

Tuesday - March 20, 1990 - 4:00 P.M.

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Councilmen Mary

Lloyd Frank, Norma T. Price, Wilhelmina Bratton, 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: Vice-Mayor William G. Moore

INVOCATION

The invocation was given by Councilman Bratton.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes of the March 13, 1990 meeting.

I. PROCLAMATIONS:

A. Resolution No. 90-41 - Resolution recognizing recent retiree, Billy Reese.

Mayor Michalove read the resolution recognizing recent

retiree, Billy Reese. Billy Reese has been employed with the City of Asheville since August 1952 and was a Warden Senior in the Water Department. He retired effective January 1, 1990.

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 90-41 was unanimously adopted.

Mayor Michalove presented the resolution to Billy Reese.

Resolution Book 18 - Page 103

B. Resolution No. 90-42 - Resolution commending Asheville

High School for its participation in the international exchange program and recognizing the foreign exchange students and teacher from Japan.

Mayor Michalove read the resolution stating that in

order to develop better international understanding and to promote the exchange of ideas and customs between American and foreign high school students, the Council of International Reduction and the National Association of Secondary School Principals are sponsoring a Student Exchange Program from March 12 to April 5, 1990, at which time Asheville High School is hosting foreign exchange students and one teacher from Kofu, Japan. This resolution will commend Asheville High School, the visiting students and teachers and their families, and the sponsoring

organizations for their efforts toward international friendship and mutual understanding.

Upon motion of Councilman Frank, seconded by Councilman Ellison, Resolution No. 90-42 was unanimously adopted.

Jack Cole introduced the leader of the foreign high school students from Kofu, Japan. Individual welcome letters, along with a copy of the resolution, were presented to the students.

Resolution Book 18 - Page 104

C. Proclamation proclaiming the month of March, 1990 as "Mental Retardation Awareness Month".

Mayor Michalove read the proclamation stating that

the purpose of this proclamation is to urge the citizens of Asheville to learn more about mental retardation and to support the special programs and services to these special citizens thereby improving their quality of life.

Mayor Michalove presented the proclamation to Roxann Rotundo.

II. PUBLIC HEARINGS:

A. Public hearing relative to the adoption of the Minority and Women Business Procurement Plan.

Mayor Michalove said the Minority and Women Business

Procurement Plan includes the Policy of the City with regard to providing equal opportunity for minority and women owned business enterprises (M/WBE) in all aspects of City contracting and purchasing programs. The plan also includes goals for M/WBE participation and describes responsibilities of the City and contractors to enhance efforts to meet the goals. This public hearing was scheduled at the March 6th meeting.

Mayor Michalove opened the public hearing at 4:26 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.

The City Manager said several weeks ago Council members

were given the history and basic aspects of the Minority and Women Business Procurement Plan. He said the document includes provisions outlined in a recently adopted resolution establishing verifiable percentage goals for participation by minority business in the awarding of building construction contracts awarded pursuant to N.C. Gen. Stat. Sec. 143-128. He said because this document includes state statute provisions it was determined that a public

hearing on the plan was needed to seek input into the plan.

He said minor changes have been made in the plan to

conform with state law and he would suggest that the document be reviewed by the Minority and Women Business Committee prior to adoption by Council. He suggested that the public hearing be continued for three weeks.

Councilman Bratton requested that copies of the proposed plan be sent to the Black Business and Professional League.

Marilyn Bass, Economic Development Coordinator for the

YMI, requested that Council expedite this plan as soon as possible. She said Joe Webster, with the NAACP, has also requested that Council expedite the plan and that separate goals be established for minorities and women.

Councilman Frank moved to continue the public hearing

relative to the adoption of the Minority and Women Business Procurement Plan until April 10, 1990 without further advertisement. This motion was seconded by Councilman Bratton and carried unanimously.

III. OLD BUSINESS:

A. Ordinance No. 1834 - Third reading of ordinance amending

Chapter 5 (Animals and Fowls) of the Code of Ordinances of the City of Asheville.

Mayor Michalove said previously, Section 5-9, Article

III, of Ordinance 1481 was very vague. There were no limits to the number of animals which could be kept, there were no definitions of items, the power to give a permit was solely with the Animal Control Officer, and there was no appeal process.

Mayor Michalove said this ordinance was previously read

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

On a roll call vote of 6 - 0, Ordinance No. 1834 passed

on third and final reading.

Ordinance Book 12 - Page 90-92

IV. NEW BUSINESS:

A. Motion approving final plat of the Lookout Point -

Subdivision.

Gerald Green, with the Planning Department said the

preliminary plat for the Lookout Point Subdivision was approved by the Asheville Planning and Zoning Commission on January 11, 1989. The subdivision consists of five (5) lots located at the end of Skylyn Court in the Richmond Hills section of Asheville and consists of 2.46 acres.

Mr. Green said the subdivision plat meets all the

conditions outlined by the Planning and Zoning Commission. He said the developer will request that the Board of Adjustment approve a variance from the required 70' street frontage to 50' street frontage due to the size of the lots.

After discussion, Councilman Ellison moved to approve

the final plat of the Lookout Point Subdivision as recommended by the Planning and Zoning Commission and contingent upon the Board of Adjustment approving the requested variance on street frontage. This motion was seconded by Councilman Estes and carried unanimously.

B. Motion approving variances for the Blake Mountain

Estates Subdivision - Phase I.

Gerald Green, from the Planning Department, said the

Asheville Planning and Zoning Commission on March 7, 1990, reviewed and approved the preliminary plat subject to the following contingencies: 1) Provide a cul-de-sac at the end of Galloway Drive; and 2) Approval by City Council of a variance to permit a grade of 13.5% on a section of Blake Wood Court and a grade of 13.029% on a section of Galloway Drive.

Mr. Green said the subdivision includes 18 lots on 13

acres and is located off Overlook Road on Westridge Road. He said approval of the variance regarding street grade will reduce the sharpness at the entrance to the subdivision and will eliminate excessive land disturbance.

During the discussion relative to street grade, the City

Manager said the staff is studying levels of service on different street grades

After further discussion, Councilman Frank moved to

approve the variances for the Blake Mountain Estates Subdivision - Phase I as recommended by the Planning and Zoning Commission. This motion was seconded by Councilman Price and carried unanimously.

C. Ordinance No. 1837 - Budget amendment to provide funding

necessary for the replacement of ballfield poles at West Asheville Park.

The City Manager said in order to have the West

Asheville ballfield safe for play before the start of the Little League season in mid April, light poles need to be removed and replaced and fixtures will need to be rewired. This amendment will provide this funding.

Mayor Michalove said members of Council were previously

furnished copies of the ordinance and it will not be read in its entirety.

Councilman Ellison moved for the adoption of Ordinance

No. 1837. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1837 passed on

first and final reading.

Ordinance Book 12 - Page 95

D. Ordinance No. 1838 - Ordinance amending Code of

Ordinances to provide for and regulate horse drawn vehicles in the downtown area.

Mayor Michalove said the Code as it is currently

constituted does not provide for the operation of horse drawn vehicles in the city. These changes would allow this type of business.

Leslie Anderson, Director of Downtown Development,

outlined the provisions of the proposed ordinance. She said Robert Fleming from Charleston, S. C. is interested in starting a new business in Asheville with horse drawn carriages. She said the Downtown Commission has endorsed the proposed business and ordinance.

Robert Fleming explained the details of his proposed business.

It was determined that the route for the carriages would be an administrative decision.

Councilman Ellison questioned whether or not there would be potential liability on the part of the City in this business.

Dee Williams, Asheville Business Development

Association, said there had been some mention of the horses being stabled on Eagle Street near the YMI Building. She said the community is concerned about this decision.

It was noted that the horses could not be stabled in the

City at the present time. The Planning and Zoning Commission is considering an amendment to the Zoning Ordinance to allow horse stables in certain zoning districts within the City, however, this would be taken up by Council at a later date.

Ralph Bishop questioned whether or not the horse drawn carriages would create a traffic problem in downtown.

Mayor Michalove noted that a letter had been received

from Attorney Jack Westall, on behalf of the Grove Park Inn, relative to the horse drawn carriage business proposed for downtown. He said the Legal Staff is reviewing those comments for possible inclusion in the ordinance.

John Walsh, Ivy Street, asked why trolley cars could not be pulled by the horses.

There was some indication that "carriage" should be specifically defined in the ordinance.

Councilman Bratton moved for the adoption of Ordinance No. 1838. This motion was seconded by Councilman Price.

On a roll call vote of 6-0, Ordinance No. 1838 passed on first reading.

V. CONSENT:

VI. OTHER BUSINESS:

A. COUNCIL MEETING FOR APRIL 17, 1990 - CANCELLED

Mayor Michalove announced that the meeting scheduled for April 17, 1990 would not be held since it is the Tuesday after Easter.

B. COUNCILMAN BRATTON - STATUS REPORT ON HOUSE ON WALTON STREET

Councilman Bratton requested a status report on the house on Walton Street that needs attention. She said she had received numerous calls about this property.

C. NORTH CAROLINA PLANNING ASSOCIATION AWARDS

Julia Cogburn, Director of Planning, said Asheville would be receiving three awards and the State Planning Association meeting on April 11, 1990. She said Representative Marie Colton would be receiving one for Erosion Control and Sign Control; an Outstanding Planning Award would be received for Riverfront Planning; and the Asheville Citizen-Times would be receiving the Outstanding Journal Award.

D. CLAIMS - J. D. DANNER (STREETS), M. B. HAYNES (WATER),

SHERRY SEYMOUR (WATER), SONYA BURLESON (TRAFFIC ENGINEER), SANDRA JOHNSON (WATER), MYRA N. GRANT (INSPECTIONS), FLORENCE ROBBS (WATER)

The City Manager presented claims received from J. D.

Danner (Streets), M. B. Haynes (Water), Sherry Seymour (Water), Sonya Burleson (Traffic Engineering), Myra N. Grant (Inspections), and Florence Robbs (Water).

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

E. LAWSUITS - CITY OF ASHEVILLE VS. TODD DEVELOPMENT AND WOODHAVEN ASSOCIATES

The City Manager said the City had been served with a lawsuit by Todd Development and Woodhaven Associates involving an appeal from a decision of the Board of

Adjustment.

Mayor Michalove referred the lawsuit to the City Attorney
for appropriate action.

F. RALPH BISHOP - GLOBE FURNITURE BUILDING - BROADWAY

Ralph Bishop made comments to members of Council relative
to the Globe Furniture Building on Broadway.

VII. ADJOURNMENT

Mayor Michalove adjourned the meeting at 5:50 p.m.

MAYOR CITY CLERK
