

Tuesday - July 29, 1986 - 4:00 p.m.

## Regular Meeting

Present: Mayor W. Louis Bissette, Presiding; Vice-Mayor Mary Lloyd Frank; Councilmen Wilhelmina Bratton, Walter R. Boland; Kenneth M. Michalove, Norma T. Price, 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: None

## INVOCATION

The invocation was given by Councilman Michalove.

## APPROVAL OF THE MINUTES - JULY 22, 1986 MEETING

1. Mayor Bissette announced the approval of the minutes of the July 22, 1986, meeting as submitted with the correction of several typographical errors.

## PUBLIC HEARING - REZONING PROPERTY ON U.S. 70 - EAST ADJACENT TO BELL SCHOOL

### **ORDINANCE NO. 1596 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED, AND REPEAL OF SECTIONS OF ORDINANCE NO. 1046 (PROPERTY LOCATED ON U.S. 70 - EAST ADJACENT TO BELL SCHOOL**

2. A public hearing was held relative to a request to rezone property on U.S. 70-East adjacent to Bell School from R-2 Residential District to CH Commercial Highway District.

Mayor Bissette said 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 zoned "R-2". The property is located on U.S. 70-East 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. This public hearing was scheduled at the July 8, 1986 meeting.

Mayor Bissette opened the public hearing at 4:08 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 this property was originally rezoned in 1978, however, Ordinance No. 1046 provided that a 50' strip on Lot 109½ would remain zoned R-2 providing a green belt buffer for the benefit of the Charles Bell School. He said when the Planning & Zoning Commission reviewed the requested rezoning of the property in question, the Buncombe County Board of Education had voiced objections stating that the Bell School site should be protected from any use of adjoining or neighboring properties

which would create a safety hazard to the students attending the school or a nuisance to the learning environment of that school. He said one of the alternatives would be to rezone the property to Commercial Highway leaving a 15' strip adjacent to Bell School with the remainder of the property being graded and seeded. He said during the Pre-Council meeting James Williams, Attorney for the Buncombe County Board of Education, presented members of Council with a letter stating that they would be willing to withdraw their objections to the rezoning pending an agreement with the

property owner Mr. Frank Kasey. He said the agreement would provide that Mr. Kasey would convey to the Buncombe County Board of Education a portion of the tract of land in question being a small parcel of property located west of the fence line near the western margin of the Kasey property. In addition, the owner would place a green buffer, 15' in width, along the western and northern margin of the property adjacent to the school property. Further, that the owner acknowledge his obligation as an adjacent land owner to provide lateral support to the school property and to take such erosion control methods as are required by law and which will protect the property of the Buncombe County Board of Education from erosion due to any excavation or other activities on his property. He said when the Planning & Zoning Commission reviewed the agreements between the Buncombe County Board of Education and the property owner, Mr. Frank Kasey, had not been present. He said since these agreements were not in the process at that time, the Planning & Zoning Commission had recommended denial of the rezoning petition.

Jack Westall, Attorney for Mr. Frank Kasey, said an agreement had been reached with the Buncombe County Board of Education relative to the property in question. By the use of a map, Mr. Westall showed members of Council the property proposed to be conveyed to the Buncombe Board of Education and the area to be buffered. He said this would allow 35' of the property now zoned R-2 Residential District to be rezoned to CH Commercial Highway District.

Mayor Bissette said during the Pre-Council meeting members of Council indicated they would be willing to consider rezoning 35' of the 50' buffer zone leaving a 15' buffer zoned R-2 Residential District.

At the request of Councilman Tisdale, the following letter from James W. Williams, Attorney for the Buncombe County Board of Education, was made a part of the minutes.

ROBERTS STEVENS & COGBURN, P.A.

Attorneys at Law

Post Office Box 7647

Asheville, NC 28807

July 29, 1986

Honorable W. Louis Bissette, Jr.

Mayor of the City of Asheville

City Building

Asheville, NC 28801

RE: Zoning Petition by Frank Kasey

Dear Mr. Mayor:

The Buncombe County Board of Education has asked me to express its position on the zoning request by Mr. Frank Kasey as evidenced by a petition dated March 17, 1986 with reference to property described as Ward 8, Sheet 31, Lot 201 in the City of Asheville.

The greatest concern of the Buncombe County Board of Education is that the Bell School site be protected from any use of adjoining or neighboring properties which would create either a safety hazard to the grammar school students attending that school or a nuisance to the learning environment of that school. Mr. Kasey has approached the Board of Education and has offered to convey to the Buncombe County Board of Education a portion of the tract of land in question, being a small parcel of property located west of a fence line near the western margin of the Kasey property. In addition, Mr. Kasey has agreed to place a green buffer fifteen feet in width along the western and northern margin

of the property adjacent to the school property. Additionally, Mr. Kasey has agreed to acknowledge his obligation as an adjacent land owner to provide lateral support to the school property and to take such erosion control methods as are required by law and which will protect the property of the Buncombe County Board of Education from erosion due to any excavation or other activities on his property.

The Buncombe County Board of Education is of the opinion that should Mr. Kasey do those things as set forth in the aforesaid paragraph, the Buncombe County Board of Education will continue to enjoy a protected environment for its school and under those circumstances withdraws its objection to the petition of Mr. Kasey dated March 17, 1986.

Very truly yours,

James W. Williams

JWW:cb

Mayor Bissette closed the public hearing at 4:16 p.m.

Mayor Bissette said members of Council were previously furnished copies of the ordinance, however, the ordinance has been amended since it was presented to members of Council to read in Section 1 "that the following property be rezoned from R-2 Residential District to CH Commercial Highway District. All of Ward 8, Sheet 31, Lot 201, except the northern and westernmost 15' as shown on the official zoning maps located in the City Planning Department, said 15' strip to remain zoned R-2 Residential District."

Vice-Mayor Frank moved for the adoption of Ordinance No. 1596. This motion was seconded by Councilman Tisdale.

On a roll call vote of 7-0, Ordinance No. 1596 passed on first reading.

Councilman Tisdale noted that it was the understanding of members of Council that the bank will be seeded and planted with White Pines to stay green all year around.

### **WOODBERRY APARTMENT COMPLEX SITE PLAN**

3. Consideration was given to the revised Woodberry Apartment Complex site plan.

Mayor Bissette said following last week's Council meeting, City staff met with the developer to review his compliance with various City ordinances. A revised site plan was delivered Tuesday, July 22, 1986. Since staff did not have enough time to review the report, it was continued until July 29, 1986.

Verl Emrick, Director of Planning, said the City staff has received and reviewed a revised site plan and landscaping plan for the Woodberry Apartment Complex. He said the City staff has confirmed with the attorneys and the developer, Mr. Ratliff, that the landscape plan would be acceptable subject to compliance with Section 2F Landscape Work (General Landscaping Requirements) listed below and made a part of the approval of the plan. He said the General Landscape Requirements details how plantings will be done and will guarantee the plantings for one year by the landscaper and thereafter management of the apartment complex would be responsible for maintenance of the plantings. He said the landscaping requirements also stipulate how fertilizing will be done, that tree plantings will commence in the fall, hydroseeding will take place as soon as possible, and that a minimum of 6,500 Virginia Pine and White Pine trees at least, 18"-24" high, will be planted on the bank and in excess of 2,000 Blue Rug Junipers will be planted at the base of the slope. He said the City staff agrees with what the developer has presented and recommends acceptance of the landscaping plan.

Upon inquiry of Councilman Price, Mr. Emrick said it would not be necessary for the amended site plan to again be reviewed by the Planning & Zoning Commission to increase the complex by four units since this will not increase the land being used.

After discussion, Councilman Boland moved to approve the amended site plan for the Woodberry Apartment Complex

to allow four additional units to be constructed to Building No. 2. This motion was seconded by Vice-Mayor Frank and carried unanimously.

Councilman Price moved to approve the amended landscaping plan for the Woodberry Apartment Complex dated July 28, 1986 subject to compliance with the attached 2F - Landscape Work (General Landscape Requirements). This motion was seconded by Councilman Boland and carried unanimously.

## SECTION 2F - LANDSCAPE WORK

### 1. GENERAL LANDSCAPE REQUIREMENTS:

- a. Landscaping Plan shall be used as a guide to locate individual items specified herein. References either here or on landscaping plan shall apply to the work involved.
- b. Submit planting schedule showing coordination of normal planting times with construction schedule for other related work.
- c. Planting Season for performing work specified herein shall be limited to the normal period after October 15 for digging plants. However, the contractor, by taking special precautions such as spraying foliage with "Wilt-not", may extend or precede the normal season. In all cases, the guarantee will remain unchanged.
- d. Layout areas of planting and location of each major plant, for review by Architect prior to start of planting. Follow plan as closely as possible.

### 2. PLANT SIZE AND QUALITY: Provide sizes of plants as shown or scheduled, conforming to ANSI Z60.1 "Standard for Nursery Stock" for

shape and quality.

- a. Furnish Balled and Burlapped (B&B) trees and shrubs, except container-grown plants may be furnished if indicated size is below limit established in ANSI Z60.1.
- b. Deciduous Shrubs may be furnished in bare root condition if adequately maintained and protected from drying through entire transplanting period.
- c. Furnish Ground Cover Plants in removable containers or integral peat pots.

3. GUARANTEE: Guarantee Plants, Shrubs, and Trees for a period of one year against death and unhealthy condition, except as may result from neglect by Owner, damage by others, and unusual phenomena beyond installer's control. Replace at optimum planting time. Guarantee period begins at acceptance by HUD.

4. TOPSOIL: Only topsoil free of debris such as weeds, glass, metal cans, stumps, rock over 1" diameter, will be permitted. Representative topsoil samples shall be sent to an independent testing laboratory (e.g. a County Extension Service). Samples shall be analyzed, and nutrient and PH recommendations shall be made for the turfgrass species shown on the plans. A duplicate copy of the test results shall be sent to the Architect.

a. The Contractor shall uniformly spread such amounts of fertilizer and lime as recommended by the testing laboratory. After spreading, fertilizer and lime shall be worked 4 to 6 inches into the soil by harrowing or discing.

5. FERTILIZATION OF SOIL: Provide fertilizer, humus and other soil amendments of a type which are known to improve the PH condition of the soil for the particular plant material to be planted. Mix peat humus (PS-Q-P-166) with topsoil in the ratio of 1:3 for use in planting. For basis of quantity, assume topsoil which has not been stripped in 4" depth.

a. Fertilize topsoil for planting trees shrubs and ground cover with a 10% phosphorus, 4% nitrogen and 4% potash

commercial fertilizer, applied and mixed at the rate of not less than 0.25 lbs. per cu. ft. of soil and humus.

b. Lime shall be agricultural grade ground limestone, and shall be of such fineness that 90 percent will pass a 10 mesh screen and at least 50 percent will pass a 100 mesh screen. Apply at rate of 140 lbs. per 1000 SF (3 tons per acre).

c. Fertilize topsoil for planting grass with a 10-10-10- commercial fertilizer, applied at a rate of 30 lbs. per 1000 SF (1200 lbs. per acre).

#### 6. PLANTING TREES:

a. Excavate pit to twice the diameter of the tree ball and not less than 6" deeper. Compact a layer of topsoil in pit to locate collar of plant properly in a slightly dished finish grade. Backfill around ball with topsoil, compacted to eliminate voids and air

pockets, watering thoroughly as layers are placed. Build 3" high berm

of topsoil beyond edge of excavation. Apply 3" mulch of peat, straw or other recognized organic planting mulch.

b. Prune trees to remove damaged branches, improve natural shape, thin out, structure and remove not more than 15% of branches. Paint cuts more than 1/2" in size with pine tar.

c. Wrap trunk from ground to first branch with tree wrapping tape.

d. Guy and stake trees as detailed with 3 vertical stakes.

e. Excavate Pits or Trench to twice the diameter of balls or containers, or 1' - 0" wider than spread of roots, and 3" deeper than required for positioning at proper height. Compact a layer of topsoil in bottom before placing plants. Backfill around plants with topsoil, compacted to eliminate voids and air pockets. Water thoroughly as layers are placed. Form grade slightly dished, and bermed at edges of excavation. Apply 2" mulch of peat, straw or other recognized organic planting mulch.

f. Prune shrubs to remove damaged branches, improve natural shape, thin out structure and remove not more than 15% of branches.

#### 7. PLANTING GROUND COVER:

a. Cultivate to depth of 8" in areas where topsoil has not been stripped.

b. Loosen subgrade to depth of 4" in areas where topsoil has been stripped, and spread topsoil to depth of 4", except as otherwise indicated.

c. Space plants 2'-0" apart both ways, except as otherwise indicated. Compact backfill to eliminate voids, and leave grade slightly dished at each plant. Water thoroughly. Apply 2" mulch of peat, straw or other recognized organic planting mulch over entire planting bed, lifting plant foliage above mulch.

d. During periods of hot sun and wind at time of planting, provide protective cover for several days.

#### 8. PLANTING LAWNS:

a. Seeding lawns will be restrictive to eliminate the months of June, July, and August.

b. Sod: Clean, strongly rooted, 18" x 4' strips of 2 year old Kentucky 31 Fescue stripped not more than 24 hours prior to laying. Sodding shall be placed on entire width of all drainage swales shown on site plan.

c. Grass Seed: A blend of predominantly Kentucky 31 Fescue seeds, with approximately 20% "nurse-grass" seeds, complying with standards of the Official Seed Analysis of North America, for 85% purity, 80% germination and 1%

(max.) weed seed, recommended by

producer, for full-sun exposure of lawns in geographic location of

project.

d. Hydro seeding slopes shall be with 50/50 mixture of Kentucky 31 Fescue and Crown Vetch at a rate of 2.75 lbs. per 1000 SF with mulch totaling 1-1/2" to 2" loose thickness.

e. Cultivate to a depth of 6" in areas where topsoil has not been stripped, tilling surface to a level, fine texture.

f. Loosen subgrade to a depth of 4" in areas where topsoil has been stripped, spread 2" depth of topsoil, till to mix topsoil with subsoil, spread additional 2" depth of topsoil, till surface to a level, fine texture.

g. Grade and roll prepared lawn surface. Water thoroughly but do not create a muddy soil condition.

h. Lay sod strips with tight joints, roll or tamp lightly, and water thoroughly.

i. Sow grass seed uniformly in two directions at the rate of 2.75 lbs. per 1000 square foot lawn area. Rake seed lightly into top 1/8" of lawn surface. Water thoroughly with a fine spray.

j. Protect seeded areas against erosion by spreading straw to a uniform loose depth of 1-1/2".

9. **LANDSCAPE WARRANTY:** Warranty landscape work for a period of 60 days immediately following complete installation of each major category of work. Include repairing any erosion, reseeding, cultivating, restoration of grade, pruning trees and shrubs, protection from insects and diseases, fertilizing and similar operations as needed to ensure continued normal growth and good health for live plant material. The "60 day" period shall apply to "areas" or "phases" of work installed, i.e., some areas may have passed the "60 day" period before entire project is complete.

10. **GUARANTEE:** The General Contractor shall guarantee for a period of one year the establishment and viability of all "lawn" areas and guarantee all plant material (trees, shrubs) to live. Guarantee period includes the warranty period specified herein and shall begin

on the date of substantial completion as determined by HUD.

**ORDINANCE NO. 1597 - BUDGET ORDINANCE AMENDMENT PROVIDING FUNDING FOR UNDERGROUND WIRING OF WOODFIN STREET - BROADWAY TO LEXINGTON AVENUE**

4. Consideration was given to a budget ordinance amendment to provide funding in the amount of \$4,478 for underground wiring of Woodfin Street - Broadway to Lexington Avenue.

Mayor Bissette said this budget ordinance amendment in the amount of \$4,478 will provide funding for underground wiring of Woodfin Street - Broadway to Lexington Avenue. This charge represents the cost to the City for placing existing primary feeders, secondary and street light circuits underground. Funding from the General Fund - Contingency would be in the amount of \$4,478.

Mayor Bissette said this 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. 1597. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1597 passed on first and final reading.

Complete text of Ordinance No. 1597 will be found in Ordinance No. **11** at page **38**.

**ORDINANCE NO. 1598 - BUDGET ORDINANCE AMENDMENT TO ESTABLISH AN APPROPRIATION TO SET UP CENTRAL WAREHOUSING FACILITY**

5. Consideration was given to a budget ordinance amendment to establish an appropriation to set up the Central Warehousing Facility.

Mayor Bisette said this budget ordinance amendment will establish an appropriation to set up the Central Warehousing Facility. Projected savings to the City is \$50,400.

The City Manager said this budget amendment would provide centralizing purchasing and warehousing facility. He said the capital cost for providing this facility would be approximately \$132,000 providing a projected savings of \$50,400 per year. He said the Central Warehousing Facility would be located on Hunt Hill Place.

Councilman Boland indicated that the Town of Woodfin, Weaverville, and the County of Buncombe might consider consolidating purchasing and warehousing into this facility. He said the Intergovernmental Committee would be discussing this matter at their next meeting.

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

Councilman Boland moved for the adoption of Ordinance No. 1598. This motion was seconded by Vice-Mayor Frank.

On a roll call vote of 7-0, Ordinance No. 1598 passed on first and final reading.

Complete text of Ordinance No. 1598 will be found in Ordinance Book No. **11** at page **39**.

**ORDINANCE NO. 1592 - AN ORDINANCE AMENDING ORDINANCE NO. 322, "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED TO PROVIDE BUFFERING REQUIREMENTS**

6. Consideration was given to the third reading of Ordinance No. 1592, an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of 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. This ordinance passed first reading at the July 8, 1986 meeting and second reading on July 15, 1986. At the July 22, 1986 meeting the third reading was postponed until July 29, 1986.

Verl Emrick, Director of Planning, said several changes had been made to the ordinance, mainly changes in phraseology. He also indicated that Section 1, Item 2D, first paragraph, sixth line, the words "and/or the Planning & Zoning Commission" would be deleted.

Councilman Michalove moved to amend Ordinance No. 1592 as indicated by the Planning Director. This motion was seconded by Councilman Bratton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1592 passed on third and final reading as amended.

Complete text of Ordinance No. 1592 will be found in Ordinance No. **11** at page **28 - 31**.

**RESOLUTION NO. 86 - 140 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RELEASES RELEASING JANICE L. BRYANT AND THE ESTATE OF JACK E. BRYANT FROM ANY AND ALL OBLIGATIONS WHICH EITHER MAY HAVE BY AND UNDER THE TERMS AND CONDITIONS OF NOTES PAYABLE TO THE CITY OF ASHEVILLE SECURED BY DEEDS OF TRUST ON PROPERTY**

**LOCATED AT 53 N. MARKET STREET AND THE HAYES & HOPSON BUILDING LOCATED ON SPRUCE STREET**

7. Consideration was given to a resolution authorizing the Mayor to execute releases releasing Janice L. Bryant and the Estate of Jack E. Bryant from any and all obligations which either may have by and under the terms and conditions of notes payable to the City of Asheville secured by deeds of trust on property located at 53 N. Market Street and the Hayes & Hopson Building on Spruce Street.

Mayor Bisette said this resolution will authorize the Mayor to execute releases releasing Janice L. Bryant and the Estate of Jack E. Bryant from any and all obligations which either may have by and under the terms and conditions of notes payable to the City of Asheville secured by deeds of trust on property located at 53 N. Market Street and the Hayes & Hopson Building located on Spruce Street.

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 Bratton, Resolution No. 86-140 was unanimously adopted.

Complete text of Resolution No. 86-140 will be found in Resolution Book No. **16** at page **110** and **111**.

**RESOLUTION NO. 86-141 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR TRANSPORTATION PLANNING SERVICES WITH THE LAND-OF-SKY REGIONAL COUNCIL**

8. Consideration was given to a resolution authorizing the Mayor to enter into a contract for transportation planning services with the Land-of-Sky Regional Council.

Mayor Bisette said the Asheville Urban Area Planning Work Program for 1986-87 has been approved to include a total of \$41,500 of Planning Funds provided pursuant to Section 112 of the Federal Aid Highway Act of 1973 and Section 104(f) Title 23, United States Code, for the purpose of street and highway planning. This resolution will authorize the Mayor to enter into a contract with the Land-of-Sky Regional Council for completion of four (4) identified transportation planning work elements in an amount not to exceed \$3,570.00. Also, the City Manager is authorized to submit any additional information which may be required by the Federal Highway Administration or the North Carolina Department of Transportation.

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 Michalove, seconded by Councilman Boland, Resolution No. 86-141 was unanimously adopted.

Complete text of Resolution No. 86-141 will be found in Resolution Book No. **16** at page **112**.

**RESOLUTION NO. 86-142 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH TENNOCA CONSTRUCTION COMPANY FOR THE PROJECT KNOWN AS ARCO ROAD BRIDGE REPLACEMENT PROJECT**

9. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville a contract and any change orders within the budgeted amount with Tennoca Construction Company for the project known as Arco Road Bridge Replacement Project.

Mayor Bisette said Arco Road Bridge is located upon a City System Street and is in need of replacement due to its age and present condition. This bridge is included in the Federal Aid Off-System Bridge Replacement Program. This

resolution will authorize the Mayor to execute on behalf of the City of Asheville a contract with Tennoca Construction Company and any change orders within the budgeted amount for the bridge replacement. Total cost for the project is \$96,772.70 and there are sufficient funds in the 60 Fund. The City will receive an 80% reimbursement through the Federal Aid Off-System Bridge Program for eligible expenditures on this project.

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 Vice-Mayor Frank, seconded by Councilman Tisdale, Resolution No. 86-142 was unanimously adopted.

Complete text of Resolution No. 86-142 will be found in Resolution Book No. **16** at page **113**.

### **SCHEDULING PUBLIC HEARING - REZONING PROPERTY LOCATED ON CAMPGROUND ROAD AND U.S. 70-EAST**

10. Consideration was given to a motion granting a request for an extension of time regarding rezoning property located on Campground Road and U.S. 70-East and scheduling a public hearing for August 19, 1986.

Mayor Bisette said the Asheville Planning and Zoning Commission at a meeting held April 9, 1986, considered the petition of Mr. R.S. Craig by Mr. Lee Towery, Realtor, that Ward 8, Sheet 31, Lot 16, be rezoned from R-2 Residential District to CS Commercial Service District. The property is located on Campground Road and U.S. 70-East. After review and discussion, the Commission voted to recommend that the petition be denied and the property remain as it is now zoned. However, the petitioner is asking for an extension of time to appeal the Planning and Zoning Commission's decision, since they were out of the country and unable to return in time to appeal within the time frame allowed.

Councilman Boland moved to grant a request for an extension of time regarding rezoning property located on Campground Road and U.S. 70-East and scheduling a public hearing relative to rezoning the property for August 19, 1986. This motion was seconded by Councilman Tisdale and carried unanimously.

### **SCHEDULING PUBLIC HEARING - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY - BEAVER LAKE CAB COMPANY**

11. Consideration was given to a motion scheduling a public hearing authorizing the issuance of a Certificate of Public Convenience and Necessity to Beaver Lake Cab Company for August 19, 1986.

Mayor Bisette said the City Manager will be authorized to issue a Certificate of Public Convenience and Necessity to Beaver Lake Cab Company pursuant to Section 27-34 of the Code of Ordinances of the City of Asheville upon proof of financial responsibility in accordance with N. C. Gen. Stat., Sec. 20-280.

Councilman Michalove moved to schedule a public hearing authorizing the issuance of a Certificate of Public Convenience and Necessity to Beaver Lake Cab Company for August 19, 1986. This motion was seconded by Councilman Tisdale and carried unanimously.

### **APPROVAL OF SIGN AT INTERSECTION OF HIGHWAY 74 AND I-40**

12. Consideration was given to a motion approving the placement of a sign at the intersection of Highway 74 and I-40.

Mayor Bisette said Southern Railroad has requested approval of a 10' x 30' off-premises advertising sign to be located at the intersection of Highway 74 and I-40. Pursuant to the Zoning Ordinance, Ordinance No. 322, City Council must approve the placement of this sign since it will be situated closer than 600' from a limited access highway.

Mayor Bisette said several months ago members of Council had requested that the Planning and Zoning Commission review the current sign

regulations on limited access highways. He said the Planning & Zoning Commission is currently reviewing these regulations and it has been recommended that the approval of the sign permit be continued pending a report from the Planning & Zoning Commission relative to signs being placed on limited access highways.

Councilman Price moved to continue action on the placement of a sign at the intersection of Highway 74 and I-40 until a report is received from the Planning & Zoning Commission relative to signs being placed on a limited access highway. This motion was seconded by Councilman Boland and carried unanimously.

**RESOLUTION NO. - RESOLUTION ESTABLISHING AND APPOINTING AN EQUAL EMPLOYMENT OPPORTUNITY TASK FORCE COMMISSION**

13. Mayor Bissette said as requested by representatives of the National Association for the Advancement of Colored People at the last Council meeting, the City Council has agreed to appoint a seven member Equal Employment Opportunity Task Force Commission to examine the City's minority employment situation particularly in the Asheville Police Department.

Mayor Bissette read the resolution stating that Councilman Bratton,

Councilman Boland, Robert Smith, Tom Posey, Sheila Fellerath, George Weaver, and Logan Delaney would be appointed as members of the Commission.

John Hayes, an N.A.A.C.P. spokesman who requested the Task Force last week, and the Reverend Lynwood Leverette, another member of the organization, said the N.A.A.C.P. had requested that they be appointed to the Task Force. Both individuals objected to the individuals being appointed to the Commission.

Several Council Members said they had understood that the N.A.A.C.P. had recommended a list of five people, including the names of Johnny Hayes and Reverend Leverette, any two of whom would be satisfactory to the organization and the Council choose two others on the list.

Mr. Hayes and Reverend Leverette said they felt the Commission would be "lopsided" and requested that Council take another look at the appointments.

After a lengthy discussion, Mayor Bissette said he would speak with the N.A.A.C.P. Chairman to determine the organization's wishes before the appointments are made and that the matter would be considered at next week's meeting.

**RESOLUTION NO. 86-143 - RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO EXECUTE A GRANT AWARD AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF ADMINISTRATION**

14. Consideration was given to a resolution authorizing the Chief of Police to execute a grant award agreement with the North Carolina Department of Administration.

The City Manager read the resolutions stating that the Asheville Police Department has applied and been award a Victims of Crime Act Grant. He said the Asheville Police Department feels this grant will provide better service to the community by providing equipment and training for officers in the area of juvenile and adult sexual assault and victim assistance.

Upon motion of Vice-Mayor Frank, seconded by Councilman Tisdale, Resolution No. 86-143 was unanimously adopted.

Complete text of Resolution No. 86-143 will be found in Resolution Book No. **16** at page **114**.

**ORDINANCE NO. 1599 - BUDGET ORDINANCE AMENDMENT TO RECOGNIZE REVENUE AND APPROPRIATE FUNDING FOR THE VICTIMS OF CRIME GRANT**

15. Consideration was given to a budget ordinance amendment to recognize revenue and appropriate funding in the amount of \$6,474.00 for the Victims of Crime Grant.

The City Manager presented the budget ordinance amendment.

Councilman Tisdale moved for the adoption of Ordinance No. 1599. This motion was seconded by Vice-Mayor Frank.

On a roll call vote of 7-0, Ordinance No. 1599 passed on first and final reading.

Complete text of Ordinance No. 1599 will be found in Ordinance Book No. **11** at page **40**.

**RESOLUTION NO. 86-144 - RESOLUTION AUTHORIZING THE SALE BY THE COUNTY OF BUNCOMBE OF TAX LOT IDENTIFIED AS WARD 7, SHEET 2, LOT 198 (BILTMORE AVENUE AND SWANNANOA RIVER)**

16. Consideration was given to a resolution authorizing the sale by the County of Buncombe of Tax Lot identified as Ward 7, Sheet 2, Lot 198 (Biltmore Avenue and Swannanoa River).

Mayor Bisette requested that he be excused from participation and vote on this particular resolution since his law firm represents the perspective buyer, Burger King.

Councilman Michalove moved to excuse Mayor Bisette from participation and vote on the resolution authorizing the sale of the Tax Lot to Burger King. This motion was seconded by Councilman Price and carried unanimously.

Corporation Counsel Slawter said this resolution would authorize the sale of Ward 7, Sheet 2, Lot 198 on Biltmore Avenue and Swannanoa River Road to Burger King Incorporated. He said it has now been determined that the Tax Lot does not need to be retained by the City of Asheville and can be released by the City subject to retention of an additional 30' right-of-way along Biltmore Avenue at a price of not less than \$10,200.

Upon motion of Councilman Tisdale, seconded by Councilman Price, Resolution No. 86-144 was unanimously adopted.

Complete text of Resolution No. 86-144 will be found in Resolution Book No. **16** at page **115**.

**REPORT REQUESTED RELATIVE TO BREAK-INS AND ROBBERIES ON GRIFFING BOULEVARD AND GRACELAND AVENUE**

17. Mayor Bisette said he had received a number of calls from the residents in the area of Griffing Boulevard and Graceland Avenue relative to break-ins and robberies. He said the people in the neighborhood are extremely concerned about the number of break-ins and robberies recently in the area. He requested that the City Manager look into this matter.

**RALPH BISHOP - OBTAINING RECORDS FROM THE POLICEMEN'S PENSION AND DISABILITY BOARD OF TRUSTEES**

18. Ralph Bishop again spoke to members of Council relative to obtaining public records from the Policemen's Pension and Disability Board of Trustees and Board of Examiners.

**CLAIMS - RHONDA TANNER (WATER) - KEITH A. CURTIN (POLICE)**

The City Manager presented claims received from Rhonda Tanner and Keith A. Curtin.

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

**LAWSUIT - W. R. MARTIN CORPORATION AND SOUTHERN U.S. REALTY CORPORATION VS. CITY AND CITY COUNCIL**

The City Manager presented a lawsuit received from W. R. Martin Corporation and Southern U.S. Realty.

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

**ADJOURNMENT**

Upon motion of Councilman Boland, seconded by Councilman Tisdale, the meeting adjourned at 5:40 p.m.

MAYOR CITY CLERK

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