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Tuesday - **September 15, 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 Assistant City

Manager/Deputy City Clerk Charles Penny

Absent: William F. Wolcott, Jr., - Vacation

**ANNOUNCEMENT - MAYOR BISSETTE - MEETING WITH TRANSPORTATION SECRETARY JAMES E. HARRISON AND OTHER N. C. DEPARTMENT OF  
TRANSPORTATION DIGNITARIES**

Mayor Bisette announced that he would be meeting with Transportation Secretary James E. Harrington and Transportation

Board Member John Sutton to discuss several issues.

Mayor Bisette excused himself and turned the meeting over to Vice Mayor Frank.

**INVOCATION**

The invocation was given by Vice Mayor Frank.

**APPROVAL OF THE MINUTES - SEPTEMBER 8, 1987 MEETING**

Vice Mayor Frank announced the approval of the minutes of the September 8, 1987 as submitted.

**I. PROCLAMATIONS**

**A. Proclamation supporting the New Priorities Conference -  
September 18 and 19, 1987**

Vice Mayor Frank read the proclamation and presented a copy to Pamela Ray.

**B. Proclamation - American Business Women's Day -  
September 22, 1987**

Vice Mayor Frank read the proclamation and presented a copy to Jane C. Conner, President of the Sky-Hy Chapter of the A.B.W.A. Ms. Conner also introduced Judy Kelly, President of the Skyland Chapter of the A.B.W.A.

**C. Proclamation - Asheville Community Theatre Week -  
September 13 - 19, 1987**

Vice Mayor Frank read the proclamation and presented a copy to Ralph Redpath, Director of the Asheville Community

Theatre.

## **II. PUBLIC HEARINGS**

### **A. 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 development**

Vice Mayor Frank said the Asheville Planning and Zoning Commission at a meeting held September 9, 1987, considered an amendment to Section 30-6-1B.11 of the Code of Ordinances to require installation of sidewalks along all public rights-of-way adjoining group developments. After discussion, the Commission passed a motion that the proposed revision not be endorsed by the Planning and Zoning Commission or recommended to City Council for adoption. The sentiment of the Commission is that sidewalk construction is a municipal responsibility and proposed amendment

to the ordinance would provide for inequitable application.

Vice Mayor Frank opened the public hearing at 4:15 p.m.

Vice Mayor Frank said that Council and staff had a very lengthy discussion relative to Section 30-6-1B.11 at their Pre-Council Work Session. As a result of this, she said it was the consensus of the City Council to refer the matter back to the Planning and Zoning Commission for further study. She said it might also be beneficial to the Commission to visit some other cities to see how they are addressing this issue.

Councilman Tisdale moved to remand the proposed amendment to Section 30-6-1B.11 of the Code of Ordinances back to the Planning and Zoning Commission for further study. This motion was seconded by Councilman Michalove and carried unanimously.

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

### **B. Public hearing relative to rezoning property located on**

#### **Hildebrand Street in the East End/Valley Street Redevelopment Area**

#### **ORDINANCE NO. 1651, AN ORDINANCE AMENDING ORDINANCE AMENDING**

#### **ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (PROPERTY**

#### **LOCATED ON HILDEBRAND STREET)**

Vice Mayor Frank said the Asheville Planning and Zoning Commission at a meeting held August 12, 1987, considered the petition of Mr. Sidney Shorter et al that Lots 89, 90, 2-1/4, 100, 4, and 6, Sheet 2, Ward 1, be rezoned from CS Commercial Service District to R-3 Residential District. The property is located on Hildebrand Street in the East End/Valley Street Redevelopment Area. After review and discussion, the Commission voted to recommend to City Council that Lots 89, 90, 2-1/4, 100, 4, and 6 and 2-1/2, Sheet 2, Ward 1, be rezoned from CS Commercial Service District to R-3 Residential District. (Staff recommended including Lots 6 and 2-1/2 for contiguity although owners had not signed petition).

Vice Mayor Frank opened the public hearing at 4:16 p.m.

The Deputy City Clerk presented the notice to the public setting the time and date of the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission recommended that Council approve the rezoning requested by Sidney Shorter. He said the Commission further recommended that Lot 2-1/2 be included in the rezoning. He said the rezoning request had also been reviewed by the East End/Valley Street Homeowner's Association and the Asheville Housing Authority and they concur in the request.

Sue Evans, owner of Lot 6 and resident of 12 Belleair Road spoke in opposition to the proposed rezoning. She said the only logical zoning for her lot is the Commercial Highway designation. She said the lot's value would be reduced to almost nothing, and the lot would not be usable if rezoned to R-3 since a minimum of 8,000 square feet is required to build on. She requested that Council exclude lot #6 from the proposed rezoning.

Mike Robinson, Real Estate Broker representing Ms. Evans, said the lot fronts on Hildebrand and College Streets, and that driveway permits could be obtained from the State for the property. He said he had received several offers for this piece of property, one in the amount of \$15,000 and the person was willing to make all of the necessary changes.

Mr. Emrick answered other questions raised by Council Members relative to uses permitted in the R-3 and Commercial Service Districts, and conditional uses in the R-3 zone.

Mr. Robinson said even with the conditional use, the minimum lot size requirement is still 8,000 square feet and this would prevent Ms. Evans from using the lot. He said the proposed zoning, in total, should be denied by Council.

For the benefit of Council, Mr. Emrick read the lots proposed for rezoning and gave the owner's name for each.

Vice Mayor Frank closed the public hearing at 4:45 p.m.

Councilman Price moved to remove Lot 6 from the proposed rezoning and for the adoption of Ordinance No. 1651. This motion was seconded by Councilman Tisdale and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1651 passed on first reading.

### **III. OLD BUSINESS - NONE**

### **IV. NEW BUSINESS**

#### **A. Approval of sign permit for identification sign to be located**

##### **at 64 Orchard Street for Booth Barfield Realty**

Vice Mayor Frank announced that this item was removed from the agenda at the request of the petitioner. She said the item

would be placed on the agenda for September 29th.

#### **B. Ordinance No. 1652, an ordinance amending Section 28-52 (b)**

##### **of Chapter 28 of the Code of Ordinances of the City of Asheville prohibiting truck traffic on Hanover Street between**

##### **I-240 Ramp and State Street**

Vice Mayor Frank said this action will add the portion of Hanover Street, between the I-240 Ramp and State Street, to the list of residential streets on which certain truck traffic is prohibited. She said this action has been recommended by

the Traffic Engineer Bob McDonald.

Vice Mayor Frank said copies of the ordinance had previously been distributed to Members of City Council, and the ordinance would not be read in its entirety unless there was a specific request to do so.

Councilman Price moved for the adoption of Ordinance No. 1652. This motion was seconded by Councilman Michalove and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1651 passed on first reading.

Councilman Price moved to suspend the rules and proceed to the second reading of the ordinance. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1652 passed on second reading.

Councilman Price moved to suspend the rules and proceed to the third and final reading of the ordinance. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1652 passed on third and final reading.

**Complete text of Ordinance No. 1652 will be found in Ordinance Book No. 11, Page 176.**

#### **V. CONSENT**

##### **A. Resolution No. 87-163 - Resolution approving a reduction in fire contract charges for the Veteran's Administration**

###### **Medical Center at Oteen**

**SUMMARY:** Due to the City of Asheville discontinuing fire

alarm box services, there is a need to reduce the monthly rate charged Veteran's Administration Medical Center by the amount of

\$30.67 a month for the months of July, August, and September, 1987. By October 1, 1987 a new contract will have been negotiated.

**Resolution Book No. 16, Page No. 424**

##### **B. Award of bids for corrugated steel pipe for Public Works**

###### **Department, Street Division**

**SUMMARY:** Sealed bids were requested and four bids were

received - Contech Construction Products, Asheville, NC - \$53,865.00; Republic Drainage Products, Charlotte, NC - \$55,021.50; Municipal & Utility Supply Company, Asheville, NC - \$60,480.00 and Tri-State Culvert Corporation, Lawrenceville, Georgia. The bid from Tri-State Culvert Corporation was returned due to an improper bid deposit. Bids were reviewed with the Public Works Department and they concur in the recommendation to award the bid to the low bidder, Contech Construction Products, Inc. in the amount of \$53,865.00.

**Bid awarded to Contech Products in the amount of**

**\$53,865.00.**

**C. Award of bids for bulk sodium chloride (rock salt) for snow  
and ice control**

**SUMMARY:** Sealed bids were requested and four bids were

received - Morton Salt Division of Morton Thiokol, Inc. Chicago, Illinois - \$18,978.00; Cargill, Inc., Watkins Glen, NY - \$18,990.00; Domtar Industries, Schiller Park, Illinois - \$18,990.00; International Salt Company, Clarks Summit, PA. - \$19,356.00. Bids were reviewed with the Public Works Department, and they concur in the recommendation to award the bid to the low bidder, Morton Salt Division of Morton Thiokol, Inc. for an estimated contract amount of \$18,978.00.

**Bid awarded to Morton Salt Division of Morton**

**Thiokol, Inc. in the amount of \$18,978.00.**

Upon motion of Councilman Price, seconded by Councilman Michalove, the consent agenda was unanimously approved.

**CLAIMS - BETTE DAVIS (STREETS), SHARON BISHOP (WATER), DIANE BOSWELL (PARKS), H. S. LINDSEY (WATER), FRANK CUTSHAW (WATER)**

The City Manager presented claims received from Bette Davis (Streets), Sharon Bishop (Water), Diane Boswell (Parks), H. S. Lindsey (Water), and Frank Cutshaw (Water).

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

**MOTION TO FILE PETITION FOR DECLARATORY RELIEF IN SUPERIOR COURT - ZONING ORDINANCE (ASHEVILLE SPEEDWAY)**

As directed by the City Council, the City Attorney said he had prepared a Petition for Declaratory Relief in the Superior Court and that a motion would be necessary to authorize the filing of the Petition. This motion was made by Councilman Michalove, seconded by Councilman Price and carried unanimously.

Attorney Slawter said this document will, in effect, ask the Court to decide if the City's Zoning Ordinance is valid and can be enforced with regard to requiring the Asheville Speedway to cease operation by October 21, 1987.

**CHARLES PENNY - APPOINTMENT AS DEPUTY CITY CLERK**

The City Manager said both the City Clerk and the Deputy City Clerk are out of town. He requested that Council appoint Charles Penny as Deputy City Clerk so that the paperwork approved by Council can be signed and processed.

Councilman Tisdale moved to appoint Charles Penny as Deputy City Clerk. This motion was seconded by Councilman Bratton and carried unanimously.

**RESOLUTION NO. 87-164 - RESOLUTION APPOINTING SALLY PEARLMAN AND CELINE LUREY MEMBERS OF THE ASHEVILLE AREA CIVIC CENTER COMMISSION**

Vice Mayor Frank said since there will not be a Regular Council Meeting until September 29, 1987, Council needs to appoint members to the Asheville Area Civic Center Commission. She said the terms of office for members O. E. Starnes, III,

Sally Pearlman, and Fred Brown expired on July 1, 1987. She said Mr. Brown has served the two full terms allowed by Council policy. She said the Commission recommends that Council reappoint Mr. Starnes and Mrs. Pearlman and that Celine Lurey be appointed to replace Mr. Brown.

There was a short discussion relative to Mr. Starnes attendance and Council's policy on absences. Council requested that staff provide them with an explanation on Mr. Starnes absences.

Councilman Boland moved for the adoption of Resolution No. 87-164 appointing Sally Pearlman and Celine Lurey members of the Asheville Area Civic Center Commission for 3-year terms, term expiring June 30, 1990. This motion was seconded by Councilman Price and carried unanimously.

Complete text of **Resolution No. 87-164** will be found in **Resolution Book No. 16, Page 425**.

#### **RALPH BISHOP - GAMBLING IN THE CITY OF ASHEVILLE**

Ralph Bishop addressed Council relative to gambling in the City of Asheville. He said Chicken Lunsford and J. D. Plemmons are violating criminal statutes every day and nothing is done about it.

#### **ADJOURNMENT**

Upon motion of Councilman Tisdale, seconded by Councilman Boland, the meeting adjourned at 5:06 P.M.

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MAYOR CITY CLERK

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