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Tuesday - September 19, 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, 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:

### **INVOCATION**

The invocation was given by Councilman Frank.

### **APPROVAL OF MINUTES**

Mayor Bissette said approval of the minutes of the

September 12, 1989 meeting is being withheld pending

further review of the minutes.

### **I. PROCLAMATIONS:**

#### **A. Proclamation - September 24 - 30, 1989 - "Minority Enterprise Development Week"**

Mayor Bissette read the proclamation and presented a copy

to Jackie Hallum, President of the Black Business and Professional League. She introduced members of the Minority Enterprise Development Committee that were in attendance and outlined events that would be taking place during Minority Enterprise Development Week.

#### **Announcement - Councilman Wilhelmina Bratton - Elected to Board of Directors of the North Carolina Association of Minority Businesses, Inc.**

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Mayor Bissette announced that at the last Executive

Committee meeting of the North Carolina Association of Minority Businesses, Inc. (NCAMB) Councilman Wilhelmina Bratton was elected to serve on the Board of Directors for a one year term.

#### **B. Proclamation - October 8 - 14, 1989 - "Fire Prevention Week"**

Mayor Bissette read the proclamation and presented a copy

to Charlie Williams from the Fire Prevention Bureau.

**C. Presentation of awards to beautification contest winners.**

Robin Westbrook, Director of Public Information, said the

City has completed the judging for the second annual beautification contest. She said three neighborhoods registered to participate in the beautification contest. She said two judges judged these communities on ten different standards. She said Redwood Forest is the first place winner of \$300.00 and Hyannis Drive is the second place winner of \$200.00.

Mayor Bissette presented Connie Duncan, Chairman of the Beautification Committee for Redwood Forest, a check for \$300.00.

Mrs. Westbrook said the Hyannis Drive representatives were unable to be present and the check would be sent to them.

**II. PUBLIC HEARINGS:**

**III. OLD BUSINESS:**

**A. Ordinance No. 1789 - Third reading of ordinance to rezone property located at #1 St. Dunstan's Road.**

Mayor Bissette was previously excused from participation and vote on this ordinance due to a conflict of interest.

Vice-Mayor Michalove said the Asheville Planning and

Zoning Commission on August 2, 1989, reviewed and recommended approval of rezoning Ward 4, Sheet 13, Lot 8 from R-3 Residential District to OI Office

Institutional District.

On a roll call vote of 6-0, Ordinance No. 1789 passed on third and final reading, with Mayor Bissette being excused.

**Ordinance Book No. 11 Page No. 483**

**IV. NEW BUSINESS:**

**A. Report from Community Relations Council on the Police Task Force.**

Councilman Bob York, Chairman of the Police Task Force,

outlined the events leading up to the establishment of the Police Advisory Committee. He also recognized members of the committee. He said he felt this committee had been very successful during its meetings.

Dwight Mullen, Chairman of the Asheville-Buncombe County

Community Relations Council, presented members of Council with a Preliminary Report from the Citizens/Police Advisory Committee. He outlined the attached report stating that the Citizens/Police Advisory Committee should remain intact to address the concerns and recommendations.

Police Chief Gerald Beavers said the Asheville Police

Department has pledged to meet the needs of the citizens of Asheville.

Councilman York moved that the Citizens/Police Advisory

Committee continue for 120 days and that a report be given to Council at that time. This motion was seconded by Councilman Bratton and carried unanimously.

**B. Resolution No. 89-137 - Resolution authorizing the City**

**Manager to execute Amendment No. 2 to the CH2M Hill Contract for storm water inventory.**

Mayor Bisette said the original Drainage Study

Contract with CH2M Hill required 8,900 structures to be inventoried. This number of structures has been completed and an estimated 5,000 structures remain to be inventoried. Amendment No. 2 to the Contract will add the additional 5,000 estimated structures to the Drainage Study at a cost of \$134,115.00.

The City Manager said the Storm Water Drainage Task

Force will continue with public participation. He

said the inventory will be a working document but is not a master plan for solutions to the problems.

Upon motion of Councilman Frank, seconded by Vice-Mayor

Michalove, Resolution No. 89-137 was unanimously adopted.

**Resolution Book No. 17 Page No. 495**

**C. Ordinance No. 1791 - Budget ordinance amendment to appropriate current year CDBG Entitlement Grant Funds.**

Mayor Bisette said the City has recently received its

Letter of Credit from HUD in the amount of \$1,037,000 for the current year CDBG program. The allocation of these funds was approved by City Council on May 23, 1989 in Resolution Number 89-64. This ordinance will appropriate the funds into the budget.

Councilman Martin moved for the adoption of Ordinance

No. 1791. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1791 passed

on first and final reading.

**Ordinance Book No. 11 Page No. 485**

**D. Ordinance No. 1792 - Budget ordinance amendment to appropriate funds for McDowell Street Improvements.**

Mayor Bissette said the Budget Amendment will provide

funds for City's share of right-of-way cost on McDowell Street widening project in excess of the budget amount. Total cost of City's share for right-of-way is \$185,058.74. Previous installments to NCDOT have totalled \$144,717.50. The budget balance is \$20,076.50. Final installment of \$40,341.24 is due

NCDOT.

Councilman York moved for the adoption of Ordinance No.

1792. This motion was seconded by Councilman Martin.

On a roll call vote of 7-0, Ordinance No. 1792 passed

on first and final reading.

**Ordinance Book No. 11 Page No. 486**

**V. CONSENT:**

**A. Resolution No. 89-138 - Resolution authorizing the**

**Purchasing Director to sell surplus motor vehicles, equipment, and other surplus property at public auction.**

Mayor Bissette said various Departments and Divisions

have declared items as surplus. This resolution will authorize the Purchasing Director to sell these items at a public auction scheduled for Saturday, October 7, 1989.

**Resolution Book No. 17 Page No. 496**

**B. Resolution No. 89-139 - Resolution authorizing the City**

**Manager to sign an agreement providing for delivery of Fire Protection Services to the Veteran's Administration Medical Center at Oteen.**

Mayor Bissette said this is an extension of an October

1, 1987 agreement to provide fire protection services to the Veteran's Administration Medical Center at Oteen. The present contract expires on September 30, 1989. The annual fee is the same as in the 1987 agreement.

**Resolution Book No. 17 Page No. 497**

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

**Wood Avenue off South Tunnel Road for Three Mountaineers for October 10, 1989.**

SUMMARY: The Asheville Planning and Zoning Commission on

September 6, 1989, reviewed and recommended approval of zoning a portion of Lots 1 and 93, Sheet 7, Ward 13, from HI Heavy Industrial District to LI Light Industrial District, and a portion of Lots 2 and 3, Sheet 7, Ward 13, from R-3 Residential District to LI Light Industrial

District.

**D. Scheduling public hearing relative to rezoning property**

**located at 1897 Hendersonville Road for William A.**

**Shuford for October 10, 1989.**

SUMMARY: The Asheville Planning and Zoning Commission

on September 6, 1989, reviewed and

recommended approval of zoning a portion of

Lot 12, Sheet 110, Ward 7, from R-2 Residential District to CH Commercial Highway

District.

**E. Announcement that the Council meeting scheduled for**

**September 26, 1989 will be cancelled due to the Primary**

**Election.**

Upon motion of Councilman Frank, seconded by Vice-Mayor

Michalove, the consent agenda was unanimously approved.

**VI. OTHER BUSINESS:**

**A. Reconsiderations - Group Development Actions by the Planning and Zoning Commission**

These group development actions were discussed on September 12,

1989; however, a full report was not given at that time. Therefore, Julia Cogburn, Director of Planning, presented the following reports and actions were reconsidered.

Julia Cogburn, Director of Planning, 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. The action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. The following action was taken by the Planning and Zoning Commission at their meeting on September 6,

1989:

**(1) Asheville High School - Cultural Arts Facility**

The Asheville Planning and Zoning Commission on September 6,

1989 reviewed and approved the site plan of the **Asheville High School - Cultural Arts Facility - Group Development** subject to the following contingencies:

1) Approval of erosion control plan by the Planning

Department prior to soil disturbance; and 2) Receipt of an approval letter from the Fire Department. No opposition was expressed at the public hearing.

Council accepted the report of the Planning and Zoning

Commission and the group development plan was approved as recommended by the Planning and Zoning Commission.

### **(2) Patton Mini-Storage**

The Asheville Planning and Zoning Commission on September 6,

1989 reviewed and approved the site plan of the **Patton Mini-Storage Facility - Group Development** subject to the following contingencies:

1) Approval of fire flows by the Fire Department prior to

issuance of a building permit; 2) Approval of the closure of

Westwood Place by City Council; 3) Addition to the site plan of a buffer at the intersection of Westwood and Hazel Mill subject to the approval of the Planning Director; and 4) Provision of a dedicated right-of-way to allow turning at the proposed end of Westwood Place subject to approval by the

Planning Director.

Councilman York moved to reschedule a public hearing

relative to the Patton Mini-Storage Facility Group Development for October 3, 1989. This motion was seconded by Councilman Martin and carried unanimously.

### **(3) Haw Creek Heights**

The Asheville Planning and Zoning Commission on September 6,

1989 reviewed and approved the site plan of the **Haw Creek Heights - Group Development** subject to the following contingencies:

1) Approval of an erosion control plan by the Planning

Department prior to soil disturbance; and 2) Buffering as required by Asheville Zoning Ordinance.

At the request of Mayor Bisette, Councilman Price moved to

excuse Mayor Bisette from participation and vote of the Haw Creek Heights project due to a conflict of interest. This motion was seconded by Councilman Frank and carried

unanimously.

Councilman Price moved to rescind the action taken on

September 12, 1989 to schedule a public hearing relative to the Haw Creek Heights - Group Development for October 24, 1989 and to accept the recommendation of the Planning and Zoning Commission. This motion was seconded by Vice-

Mayor Michalove and carried unanimously.

#### **(4) Wal-Mart on Tunnel Road - Amendment to Site Plan**

The Asheville Planning and Zoning Commission on September 6,

1989 reviewed and approved the site plan of the **Wal-Mart on Tunnel Road - Amendment to Site Plan - Group Development** subject to the following contingencies:

1) That fill be tested and information provided to City; 2)

Buffering as required by Asheville Zoning Ordinance; 3) Replacement of trees that have died.

At the request of Councilman York, Vice-Mayor Michalove moved

to excuse Councilman York from participation and vote on the

Wal-Mart - Tunnel Road matter. This motion was seconded by

Councilman Frank and carried unanimously.

Councilman Martin moved to reschedule a public hearing

relative to the Wal-Mart on Tunnel Road - Amendment to Site Plan - Group Development for October 3, 1989. This motion was seconded by Councilman Price and carried

unanimously.

#### **Claims - Sarah Reynolds (Streets) - Pat Woody (Sewer) - Edith Hodge (Streets) - Arlene Whisnant (Sanitation)**

The City Manager presented claims received from Sarah Reynolds, Pat Woody, Edith Hodge, and Arlene Whisnant.

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

#### **ANNOUNCEMENT - Julia Cogburn, Director of Planning - President of the North Carolina Chapter of American Planning Association**

The City Manager announced the election of Julia Cogburn, Director of Planning, as the President of the North Carolina Chapter of the American Planning Association.

#### **ANNOUNCEMENT - Annexation of Enka Area - Court Case**

The City Attorney said a decision was made today by the North Carolina Court of Appeals to uphold the annexation of the Enka Area.

#### **VII. ADJOURNMENT**

Mayor Bissette adjourned the meeting at 5:20 p.m.

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**MAYOR CITY CLERK**

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