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Tuesday - August 8, 1989 - 4:00 P.M.

Regular Meeting

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

M. Michalove; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, and Russell Martin; Corporation Counsel William F. Slawter; Assistant City Manager Charles Penny; and Associate City Manager/City

Clerk William F. Wolcott, Jr.

Absent: Councilman Robert York (Death in Family)

City Manager Douglas O. Bean (Vacation)

### **INVOCATION**

The invocation was given by Councilman Frank.

### **APPROVAL OF MINUTES**

Mayor Bissette announced the approval of the minutes of the August 8, 1989 meeting as submitted.

### **I. PROCLAMATIONS:**

#### **A. Resolution No. 89-104 - Resolution of congratulations**

#### **and encouragement for Lynette McClain.**

Ray Kisiah, Director of Parks, Recreation, and Public

Facilities, introduced Lynette McClain, who won first place finishes in the N.C. Track and Field Meet. He said she would be competing in the National Championships in Hershey, Pennsylvania, August 10 - 13, 1989.

Mayor Bissette read a resolution congratulating Lynette

McClain on her accomplishments and wishing her every

possible success in the National Championships in Hershey, Pennsylvania, August 10 - 13, 1989.

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Price, Resolution No. 89-104 was unanimously adopted.

**Resolution Book No. 17 Page No. 459**

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

#### **A. Continuation of a public hearing relative to Grove Park**

#### **Inn - Staff Housing - Group Development**

Mayor Bissette said the Asheville Planning and Zoning

Commission on July 5, 1989, reviewed and recommended approval of the site plan subject to the following contingencies:

1. Approval of erosion control plan by the Planning Department prior to soil disturbance;
2. Approval by Planning Director of on-site lighting; and
3. Approval by Planning Director of on-site noise generating mechanical units.

Mayor Bissette said this public hearing was

continued from the August 1, 1989 meeting. He said he has received another request that the public hearing be postponed for two (2) weeks giving the developer an opportunity to prepare a proposal that would address the concerns of the residents in the neighborhood. He said the developer would also like to meet with the residents to go over their proposal prior to Council hearing the matter.

Councilman Bratton moved to continue the public hearing

on the Grove Park Inn - Staff Housing - Group Development for two (2) weeks without further advertisement. This motion was seconded by Councilman Martin and carried unanimously.

Max Haner, with the Grove Park/Sunset Association, said

they would support the two weeks continuance if they would be afforded an opportunity to meet with the developer on their proposal.

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

#### **A. Ordinance No. 1777 - Second reading of an ordinance**

**relative to rezoning property located at 614 Hendersonville Road for Mr. Robert Reeves.**

Mayor Bissette said the Asheville Planning and Zoning

Commission on July 5, 1989, reviewed and recommended approval of rezoning Ward 7, Sheet 5, Lot 17, from R-3 Residential District to CH Commercial Highway District.

Mayor Bissette said this ordinance was previously read

on first reading and would not be reread.

On a roll call vote of 6-0, Ordinance No. 1777 passed on

second reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the third and final reading of Ordinance No. 1777. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1777 passed on

third and final reading.

**Ordinance Book No. 11 Page No. 469**

**B. Ordinance No. 1775 - Third reading of an ordinance**

**zoning property annexed into City of Asheville effective July 1, 1989 known as Pawn World Gun Supply**

Mayor Bissette said the Asheville Planning and Zoning

Commission on July 5, 1989, reviewed and recommended approval of zoning the property CH Commercial Highway District.

Mayor Bissette said this ordinance was previously

read on first reading and would not be reread.

On a roll call vote of 6-0, Ordinance No. 1777 passed on

third and final reading.

**Ordinance Book No. 11 Page No. 466 - 467**

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**IV. NEW BUSINESS:**

**A. Ordinance No. 1778 - Budget ordinance amendment to**

**appropriate funds for a transitional shelter for the**

**homeless.**

Mayor Bissette said this amendment will provide

\$100,000 to Hospitality House to establish a Transitional Shelter for the homeless.

Marvin Vierra, Director of Community Development,

outlined the proposal from the Hospitality House for a transitional shelter. He said the funds would be used to rehabilitate an existing structure for a transitional shelter. He said the property is located in the East End/Valley Street area. He said the property would be acquired by the Housing Authority and title would be transferred to the Hospitality House. He said a contract for the operation of a transitional shelter would be executed with Hospitality House.

Vice-Mayor Michalove said he would like to be

assured that the funds are well spent. He questioned whether the market value of the house being used would

compensate for the expenditures.

Councilman Martin moved for the adoption of

Ordinance No. 1778. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1778

passed on first and final reading.

**Ordinance Book No. 11 Page No. 470**

**B. Ordinance No. 1779 - Ordinance amending Chapter 25**

**(Streets and Sidewalks) of the Code of Ordinances of the City of Asheville regarding group demonstrations.**

The City Attorney explained that this amendment will

allow group demonstrations during daylight hours for as long as a month without paying the additional administrative fee so long as there are five or fewer individuals involved. For parades or demonstrations in excess of five persons, a separate fee would still be required each day.

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Upon inquiry of John Walsh, the City Attorney said this

action is not in violation of the First Amendment of the Constitution.

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. 1779. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1779 passed on

first reading.

**V. CONSENT:**

**A. Resolution No. 89-105 - Resolution calling for a public**

**hearing for the adoption of an ordinance directing the Director of Inspections to demolish the dwelling known as 66 Elizabeth Place for August 29, 1989.**

SUMMARY: A Finding of Fact and Order was entered

finding that dwelling known and designated as 66 Elizabeth Place, in its present condition, as being dilapidated, unfit for human habitation and extremely dangerous. A public hearing is required prior to the

demolition of same.

**Resolution Book No. 17 Page No. 460 - 461**

Upon motion of Councilman Frank, seconded by

Councilman Price, the consent agenda was unanimously approved.

## **VI. OTHER BUSINESS:**

### **DWELLING OFF OAKLAND ROAD- COUNCILMAN BRATTON**

Upon inquiry of Councilman Bratton, the Assistant City Manager said staff is in the process of investigating the complaint of Julia Duther regarding a dwelling and its premises off Oakland Road. He said the City staff will have the premises cleaned on the eleventh day after notification to the property owner that

the premises be cleaned.

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### **REPORT OF GROUP DEVELOPMENT ACTIONS BY THE PLANNING AND ZONING COMMISSION**

Julia Cogburn, Director of Planning Department, said the City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. She said in accordance with the procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. She said the following action was taken by the Planning and Zoning Commission at their meeting on

August 2, 1989.

#### **(1) Cisco Road Apartments - Group Development Review**

Julia Cogburn said the Asheville Planning and Zoning Commission on August 2, 1989 reviewed and approved the site plan of the **Cisco Road Apartments - Group Development** subject to the following contingencies:

1) Approval of erosion control plan by the Planning Department prior to soil disturbance; 2) Installation of an approved residential sprinkler system and receipt of the proposed right-of-way dedication prior to issuance of certificate of occupancy; and 3) Installation of septic tank system not to impose on any

required buffering of the project.

Ms. Cogburn said a request was received from Barbara Melton, representing the Haw Creek Homeowners Association that a public hearing be held on this matter.

Councilman Price moved to schedule a public hearing relative to the Cisco Road apartments for August 29, 1989. This motion was seconded by Vice-Mayor Michalove and carried unanimously.

#### **Continuation of a public hearing relative to Grove Park Inn - Staff Housing - Group Development - Reconsidered/Rescheduled**

Councilman Price moved to reconsider the motion continuing the public hearing relative to Grove Park Inn - Staff Housing - Group Development for August 22, 1989 and moved to continue the public hearing until August 29, 1989 without further advertisement. This motion was seconded by Councilman Martin and carried unanimously.

Council requested that all parties involved in the Grove Park

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Staff Housing - Group Development - be notified that the public hearing will be continued until August 29, 1989.

**CLAIMS - BRUCE CASE (SEWER) - R. JOHN BUNDRICK (PARKS) - HAROLD TALBERT  
(DOWNTOWN DEVELOPMENT)**

The Assistant City Manager presented claims received from Bruce Case, R. John Bundrock, and Harold Talbert.

Mayor Bissette referred the claims to the City Attorney for investigation and recommendation.

**RALPH BISHOP - LOTTERY SALES**

Ralph Bishop again spoke to members of Council relative to

lottery sales in the City of Asheville.

**VII. ADJOURNMENT.**

Mayor Bissette adjourned the meeting at 5:05 p.m.

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**MAYOR CITY CLERK**

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