

Tuesday - July 8, 1986 - 4:00 p.m.

Regular Meeting

Present: Mayor W. Louis Bisette, Presiding; Councilmen Wilhelmina Bratton, Walter R. Boland; Kenneth M. Michalove, and George M. Tisdale; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Mary Lloyd Frank and Councilman Norma Price.

INVOCATION

The invocation was given by Mayor Louis Bisette.

APPROVAL OF THE MINUTES - JULY 1, 1986 MEETING

1. Consideration was given to the approval of the minutes of the July 1, 1986, meeting.

Mayor Bisette announced the approval of the minutes as submitted.

PROCLAMATION - JULY 6-12, 1986 - "THERAPEUTIC RECREATION WEEK"

2. Mayor Bisette read a proclamation proclaiming July 6-12 as "Therapeutic Recreation Week."

Mayor Bisette presented the proclamation to Gary Crite, Therapeutic Recreator at Appalachian Hall.

PUBLIC HEARING - SITE PLAN OF THE ORANGE STREET PROFESSIONAL PARK

3. A public hearing was held relative to the site plan of the Orange Street Professional Park.

Mayor Bisette requested that he be excused from participation and vote on the issue relative to the Orange Street Professional Park Development since his law firm represents the developer.

Councilman Tisdale moved to excuse Mayor Bisette from participation and vote in the issue relative to the Orange Street Professional Park. This motion was seconded by Councilman Boland and carried unanimously.

At this time, Councilman Bratton chaired the meeting.

Councilman Bratton said the Asheville Planning and Zoning Commission, at a meeting held May 14, 1986, reviewed the site plan of the Orange Street Professional Park. The site plan was prepared by John Broadbooks, ASLA, for Tyner Construction Company, Burnsville, N.C., Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the project subject to: 1) relocating entrance drive 50' from intersection of Orange and South Liberty Street, or between Buildings A and B; and 2) com-

pliance with the Erosion Control Ordinance.

Councilman Bratton opened the public hearing at 4:15 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.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission had recommended approval of the project to be constructed at the intersection of Orange Street and Liberty Street subject to relocating the entrance drive 50' from intersection of Orange and South Liberty Street and compliance with the Erosion Control Ordinance. He

said the property is zoned R4 Residential District and the proposed use is for a professional office building. He said all requirements for the group development have been met.

John Broadbooks and Jan Weigman, architects for the project, answered questions from members of Council relative to the proposed project.

Tim Warner, of 87 North Liberty Street, spoke in support of the proposed project, stating that the design would blend with the neighborhood. He said the proposed project would be constructed on the largest open land available in this particular area. He said the residents in the area are particularly interested in what is going on and the proposed Chestnut-Liberty Street Historic District.

Robert Dungon, of 89 North Liberty Street, said he felt vacant space downtown should be used before areas in residential neighborhoods for professional office buildings. He also expressed concern relative to the problems of traffic flow in the area and requested that the City staff investigate the need for a red light at Broad and Liberty Street, and also at Liberty and Orange Street.

Councilman Bratton closed the public hearing at 4:25 p.m.

Councilman Michalove moved for the approval of the site plan of the Orange Street Professional Park subject to the recommendations of the Planning and Zoning Commission. This motion was seconded by Councilman Tisdale and carried unanimously.

PUBLIC HEARING - REDEVELOPMENT PLAN OF WALL STREET

4. A public hearing was held relative to the proposed Redevelopment Plan of Wall Street.

Mayor Bissette said the Asheville Planning and Zoning Commission, at a meeting held April 9, 1986, reviewed the proposed Redevelopment Plan of Wall Street. The site plan was submitted by Glave-Newman-Anderson, of Richmond, Virginia, Architects, for Sunbelt Historic Properties, Winston-Salem, N.C., Developer, in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of Phase I, subject to compliance with the Erosion Control Ordinance, and to approve the concept of Phase II, including the parking deck.

Mayor Bissette opened the public hearing at 4:29 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.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission had reviewed and approved Phase I of the Redevelopment Plan of Wall Street which would involve the renovation of property on the south side of Wall Street and a comprehensive streetscape involving furniture, lights, plantings and other improvements. He said the Planning and Zoning Commission had also approved, in concept, Phase II of the project dealing with a 250-space parking deck. By the use of a map, Mr. Emrick showed the location of the Phase I renovations.

Jim Glave, architect for the project, described Phase I of the project.

Ned Guttman, of Beechwood Road, questioned the need for a parking garage in this particular area.

Barry Olin, of 19 Wall Street, said he was concerned with the problems that he is having during the development of the Wall Street project, particularly with workers parking on the street. He said he felt the City of Asheville should have a liaison to oversee the project. He also requested permission to erect a temporary sign at the end of Wall Street to let people know his business is still open during the construction period.

Mayor Bissette requested that Mr. Olin contact the City Manager directly with any problems relative to the Wall Street Project. He also requested that the developer work with the merchants in the area to help smooth the problems during

the construction phase.

Upon inquiry of Mike Green, of 89 Wendover Road, it was noted that the Redevelopment Plan of Phase I for the Wall Street Project would include the streetscape design and landscaping.

Charles Inman, of 21 Wall Street, spoke relative to the streetscape plan and the future approval of the parking deck.

Mayor Bissette informed Mr. Inman and other interested merchants that the parking deck site plan would be considered at a later date.

Elizabeth Meadows, of 26 Sandon Drive, owner of property on Wall Street, objected to the construction taking both parking lots beside her business on Wall Street.

Mayor Bissette closed the public hearing at 4:53 p.m.

Councilman Boland moved to approve the proposed redevelopment plan of Wall Street subject to the recommendations of the Planning and Zoning Commission. This motion was seconded by Councilman Bratton and carried unanimously.

PUBLIC HEARING - SITE PLAN - PROPOSED FOREST RIDGE MOBILE HOME PARK TO BE LOCATED ON ROCK HILL CIRCLE

5. A public hearing was held relative to the site plan of the proposed Forest Ridge Mobile Home Park to be located on Rock Hill Circle.

Mayor Bissette said the Asheville Planning and Zoning Commission, at a meeting held May 14, 1986, reviewed a site plan of the proposed Forest Ridge Mobile Home Park to be located on Rock Hill Circle. The plan was prepared by Pankow Engineering Company for Mr. Frank Duckett, Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the project subject to: 1) agreement on entrance road; 2) placement of some fencing within the 50' buffer requirement; and 3) compliance with the Erosion Control Ordinance.

Mayor Bissette opened the public hearing at 4:55 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.

Mayor Bissette noted that the attorney for the developer had requested that the public hearing be continued until July 22, 1986.

Councilman Tisdale moved to continue the public hearing relative to the Forest Ridge Mobile Home Park until July 22, 1986, without further advertisement. This motion was seconded by Councilman Michalove and carried unanimously.

PUBLIC HEARING - ESTABLISHMENT OF MORATORIUM LIMITING MULTI-FAMILY DEVELOPMENT ON SITES WHERE THE AVERAGE SLOPE IS FIFTEEN PERCENT (15%) OR GREATER

6. A public hearing was held relative to consideration of an ordinance establishing a moratorium limiting multi-family development on sites where the average slope is fifteen percent (15%) or greater.

Mayor Bissette said this ordinance will impose a six (6) month moratorium on the issuance of any building, zoning, grading and other construction permits for all multiple-family projects which are proposed to be located on sites where the average slope is fifteen percent (15%) or greater and on consideration of any requests for group development reviews by the Planning and Zoning Commission which would be affected by this moratorium in order that studies can

be completed for adoption of new zoning regulations for project sites whose average slope is fifteen percent (15%) or greater. This limited moratorium shall begin with the adoption of this ordinance and shall run six months thereafter, expiring on January 8, 1987.

Mayor Bisette opened the public hearing at 4:56 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.

Mayor Bisette noted that the notice to the public published that the proposed moratorium would be on average slopes which is fifteen percent (15%) or greater. He said, in discussing the matter during the Pre-Council meeting, Council members felt that the moratorium restricting multi-family projects on sites where the average slope is fifteen percent (15%) or greater would be too restrictive and would affect too much land in the City of Asheville.

Councilman Michalove moved to schedule a public hearing relative to the adoption of an ordinance establishing a moratorium limiting multi-family developments on sites where the average slope is 2,220' or greater for July 22, 1986. This motion was seconded by Councilman Boland and carried unanimously.

Augusta Young, of 360 Kenilworth Road, spoke in support of the moratorium stating that there is a need to protect the mountain slopes, as well as mountain ridges in the City of Asheville.

Ned Guttman, of Beechwood Road, said he felt there was a need for control of all high buildings within the City of Asheville.

John Walsh, of 26 Ivy Street, spoke relative to erosion control factors on mountain ridges and slopes. He said he felt such an ordinance should provide safeguards for erosion control.

Barbara Melton, of 15 Melton Drive in Haw Creek, spoke in support of the adoption of a mountainside zoning ordinance and the establishment of a moratorium until such an ordinance is adopted.

Mayor Bisette closed the public hearing at 5:10 p.m.

Councilman Michalove's motion to schedule a public hearing for

July 22, 1986, on this particular matter carried unanimously.

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE - PROVIDING BUFFERING REQUIREMENTS

ORDINANCE NO. 1592 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

7. A public hearing was held relative to amending Ordinance No. 322, known as "An ordinance providing for the City of Asheville", as amended to provide buffering requirements.

Mayor Bisette said the Asheville Planning and Zoning Commission on March 19, 1986, reviewed a buffering amendment to the zoning ordinance proposed by the Asheville Tree Commission. After some modifications, the Commission voted to recommend approval of the amendment to City Council.

Mayor Bisette opened the public hearing at 5:12 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.

Verl Emrick, Director of Planning, outlined the proposed amendments to the Zoning Ordinance providing buffering requirements. He said members of Council had been presented with the proposed amendments. He said the major

requirements would be that developers plant one tree for each 15 spaces constructed in parking areas, the plantings within a parking area must be in islands protected by curbing or parking barriers, and buffering around the perimeter of a parking area also will be required. He said in the downtown area, at least one tree for each 40' of street frontage will be required for any new construction or substantial rehabilitation where space and environmental conditions permit. He said in residential areas, buffer strips will be required for any group development project adjacent to single family housing. He said buffer strips of 20' in width would be required in all commercial zoning districts and where the development abuts residential districts. He said the amendment would also require property owners to maintain the buffering and for trees and shrubs to be carefully planted in accordance with good horticultural practices.

Councilman Michalove requested that the Water and Sewer Department, Public Works Department, and the ULOCO Committee review the proposed buffering requirements before the final reading of the ordinance.

Verl Emrick answered questions from Councilman Michalove relative to specific portions of the proposed amendment.

Councilman Tisdale commended the Asheville Tree Commission for their work on the proposed buffering amendments.

Mayor Bissette closed the public hearing at 5:40 p.m.

Mayor Bissette said the ordinance was previously presented to members of Council and would not be read in its entirety unless there was a specific request to do so.

Councilman Michalove moved for the adoption of Ordinance No. 1592. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1592 passed on first reading.

Mayor Bissette noted that several amendments to the ordinance had been suggested and the amendments would be presented prior to second reading of the ordinance.

CONSIDERATION OF ACTIONS RELATIVE TO THE BOND ISSUE (STREETS AND SIDEWALKS AND PACK PLAZA EDUCATION, ARTS AND SCIENCE CENTER)

8. There was introduced in written form the following order authorizing bonds which was read:

ORDINANCE NO. 1593 - ORDER AUTHORIZING \$17,000,000 STREET AND SIDEWALK BONDS

BE IT ORDERED by the Council of the City of Asheville:

1. That, pursuant to the local Government Bond Act, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Street and Sidewalk Bonds in an aggregate principal amount not exceeding \$17,000,000 for the purpose of providing funds, with any other available funds, for constructing, erecting, providing, installing, reconstructing, renovating, replacing, enlarging, expanding, extending, demolishing, improving, grading, draining, landscaping, paving, widening and resurfacing streets and sidewalks, including without limitation bridges, viaducts, causeways, overpasses, underpasses, alleys, curbs and gutters, culverts, drains, traffic controls, signals, markers, lighting, grade crossings and the elimination thereof and grade separations, including the acquisition of necessary land, right of way, and equipment.
2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of the debt of said City has been filed with the City Clerk and is open to public inspection.
4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

Thereupon, upon motion of Councilman Boland, seconded by Councilman Tisdale, the order entitled: "ORDER

AUTHORIZING \$17,000,000 STREET AND SIDEWALK BONDS," as hereinabove set forth, was passed upon its first reading by the following votes:

Ayes: Councilmen Bratton, Tisdale, Boland, Michalove, and Mayor Bissette.

Noes: None.

Thereupon, upon motion of Councilman Boland, seconded by Councilman Michalove, the requirement of the Charter that ordinances be read on three separate days was dispensed with by the following vote, being not less than two-thirds of the members of the Council:

Ayes: Councilmen Bratton, Tisdale, Boland, Michalove, and Mayor Bissette.

Noes: None.

Thereupon, upon motion of Councilman Boland, seconded by Councilman Michalove, the other entitled: "ORDER AUTHORIZING \$17,000,000 STREET AND SIDEWALK BONDS," as hereinabove set forth, was read a second time and was passed upon its second reading by the following vote:

Ayes: Councilmen Bratton, Tisdale, Boland, Michalove, and Mayor Bissette.

Noes: None.

Thereupon there was introduced in written form the following order authorizing bonds which was read:

ORDINANCE NO. 1594 - ORDER AUTHORIZING \$3,000,000 EDUCATION, ARTS AND SCIENCE CENTER BONDS

BE IT ORDERED by the Council of the City of Asheville:

1. That, pursuant to the Local Government Bond Act, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Education, Arts and Science Center Bonds in an aggregate principal amount not exceeding \$3,000,000 for the purpose of providing funds, with any other available funds, for renovating, constructing, reconstructing, and expanding existing buildings and additional facilities for use as an arts and science center, including the acquisition of any necessary equipment and furnishings.
2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of the debt of said City has been filed with the City Clerk and is open to public inspection.
4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

Thereupon, upon motion of Councilman Michalove, seconded by Councilman Boland, the order entitled: "ORDER AUTHORIZING \$3,000,000 EDUCATION, ARTS AND SCIENCE CENTER BONDS," as hereinabove set forth, was passed upon its first reading by the following vote:

Ayes: Councilmen Bratton, Tisdale, Boland, Michalove, and Mayor Bissette.

Noes: None.

Thereupon, upon motion of Councilman Bratton, seconded by Councilman Tisdale, the requirement of the Charter that ordinances be read on three separate days was dispensed with by the following vote, being not less than two-thirds of the members of the Council:

Ayes: Councilmen Bratton, Tisdale, Boland, Michalove, and Mayor Bissette.

Noes: None.

Thereupon, upon motion of Councilman Michalove, seconded by Councilman Boland, the order entitled: "ORDER AUTHORIZING \$3,000,000 EDUCATION, ARTS AND SCIENCE CENTER BONDS," as hereinabove set forth, was read a second time and was passed upon its second reading by the following vote:

Ayes: Councilmen Bratton, Tisdale, Boland, Michalove, and Mayor Bissette.

Noes: None.

Thereupon, there was introduced in written form the following resolution which was read:

RESOLUTION NO. 86-119 - RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND THE CITY MANAGER TO FILE THE SWORN STATEMENT OF DEBT

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the Director of Finance be and he is hereby designated as the officer who shall prepare and that the City Manager be and he is hereby designated as the officer who shall file with the City Clerk the sworn statement of debt of the City of Asheville which is required by The Local Government Bond Act, as amended, to be filed after a bond order has been introduced and before the public hearing thereon.

Read, approved and adopted this the 8th day of July, 1986.

City Clerk Mayor

Complete text of Resolution No. 86-119 will be found in Resolution Book No. **16** at page **77**.

Upon motion of Councilman Bratton, seconded by Councilman Michalove, the foregoing resolution entitled: "RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND THE CITY MANAGER TO FILE THE SWORN STATEMENT OF DEBT" was passed by the following vote:

Ayes: Councilmen Bratton, Tisdale, Boland, Michalove, and Mayor Bissette.

Noes: None.

Thereupon, the City Manager filed with the City Clerk, in the presence of the Council, the sworn statement of debt as so required, which statement is attached to and made a part of these minutes.

CITY OF ASHEVILLE, NORTH CAROLINA

SWORN STATEMENT OF DEBT MADE PURSUANT TO THE LOCAL
GOVERNMENT BOND ACT, AS AMENDED

I, Larry Fisher, Finance Director of the City of Asheville, North Carolina, having been designated by the Council for said City to make a statement of the debt of said City pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding and refunding bonds and not taking into consideration revenue bonds:

(a) GROSS DEBT

a(1) Outstanding debt evidenced by bonds:

Water Bonds	\$ 6,340,000
Electric Bonds.....	
Gas Bonds.....	
Sanitary Sewer Bonds.....	
Other Bonds.....	<u>3,210,000</u> \$ 9,550,000

a(2) Bonds authorized by orders introduced

but not yet adopted:

Street and Sidewalk Bonds

(introduced July 8, 1986)..... 17,000,000

Arts and Science Center Bonds

(introduced July 8, 1986)..... 3,000,000 \$ 20,000,000

a(3) Unissued bonds authorized by adopted

orders..... \$ -0-

a(4) Outstanding debt, not evidenced by

bonds..... \$ 802,962

(a) GROSS DEBT, being the sum of a(1),

a(2), a(3) and a(4)..... \$ 30,352,962

(b) DEDUCTIONS

b(1) Funding and refunding bonds authorized

by orders introduced but not yet

adopted..... \$ -0-

b(2) Funding and refunding bonds

authorized but not yet issued..... \$ -0-

b(3) The amount of money held in sinking

funds or otherwise for the payment of

any part of the principal of gross

debt other than debt incurred for water,

gas, electric light or power purposed,
or sanitary sewer purposes (to the extent
that the bonds are deductible under G.S.

§159-55(b)) or two or more of these

purposes..... \$ -0-

b(4) Bonded debt included in gross debt and
incurred, or to be incurred, for water,
gas, electric light or power purposes, or
two or more of these purposes..... \$ 6,340,000

b(5) Bonded debt included in gross debt and
incurred, or to be incurred, for sanitary
sewer purposes (to the extent deductible
under G.S. §159-55(b))..... \$ -0-

b(6) Uncollected special assessments heretofore
levied for local improvements for which any
part of the gross debt (that is not otherwise
deducted) was or is to be incurred, to the
extent that such assessments will be applied,
when collected, to the payment of any part of
the gross debt..... \$ -0-

b(7) The amount, as estimated by the undersigned,
of special assessments to be levied for
local improvements for which any part of the
gross debt (that is not otherwise deducted)
was or is to be incurred, to the extent that
the special assessments, when collected, will
be applied to the payment of any part of the
gross debt..... \$ -0-

(b) DEDUCTIONS, being the sum of b(1), b(2),

b(3), b(4), b(5), b(6) and b(7)..... \$ 6,340,000

(c) NET DEBT

(c) NEW DEBT, being the difference between
the GROSS DEBT (a) and the DEDUCTIONS (b) \$ 24,012,962

(d) APPRAISED VALUE

(d) APPRAISED VALUE of property subject to
city taxation before the application
of any assessment ratio, being the value
fixed in 1985 and the value from which
the assessed value last fixed for taxation
by the City of Asheville was computed. \$ 1,729,765,748

(e) DEBT RATIO

(e) Percentage which the NET DEBT (c) bears
to the APPRAISED VALUE (d)..... 1.39%

The foregoing statement is true.

Finance Director of the City of
Asheville, North Carolina

STATE OF NORTH CAROLINA)

) ss.:

COUNTY OF BUNCOMBE)

Subscribed and sworn to before me this _____ day of July, 1986.

Notary Public

My Commission Expires: _____

I, William F. Wolcott, Jr., City Clerk of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement which was filed with me at a meeting of said Council on July 8, 1986, after the introduction of and before the public hearing on two orders authorizing bonds of said City, and that said statement is open to public inspection in my office.

WITNESS my hand and the official seal of said City, this _____ day of July, 1986.

City Clerk

[SEAL]

Thereupon, there was introduced in written form the following resolution which was read:

RESOLUTION NO. 86-120 - RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING \$17,000,000 STREET AND SIDEWALK BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That a public hearing upon the order entitled: "ORDER AUTHORIZING \$17,000,000 STREET AND SIDEWALK BONDS" shall be held at 4:00 o'clock p.m., on July 22, 1986, at the Council chambers of the City Building in Asheville, North Carolina, at which the Council shall hear anyone who may wish to be heard on the question of the validity of said order or the advisability to issuing said bonds.

Section 2. That said public hearing may be adjourned from time to time.

Section 3. That the City Clerk be and he is hereby directed to publish said order, together with the appended statement giving notice of said hearing as required by the Local Government Bond Act, as amended, once in The Asheville Times not later than the sixth business day before the date of said public hearing.

Read, approved and adopted this the 8th day of July, 1986

City Clerk Mayor

Complete text of Resolution No. 86-120 will be found in Resolution Book No. **16** at page **78**.

Upon motion of Councilman Boland, seconded by Councilman Michalove, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING \$17,000,000 STREET AND SIDEWALK BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING" was passed by the following vote:

Ayes: Councilmen Bratton, Tisdale, Boland, Michalove, and Mayor Bissette.

Noes: None.

Thereupon, there was introduced in written form the following resolution which was read:

RESOLUTION NO. 86-121 - RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING \$3,000,000 EDUCATION, ARTS AND SCIENCE CENTER BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That a public hearing upon the order entitled:

"ORDER AUTHORIZING \$3,000,000 EDUCATION, ARTS AND SCIENCE CENTER BONDS" shall be held at 4:00 o'clock p.m., on July 22, 1986, at the Council chambers of the City Building in Asheville, North Carolina, at

which the Council shall hear anyone who may wish to be heard on the question of the validity of said order or the advisability of issuing said bonds.

Section 2. That said public hearing may be adjourned from time to time.

Section 3. That the City Clerk be and he is hereby directed to publish said order, together with the appended statement giving notice of said hearing as required by The Local Government Bond Act, as amended, once in The Asheville Times not later than the sixth business day before the date of said public hearing.

Read, approved and adopted this the 8th day of July, 1986.

City Clerk Mayor

Complete text of Resolution No. 86-119 will be found in Resolution Book No. **16** at page **77**.

Upon motion of Councilman Michalove, seconded by Councilman Boland, the foregoing resolution entitled "RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING \$3,000,000 EDUCATION, ARTS AND SCIENCE CENTER BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING" was passed by the following vote:

Ayes: Councilmen Bratton, Tisdale, Boland, Michalove, and Mayor Bisette.

Noes: None.

Thereupon the resolution entitled: "RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND THE CITY MANAGER TO FILE THE SWORN STATEMENT OF DEBT", the resolution entitled: "RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING \$17,000,000 STREET AND SIDEWALK BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING" and the resolution entitled: "RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING \$3,000,000 EDUCATION, ARTS AND SCIENCE CENTER BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING" were authenticated by the signatures of the Mayor and the City Clerk.

RESOLUTION 86-122 - RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2 AS AMENDED (HOLIDAY INN EAST PROPERTY)

9. Consideration was given to a resolution fixing the date of a public hearing on the question of annexation pursuant to G.S. 160A-58.2 as amended (Holiday Inn East property).

Mayor Bisette said a petition requesting annexation of the non-contiguous area has been received. The City Clerk has been directed to investigate the sufficiency of the petition. Certification as to the sufficiency of this petition has been made by the City Clerk.

Mayor Bisette said members of Council were previously furnished copies of the resolution and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Councilman Tisdale, seconded by Councilman Michalove, Resolution No. 86-122 was unanimously adopted.

Complete text of Resolution No. 86-122 will be found in Resolution Book No. **16** at page **80** and **81**.

APPROVAL OF CONSENT AGENDA

10. Mayor Bissette said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, pursuant to the procedures established in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

Resolution No. 86-123

A. Consideration of a resolution authorizing the barricading of a portion of Church Street on July 12, 1986 for "A Sharing Affair".

HIGHLIGHTS: The Asheville Buncombe Community Christian Ministry for

several years has successfully executed their fundraising

event for the work of the Christian Ministry. Over 100 churches join forces to create this event on Church Street. This resolution will authorize the barricading of Church Street from the property line of Central United Methodist Church south to the property line of Trinity Episcopal Church (not including that portion of Aston Street) to be closed to traffic on Saturday, July 12, 1986, from 6:00 a.m. until 6:00

p.m. for ABCCM to have "A Sharing Affair".

FISCAL IMPACT: None

Complete text of Resolution No. 86-123 will be found in Resolution Book No. **16** at page **82**.

B. Consideration of a motion to schedule a public hearing to rezone property

on U.S. 70-E adjacent to Bell School from R-2 Residential District to CH

Commercial Highway District for July 29, 1986.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting

held June 11, 1986, considered the petition of Attorney Jack Westall for Mr. Frank Kasey that Ward 8, Sheet 31, portion of Lot 201, be rezoned from R-2 Residential District to CH Commercial Highway District. The petition also requested the repeal of Ordinance #1046 requiring a 50' green belt and that the 50' green belt be rezoned "R-2". The property is located on U.S. 70-E adjacent to Bell School. After review and discussion, the Commission voted to recommend that the petition be denied. However, the petitioner has appealed Planning & Zoning Commission's decision and has asked that a public hearing be scheduled so the rezoning matter can be

heard before Council.

FISCAL IMPACT: None

Resolution No. 86-124

C. Consideration of a resolution appointing a member to the Asheville-Buncombe

Historic Resources Commission.

HIGHLIGHTS: The term of Verne Rhoades expired July 1, 1986. This

resolution will appoint Dennie Martin, Route 5, Box 885, Rose Hill Road, Asheville, N.C. 28803 to a three (3) year term, term expiring July 1, 1989 or until his successor has been

duly appointed and qualified.

FISCAL IMPACT: None

Complete text of Resolution No. 86-124 will be found in Resolution Book No. **16** at page **83**.

Resolution No. 86-125

D. Consideration of a resolution appointing members to the Asheville Tree

Commission.

HIGHLIGHTS: The terms of Elrita Nesby, Anthony Lord, and John A.

Broadbrooks expired August 1, 1985. This resolution will appoint Peter Gentling, 241 Old Toll Road, Asheville, N. C.; Carlos P. Bickford, 53 Fanning Bridge Road, Fletcher, N.C.; and Roger T. Smith, 438 Hazelmill Road, Asheville, N.C. to a three (3) year term, term expiring August 1, 1988, or until

their successors have been duly appointed and qualified.

FISCAL IMPACT: None

Complete text of Resolution No. 86-125 will be found in Resolution Book No. **16** at page **84**.

Resolution No. 86-126

E. Consideration of a resolution appointing a member to the Asheville

Regional Airport Authority.

HIGHLIGHTS: This resolution will appoint Mr. Nelson M. Ferg, 20 Mayflower

Drive, Asheville, N.C. to a four year term, term expiring on June 30, 1990, or until his successor has been duly appointed

and qualified.

FISCAL IMPACT: None

Complete text of Resolution No. 86-126 will be found in Resolution Book No. **16** at page **85**.

Upon motion of Councilman Michalove, seconded by Councilman Tisdale, the Consent Agenda was unanimously approved.

COUNCILMAN TISDALE REQUEST OF CITY MANAGER - TRACTOR TRAILERS ON FAIRVIEW ROAD/

SCHOOL ROAD

Councilman Tisdale requested that the City Manager look into a concern of the Oakley Residents relative to tractor trailers using Fairview Road and School Road.

COUNCILMAN BRATTON - STATISTICAL INFORMATION REQUESTED ON AFFIRMATIVE ACTION

Councilman Bratton requested statistical information from the City Manager relative to affirmative action within the City of Asheville.

CLAIMS - MARY S. DAVIDSON (WATER) - MRS. ZEB WEAVER (WATER)

The City Manager presented claims received from Mary S. Davidson and Mrs. Zeb Weaver.

Mayor Bisette referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 86-127 - RESOLUTION ENDORSING PROPOSED HOUSING DEVELOPMENT SPONSORED BY ALL SOULS AND TRINITY PARISHES

Consideration was given to a resolution endorsing proposed housing development sponsored by All Souls and Trinity parishes.

Mayor Bisette said the congregation of All Souls Episcopal Church and Trinity Episcopal Church is sponsoring 40 units of low-income housing for the elderly and/or handicapped under Section 202-8 of the National Housing Act and there is documented need for more of this type of low-income housing for the elderly and handicapped in Asheville. He said this resolution would endorse and commend the efforts of All Souls Episcopal Church and Trinity Episcopal Church for their efforts in sponsoring such a low-income project for the elderly and/or handicapped.

Upon motion of Councilman Michalove, seconded by Councilman Bratton, Resolution No. 86-127 was unanimously adopted.

Complete text of Resolution No. 86-127 will be found in Resolution Book No. **16** at page **86**.

RALPH BISHOP - OBTAINING PUBLIC RECORDS

Ralph Bishop again spoke to members of Council relative to his difficulty in obtaining public records referring to a letter given to him by the Corporation Counsel from the Attorney General of the State of North Carolina stating that police pension records were not a part of public record and should not be released.

ADJOURNMENT

Upon motion of Councilman Tisdale, seconded by Councilman Boland, the meeting adjourned at 6:15 p.m.

MAYOR CITY CLERK
