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Tuesday - October 10, 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 Martin.

APPROVAL OF MINUTES

Mayor Bissette said approval of the minutes of the

September 12, 1989 and September 19, 1989 are being withheld pending further review.

Mayor Bissette announced the approval of the minutes of the

October 3, 1989 meeting with minor typographical changes.

I. PROCLAMATIONS:

A. Presentation of Certificates of Appreciation to volunteer chaplains of the Asheville Police Department.

Mayor Bissette said there are local ministers who volunteer

their time to serve with the Asheville Police Department. They are on call to deliver death messages, work with families of people in injury accidents, meet special spiritual needs of people encountered by police, and serve as counselors and advisors to police officers and

employees. They serve at an on-call basis, being called out at all hours of the day and night, for no pay.

Mayor Bissette presented Certificates of Appreciation to

Reverend Howard Shockley, Reverend L. C. Ray,

Reverend E. W. Hollifield, Reverend Don Furniss, Reverend Pete DeSaix, Reverend Clarence A. Low, and Reverend Ron Brown.

B. Proclamation - "Disability Employment Awareness Month" -

October, 1989

Mayor Bissette read the proclamation and presented a copy

to Debra Whitson, with the Muscular Dystrophy Association and Marilyn Williams with the Employment Security Commission.

C. In Memory of - Leah Minor Butler

Vice-Mayor Michalove read a memorial to Leah Minor Butler,

Past Director of the Hillcrest Headstart Program; Service to the Department of Social Service; Professor at Warren Wilson College and Organist for the St. Lawrence Catholic Church. He said the City of Asheville recognizes the great contributions made by Leah Minor Butler to this City, and

offers to her family this sincere expression of condolence.

II. PUBLIC HEARINGS:

A. Public hearing relative to rezoning property - Three

Mountaineers.

Ordinance No. 1795 - An Ordinance amending Ordinance No.

322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, petition of William Thompson, Agent for William Ballard, and George Davis, Agent for Three Mountaineers, property located on Wood

Avenue off South Tunnel Road.

Mayor Bissette said 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.

Mayor Bissette opened the public hearing at 4:28 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.

Carol Alberice, from the Planning Department, outlined the

particulars of the rezoning request stating that this parcel is vacant and contains 41 acres. She noted that the surrounding zoning is Heavy Industrial and property in the immediate vicinity is used for industrial and multi-family residential; access to the property is from S. Tunnel Road and Wood Avenue; a portion of the property is in the flood fringe area; additional buffer is remaining to buffer the residential properties; the 2010 plan shows this property as medium density and Light Industrial is encouraged along Swannanoa River Road; notice had been received from James L. Hart of 142 Glendale Avenue requesting that his property be included in the rezoning; and the low-lying flood fill area will be left undeveloped. She showed a video of the area proposed to be rezoned.

Charlie Putman, petitioner, said they have been working the

Corps of Engineers and an environmental analysis was conducted on the property and it was determined that they can not develop the conservation area.

Mayor Bissette closed the public hearing at 4:51 p.m.

Mayor Bissette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety.

Councilman Martin moved for the adoption of Ordinance No.

1795. This motion was seconded by Vice-Mayor Michalove.

On a roll call vote of 7-0, Ordinance No. 1795 passed on first reading.

B. Public hearing relative to rezoning property - Shuford, petitioner.

Ordinance No. 1796 - An Ordinance amending Ordinance No.

322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, petition of William A. Shuford, property located at 1897 Hendersonville Road.

Mayor Bissette said 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.

Mayor Bissette opened the public hearing at 4:54 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.

Carol Alberice, from the Planning Department, said this

rezoning would only move an existing Commercial Highway line 65' into residential property. She said the parcel contains 10.7 acres and fronts on US 25. She showed a video of the property requested to be rezoned.

William Shuford, petitioner, requested approval of the rezoning request.

Mayor Bissette closed the public hearing at 5:02 p.m.

Mayor Bissette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety.

Councilman York moved for the adoption of Ordinance No.

1796. This motion was seconded by .

On a roll call vote of 7-0, Ordinance No. 1796 passed on

first reading.

III. OLD BUSINESS:

IV. NEW BUSINESS:

A. Motion authorizing the sale of Disposal Parcels 142,

152, 153, 155, and 158 of the East End/Valley Street

Community Improvement Program.

Mayor Bisette said the Housing Authority has

tentatively accepted the bids for several disposal parcels in the East End/Valley Street Community Improvement Program. Council must approve the sale of these parcels.

Parcel Use Price Bid Redeveloper

142 Res. 3,700 7001.50 Johnnie & Carolyn

Crouch 152 Res. 4,200 4,840.00 R & R Associates

153 Res. 3,600 4,202.00 R & R Associates

155 Res. 2,800 3,310.00 Christopher &

Diane Robinson

158 Res. 4,100 4,610.00 Cathy Marie Lee

Parcels 152 and 153 are to be developed with single family homes for resale. The eventual owner occupants of the completed homes may apply for the Incentive Housing Subsidy.

Disposal Parcels 142, 155, & 158 are to be developed with single family homes for occupancy by the purchaser under the Incentive Housing Program.

Councilman Bratton said she had talked with David Jones, Executive Director of the Housing Authority, and her questions relative to the sale of these lots had been answered.

Councilman Bratton moved to accept the recommendation of the Housing Authority for the sale of Disposal Parcels 142, 152, 153, 155, and 158 of the East End/Valley Street Community Improvement Program. This motion was seconded by Vice-Mayor Michalove and carried unanimously.

C. Ordinance No. 1797 - Budget Amendment to provide funding

for streetscape project.

Mayor Bisette said this budget amendment will provide an

appropriation in the amount of \$51,900 to acquire trash receptacles, benches and trees for Downtown Streetscape improvements.

Councilman Bratton moved for the adoption of Ordinance

No. 1797. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1797 passed on first and final reading.

Ordinance Book No. 12 Page No. 3

V. CONSENT:

A. Resolution No. 89-145 - Resolution authorizing the

execution of a Municipal Agreement with the N. C. Department of Transportation for reinspection of bridges on the City of Asheville street system.

SUMMARY: The Federal Highway Administration Bridge

Replacement and Rehabilitation Program requires that all bridges be inspected on a schedule not to exceed two years. The North Carolina Department of Transportation allows the Municipalities in North Carolina to include Bridges on the Municipal Street System in the State's Inspection Program. The Municipality reimburses the State the 20% share of these costs.

Resolution Book No. 18 Page No. 1

B. Scheduling public hearing relative to Albemarle Park

Historic District for October 31, 1989.

SUMMARY: The Asheville Planning and Zoning Commission

on September 27, 1989, again reviewed the request of the Albemarle Park-Manor Grounds Association, through the Historic Resources Commission, that their area be designated a local historic district. The Commission again voted to recommend approval of the designation and to exclude the property on Charlotte Street south of the Gatehouse zoned CG Commercial General. An appeal has been filed regarding the Commission's recommendation to exclude the property on

Charlotte Street.

Upon motion of Vice-Mayor Michalove, seconded by Councilman Price the consent agenda was unanimously approved.

C. COUNCIL MEETING - OCTOBER 17, 1989 - NO MEETING

Mayor Bissette said the meeting scheduled for October 17, 1989 has been cancelled due to the North Carolina League of Municipalities Convention.

VI. OTHER BUSINESS:

A. Report from Asheville Transit Authority - Skyland Bus Route

Tom Tomlin, Chairman of the Asheville Transit Authority,

presented members of Council with a report on the trial bus route in the Skyland Annexation area from July 1, 1989 to October 31, 1989. He said revenue for this route is ranging from .05¢ per mile to .11¢. He said the average revenue for the overall city is 70¢ per mile. He said a decision should be made whether to continue/discontinue this service prior to the expiration of the trial period. He said the request for bus service was originated from the residents of Givens Estate; however, the residents have not been using the service.

Mr. Tomlin said the report would be given to the Asheville

Transit Authority at their meeting on October 11, 1989.

After discussion, it was decided that Council would make a

decision whether or not to continue the service after receiving a recommendation from the Transit Authority.

B. Resolution No. 89-146 - Resolution authorizing the Mayor to

execute an agreement for the purchase of property from the Estate of J. W. Snow. (for Motor Transport Division)

The City Manager presented a resolution authorizing the Mayor to

execute an agreement for the purchase of property from the Estate of J. W. Snow. He said the property is adjacent to the existing City service station and will enhance the operation of the Motor Transport Division of the City of Asheville.

Upon motion of Councilman Frank, seconded by Councilman York,

Resolution No. 89-146 was unanimously adopted.

Resolution Book No. 18 Page No. 2

C. Group Development Actions by the Planning and Zoning Commission

Gerald Green, from the 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. 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 October 4,

1989:

(1) Ingle's - Merrimon Avenue - Amendment to Landscape Plan

The Asheville Planning and Zoning Commission on October 4,

1989 reviewed and approved the site plan of the **Amendment to the Landscape plan for Ingle's - Merrimon Avenue** with the requirement that the Developer locate three trees near front (freestanding) sign location. Recommendation does not include installation of sidewalk along Beaverdam Road in accordance with original recommendation to City Council.

There were several individuals at the Planning and Zoning

Commission meeting asking that the trees in the area be protected.

Councilman Price moved to schedule a public hearing relative

to the amendment to the Landscape Plan for Ingle's - Merrimon Avenue for October 24, 1989. This motion was seconded by

Vice-Mayor Michalove and carried unanimously.

(2) Asheville-Buncombe Technical Community College - Addition and renovation of Learning Resource Center

The Asheville Planning and Zoning Commission on October 4,

1989 reviewed and approved the site plan of the **Asheville-Buncombe Technical Community College - Addition and renovation of Learning Resource Center** subject to the following contingencies:

1) Approval by the Planning Director of an agreement to

construct a facility to provide adequate water supply for fire protection prior to issuance of a building permit; and 2) Staff review of application for building permit for

conformance of those drawings with approved drawings.

Councilman Bratton moved to schedule a public hearing

relative to the Asheville-Buncombe Technical Community College - Addition and renovation of Learning Resource Center for October 31, 1989. This motion was seconded by

Councilman Price and carried unanimously.

(3) K-Mart Plaza on Tunnel Road - Addition of Pizza Hut Take-Out

The Asheville Planning and Zoning Commission on October 4,

1989 reviewed and approved the site plan of the **K-Mart Plaza on Tunnel Road - Addition of Pizza Hut Take-Out** subject to the following contingencies:

1) Approval of an erosion control plan by the Planning

Department prior to soil disturbance; and 2) Compliance with required setbacks; and 3) City Council granting a parking variance if needed.

Councilman Price moved to schedule a public hearing relative

to the site plan of **K-Mart Plaza on Tunnel Road - Addition of Pizza Hut Take-Out for October 31, 1989**. This motion was

seconded by Councilman Frank and carried unanimously.

CLAIMS - BETTY ABSHIRE (SEWER) - GARTH ATKINS (SEWER) - GLENN SHELTON (INSPECTIONS) - DANA OSBORNE (POLICE) - J. D. SPARKS (WATER) -

MARGARET PRICE (WATER) - TABBY MPOFU (POLICE)

The City Manager presented claims received from Betty

Abshire, Garth Atkins, Glenn Shelton, Dana Osborne, J. D. Sparks, Margaret Price, and Tabby Mpofu.

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

LAWSUIT - SHIRLEY W. BROWN AND BOBBY BROWN - PERSONAL INJURY

The City Manager said the city was served with a lawsuit on

October 3, 1989 involving Shirley W. Brown and Bobby Brown relative to a personal injury from a fall in a water meter hole.

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

SIGN ORDINANCE - WORK SESSION - OCTOBER 23, 1989

Mayor Bissette said the Council will be having another Sign Ordinance Work Session on October 23, 1989.

RALPH BISHOP - PRIZE FIGHTING AT CIVIC CENTER - BUS SERVICE TO SKYLAND

The City Manager presented Mr. Bishop with a report relative to prize fighting at the Civic Center.

Mr. Bishop said the residents of Skyland should receive bus service since they have been annexed into the city and pay taxes.

VII. ADJOURNMENT:

Mayor Bissette adjourned the meeting at 6:00 p.m.

MAYOR CITY CLERK
