members of Congress needs everyone's support, even on national defense issues.

**RALPH BISHOP - LOTTERY SALES IN THE CITY - RECORDING OF CITY COUNCIL MINUTES**

Ralph Bishop again spoke to members of Council relative to lottery sales at Riverside Tire Shop at 704 Riverside Drive operated by J. V. Plemmons.

He also commented on his request to receive additional information relative to General Statute 160A.72 relative to the keeping of full and accurate minutes.

Councilman Price noted that minutes are only to reflect actions taken by Council.

**CLAIMS - WILLIAM SMITH (PARKS) - FAYE YAOKUM (WATER) - CLARENCE MORGAN (SEWER) - VIVIAN ABDUL-ALLAH (PARKS) - DON BLANKENSHIP (SANITATION)- JOANNE HYATT (STREETS)**

The City Manager presented claims received from William Smith, Faye Yaokum, Clarence Morgan, Vivian Abdul-Allah, Don Blankenship, and Joanne Hyatt.

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

**LAWSUITS - MINI STORAGE COMPANY V. BOARD OF ADJUSTMENT - RHONDA DILLINGHAM V. CITY OF ASHEVILLE AND ASHEVILLE TRANSIT AUTHORITY**

The City Manager said the City was served with lawsuits involving A Mini Storage Company v. Board of Adjustment of the City of Asheville (Appeal of Board of Adjustment decision) and Rhonda Dillingham v. City of Asheville and Asheville Transit Authority (Fall on ice getting onto bus).

Mayor Bisette referred the lawsuits to the Corporation Counsel for investigation and recommendation.

**MEMBERS OF COUNCIL TO VISIT THE HILLCREST POLICE SUBSTATION AND TO MEET WITH**



**RESIDENTS OF HILLCREST APARTMENTS**

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Mayor Bissette announced that after the meeting members of Council would be attending the opening of the Hillcrest Apartments Police Substation and to meet with residents of Hillcrest Apartments.

**ADJOURNMENT:**

Mayor Bissette adjourned the meeting at 5:25 p.m.

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**MAYOR CITY CLERK**

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