

//3//

Tuesday - October 25, 1988 - 4:00 P.M.

Regular Meeting

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

M. Michalove, Councilmen Wilhelmina Bratton, Mary Lloyd Frank, Norma T. Price, and Russell Martin; Corporation Counsel William F. Slawter; Associate City Manager/City Clerk William F. Wolcott, Jr. and Acting Deputy City Clerk Margaret Messer

Absent: Councilman Walter Boland and City Manager Douglas O.

Bean

INVOCATION

The invocation was given by Vice Mayor Michalove.

APPROVAL OF THE MINUTES

Mayor Bissette announced the approval of the minutes of the October 18, 1988.

I. PROCLAMATIONS:

A. Proclamation - "Remembrance of the Night of Pogroms" -

November 6-13, 1988

Mayor Bissette proclaimed the week of November 6-13, 1988 as "Remembrance of the Night of Pogroms."

B. Proclamation-"Meals on Wheels"-Month of November, 1988

Mayor Bissette proclaimed the month of November, 1988 as "Meals on Wheels" and presented the proclamation to Becky Johnson, Board Chairman of Meals on Wheels.

Ms. Johnson expressed her appreciation to the Mayor, Members of Council, and the community for their support of the Meals on Wheels Program.

II. PUBLIC HEARINGS:

A. Public hearing relative to site plan of Hotel

Development on Biltmore Dairy Property to be located on Hendersonville Road.

Mayor Bissette said the Asheville Planning and Zoning Commission on October 5, 1988, reviewed and approved the site plan subject to the following contingencies:

1. Compliance with the conditions set forth by the
Town of Biltmore Forest Board of Adjustment.

2. Approval of erosion control plan by the City
Engineering Department.

Mayor Bisette opened the public hearing at 4:25 P.M.

The Acting Deputy City Clerk presented the notice to the public and the affidavit of publication.

Tom Elmore, Planning Department, said the site plan calls for 160 room, 5 story facility to be located on the existing Dairy Bar and former Biltmore Dairy. He said the facility is located in the City of Asheville and the Town of Biltmore Forest, and that access to the facility would be from Hendersonville and Vanderbilt Roads. By use of a map, Mr. Elmore pointed out the proposed site work to take place and the relocation of the road. He said the existing trees would remain, but additional trees will be also be planted. He said the developer has agreed to comply with the requirements set forth by the Town of Biltmore Forest and the City's Erosion Control Ordinance. Mr. Elmore said one public comment had been [received relative to sewer, but that the Water and Sewer Department has affirmed that the present sewer service is adequate to serve the proposed facility.

Mr. Jack Cecil of The Biltmore Company said he is very excited about the proposed facility and feels that it would be an asset to the City of Asheville. He said construction is expected to begin right away.

Mayor Bisette closed the public hearing at 4:25 P.M.

Councilman Bratton moved for the adoption of the site plan of the proposed hotel subject to the contingencies imposed by the Planning and Zoning Commission. This motion was seconded by Councilman Frank and carried unanimously.

III. OLD BUSINESS:

A. Third reading of Ordinance No. 1719, an ordinance

relative to rezoning property at 22 Herron Avenue - Petition of Attorney Harold Bennett for Mr. David Caudel.

Mayor Bisette said the Asheville Planning and

Zoning Commission on September 7, 1988 reviewed and recommended approval of rezoning a portion of Lot 1, Sheet 10, Ward 6, from R-3 Residential District to CS Commercial Service District with a 5' strip along Herron Avenue to remain R-3 Residential

District.

Mayor Bisette said this ordinance was previously read

and will not be reread in its entirety unless there is a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1719 passed on third and final reading.

Ordinance Book No. 11, Page 367

B. Third reading of Ordinance No. 1720, an ordinance

relative to amending Zoning Ordinance No. 322, Section 30-11-3, wording amendment relative to protest

petitions.

Mayor Bissette said the Asheville Planning and Zoning Commission on September 21, 1988 reviewed and recommended approval of a proposed wording amendment relative to protest petitions.

Mayor Bissette said this ordinance was previously read and will not be reread in its entirety unless there is a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1720

passed on third and final reading.

Ordinance Book No. 11, Pages 368-369

C. Third reading of Ordinance No. 1721, an ordinance

relative to zoning property in the South Annexation Area including the Racquet Club and Deerfield

(Limestone) annexed into the City Limits.

Mayor Bissette said the Asheville Planning and Zoning Commission has recommended zoning for the South Annexation Area.

Mayor Bissette said this ordinance was previously read and will not be reread in its entirety unless there is a specific request to do so.

Verl Emrick, Planning Department, said at the October 18th meeting Mr. Gene Shope had requested that his property (Ward 7, Sheet 49, Lot 8) be zoned CG Commercial General. He said the Planning Department had reviewed this request and recommends that Council amend the ordinance to zone Ward 7, Sheet 49, Lot 8 CG Commercial General.

Vice Mayor Michalove said he had visited the area in question and that the lot is a wooded, vacant lot located on 25-A. He said the CG zone would allow commercial uses, but would not permit uses as wide as the commercial zone designation.

Vice Mayor Michalove moved to amend the ordinance to rezone Lot 8, Sheet 94, Ward 7 to CG Commercial General. This motion was seconded by Councilman Martin and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1721

passed on third and final reading, as amended.

Ordinance Book No. 11, Pages 370-374

IV. NEW BUSINESS:

A. Resolution No. 88-153, a resolution adopting a protest

petition form to be used to protest against an amendment, supplement, change, modification or repeal

of any zoning regulations.

Mayor Bissette said Ordinance No. 1720 provides that all protest petitions shall be on a form prescribed and furnished by the City. He said this resolution will provide that all protest petitions be on a form prescribed and furnished by the City.

Mayor Bissette said members of Council were previously furnished copies of the resolution, and it would not be read

in its entirety unless there was a specific request to do so.

Councilman Price moved for the adoption of Resolution No. 88-153. This motion was seconded by Vice Mayor Michalove and carried unanimously.

Resolution Book No. 17, Pages 244-245

B. Resolution No. 88-154, a resolution establishing a Drug

Task Force.

Mayor Bissette read the resolution. He said the residents of the Hillcrest Community had raised the consciousness level of the residents of the City of Asheville and Buncombe County about the drug problem in our community. He said as a result of a community meeting involving interested citizens, officials from other towns within Buncombe County and law enforcement officials, the City Council decided to establish a Drug Task Force representative of the entire community to address the problems and make recommendations concerning the drug problem. He said the Council would not appoint members to the Task Force today since staff had been unable to contact all the proposed members.

Councilman Bratton moved for the adoption of Resolution No. 88-154. This motion was seconded by Councilman Martin and carried unanimously.

Resolution Book No. 17, Pages 246-247

V. CONSENT:

VI. OTHER BUSINESS:

CLAIMS - CECIL JACKSON, JR. (STREETS), PAT MORGAN (STREETS), JANET BLACK (PARKS), FRIEDA CURTIS (WATER) AND STEVE BRANSTETTER (WATER)

The City Manager presented claims received from Cecil Jackson, Jr., Pat Morgan, Janet Black, Frieda Curtis and Steve Branstetter.

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

COUNCILMAN FRA - INTERGOVERNMENTAL SERVICES COMMITTEE MEETING

Councilman Frank requested that arrangements be made for the Intergovernmental Services Committee to meet on Tuesday, November 1, 1988, at 12:30 P.M. in the Council Conference Room.

DAVID ANDERS - PRESIDENT OF FIREFIGHTERS UNION - INQUIRY RELATIVE TO DISABLED FIREFIGHTERS PENSION AND DISABILITY FUND

Mayor Bissette recognized David Anders, President of the Firefighters Union, and the disabled firefighters in attendance. Mayor Bissette said that due to a medical leave of Lla Leet Hudson, applications for the supplemental pension plan had not

been processed. However, he said, Ms. Hudson is due to return to work next week and a meeting will be scheduled in November to begin hearing the applications for benefits.

David Anders said the disabled firefighters had been waiting a long time and are very anxious for their applications to be processed. He said there was also a question raised about whether or not the benefits would be retroactive.

Corporation Counsel Bill Slawter that the retroactive issue was to be addressed in an ordinance that would be retroactive to January 1, 1988, but that he didn't see how the benefits could be retroactive to that time.

Mayor Bissette said there is a possibility that Council might be able to look at retroactive benefits, but that they would just have to wait and see how many applications there were and what the cost of the benefits would be.

MRS. JAMES C. PORTER - REQUEST TO NAME PARK FOR HUSBAND

Mrs. James C. Porter appeared before the City Council to request that the new proposed park for Martin Luther King Boulevard be named after her deceased husband, James C. Porter. She said her husband was a humanitarian and had made many contributions to the City of Asheville and its citizens.

Mayor Bissette said the Council would ask the East End Community Association for a recommendation on this request and would be back in touch with Mrs. Porter.

RALPH BISHOP - INQUIRY RELATIVE TO COUNCIL MINUTES

Ralph Bishop addressed the Council relative to what the minutes of the Council should contain.

Councilman Price told Mr. Bishop that the City Council minutes should reflect only the action taken by the City Council and not what somebody says.

ADJOURNMENT

Upon motion of Councilman Price, seconded by Councilman Frank, the meeting adjourned at 5:05 P.M.

MAYOR CITY CLERK
