

Tuesday - August 18, 1987 - 4:00 P.M.

Regular Meeting

Present: Mayor W. Louis Bisette, Presiding; Vice-Mayor Mary

Lloyd Frank; Councilmen Kenneth M. Michalove, Norma T. Price, Wilhelmina Bratton, George Tisdale, and Walter Boland; 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 Boland.

I. PROCLAMATIONS:

**A. Resolution No. 87-144 -Resolution of appreciation to
the Planning Staff for their efforts in preparing the 2010 Asheville City Plan.**

Mayor Bisette read the resolution.

Upon motion of Councilman Boland, seconded by

Councilman Michalove, Resolution 87-144 was unanimously adopted.

Resolution Book No. 16 Page No. 404

Verl Emrick, Director of Planning, introduced the

Planning staff members involved in the preparation of the 2010 Asheville City Plan.

Councilman Price, as Chairman of Alternatives for

Asheville Committee, presented Certificates of Appreciation to the following staff members that directly worked with the Alternatives for Asheville Committee: Carol Albrice, Julia Cogburn, Verl Emrick, Diane Fry, Al Kolf, Sonya Luckadoo, Patricia Tallerday, and Mike Wheeler.

**B. Resolution No. 87-145 - Resolution of appreciation to
Councilman Norma Price for her services as Chairman of
the Alternatives for Asheville Committee.**

Mayor Bisette read the resolution.

Upon motion of Vice-Mayor Frank, seconded by Councilman Bratton, Resolution No. 87-145 was unanimously adopted.

Resolution Book No. 16 Page No. 405

II. PUBLIC HEARINGS:

A. Public hearing relative to site plan of the proposed expansion of St. Marks Lutheran Church at 10 North Liberty Street.

Mayor Bissette said the Asheville Planning and Zoning

Commission at a meeting held April 8, 1987, reviewed a site plan of the proposed expansion of St. Marks Lutheran Church at 10 North Liberty Street. The site plan was prepared by Wood and Cort, Architects, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to approve the project subject to the following conditions: 1. That a variance be granted to permit a side setback of 6" instead of the required 8'; 2) That a variance be granted to permit 45 parking spaces instead of the required 56; 3) That a variance be granted to reduce the buffering on the north property line; and 4) Compliance with the Erosion Control Ordinance.

Mayor Bissette opened the public hearing at 4:20 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 John Cort,

project architect, has requested that the public hearing be continued for one (1) week.

Councilman Tisdale said it was his understanding the developer is presently negotiating an agreement with the adjoining property owner relative to the proposed project being within 6" of the adjoining property. He requested that this agreement be completed before Council considers the plan.

Councilman Boland moved to continue the public hearing relative to the proposed expansion of St. Marks Lutheran Church at 10 North Liberty Street until August 25, 1987 without further advertisement. This motion was seconded by Councilman Price and carried unanimously.

III. OLD BUSINESS:

A. Ordinance No. 1643 - Third reading of Ordinance No.

1643, an ordinance amending Ordinance No. 322, being the Zoning Ordinance for the City of Asheville, as amended rezoning property in the area north of Hilliard, west of Clingman and southeast of West Haywood Street to Commercial Service District.

Mayor Bissette said the Asheville Planning and Zoning

Commission at a meeting held June 3, 1987, considered the rezoning petition, plus lots in an area North of Hilliard, West of Clingman and Southeast of West Haywood Street for possible inclusion in the Commercial Service District. The Commission voted to recommend to City Council that Ward 4, Sheet 3, Lots 22, 26, 27, 28, 29, 31, 32-1/4, 34, 36, 36-1/4, 37, 38, 237, 240, 241, and 252 be rezoned from R-3 Residential District to CS Commercial Service District.

On a roll call vote of 7-0, Ordinance No. 1643 passed on

third and final reading.

Ordinance Book No. 11 Page No. 148

B. Ordinance No. 1644 - Third reading of Ordinance No.

1644, an ordinance amending Ordinance No. 322, being the Zoning Ordinance for the City of Asheville, as amended rezoning property located at Haywood Road and Nevada Avenue from R-3 Residential District to CS Commercial Service District.

Due to a conflict of interest, Mayor Bisette was

previously excused from vote and participation in this rezoning matter. He turned the meeting over to Vice-Mayor Frank.

Vice-Mayor Frank the Asheville Planning and Zoning

Commission at a meeting held May 13, 1987, reviewed and recommended that a portion of Lot 2-1/4, Sheet 11, Ward 5, be rezoned from R-3 Residential District to CS Commercial Service District.

On a roll call vote of 6-0, Ordinance No. 1644 passed on

third and final reading.

Ordinance Book No. 11 Page No. 149

C. Ordinance No. 1645 - Second reading of Ordinance No.

1645, Ordinance to extend the corporate limits of the City of Asheville to an area south of the existing corporate limits under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Mayor Bisette said all legal requirements have been met

in order for Council to consider an ordinance to extend

the corporate limits to an area south of the existing corporate limits.

On a roll call vote of 7-0, Ordinance No. 1645 passed on second reading.

D. Ordinance No. 1646 - Second reading of Ordinance No.

1646, Ordinance to extend the corporate limits of the City of Asheville to an area lying to the west of Hendersonville Road under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Mayor Bisette said all legal requirements have been met

in order for Council to consider an ordinance to extend the corporate limits to an area lying to the west of Hendersonville Road.

Ralph Bishop spoke in opposition to the annexation ordinances.

On a roll call vote of 7-0, Ordinance No. 1646 passed on

second reading.

E. Ordinance No. 1647 - Second reading of Ordinance No.

1647, Ordinance to extend the corporate limits of the City of Asheville to a portion of the area generally known as the Oteen Area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Mayor Bissette said all legal requirements have been met

in order for Council to consider an ordinance to extend the corporate limits to an area generally known as the Oteen Area.

On a roll call vote of 7-0, Ordinance No. 1647 passed on second reading.

F. Ordinance No. 1648 - Second reading of Ordinance No.

1648, Ordinance to extend the corporate limits of the City of Asheville to a portion of the area generally known as the Haw Creek Area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Mayor Bissette said all legal requirements have been met

in order for Council to consider an ordinance to extend the corporate limits to an area generally known as the Haw Creek Area.

On a roll call vote of 7-0, Ordinance No. 1648 passed on second reading.

G. Resolution No. 87-146 - Resolution amending the report

of plans for extension of City services into the area to the west of the existing Corporate Limits proposed for annexation.

Mayor Bissette said the amendment will reflect the

reduction of the area proposed to be annexed to exclude a large area belonging to BASF, the Enka Village, and the Southeastern Container Company. The revised plan will reflect these changes.

Verl Emrick, Director of Planning, said the area

excluded for consideration of annexation included vacant land, which would not affect the qualifications of the area for annexation since the N.C. General Statutes specify that areas included in annexations must be developed.

Upon motion of Vice-Mayor Frank, seconded by Councilman

Price, Resolution No. 87-146 was unanimously adopted.

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H. Ordinance No. 1649 - Ordinance to extend the corporate

limits of the City of Asheville to an area to the west of the existing corporate limits under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Mayor Bissette said all legal requirements have been met

in order for Council to consider an ordinance to extend the corporate limits to an area to the west of the existing corporate limits.

The following individuals spoke in opposition to the

annexation of the area in the west:

Elva Wallace - 4 Glen Cliff, Woodside Hills

Tom Thrash - Enka area - requested a more detailed

description of the boundaries considered for annexation. He also pointed out a typographical error in the amended plan relative to the estimated ad valorem taxes.

Bob Hill - 11 Glen Cliff, Woodside Hills

Clarence Williams - Woodside Hills

Jack Pike - Enka Area

R. A. McClure - 35 Mayflower Drive- Candler

Mayor Bisette, in response to concerns expressed

relative to the annexation, handed out a cost sample outlining current expenses to property owners in the west area vs. anticipated expenses after annexation. He noted that property owners in the area would no longer

be required to pay a fire district tax, sanitary tax, the City would be picking up the cost for street lighting, individual fire insurance ratings would be less, and they should receive a savings on their state and federal income tax.

Councilman Michalove said he felt annexation is necessary for the City of Asheville to grow. He noted that the majority of services used by County residents, either directly or indirectly, are located in the City Limits of Asheville. He said it is the City of Asheville's responsibility to support many of these non-profit agencies even though County residents use these

services.

Vice-Mayor Frank moved for the adoption of Ordinance No. 1649. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1649 passed on first reading.

Councilman Michalove moved to suspend the rules and proceed to the second reading of Ordinance No. 1649. This motion was seconded by Councilman Bratton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1649 passed on second reading.

IV. NEW BUSINESS:

A. Ordinance No. 1650 - Ordinance establishing the City of

Asheville Police Officers' Disability Review Board for former members of the Asheville Policemen's Pension and Disability Fund.

Mayor Bisette noted that the Review Board will replace

the old Pension and Disability Board. The Board will evaluate future requests for "floor" guaranteed to retirees who sustain a disability "in the line of duty". Membership shall consist of: 1) member of City Council; 2) member of the Police Department; 3) licensed medical doctor; 4) City Manager or his designee; and 5) a member at large chosen by the City

Council.

Ralph Bishop requested a copy of the ordinance.

Councilman Michalove moved for the adoption of

Ordinance No. 1650. This motion was seconded by

Councilman Bratton.

On a roll call vote of 7-0, Ordinance No. 1650 passed

on first reading.

Councilman Michalove moved to suspend the rules and proceed to the second reading of Ordinance No. 1650. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1650 passed on second reading.

Councilman Michalove moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1650. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1650 passed on third and final reading.

Ordinance Book No. 11 Page No.

V. CONSENT:

A. Resolution No. 87-147 - Resolution accepting an offer

for the purchase of city-owned property located on Whitson Road.

SUMMARY: The City of Asheville has received an offer for the purchase of a mobile home and attachments and detached garage located on the northwest corner of Whitson Road and Arco Road, further known as 20 Whitson Road. The offer is in the amount of \$700. This resolution will authorize the sale of the abovementioned to Ricky Rice and authorize the Mayor to sign the offer to purchase and any other documents required to complete the conveyance. The property was originally purchased for right-of-way needs for the Arco Road Bridge Replacement Project. The offer was duly advertised and no upset bids have been received within the time required by N. C. General Statutes.

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B. Resolution No. 87-148 - Resolution establishing the

Asheville Sign Commission.

SUMMARY: The following individuals will be appointed

to the Asheville Sign Commission: Barbara McEwan; Linn Brown; Ellen Carr, Gary Lowe, Frank Graham; Jerry Grant; Barney Woodard; and Otis Ware.

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C. Scheduling public hearing relative to amending Section

30-6-1B.11 of the Code of Ordinances of the City of

Asheville requiring installation of sidewalks along all public rights-of-way adjoining group developments for September 15, 1987.

D. Resolution No. 87-149 - Resolution approving signatories

for checks or drafts on official city depositories.

SUMMARY: The purpose of this action is to update

signatories. The individuals filling the following named positions will be authorized signatories for all checks or drafts drawn on official City depositories: City Manager, Finance Director, City Accountant, and General Ledger Grant Accountant

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Upon motion of Vice-Mayor Frank, seconded by Councilman Michalove, the consent agenda was unanimously approved.

OTHER BUSINESS:

(1) - Resolution No. 87- 150 -Resolution authorizing submittal of

an application to the U. S. Department of Housing and Urban Development for a grant to carry out Fair Housing Activities.

Mayor Bisette noted that this resolution would authorize

the filing of a grant application for \$34,000 from the Department of Housing and Urban Development for the administering of the Fair Housing Program. He said the majority of these funds would be used for staffing, training, and building the program to deal with Fair Housing. He said the same funds would be available next year. He said after next year the program would be funded on a case by case basis with the Department of Housing and

Urban Development allowing \$750 for each case.

Upon motion of Councilman Bratton, seconded by Councilman

Michalove, Resolution No. 87-150 was unanimously adopted.

Resolution Book No. 16 Page No. 410

RALPH BISHOP - DOWNTOWN PROJECTS - LIBRARY - LOTTERY SALES

Ralph Bishop asked if any ad valorem tax money was being spent in the Downtown Development area. He also spoke relative to lottery sales in the City of Asheville.

ADJOURNMENT

Upon motion, the meeting adjourned at 6:00 P.M.

MAYOR CITY CLERK
