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Tuesday - February 5, 1991

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor

William G. Moore; 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:

### **INVOCATION**

The invocation was given by Mayor Michalove.

### **APPROVAL OF MINUTES**

Mayor Michalove announced the approval of the minutes of the January 22, 1991 meeting as submitted.

### **I. PROCLAMATIONS:**

#### **A. B\*E\*S\*T Quarterly Winner Award - Officer Gary Davis -**

##### **Police Department**

The City Manager presented the B\*E\*S\*T Quarterly Winner

Award to Officer Gary Davis. He said the B\*E\*S\*T Committee met on January 8, 1991 and Gary Davis was chosen as the 4th Quarter B\*E\*S\*T winner out of 20 candidates.

The City Manager said Officer Davis went the extra mile

at the bus station in helping a blind, deaf mute find his relatives. Establishing communication required significant perserverance on Officer Davis' part. By writing with his fingers on the officers hand and

patting twice between words, Officer Davis was able to determine who the individual's relatives were and make arrangements to have him picked up.

#### **B. Proclamation - "Patriotism Week"**

**- February 18 - 25, 1991**

Mayor Michalove read a proclamation for "Patriotism

Week" for February 18 - 25, 1991 and presented a copy to

Walter Fink with the Elk's Lodge #608.

**II. PUBLIC HEARINGS:**

**III. OLD BUSINESS:**

**A. Ordinance No. 1891 - Second reading of an ordinance**

**prohibiting structures within the public rights-of-way.**

Mayor Michalove said this ordinance will repeal Section

25-17 (Encroachment Agreements) of the Code of Ordinances of the City of Asheville and substitute new language prohibiting and/or regulating structures within the public rights-of-way. This ordinance was

read on first reading on January 22, 1991.

Mayor Michalove said the ordinance was previously read

on first reading and would not be read in its entirety.

On a roll call vote of 7-0, Ordinance No. 1891

passed on second reading.

**B. Ordinance No. 1889 - Third reading of an ordinance**

**amending Sections 28-81.2, 28-81.3, and 28-81.4 of Article IV, Speed Regulations of Chapter 28 of the Code of Ordinances of the City of Asheville. (Speed Limit Reduction on Aurora Drive, Lakewood Drive, Wyoming Road, and Forest Hill Drive)**

Mayor Michalove said this action will reduce speed

limits as follows:

Aurora Drive - 25 mph to 20 mph

Lakewood Drive - 35 mph to 25 mph

Wyoming Road - 35 mph to 30 mph

Forest Hill Drive - 30 mph to 25 mph

Mayor Michalove said the ordinance was previously read

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

Vice-Mayor Moore moved to amend Ordinance No. 1889 to

include the speed limit reduction on Castle Street from 35 mph to 20 mph. This motion was seconded by Councilman Bratton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1889 passed

on third and final reading.

**Ordinance Book No. 12 - Page 310 - 311**

**IV. NEW BUSINESS:**

**A. Ordinance No. 1892 - Budget Ordinance amendment to**

**appropriate bond revenues, contributions from other funds and bond interest earnings to street and sidewalk contracts.**

The City Manager said this ordinance appropriates all

street and sidewalk bond revenues, contributions from the General Fund and bond investment earnings to

current and anticipated street and sidewalk projects.

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

Councilman Price moved for the adoption of Ordinance No. 1892. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 7-0, Ordinance No. 1892 passed on first and final reading.

**Ordinance Book No. 12 - Page 314**

**B. Final Plat approval for Blake Mountain Estates**

**Subdivision off Blake Mountain Drive and Galloway Drive.**

Don Sherrill, with the Planning Department, said Phase

I of Blake Mountain Estates subdivision consists of 27 lots and includes the construction of approximately 2,150 lineal feet of new road. The developer proposes to serve the lots with individual wells and septic systems. The preliminary plan for the subdivision was approved by the Planning and Zoning Commission on March 7, 1990 with two contingencies: 1) A cul-de-sac turnaround be placed at the end of Galloway Drive; and 2) A variance granted by the City Council for those sections of the street with grades in excess of 12%. Both of these contingencies have been met by the developer.

He said the developer has installed a sanitary sewer

line to serve five (5) of the lots. Plans for the construction of this line have not been approved by the City or the State, as required by local and state regulations. The developer has agreed not to tap into this sewer line until the plans have been approved, the line has been inspected and approved, and the sewer line accepted by MSD.

Mr. Sherrill said the staff is also recommending a

contingency for a maintenance easement for a water line that runs along the roadway.

After discussion, Vice-Mayor Moore moved to approve the

final plat of the Blake Mountain Estates Subdivision contingent upon the developer providing a maintenance easement for the water line along the roadway; said easement to be approved by the City Attorney. This motion was seconded by Councilman Ellison and carried

unanimously.

**V. CONSENT:**

**A. Scheduling of public hearing relative to rezoning**

**property located at 23 and 17 Eloise Street and 136 Merrimon Avenue - Petitioners - Deal Buick for February 19, 1991.**

SUMMARY: The Asheville Planning and Zoning Commission

on January 9, 1991, reviewed and recommended approval of rezoning Ward 2, Sheet 5, Lots 56, 57, and a portion of 64 from R-3 Residential

District to CH Commercial Highway District.

**B. Scheduling of public hearing relative to amending**

**Article 7, Chapter 30 of the Zoning Ordinance relative to Conditional Use Permits for February 19, 1991.**

SUMMARY: The Asheville Planning and Zoning Commission

on January 9, 1991, reviewed and recommended approval of the amendment to Article 7 of Chapter 30. The proposed amendment acknowledges that conditional use permits for

certain uses are to be approved City Council.

**C. Resolution No. 91-9 - Resolution appointing member to the Metropolitan Sewerage District Board.**

SUMMARY: This action will appoint Charles Penny as a

member of the Metropolitan Sewerage District Board to serve for a three (3) year term, term expiring January 19, 1994.

**Resolution Book No. 18 - Page 328**

**D. Resolution No. 91-10 - Resolution appointing member to the Downtown Development Commission.**

SUMMARY: This action will appoint Vic Trantham as a

member of the Asheville Downtown Commission.

**Resolution Book No. 18 - Page 329**

**E. Scheduling of public hearing relative to amending**

**Ordinance No. 1172, the Flood Plain Regulations of the City of Asheville, for February 19, 1991.**

SUMMARY: The Federal Emergency Management Agency and

the State Emergency Management Agency are requiring certain amendments to the City's ordinance to bring it into compliance with

federal and state guidelines.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Bratton, the consent agenda was unanimously approved.

## **VI. OTHER BUSINESS:**

### **A. Claims - Don Dupree (Streets) - Fred Essig (Wastewater) -**

**Mildred Young (Water) - Louis Rice, Jr. (Sanitation) - Robin Tolleson (Fire Department) - City of Asheville (City vehicle damaged) - City of Asheville (City cellular phone stolen) - Michaelene Lord (Sanitation) - City of Asheville (City vehicle damaged)**

The City Manager said claims were received from Don

Dupree, Fred Essig, Mildred Young, Louis Rice, Jr., Robin Tolleson, City of Asheville, and Michaelene Lord.

Mayor Michalove said these claims have been referred to the appropriate insurers for investigation.

### **Lawsuits - BASF Corporation (Challenge to annexation of West II annexation area)**

The City Manager said on January 22, 1991 the City was

served with a lawsuit involving BASF Corporation - challenge to annexation of West II annexation area.

Mayor Michalove said the lawsuit has been referred to the appropriate legal counsel for action.

### **B. Council Meetings - Alternate Formal/Informal Meetings**

Mayor Michalove said at the Annual Council Retreat a

decision was made to have alternate formal Council meetings and Council work sessions. He said Council would meet formally on the first and third Tuesdays at 4:00 p.m. and informally on the second and fourth Tuesdays at 2:00 p.m. for work sessions.

### **C. Annual Board and Commission Appreciation Luncheon**

Mayor Michalove said the Annual Board and Commission

Appreciation Luncheon will be held at the Asheville Civic Center Banquet Room on March 19, 1991 at 12:00 Noon.

### **D. Chris JoHansen - Comments**

Upon inquiry of Chris JoHansen, Mayor Michalove said

when the decisions regarding the alternate formal/informal meetings are "fine-tuned" the public would be informed.

Mr. JoHansen commended members of Council for streamlining the meeting schedules.

**E. Ralph Bishop - Lottery Sales**

Ralph Bishop spoke to members of Council relative to the lottery sales in the City of Asheville.

**VII. ADJOURNMENT**

Mayor Michalove adjourned the meeting at 4:40 p.m.

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MAYOR CITY CLERK

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