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Tuesday - November 14, 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; City Manager Douglas O. Bean; and Associate City Manager/City Clerk

William F. Wolcott, Jr.

Absent: Councilman A. Robert York

INVOCATION

The invocation was given by Vice-Mayor Michalove.

APPROVAL OF MINUTES

Mayor Bissette announced the approval of the minutes of the November 7, 1989 meeting as submitted.

I. PROCLAMATIONS:

A. Resolution of Appreciation Presented - City of Valdese

Mayor Pro-Tem Ed Paskall from the City of Valdese

presented Mayor Bissette with a resolution of appreciation for the City of Asheville aiding in the clean up of Valdese from the damage created by Hurricane Hugo.

Mayor Bissette recognized the crews from the Streets

Division and Maintenance Division who went to the City of Valdese to help with the clean up. The resolution was given to Mike Evans, Streets Superintendent to be placed in the Streets Division Offices.

Jeff Morris, Town Manager of Valdese, expressed

appreciation to the City staff members who helped in the clean up.

A. Proclamation - "1989 Light Up Your Holidays Festival" - November 22 - December 31, 1989

Mayor Bissette read the proclamation and presented it to

Dick Hatton, Chairman of Light Up Your Holidays Committee.

Mr. Hatton highlighted the events taking place during

the Light Up Your Holidays Festival.

B. Resolution No. 89-156 - Resolution recognizing recent

retiree, James Carter

Mayor Bissette read the resolution stating that Mr.

Carter retired on June 1, 1989. Mr. Carter has been employed with the City of Asheville since December of 1974. He was a laborer senior in the Sanitation Division for 15 years. Mr. Carter consistently donated blood for City blood drives for the American Red Cross.

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Price, Resolution No. 89-156 was unanimously approved.

Mayor Bissette presented the resolution to Mr. Carter.

Resolution Book No. 18 Page No. 42

II. PUBLIC HEARINGS:

A. Public hearing relative to rezoning property on Cherry

Street for Ken Pitts.

Ordinance No. 1802 - An Ordinance amending Ordinance No.

322, known as "An Ordinance providing for the Zoning of the City of Asheville," as amended, Kenneth and Jacksie

Pitts, Petitioners, property located at 95 Cherry Street

Mayor Bissette said the Asheville Planning and

Zoning Commission on October 4, 1989, voted to

recommend to City Council that Ward 3, Sheet 2, Lots 271 and 272, be rezoned from R-4 Residential District to CBD Central Business District. Petitioners had requested rezoning from R-4 Residential District to CH Commercial Highway District.

Mayor Bissette opened the public hearing at 4:39

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

the property in question is owned by Ken Pitts and houses the Frugal Frammer, a retail framing business. She said the property is in the Montford Redevelopment Area and the Montford Historic District. She reviewed the surrounding zoning in the area. She showed a video of the property requested to be rezoned.

In reviewing the history of the rezoning of the

property, Mrs. Alberice said in June, 1984 the property was rezoned CBD and later rezoned R-4 Residential with the understanding that R-4 Residential District would be amended in order that the Frugal Framer would not be a non-conforming use. She said the Commission voted 4-2 to recommend that the property be rezoned from R-4 Residential District to CBD Central Business District.

O. E. Starnes, Attorney for Ken Pitts, said the

rezoning would be consistent with the original Central Business District (CBD) zoning. He said when the business was constructed the property was zoned CBD and later changed to R-4 Residential District which makes the business a non-conforming use. He said the value of the property has been adversely affected with the R-4 Residential District zoning.

Councilman Martin said the construction of the

Frugal Framer building upgraded the neighborhood.

Mayor Bisette closed the public hearing at

4:55 p.m.

Mayor Bisette said the ordinance was previously

presented to members of Council and would not be read in its entirety.

Councilman Martin moved for the adoption of

Ordinance No.1802. This motion was seconded by Vice-Mayor Michalove.

On a roll call vote of 6-0, Ordinance No. 1802

passed on first reading.

III. OLD BUSINESS:

A. Ordinance No. 1801 - Second reading of an ordinance

amending Article 9. Sign Regulations of the Code of Ordinances of the City of Asheville.

Mayor Bisette said the Asheville Planning and Zoning

Commission on September 27, 1989 moved to forward their recommendations to City Council in the form of an addendum along with the complete, unabridged text of the Asheville Sign Commission's "Draft Sign Ordinance" A public hearing was held on the proposed Sign Regulations on October 24, 1989. This ordinance was read on first reading on November 7, 1989.

Mayor Bisette said members of Council are continuing

to review the proposed ordinance and a number of changes have been made. He said they will continue meeting next week since there are still a number of provisions to review. He said representatives of the sign companies would be meeting with Council tomorrow during a work session to discuss the economic impact of the proposed ordinance. He said copies of the proposed ordinance with the changes would be available to anyone interested.

The City Attorney said protest petitions were received

in opposition to the proposed sign ordinance; however, in calculating the percentages to determine if a 3/4 vote would be required to adopt the ordinance it was determined that substantially less than 20% signed the protest petitions,

therefore a simple majority vote would adopt the ordinance.

In response to Attorney Albert Sneed, the City Attorney

said in determining the calculations 19,769 acres was used as the denominator.

Mr. Sneed requested that the City Attorney review the

percentages again stating that the proposed ordinance

does not affect all properties in the City. He said the current sign ordinance should be enforced before a new sign ordinance is adopted. He requested that Council slow down the process of adopting a sign ordinance and deal with facts rather than emotions.

Barbara Kohler, owner of Stanleys Barbeque, read a

prepared statement in opposition to the proposed sign ordinance. She said the ordinance would adversely affect her business.

Mike Summey, with Summey Outdoor Advertising Company,

stated that Council should have the ordinance in final form prior to the second reading of the ordinance. He said in his opinion Council is moving too fast on this important matter.

Phil Carson, Attorney, said the proposed ordinance has

been under careful review for quite some time with the Sign Commission and the Planning and Zoning Commission.

After discussion, Councilman Price moved to amend

Ordinance No. 1801 to include changes made by Council and underlined in the "draft" ordinance dated 11/14/89. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1801 passed

on second reading.

Mayor Bissette said the third reading of Ordinance No.

1801 will be on November 21, 1989 if the ordinance can be in final form by that time; otherwise, it will on November 28, 1989.

B. Ordinance No. 1762 - Second reading of an ordinance

amending Article 13 of Chapter 30 of the Code of Ordinances of the City of Asheville to create the Albemarle Park Historic District.

Mayor Bissette said 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. A public hearing was held on this matter on October 31, 1989. This ordinance was read on

first reading on November 7, 1989.

Mayor Bissette said the ordinance was previously read on first reading and it would not be reread in its entirety.

Albert Sneed, Attorney representing Jim Daniels and

R. L. Bailey, said his clients do not wish to be

included in the Albemarle Historic District. He said the group wanting the historic district has no financial interest in his clients properties and should not have the right to request that these properties be included in the district. He said being in the historic district would place an unusual burden on the use of the properties.

Lennie Sitnick said the residents are mainly concerned

about future use of the property. She said perhaps the residents could receive some type of permanent assurance about the future use of these properties without impeding upon property owner rights.

Councilman Bratton commented that she is still having

concerns about the proposed ordinance and would like to visit other cities in the vicinity, particularly Morganton, N.C., that have different types of historic districts, such as foundations preserving properties.

On a roll call vote of 6-0, Ordinance No.1762 passed on second reading.

IV. NEW BUSINESS:

A. Resolution No. 89-157 - Resolution of the City of

Asheville, North Carolina approving the facilities and equipment lease agreement and related matters.

Mayor Bissette said the City has received and awarded

bids for renovation to the City Hall Building. The City has received and awarded bids related to its computer system upgrade. This resolution will authorize and ratify actions related to financing the City Hall renovation and computer system upgrade projects.

Upon motion of Councilman Martin, seconded by Councilman

Frank, Resolution No. 89-157 was unanimously adopted.

Resolution Book No. 18 Page No. 13 - 16

B. Ordinance No. 1803 - Budget ordinance amendment to

provide the services of a management consulting firm for a study of labor and equipment requirements for Public Works.

Mayor Bissette said the City and Water Authority propose

a study of maintenance and operations crews in Sanitation, Streets, and Water Maintenance Divisions. A joint effort

will save the respective agencies in the cost of consulting services. Significant cost savings are expected.

The City Manager said the budget amendment is proposed

to provide the services of a management consulting firm for a study of the labor and equipment requirements for maintenance and operating crews in the Sanitation and Streets Divisions. The study is proposed as a joint effort of the City and the Water Authority and includes

the field crews of Water Maintenance Division.

Specifically, the study will determine for each

division:

-The appropriate number of crews to efficiently serve

each function.

-The appropriate number of personnel in each crew.

-The proper amount and type of equipment required by

each crew.

City staff has recognized for some time the cost savings

potential of a crew study. When members of the Water Authority decided to examine Water Department maintenance and operations crews, it seemed a logical choice for Public Works and Water to cooperate in a joint effort and reduce the respective cost of

conducting the study through "volume discount".

A selection group consisting of Harold Huff, Jim Ewing,

and Win Powell; evaluated nine proposals from management consulting firms and recommend Burke and Associates of Aurora, Colorado. Burke is prepared to begin work within 15 calendar days after notice to proceed and will complete the work within 4 months. The pro rata cost of

the study is:

Public Works \$26,000

Water Maintenance 23,000

According to Burke and Associates, expected annual cost

savings for a project of this type is 4 to 7 times the consultant fee which will give Public Works cost savings

of at least \$100,000 per year.

Vice-Mayor Michalove moved to adopt Ordinance No. 1803.

This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1803 passed on first and final reading.

Ordinance Book No. 12 Page No. 46

C. Resolution No. 89-158 - Resolution authorizing Mayor to execute the Metropolitan Sewerage District Consolidation Agreement.

Mayor Bissette said the Consolidation Committee has completed its work and the agreement is being reviewed by all governmental bodies.

Upon motion of Vice-Mayor Michalove, seconded by Councilman Bratton, Resolution No. 89-158 was unanimously adopted.

Resolution Book No. 18 Page No. 17

V. CONSENT:

A. Sale of Disposal Parcel 105 in the East End/Valley

Street Community Improvement Program.

SUMMARY: The Housing Authority has tentatively accepted

a bid for Disposal Parcel 105 in the East End/Valley Street Community Improvement Program. This action will authorize the sale

of Disposal Parcel 105.

B. Resolution No. 89-159 - Resolution authorizing the City

Manager to execute an easement to Southern Bell across a portion of property owned by the City and located on Lexington Avenue.

SUMMARY: This resolution will authorize the execution

of a right-of-way easement to Southern Bell Telephone and Telegraph Company across Lexington Avenue.

Resolution Book 18 Page 18

C. Resolution No. 89-160 - Resolution authorizing submittal of an application to HUD for a Youth Sports Club Grant.

SUMMARY: Application for a youth sports club grant to

combat drugs at public housing sites in the amount of \$25,000 through HUD Program will include establishment of football activities within the Hillcrest Enrichment Program. Program will be administered by Housing Authority of the City of Asheville.

Resolution Book No. 18 - Page 19-20

D. Announcement of appointment to the Housing Authority of the City of Asheville.

SUMMARY: Announce the appointment of Mabel O. Hopkins

as a member of the Housing Authority of the City of Asheville to serve for a term of five (5) years, ending June 11, 1994.

E. Scheduling of public hearing relative to rezoning property located on Springvale Avenue for Cleo and John Wilson and Loraine Hensley for November 28, 1989.

SUMMARY: The Asheville Planning and Zoning Commission on

November 1, 1989, reviewed and recommended approval of rezoning Ward 7, Sheet 16, Lots 4, 101, 104, 114, and 125, from R-3 Residential

District to LI Light Industrial District.

F. Resolution No. 89-161 - Resolution authorizing the City

Manager to enter into an agreement with Burke and Associates, Inc. of Aurora, Colorado, to conduct a Crew Study for Public Works.

SUMMARY: The City and Water Authority propose a study

of maintenance and operations crews in Sanitation, Streets, and Water Maintenance Divisions. A joint effort will save the respective agencies in the cost of consulting services. Significant cost savings are expected.

Resolution Book No. 18 Page 21

G. Resolution No. 89-162 - Joint resolution to encourage the conservation, preservation and enhancement of the scenic beauty of Buncombe County.

SUMMARY: This joint resolution by Buncombe County, the

City of Asheville, Biltmore Forest, Black Mountain, Montreat, Weaverville, Woodfin, Asheville Area Chamber of Commerce, Black Mountain/Swannanoa Chamber of Commerce, the Council of Independent Business Owners, the Asheville Board of Realtors, and the Greater Asheville Home Builders Association is to encourage the conservation, preservation and enhancement of the scenic beauty of Buncombe County.

Resolution Book No. 18 - Page 22 - 23

Upon motion of Vice-Mayor Michalove, seconded by Councilman

Martin, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

A. Resolution No. 89-163 - Resolution authorizing the City

Manager to execute an agreement for the purchase of property on Haywood Street

The City Manager presented the resolution which would

authorize execution of an agreement with W. C. Johnson and/or Samuel Jerome Crow, as Trustee, for the purchase of property on Haywood Street (formerly occupied by the Camera House and High Country Crafters).

Upon motion of Vice-Mayor Michalove, seconded by Councilman

Martin, Resolution No. 89-163 was unanimously adopted.

Resolution Book No. 18 - Page 24 - 25

B. Ordinance No. 1804 - Budget Ordinance Amendment - Computer

Upgrade and Rankin Arcade Project

The City Manager presented a budget ordinance amendment which

establishes an appropriation for the computer upgrade project

\$1,300,000 and increases the appropriation for the Rankin Arcade to \$400,000.

Vice-Mayor Michalove moved for the adoption of Ordinance No.

1804. This motion was seconded by Councilman Martin.

On a roll call vote of 6-0, Ordinance No. 1804 passed on

first and final reading.

Ordinance Book No. 12 - Page 46

C. Resolution No. 89-164 - Resolution appointing member to the

Alcohol Beverage Control Board (Russell M. Martin)

Mayor Bissette presented a resolution appointing Russell M.

Martin as a member of the City of Asheville Board of Alcoholic Control for a term of three years, term expiring November 13, 1992, or until his successor is duly appointed and qualified.

Upon motion of Councilman Bratton, seconded by Councilman

Frank, Resolution No. 89-164 was unanimously adopted.

Resolution Book No. 18 - Page 26

D. Announcement - Amended Sign Package for River Ridge

Development - Public Hearing

The City Manager announced that a public hearing was

scheduled for today relative to the amended sign package for River Ridge Development. He said it has been

determined that the public hearing was not needed; however, the project would be coming back before Council in the form of a group development.

E. City of Asheville Water Tapping Team

The City Manager said the City of Asheville Water Tapping

Team successfully defended their State Championship Title at Grove Park Inn today. He said they would be competing in the National Competition in Cincinnati, Ohio.

F. Claims - Helen Lewis (Streets) - Troy Pegg (Water) - Robert

Oglesby (Sanitation) - Catherine Santoli (Police) - John Drake (Water) - Selina McCuiston (Sewer)

The City Manager presented claims received from Helen Lewis,

Troy Pegg, Robert Oglesby, Catherine Santoli, John Drake, and Selina McCuiston.

Mayor Bissette referred the claims to the City Attorney for

investigation and recommendation.

G. Lawsuit - David Lynn and wife, Lorna Lynn (Board of

Adjustment meeting)

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

November 8, 1989 involving David Lynn and wife, Lorna Lynn, regarding special proceeding to compel testimony and production of records at Board of Adjustment meeting.

Mayor Bissette referred the lawsuit to the City Attorney for

investigation and recommendation.

VII. ADJOURNMENT

Mayor Bissette adjourned the meeting at 6:10 p.m.

MAYOR CITY CLERK
