

((1))

Tuesday - March 14, 1989 - 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 A. Robert York; 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 York.

### **APPROVAL OF MINUTES - MARCH 7, 1989**

Mayor Bisette announced the approval of the minutes of March 7, 1989 meeting as submitted.

### **I. PROCLAMATIONS:**

® **A. Proclamation - "School Social Worker's Week" -**

**March 13 - 17, 1989**

Mayor Bisette read the proclamation proclaiming

March 13 - 17, 1989 as "School Social Worker's Week" and presented a copy to Sally Michalove, with the Asheville City School System.

® **B. Resolution No. 89-35 - Resolution honoring UNC-A's**

**Basketball Team for winning the Big South Tournament.**

Mayor Bisette read a resolution honoring UNC-A's

Basketball Team for winning the Big South Tournament in Rock Hill, South Carolina on March 2-4, 1989.

Mayor Bisette recognized Athletic Director Ed Ferrell

and Coach Don Doucette from UNC-A.

Upon motion of Councilman Martin, seconded by

Councilman York, Resolution No. 89-35 was unanimously adopted.

**Resolution Book No. 17 Page No. 374**

® **C. Resolution No. 89-36 - Resolution supporting the**

**Council of Asheville Independent and Parochial Schools.**

Mayor Bissette read the resolution supporting the

Council of Asheville Independent and Parochial Schools. He recognized the five headmasters from Asheville Country Day, Asheville Christian Academy, Christ School, Asheville School and Asheville Catholic who formed the Council.

Upon motion of Councilman Frank, seconded by

Councilman York, Resolution No. 89-36 was unanimously adopted.

**Resolution Book No. 17 Page No. 375**

**II. PUBLIC HEARINGS:**

**® A. Public hearing for the adoption of an ordinance**

**directing the Director of Inspections to demolish the dwelling houses at 93 and 95 Starnes Avenue.**

**® Ordinance No. 1754 - An ordinance directing the**

**Director of Building Inspections to demolish and remove the dwellings known as 93 and 95 Starnes Avenue, Asheville, North Carolina**

Mayor Bissette said this ordinance will direct the

Director of Inspections to proceed with the demolition and removal of the dwellings known as 93 and 95 Starnes Avenue, Asheville, North Carolina and otherwise comply with the provisions of the

Asheville Minimum Housing Ordinance.

Mayor Bissette opened the public hearing at

4:44 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 outlined the N.C. General Statute

that provides authority to cause the demolition of structures that are unfit for human habitation and the procedures to follow under that statute.

The City Attorney presented photographs of 93 and 95

Starnes Avenue which was condemned in September, 1988 and the Finding of Fact and Order for the Director of Building Inspections handed down in January, 1989 after a public hearing was held relative to the dwellings.

David Gaines of 30 Cumberland Avenue, representing

the Montford Community Club, spoke in support of the ordinance to demolish 93 and 95 Starnes Avenue. He suggested that Council produce a pamphlet stating the basic procedures for demolishing substandard dwelling; implement a method for keeping neighborhoods informed of the status of substandard dwellings; appoint a representative of the City for an individual to call about substandard dwellings; implement a method to speed up the

demolition process for any buildings that become dangerous; and for the City to show more initiative in finding substandard conditions in the City.

Mayor Bissette said the Council would ask the City

Manager to see what can be done about the suggestions offered by Mr. Gaines.

Roland Houser, 324 Oakland Street, Hendersonville,

North Carolina, speaking for residents in the Montford Area, encouraged support from Council to get houses that have burned demolished.

Curtis Venable, Pisgah Legal Services, and a

resident of Montford Avenue, said the process for demolition of substandard dwellings should be speeded up. He said there are three houses on Cumberland Avenue that have been condemned for over three years and nothing has been done about them. He said in his opinion there is not enough support from the Inspections Department and the residents are not getting the support due.

Scott Dedman, Pisgah Legal Services, and a resident

of Cumberland Avenue, supported the ordinance to demolish 93 and 95 Starnes Avenue. He said these steps to demolish the houses should have been taken much earlier.

Mr. Kennedy, resident of Westover Drive, supported

the ordinance to demolish 93 and 95 Starnes Avenue. He said other structures in the City need attention as well as abandoned cars. He said demolition is not always the answer to substandard conditions. He offered his time and help in dealing with these problems.

Helen Kennedy, of 221 Westover Drive, said she would

like to join the City in efforts to help restore the Montford area.

Evelyn Wyatt said a list of abandoned cars that are

on Westover Drive has been given to the City but nothing has been done. She said the ordinances should be enforced.

Lillian Johansen, a resident of the Montford area,

said the City should take more initiative in dealing with substandard conditions at an earlier stage than demolition.

Richard Stiles of 34 Courtland Avenue, said the

Neighborhood Housing Services now working in the Montford Area should be in a position to help individuals with substandard conditions.

Mayor Bissette said he was very positive about the

efforts of the Neighborhood Housing Services in working with the City in the Montford area.

Mayor Bissette closed the public hearing at

5:26 p.m.

Mayor Bissette said members of Council were

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

Vice-Mayor Michalove moved for the adoption of

Ordinance No. 1754. This motion was seconded by Councilman Martin.

On a roll call vote of 6-0, Ordinance No. 1754

passed on first reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the second reading of Ordinance No. 1754. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1754

passed on second reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the third reading of Ordinance No. 1754. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1754

passed on third reading.

**Ordinance Book No. 11 Page No. 427-428**

**® B. Public hearing relative to "Bond Order authorizing the issuance of \$40,000,000 Water Bonds of the City of Asheville, North Carolina."**

**Ordinance No. 1755 - Bond order authorizing the issuance of \$40,000,000 Water Bonds of the City of Asheville, North Carolina.**

Mayor Bissette said this action is required for the

\$40,000,000 Water Bond Referendum.

Mayor Bissette opened the public hearing at 5:30 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.

Robert Long of 15 Sareva Place questioned whether or not

the \$40,000,000 Water Bonds would alleviate any of the problems the 400 City of Asheville residents are having with the Woodfin Water System.

Mayor Bissette said the Water Bonds would not affect

these residents and their problems but Council is going to request that the Asheville-Buncombe Water Authority

acquire the right to provide water services to these customers if at all possible.

Hazel Fobes ask for pertinent reasons for the Water

Bonds. She asked if the Water Bonds would be dealing with distribution and water conservation. She also questioned the \$40,000 that is being used for P/R for the Water Bond Issue. She said in her opinion that \$40,000 could be used in better ways.

Mayor Bisette said the \$40,000 being used for P/R is

not public funds but from private donations.

Councilman Price, as a member of the Asheville-Buncombe

Water Authority, addressed Ms. Fobes' questions relative to distribution and water conservation. She informed Ms. Fobes that the city staff is willing to give anyone research information relative to the need for the Water Bonds.

John Walsh asked if the \$40,000,000 Water Bond Issue

would make government entities enforce the DHS requirements for supplying water to individuals.

Mayor Bisette closed the public hearing at 5:44 p.m.

Mayor Bisette said members of Council were previously

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

Vice-Mayor Michalove moved for the adoption of Ordinance

No. 1755. This motion was seconded by Councilman Price.

On a roll call vote of 6-0, Ordinance No. 1755

passed on first reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the second reading of Ordinance No. 1755. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1755

passed on second reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the third reading of Ordinance No. 1755. This motion was seconded by Councilman York and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1755

passed on third reading.

**Ordinance Book No. 11 Page No. 429**

**III. OLD BUSINESS:**

®

**A. Continuation of public hearing relative to floodway**

**revisions to Smith Mill Creek.**

Mayor Bissette said staff has reviewed the plans and

calculations regarding this project. The plans indicate that no increase in flood levels will be caused by the project. Staff recommends approval of

the project subject to the following contingencies:

1) Owner to obtain all appropriate Federal, State

and local permits; and

2) Owner to meet all FEMA requirements, and to provide FEMA with all documentation and fees necessary pursuant to amending the Floodway Boundary and Floodway Maps, and Flood Insurance Rate Maps to

the area affected by the project.

Mayor Bissette said this matter was continued from

the February 14, 1989 meeting but since that time it has been determined that this matter is to be reviewed by the Board of Adjustment instead of the

City Council.

**® B. Resolution No. 89-37 - Resolution approving the report**

**of plans for extension of city services into the area proposed for annexation which is generally known as Skyland II.**

Mayor Bissette said pursuant to Part 3 of Article 4A of

Chapter 160A of the N. C. General Statutes, the City of Asheville has examined certain areas to determine if they qualify for annexation. By Resolution No. 87-99, adopted June 2, 1987, the City of Asheville identified the Skyland II area as being under consideration for annexation. A report of the plans for extending services to said territory will be available for public inspection in the City Clerk's Office. A legible map of the area to be annexed and a list of persons holding freehold interest in property in the area will be posted in the City Clerk's Office. A public hearing has been scheduled for 4:00 P.M. on April 18, 1989, in the Asheville Civic Center Banquet Room. This resolution will approve the report of plans for the proposed annexation area.

Patty Tallerday with the Planning Department presented

the report of plans and highlighted the details of the plan for services in the Skyland II area.

The City Attorney answered questions of Councilman York

relative to procedures to be followed as far as private garbage haulers are concerned in the annexation areas.

Upon motion of Councilman Frank, seconded by Councilman

Martin, Resolution No. 89-37 was unanimously adopted.

**Resolution Book No. 17 Page No. 376**

**® C. Resolution No. 89-38 - Resolution approving the report**

**of plans for extension of city services into the area proposed for annexation which is generally known as Woods Edge.**

Mayor Bissette said pursuant to Part 3 of Article 4A of

Chapter 160A of the N. C. General Statutes, the City of Asheville has examined certain areas to determine if they qualify for annexation. By Resolution No. 87-99, adopted June 2, 1987, the City of Asheville identified the Woods Edge area as being under consideration for annexation. A report of the plans for extending services to said territory will be available for public inspection in the City Clerk's Office. A legible map of the area to be annexed and a list of persons holding freehold interest in property in the area will be posted in the City Clerk's Office. A public hearing has been set for 4:00 P.M. on April 18, 1989, in the Asheville Civic Center Banquet Room.

Patty Tallerday with the Planning Department presented

the report of plans and highlighted the details of the plan for services in the Woods Edge area.

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Martin, Resolution No. 89-38 was unanimously adopted.

**Resolution Book No. 17 Page No. 377**

**IV. NEW BUSINESS:**

**® A. Resolution No. 89-39 - Resolution setting a special**

**election on the bond order entitled "Bond Order authorizing the issuance of \$40,000,000 Water Bonds of the City of Asheville, North Carolina", and directing the publication of notice of a special bond election and notification of the Buncombe County Board of Elections.**

Mayor Bissette said this action is a requirement for the

\$40,000,000 Water Bond Referendum.

Upon motion of Councilman Frank, seconded by

Councilman Price, Resolution No. 89-39 was

unanimously adopted.

**Resolution Book No. 17 Page No. 378-379**

**® B. Resolution No. 89-40 - Resolution recommending that the**

**Asheville-Buncombe Water Authority acquire the right to provide water services to the Woodfin Water District customers located within the Corporate Limits of the City of Asheville.**

Mayor Bissette said the Woodfin Water and Sewer District

supplies water service to approximately 425 customers within the corporate limits of the City of Asheville. A number of these City of Asheville residents have recently approached the City Council about their dissatisfaction with the quality of water service they receive from the Woodfin Water and Sewer District. The City recommends acquiring

those customers located within  
the Corporate Limits of the City of Asheville.

Upon motion of Vice-Mayor Michalove, seconded by  
Councilman Price, Resolution No. 89-40 was  
unanimously adopted.

**Resolution Book No. 17 Page No. 380**

**® C. Scheduling public hearing relative to rezoning property**

**located at 58, 60 and 62 Livingston Street - Mr. L. B. Jackson, Livingston Medical Partnership -  
for March 28, 1989.**

Mayor Bissette said the Asheville Planning and Zoning

Commission on March 1, 1989, reviewed and recommended approval of the request of Mr. L. B. Jackson that Ward 4,  
Sheet 11, Lots 22, 258 and 289, located at 58, 60 and 62 Livingston Street, be rezoned from R-3 Residential

District to OI Office Institutional District.

Councilman Frank moved to schedule the public

hearing relative to rezoning property located at 58, 60, and 62 Livingston Street for March 28, 1989. This motion was  
seconded by Vice-Mayor Michalove and carried unanimously.

**V. CONSENT:**

**VI. OTHER BUSINESS:**

**®CLAIMS - ROBERT SLUDER (WATER) - MAURICE NOLAND (SEWER)**

The City Manager presented claims received from Robert  
Sluder and Maurice Noland.

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

**®LAWSUITS - DAVID AND LORNA LYNN (WRONGFUL ACT - INSPECTIONS  
DIVISION**

---

The City Manager said the City was served with a  
lawsuit involving David and Lorna Lynn (wrongful act -  
Inspections Division).

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



**MOTION RELATIVE TO VARIANCE FOR SHERWOOD HEIGHTS EXTENSION  
SUBDIVISION**

---

The City Attorney said he would have a complete report

for members of Council next week relative to the language of the motion for the variance for the Sherwood Heights Extension Subdivision discussed at the March 7, 1989 meeting.

®

**VII. ADJOURNMENT**

Mayor Bissette adjourned the meeting at 6:15 p.m.

---

**MAYOR CITY CLERK**

---