

Tuesday - February 26, 1991 - 4:00 p.m.

Regular Meeting

Present: Councilman Norma T. Price, Presiding, Councilmen

Wilhelmina Bratton, Eugene W. Ellison and William W. Estes; City Attorney William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: Mayor Kenneth M. Michalove, Vice-Mayor William G. Moore

and Councilman Mary Lloyd Frank

ACTING CHAIRMAN

Councilman Price was unanimously elected temporary chairman,

due to the absence of the Mayor and Vice-Mayor.

INVOCATION

The invocation was given by Councilman Ellison.

STUDENT REPRESENTATIVES

Mr. Charles Penny, Assistant City Manager, introduced Ms.

Angie Efstation and Ms. Perri Sutton, both Juniors at Asheville High School, who were chosen to be the student representatives.

APPROVAL OF THE MINUTES

Councilman Price announced the approval of the minutes of

the February 12, 1991, City Council meeting as well as the approval of the minutes of the February 19, 1991, City Council meeting.

I. PROCLAMATIONS:

A. RESOLUTION NO. 91-18 - RESOLUTION WELCOMING THE SOUTHERN BASKETBALL CONFERENCE.

B. RESOLUTION NO. 91-19 - RESOLUTION HONORING DAVE HART, COMMISSIONER OF THE SOUTHERN CONFERENCE.

Councilman Price read a resolution welcoming the

Southern Basketball Conference which will be held on March 1 - 3, 1991, at the Asheville Civic Center. This will be the eighth year the Southern Basketball

Conference has been held in Asheville.

Upon motion of Councilman Bratton, seconded by Councilman Ellison, Resolution No. 91-18 was unanimously adopted.

Councilman Price recognized former Mayor W. Louis

Bissette, Jr., who introduced members of the Asheville Sports Committee, Commissioner of the Southern Conference Dave Hart and Commissioner-Elect of the Southern Conference Wright Waters. He also introduced Civic Center staff and other people who were actively involved in bringing the Southern Conference to Asheville again this year. On behalf of the Asheville Sports Committee and the Southern Conference, Mr. Bissette thanked the City Council for their support of the Conference.

Councilman Price read a resolution honoring Dave Hart, Commissioner of the Southern Conference, who will be stepping down this year as Commissioner.

Upon motion of Councilman Bratton, seconded by Councilman Ellison, Resolution No. 91-19 was unanimously adopted.

Mr. Hart passed out hats to the members of Council and thanked them for all their support over the past years.

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C. RECOGNITION OF EMPLOYEE OF THE YEAR, OFFICER GARY DAVIS OF THE ASHEVILLE POLICE DEPARTMENT.

City Manager Bean recognized Officer Gary Davis of the

Asheville Police Department as "Employee of the Year." Mr. Bean stated that the B*E*S*T Committee met on January 18, 1991, and chose Gary Davis as Employee of the Year for his going the extra mile in helping a blind, deaf mute find his relatives.

II. PUBLIC HEARINGS: NONE

III. OLD BUSINESS:

A. ORDINANCE NO. 1894 - SECOND READING OF AN ORDINANCE

REZONING PROPERTY LOCATED AT 23 AND 17 ELOISE STREET AND 136 MERRIMON AVENUE - Petitioners - Deal Buick.

Councilman Price said that 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 Lot 64 from R-3 Residential District to CH Commercial Highway District. She said this ordinance was read on first reading on February 19,

1991.

Ms. Margaret Wallace, representing Deal Buick, requested that this ordinance be voted on its second and third readings at this time.

City Attorney Slawter stated that there needed to be at least 5 members of Council present in order to suspend the rules and since only 4 members were present, the request could not be granted.

Councilman Price said this ordinance was previously read on first reading and would not be read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 1894 passed on second reading.

**B. ORDINANCE NO. 1896 - SECOND READING OF AN ORDINANCE
RELATIVE TO AMENDING ORDINANCE NO. 1172, THE FLOOD PLAIN
REGULATIONS OF THE CITY OF ASHEVILLE.**

Councilman Price said that 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. She stated that this ordinance was read on first reading on February 19, 1991.

Mr. Gerald Green, Senior Planner, answered questions from the members of Council.

Councilman Price said this ordinance was previously read on first reading and would not be read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 1896 passed on its second reading.

IV. NEW BUSINESS:

A. ORDINANCE NO. 1897 - AN ORDINANCE AMENDING SECTIONS 28-

82.3 AND 28-81.7 OF ARTICLE IV, SPEED REGULATIONS, OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF

ASHEVILLE.

Councilman Price stated that this action will establish

a 45 m.p.h. speed limit on U.S. 25 between Rock Hill Road and Royal Pines Drive. It will also establish a 25 m.p.h. speed limit between Ridgefield Road and the Blue

Ridge Parkway, during designated school hours.

It was the consensus of Council to contact the North

Carolina Department of Transportation and request that they put some type of flashing signal designating that there is a school zone ahead and the speed limit reduced

during the designated school hours.

Councilman Price said this ordinance was previously

furnished copies of the ordinance and it would not be

read in its entirety.

Councilman Ellison moved for the adoption of Ordinance

No. 1897. This motion was seconded by Councilman Estes.

On a roll call vote of 4-0, Ordinance No. 1897 passed on

its first reading.

B. RESOLUTION NO. 91-20 - RESOLUTION STATING THE INTENT OF

THE CITY OF ASHEVILLE TO CONSIDER THE ANNEXATION OF AN AREA KNOWN AS THE BREVARD ROAD AREA AND FIXING THE DATE OF A PUBLIC HEARING ON THE QUESTION OF ANNEXATION FOR

APRIL 23, 1991.

Patty Tallerday, Senior Planner, said that the North

Carolina General Statutes provides that any municipal governing board desiring to annex territory under the provisions of N. C. Gen. Stat. sec. 160A-49 shall first pass a resolution stating the intent of the municipality

to consider annexation.

Ms. Tallerday described the proposed boundaries by use

of a map and stated that there were 196 housing units and 560 people in the area. She said that the area is

mainly commercial.

Upon inquiry of Councilman Ellison, Ms. Tallerday stated that the Biltmore Square Mall was aware of the proposed annexation before it was built.

Councilman Estes felt that the City might be moving too quickly on annexing and he felt, along with others in the community, that the City should concentrate on fixing services (water and sewer lines) that they already have in the corporate limits before annexing more.

Upon inquiry of Councilman Ellison, Assistant City Manager Penny stated that the Hampton Inn's water problem is currently being worked on and will be helped with the annexation of this area.

Councilman Price said the Council was previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Bratton, seconded by Councilman Ellison, Resolution No. 91-20 was unanimously adopted.

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C. RESOLUTION NO. 91-21 - RESOLUTION AUTHORIZING THE MAYOR

TO EXECUTE AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF UTILIZING STATE HIGHWAY RIGHT-OF-WAY AT THE INTERSECTION OF BROADWAY AVENUE AND MERRIMON AVENUE FOR A PARKING FACILITY.

D. RESOLUTION NO. 91-22 - RESOLUTION AUTHORIZING THE MAYOR

OF THE CITY OF ASHEVILLE TO EXECUTE AN AGREEMENT WITH DINNER FOR THE EARTH, INC., FOR THE PURPOSE OF CONSTRUCTING AND UTILIZING A PARKING LOT FACILITY UPON STATE HIGHWAY RIGHT-OF-WAY AT THE INTERSECTION OF BROADWAY AVENUE AND MERRIMON AVENUE.

City Manager Bean stated that Dinner for the Earth,

Inc., requested the N. C. Department of Transportation to allow usage of right-of-way at the intersection of Broadway Avenue and Merrimon Avenue for parking purposes. He said the N. C. Department of Transportation can allow only other governmental agencies to use right-of-way for parking purposes. Therefore, the City will enter into an agreement with the N. C. Department of Transportation for the purpose of utilizing the right-of-way and then enter into an agreement with Dinner for the Earth, Inc., to construct the parking lot in accordance with the agreement between the

City and the N.C. Department of Transportation. He said that Dinner for the Earth, Inc., will be paying for all the improvements and the only cost the City might

incur would be in the way of parking enforcement.

Mr. Carroll Hughes presented the plan to the members of Council.

Councilman Price asked the City Manager to have staff

review the parking area on Broadway Avenue which is directly across the street from Dinner for the Earth, Inc.

Councilman Price said the resolution authorizing the

Mayor to execute an agreement with the N. C. Department of Transportation was previously furnished to Council and it would not be read in its entirety.

Upon motion of Councilman Estes, seconded by Councilman

Ellison, Resolution No 91-21 was unanimously adopted.

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Councilman Price said the resolution authorizing the

Mayor to execute an agreement with Dinner for the Earth, Inc., was previously furnished to Council and it would not be read in its entirety.

Upon motion of Councilman Estes, seconded by Councilman

Ellison, Resolution No. 91-22 was unanimously adopted.

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V. CONSENT: None

VI. OTHER BUSINESS:

A. RECYCLING PLASTIC

At the request of Councilman Price, the Council members watched a tape furnished through Shell Oil relative to recycling plastic.

VII. ADJOURNMENT:

The meeting was adjourned at approximately 5:10 p.m.

MAYOR CITY CLERK
