

Tuesday - November 15, 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:

INVOCATION

The invocation was given by Councilman Frank.

APPROVAL OF MINUTES - NOVEMBER 8, 1988 MEETING

Mayor Bisette announced the approval of the minutes of the November 8, 1988 meeting as submitted.

ANNOUNCEMENT - ARTHUR ROBERT "BOB" YORK - COUNCILMAN

Mayor Bisette said for the past two weeks members of Council have been discussing a replacement for Walter Boland as a member of the Asheville City Council. He said a number of names had been submitted to Council as a replacement for Walter Boland. He said all the candidates would have made an excellent replacement. He said after thoroughly discussing the matter it is felt that Council has now chose an individual to replace Walter Boland.

Vice-Mayor Michalove nominated Arthur Robert "Bob" York as a replacement for Walter Boland on the Asheville City Council.

Councilman Frank moved to accept Arthur Robert "Bob" York as a replacement for Walter Boland on the Asheville City Council by acclamation. This motion was seconded by Councilman

Price and carried unanimously.

I. PROCLAMATIONS:

A. Resolution No. 88-164 - Resolution in memory of

Charles A. Sammons

Mayor Bisette read a resolution in memory of Charles A.

Sammons, owner of The Grove Park Inn and Country Club of Asheville.

Upon motion of Councilman Martin, seconded by Vice-Mayor

Michalove, Resolution No. 88-164 was unanimously adopted.

Resolution Book No. 17 Page No. 257

B. Proclamation - Light Up Your Holidays - November 23 -

December 31, 1988

Mayor Bissette read the proclamation and presented a copy to Curt Crowhurst, Festival Coordinator.

Curt Crowhurst said the Light Up Your Holidays Premier

would be November 26, 1988 at 6:00 p.m. He said there would be over 450 events taking place over the holidays. He outlined the major events.

II. PUBLIC HEARINGS:

A. Public hearing relative to an ordinance amending Zoning

Ordinance No. 322, Article II, Amendments,

Section 30-11-5.

Ordinance No. 1736 - An ordinance amending Zoning

Ordinance No. 322, Article II, Amendments, Section

30-11-5

Mayor Bissette said the Asheville Planning and

Zoning Commission on September 21, 1988, discussed the need to amend the Asheville Zoning Ordinance to bring it into compliance with State Statutes regarding vested rights of individuals holding building permits when amendments are made to the

Zoning Ordinance.

Mayor Bissette opened the public hearing at

4:40 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.

The City Attorney said the North Carolina General

Assembly amended the General Statutes to provide for vested rights to individuals holding valid building permits. He said this amendment to the Zoning Ordinance is necessary with regard to that statutory change. He said amendments, modifications, supplements, repeal or other changes in zoning regulations and restrictions and zone boundaries shall not be applicable or enforceable without consent of the owner with regard to lots for which building permits have been issued prior to the enactment of the ordinance making the change or changes so long as the permits remain valid, unexpired and unrevoked.

Mayor Bissette closed the public hearing at

4:42 p.m.

Mayor Bissette said members of Council were

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

Councilman Price moved for the adoption of Ordinance

No. 1736. This motion was seconded by Councilman Martin.

On a roll call vote of 6-0, Ordinance No. 1736

passed on first reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the second reading of Ordinance No. 1736. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1736

passed on second reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the third reading of Ordinance No. 1736. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1736

passed on third and final reading.

Ordinance Book No. 11 Page No. 396

III. OLD BUSINESS:

A. Ordinance No. 1729 - Third reading of an ordinance

rezoning property at 92 Congress Street - Petitioner -

Dr. John Holt.

Mayor Bissette said the Asheville Planning and

Zoning Commission on October 5, 1988, reviewed and recommended approval of rezoning Ward 4, Sheet 11, Lots 34, 34-1/4, and 278, from R-3 Residential District to O-I Office-Institutional District. (Property is located at 92 Congress Street,

Livingston Street and Pine Grove Avenue).

Mayor Bissette said members of Council were

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

On a roll call vote of 6-0, Ordinance No. 1729

passed on third and final reading.

Ordinance Book No. 11 Page No. 387

B. Ordinance No. 1730 - Third reading of an ordinance

rezoning property on North Louisiana Avenue - Petitioner

- Ms. Jeanne Y. Palyok.

Mayor Bissette said the Asheville Planning and

Zoning Commission on October 5, 1988, reviewed and recommended approval of rezoning Ward 12, Sheet 7, Lot 92, from R-3 Residential District to CH

Commercial Highway District.

Mayor Bissette said members of Council were

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

On a roll call vote of 6-0, Ordinance No. 1730

passed on third and final reading.

Ordinance Book No. 11 Page No. 388

C. Ordinance No. 1731 - Third reading of an ordinance

amending Section 19A-1 and 19A-11 of the Code of Ordinances (Grievance Procedure) of the City of Asheville.

Mayor Bissette said Section 19A-1 is being amended to

clarify procedures for hearing group grievances because meeting with large groups can make it almost impossible to meet time deadlines of the present ordinance. This amendment would allow a department head the flexibility to meet with a group of employees if he/she so desires; however, it would clarify that it is not a requirement of the grievance procedure. Section 19A-11 will clarify who the department head must confer with prior to rendering a decision on a grievance as opposed to who must actually attend the grievance conference. Section

19A-11 also eliminates the time allotted for the City Manager to render his decision provided the conference is held within 10 days after the appeal is received by

the City Clerk.

Mayor Bissette said the third reading of this ordinance

was postponed giving the City Attorney and the Personnel Director an opportunity to look into several questions raised during the second reading. He said the City Attorney has requested that the third reading be postponed until November 29, 1988 since the Personnel

Director has been out of town.

D. Resolution to close a portion of Cliff Street in the

City of Asheville, North Carolina.

Mayor Bissette said a petition has been filed by

Westgate Shopping Center of Asheville, Inc. requesting that a portion of Cliff Street which has never been paved or otherwise utilized be permanently closed to the public use. This closing is in connection with the Westgate Shopping Center Expansion Project - Phase II. A public hearing was

held on September 27, 1988.

Mayor Bisette said action on this resolution would

be postponed until November 29, 1988.

E. Sign permit for freestanding identification sign to be located on Patton Avenue for a Mini Storage Company.

Mayor Bisette said Crawford Sign Company has

requested approval of a sign permit for a 38' advertising sign to be located at I-240 and Westwood Place. This permit requires approval of Council since the sign will be situated closer than 600'

from a limited access highway.

David Matney, attorney for George Morasoni, owner of

the Mini Storage Company, showed members of Council a map of where the sign would be located. He said the sign would be approximately 12' above finish grade level of I-240 and about 2' to 3' above the grading line of the project.

Mr. Morasoni showed members of Council pictures of

signs in the vicinity of the proposed Mini Storage Company.

Mr. Matney presented members of Council with several

alternatives that his client could accept. He said their first choice of approval would be the sign 38' in height which would allow the use of a message board; the second would be 25' in height with the use of a message board; or a sign 38' in height with

a time and temperature message; or a sign 25' in height with a time and temperature message; or a sign 25' in height with a non-electric message board with changeable letters.

Mr. Matney said the sign would be less than 250

square feet per side.

After discussion, Councilman Martin moved to approve

the sign permit for the Mini Storage Company contingent upon the sign not exceeding 25' in height and not to exceed 438 square feet in size and that the message board be a time and temperature sign. This motion was seconded by Vice-Mayor Michalove and carried unanimously.

F. Resolution No. 88-165 - Resolution authorizing the City Manager to execute a technical services contract with the Land-of-Sky Regional Council.

Mayor Bisette said the Land-of-Sky Regional Council

operates to provide planning and technical services to local governments in Region B. This resolution will authorize the City Manager to execute a contract with the Land-of-Sky Regional Council for transportation planning assistance for the period

October 15, 1988, and ending June 30, 1990.

Upon motion of Councilman Frank, seconded by Councilman Martin, Resolution No. 88-165 was unanimously adopted.

Resolution Book No. 17 Page No. 258

IV. NEW BUSINESS:

A. Ordinance No. 1737 - Ordinance amending Chapter 25

(Streets and Sidewalks) of the Code of Ordinance of the City of Asheville (Parade Permits)

Mayor Bissette said this ordinance will amend

Section 25-16 (C) (1-5) by deleting same and inserting new language. The new language would require that a written application for a permit is to be filed not less than 72 hours in advance of such parade. It would also require that the applicant for a permit pay an administrative filing fee, to be set by the Council and included in the

City's Fees and Charges Manual.

Councilman Frank moved for the adoption of Ordinance

No. 1737. This motion was seconded by Vice-Mayor

Michalove.

On a roll call vote of 6-0, Ordinance No. 1737

passed on first reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the second reading of the ordinance. This motion was seconded by Councilman Martin and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1737

passed on second reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the third and final reading of the ordinance. This motion died for the lack of a second.

B. Amendment to Sign Package for River Ridge Shopping Center.

Mayor Bissette said the developer of River Ridge Market

Place has requested that the sign package be amended to add one free-standing identification sign at a new entrance on U. S. 74 across from Oakley Plaza.

Carroll Hughes, representing River Ridge Shopping Center

requested Council's approval on an additional free-standing identification sign for River Ridge Market Place for a lower entrance that was not originally anticipated. He showed members of Council a drawing of the proposed sign.

After discussion, Councilman Price moved to approve the

amended sign package for the River Ridge Shopping Center for one additional free-standing identification sign for the lower entrance to River Ridge Market Place. This motion was seconded by Vice-Mayor Michalove and carried

unanimously.

V. CONSENT:

A. Resolution No. 88-165 - Resolution appointing members to the Drug Task Force.

Mayor Bissette said Resolution No. 88-154

established the Drug Task Force. This resolution will appoint the following members to the Task

Force:

Judge Earl Fowler, Chairman; Peter Banyai, Vice-

Chairman; George Morrison, Mike Begley, Bud Garland, Kevin Payne, Bob Fisher, Carl Johnson, Nilous Avery, III, Doug Jones, Max Haner, David Jones, Peggy Shook, William Young, Ralph Hammond, Sherry Davidson, Minnie Jones, Ellen Clark-Sayer, Peter

Menedis

B. Motion to cancel City Council Meeting on November 22, 1988.

Mayor Bissette said this meeting is being cancelled

due to Thanksgiving Holidays.

Upon motion of Councilman Frank, seconded by Councilman

Price, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

EASEMENT FOR CAROLINA POWER AND LIGHT COMPANY FOR PACK PLACE

Vice-Mayor Michalove moved to authorize the Mayor to

sign easement agreements with Carolina Power and Light Company for electrical service in the alley in the Pack Place project. This motion was seconded by Councilman Martin and carried unanimously.

CITY MANAGER AUTHORIZED TO SIGN INDEMNITY AGREEMENT - PACK PLAZA ASSOCIATES LIMITED PARTNERSHIP - LIGHT UP YOUR HOLIDAYS FESTIVAL

Vice-Mayor Michalove moved to authorize the City Manager to execute an indemnity agreement with Pack Plaza Associates Limited Partnership for the use of the Commerce Building for a limited portion of the program for the Light Up Your Holidays Festival on Saturday, December 3, 1988 from 4:00 p.m. until

7:00 p.m. This motion was seconded by Councilman Frank and carried unanimously.

CLAIMS - FREDDIE MITCHELL (STREETS) - KENNY TREECE (STREETS) - STANLEY DILLS (WATER) - CHERYL FOWLER (WATER) - KEITH COCHRAN (SANITATION) - CHARLOTTE CLARK (SEWER) - HAROLD TALBERT (STREETS) - JUDY HOFFMAN (WATER) - GENE MITCHELL (PARKS) _____

The City Manager presented claims received from Freddie Mitchell, Kenny Treece, Stanley Dills, Cheryl Fowler, Keith Cochran, Charlotte Clark, Harold Talbert, Judy Hoffman, and Gene Mitchell.

Mayor Bissette referred the claims to the City Attorney

for investigation and recommendation.

ADJOURNMENT

Mayor Bissette adjourned the meeting at 5:50 p.m.

MAYOR CITY CLERK
