

Tuesday - January 30, 1990 - 4:00 P.M.

Regular Meeting

Present: Vice-Mayor William G. Moore, Presiding; Councilmen

Mary Lloyd Frank, Norma T. Price, Eugene W. Ellison and William W. Estes; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Kenneth M. Michalove and Councilman Wilhelmina

Bratton.

INVOCATION

The invocation was given by Councilman Price.

APPROVAL OF MINUTES

Vice-Mayor Moore announced the approval of the minutes

of the January 23, 1990 meeting as submitted.

I. PROCLAMATIONS:

A. Recognition of employee naming City Wellness Newsletter.

John Miall, from the Personnel Department, said under

the Wellness contract with St. Joseph's Hospital, a monthly wellness newsletter will be published for City employees and their families. He said the Personnel Department, Wellness Committee, offered a \$50.00 reward to the employee whose name was selected for the newsletter. On January 17, 1990, the Committee met and selected Ms. Ann Gordon's entry, "WELL, I'LL BE...." as

the winning entry.

Mr. Miall presented a \$50.00 check to Ann Gordon of the

Personnel Department for naming the employee wellness

newsletter.

C. Proclamation proclaiming February, 1990 as "Heart of Asheville Month"

Vice-Mayor Moore read the proclamation and presented it

to Robin Daniel, on behalf of the Asheville Downtown Association.

D. Resolution No. 90-15 - Resolution recognizing Oralene

Simmons for attending United Nations Reception honoring Dr. Martin Luther King.

Ray Kisiah, Director of Parks and Recreation, said Ms.

Oralene Simmons was invited to attend a special reception in honor of Dr. Martin Luther King and Ms. Coretta Scott King at the United Nations Building on Wednesday, January 17, 1990. Ms. Simmons, a member of the N. C. Martin Luther King, Jr. Holiday Commission was one of only two people invited from North Carolina to this international reception of 100 guests.

Mr. Kisiah said Ms. Simmons was invited because of her

work toward making the local Martin Luther King, Jr. celebration in Asheville such a success. He said this year, Asheville hosted the N. C. celebration in conjunction with the state celebration.

Vice-Mayor Moore read the resolution.

Upon motion of Councilman Price, seconded by Councilman

Ellison, Resolution No. 90-15 was unanimously adopted.

Resolution Book 18 - Page 74

II. PUBLIC HEARINGS:

III. OLD BUSINESS:

A. Ordinance No. 1812 - Third reading of an Ordinance

relative to amending Chapter 30 of the Code of Ordinance of the City of Asheville to include self service storage facilities as permitted uses and conditional uses.

Vice-Mayor Moore said the proposed ordinance amendment

defines self-service storage facilities, identifies districts in which they are permitted, and establishes

standards for their development. This ordinance was read on first reading on January 16, 1990 and on second

reading on January 23, 1990.

Vice-Mayor Moore said the ordinance was previously read

on first and second reading and would not be reread in its entirety.

At the request of the City Attorney, Councilman Price

moved to amend Ordinance No. 1812, Section 30-7-1 (L) (7) Landscaping Requirements to read as follows: "In lieu of the requirements of Section 30-3-14(G), a landscaped strip of twenty (20) feet in width shall be provided to screen the self-service storage facility buildings. The centerline of this screening shall be placed a maximum of 60 feet in front of the first row of storage buildings, in order to facilitate the purpose of this ordinance, which is to provide screening within closed proximity of the storage buildings and further to provide for the screening to be between the self-service storage facility buildings and any development between said buildings and the street." This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1812, as

amended, passed on third and final reading.

Ordinance Book 12 - Page 58 - 64

B. Ordinance No. 18186 - Second reading of an ordinance

amending Section 28-81.4 and Section 28-81.7 of Article IV, Speed Regulations (lowering speed limits on Midland Drive and a portion of Sweeten Creek Road (U.S. 25A))

Vice-Mayor Moore said this action will lower the

existing 35 mph speed limit on Midland Drive to 30 mph and will lower the existing 50 mph speed limit on a portion of Sweeten Creek Road to 45 mph. This ordinance

was read on first reading on January 23, 1990.

Vice-Mayor Moore said this ordinance was previously read

on first reading and will not be reread in its entirety.

On a roll call vote of 5-0, Ordinance No. 1816 passed on

second reading.

IV. NEW BUSINESS:

A. Ordinance amending Chapter 5 (Animals and Fowls) of the

Code of Ordinances of the City of Asheville.

The City Attorney said the present ordinance places no

limitations on the number of animals which may be permitted and the amendment places a limit of twenty-five (25) animals on lots of less than one (1) acre. He said the present ordinance gives the power to permit to the Animal Control Officer and the amendment places the responsibility in the hands of the City Manager, or his designee. He said the ordinance will also require that the general character of the neighborhood and the nature of any complaints received from neighboring property owners be considered in issuing permits, as is the case with the existing ordinance.

R. L. Carver, from the Asheville Police Department,

answered general questions from members of Council relative to the proposed ordinance.

John Robinson, 24 Springside Drive, spoke to members of

Council relative to a problem from 20 Springside Drive. He said a permit was issued to the owner of 20 Springside Drive for more than 25 cats. He said the area smells and is unsightly. He said many complaints have been filed with the Animal Control Officer and nothing has been done. He said the ordinance should limit the number of animals that can be kept and all animals should be confined within a fenced area. He said he had talked with Councilman Price and Councilman Bratton about this matter.

William Darden, 20 Springside Drive, said he felt this

ordinance was intended directly toward him and he is going to court against the city about this matter.

Councilman Ellison moved to table action on this

proposed ordinance until Council members have an opportunity to discuss it further. This motion was seconded by Councilman Estes.

Councilman Price asked that the record show that she has

not talked with any of the residents involved in the matter within the past four (4) years and this ordinance was not initiated by Council but from the neighborhood.

After discussion, Councilman Ellison and Councilman

Estes withdrew their motion to table.

No action was taken on the ordinance and it was the

intent of Council that this matter be brought back for consideration at a later date.

Glen Atkins, a resident on Springside Drive, said some

action needs to be taken to correct the problems at 20

Springside Drive.

**B. Ordinance No. 1818 - Budget ordinance amendment
appropriating funds for Stormwater Inventory.**

Vice-Mayor Moore said the Storm Water Inventory being

developed by CH2M Hill Consulting Engineer requires \$200,000 in additional funds to continue the inventory and complete it as outlined in the CH2M Hill contract. A budget amendment to accomplish the inventory is required. The increase in funds to complete the inventory is the result of new annexation areas and underestimation of the total number of drainage structures in the original structure estimate.

Vice-Mayor Moore said this ordinance was previously

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

Councilman Price moved for the adoption of Ordinance No.

1818. This motion was seconded by Councilman Frank.

On a roll call vote of 5-0, Ordinance No. 1818 passed on

first and final reading.

Ordinance Book 12 - Page 72

V. CONSENT:

VI. OTHER BUSINESS:

CLAIMS - RANDY E. DAVIS (FIRE) - SHULIMSON BROTHERS CO., INC. (WATER) - GERALD T. HARRIS (WATER) - TIM BRADLEY (STREETS) - MIKE GATLIN (WATER) - JAMES C. SMITH (WATER) - BRUCE McTAGGART (SEWER)

The City Manager presented claims received from Randy E. Davis, Shulimson Brothers Co., Inc., Gerald T. Harris, Tim Bradley, Mike Gatlin, James C. Smith and Bruce McTaggart.

Vice-Mayor Moore referred the claims to the City Attorney for investigation and recommendation.

ANNOUNCEMENTS - MEETINGS RELATIVE TO NEW CRIMINAL JUSTICE CENTER

The City Manager announced that the Greater Asheville Council has invited Council members to attend a meeting Thursday, at 5:00 p.m. at the Downtown City Club to discuss the bond election for the new Criminal Justice Center. He said a full blown presentation will also be given at 8:00 a.m. on Monday, February 5, 1990 at Asheville-Buncombe Technical Institute by the architect for the new Criminal Justice Center.

DAVE CHEADLE - ART SIGN COMPANY - REQUEST TO AMEND SIGN PERMIT FEES

Dave Cheadle, owner of Art Sign Company, requested that Council look into changing the method of sign permit fees. He said the present fee schedule is based on square footage and is discriminatory to the small business person. He said, for example, a sign costing \$700 has a permit fee of \$192.00 and a sign the same size costing \$5,000 also has a permit fee of \$192.00. He said the small business person can not afford this exorbitant fee.

Vice-Mayor Moore said Council would look into Mr. Cheadle's request and give him a report back.

VII. ADJOURNMENT:

Vice-Mayor Moore adjourned the meeting at 5:00 p.m.

MAYOR CITY CLERK
