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Tuesday - **November 24, 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 Bratton.

APPROVAL OF THE MINUTES

Mayor Bisette announced the approval of the minutes of the November 10, 1987 meeting as submitted.

VICE-MAYOR FRANK ELECTED TO BOARD OF DIRECTORS - NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Mayor Bisette congratulated Vice-Mayor Mary Lloyd Frank on being elected to the Board of Directors for the North Carolina League of Municipalities.

RECOGNITION TO WATER MAINTENANCE DIVISION - NORTH CAROLINA STATE WATER TAPPING TEAM

City Manager Doug Bean said the City of the Asheville is proud of our Department of Water and Sewer Department, Water Maintenance Division, for winning the State title in water line tapping during the annual convention of the American Water Works in Pinehurst. He said the team will now represent the City of

Asheville in the national contest to be held at the AWWA Convention to be held in Orlando, Florida in June of 1988. The Asheville Tapping Team beat Greensboro by just over 1/10 of a second to win first place in the pipe tapping event. Total time to complete a water service tap on a pressurized line was 2:33 minutes. The Asheville Tapping Team, BILLY GEVEDON, PETE RAUSCHENPLAT, GREG ALLEN, DENNIS MORGAN, AND THEIR COACH RICK HARPER, received plaques for their outstanding accomplishments.

City Manager Doug Bean said the Water Production Division also received an award in the Best Drinking Water Contest. He said a panel of nine judges evaluated entries in North Carolina and with less than 1 point difference in the judging between first and second place, Brevard, N. C. was chosen first place, Asheville, N. C. was chosen second place, and Durham, N. C. was chosen third. He recognized BOBBY HOLMES from Water Production Control for receiving this award.

A video was shown of the Water Tapping Team's championship performance.

I. PROCLAMATIONS:

A. Proclamation - Mountain Area Hospice - Festival of

Trees - November 26, 1987

Mayor Bissette read the proclamation and presented a copy to Judy Noth, Director of Mountain Area Hospice and Bobbie Cannon.

Judy Noth presented members of Council with t-shirts and complimentary tickets to the Festival of Trees event.

PROPOSED PARK - MARTIN LUTHER KING VS. BEAVER LAKE

Mayor Bissette said members of Council has discussed

the proposed park to be located on Martin Luther King vs. Beaver Lake properties. After considerable discussion relative to the pros and cons of the two sites it was the unanimous decision of the members of Council to proceed with the proposed park on Martin Luther King. The City has agreed to assist the residents of Beaver Lake in applying for grants for the possible acquisition of the Beverly property for a

passive park.

II. PUBLIC HEARINGS:

A. Public hearing relative to closing an unnamed alley on

West Avon Parkway.

Resolution No. 87-203 - Resolution to close an unnamed

alley on West Avon Parkway in the City of Asheville, North Carolina.

Mayor Bissette said a petition was received from

property owners along a portion of West Avon Parkway requesting that the unnamed alley be closed as a public alley. A public hearing is required prior to the closing of the unnamed alley.

Mayor Bissette opened the public hearing at 4:31 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.

Larry Ward, of the Public Works Department, said the

City has no use for the unnamed alley which has never been legally opened. He said the closing of the alley would not deprive adjacent property owners of ingress and egress to his property.

Councilman Tisdale requested that the Lakeview Park

Commission be notified of this alley closing.

Mayor Bissette closed the public hearing at 4:35 p. m.

Upon motion of Vice-Mayor Frank, seconded by Councilman

Michalove, Resolution No. 87-203 was unanimously adopted.

Resolution Book No. 17 Page No. 7-8

B. Public hearing relative to closing a portion of

Fairview Avenue between Stevens Street and Fairview Road.

Resolution No. 87-204 - Resolution to close Fairview

Avenue between Stevens Street and Fairview Road in the City of Asheville, North Carolina.

Mayor Bissette said a petition was received from

property owners along a portion of Fairview Avenue requesting that the portion between Stevens Street and Fairview Road be closed as a public street right of way. A public hearing is required prior to the closing of the unnamed alley.

Mayor Bissette opened the public hearing at 4:36 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.

Larry Ward, of the Public Works Department, said the

City has no use for the portion of Fairview Avenue property to be closed which has never been opened. He said the closing of the portion would not deprive adjacent property owners of ingress and egress to his property.

Councilman Michalove expressed concern that the

property owners adjacent to the portion of Fairview Avenue proposed to be closed would receive the property without compensation to the City. He said it is his understanding that the land to be given to the property owners is valuable and the City would be gaining nothing from this closing.

Councilman Tisdale noted that the closing of the

portion of Fairview Avenue would be recorded in the Buncombe County Register of Deeds and taxes would have to be paid by the property owners for this property.

Mayor Bissette closed the public hearing at 4:44 p.m.

Upon motion of Councilman Tisdale, seconded by

Councilman Price, Resolution No. 87-204 passed on a voice vote of 6-1, with Councilman Michalove voting "no".

Resolution Book No. 17 Page No. 9-10

C. Public hearing relative to closing Syrlin Street.

Mayor Bissette said a petition was received on July 17,

1987 from the property owner along a portion of Syrlin Street. The petition requested that a portion of Syrlin Street, be closed as a public street right of way.

Mayor Bissette opened the public hearing at 4:45 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 said it was noted during Pre-Council

Work Session that another petition has been filed requesting the closing of another portion of Syrlin Street and members of Council are inclined to continue this public hearing and considered both the petitions at one meeting. He said the public hearings would be held on January 5, 1988.

Harold Bennett, Attorney for the petitioner, agreed to

continuing the public hearing and hearing both requests at one time.

Councilman Price moved to continue the public hearing

relative to closing a portion of Syrlin Street until January 5, 1988 without further advertisement. This motion was seconded by Councilman Michalove and carried unanimously.

Councilman Tisdale requested that all adjacent property

owners, including Percy Carter, be notified of the

public hearing date.

III. OLD BUSINESS:

A. Ordinance No. 1664 - Second reading of Ordinance No.

1664, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, petition of J. D. Jackson and Associates, property located on Louisiana Avenue.

Mayor Bisette said the Asheville Planning and Zoning

Commission on October 14, 1987, considered the request of J. D. Jackson Associates for Mr. John Queen et al that Ward 6, Sheet 9, Lot 76 and portions of Lots 77 and 258 be rezoned from R-3 Residential District to CS Commercial Service District. The Commission voted to recommend to City Council that Ward 6, Sheet 9, Lot 76 and a portion of Lot 77 be rezoned to CS Commercial Service District and the rezoning request for a portion of Lot 258 be denied. This ordinance was read on first reading on November 10, 1987.

On a roll call vote of 7-0, Ordinance No. 1664 passed

on second reading.

B. Ordinance No. 1661 - Third reading of Ordinance No.

1661, Ordinance amending Chapter 27 (Taxicabs) of the Code of Ordinances of the City of Asheville.

Mayor Bisette said after numerous meetings with the

taxicab owners and operators Chapter 27, Taxicabs, has been rewritten. This ordinance has been read on first and second readings with several amendments.

Corporation Counsel Slawter reviewed several proposed

amendments to the ordinance as discussed during the first and second readings of the ordinance and as agreed to by the taxicab owners.

Councilman Price moved to amend Ordinance No. 1661 as outlined by the Corporation Counsel. This motion was seconded by Councilman Boland and carried unanimously. On a roll call vote of 7-0, Ordinance No. 1661 passed on third and final reading.

Ordinance Book No. 11 Page No. 189-213

IV. NEW BUSINESS:

A. Ordinance No. 1666 - Budget ordinance amendment

establishing funding for sewer service to Champion Finishing Company, Inc.

Mayor Bisette said the purpose of this budget

ordinance amendment is to set up an appropriation for the Champion Siphon/Sewer Project. This project was recently approved by the Appalachian Regional Commission (ARC) for a 50% grant. The grant application was previously authorized on September 23,

1986.

Councilman Tisdale moved for the adoption of Ordinance No. 1666. This motion was seconded by Vice-Mayor Frank.

On a roll call vote of 7-0, Ordinance No. 1666 passed on first and final reading.

Ordinance Book No. 11 Page No. 220

B. Ordinance No. 1667 - Budget ordinance amendment

appropriating Rental Rehabilitation Program funds into the budget.

Mayor Bisette said the City has received approval from

HUD for \$142,400 in Rental Rehabilitation Program funds for 1987-88. This ordinance will appropriate the funds into the budget.

Vice-Mayor Frank moved for the adoption of Ordinance No. 1667. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1667 passed on first and final reading.

Ordinance Book No. 11 Page No. 221

V. CONSENT:

A. Resolution No. 87-205 - Resolution authorizing the

Mayor of the City of Asheville to execute easement in favor of the Carolina Power and Light Company for property on Airport Road.

SUMMARY: Carolina Power and Light Company has requested

that the City of Asheville execute a right-of-way easement on property belonging to the City of Asheville located on Airport Road for the

purpose of updating an existing electric power line. The Corporation Counsel to add language to the easement to provide that if the City of Asheville has a need to require Carolina Power and Light Company to relocate their lines that it would be done at Carolina Power and Light Company's expense.

Resolution Book No. 17 Page No. 11

B. Resolution No. 87-206 - Resolution authorizing the City

Manager to execute on behalf of the City of Asheville an agreement and any amendments within the budgeted amount with Black and Veatch, Inc. for engineering services for the design of the South Swannanoa Sewer

Interceptor.

SUMMARY: Per City Council's directive in mid-summer to

accommodate the proposed Cherokee Place Shopping Center (Roses, Revco, Bilos) and to alleviate the overloaded condition of the sewer interceptor serving this area (Old US 74 and new US 74), solicitations were made for an engineering consultant to design the South Swannanoa 21-inch sanitary sewer interceptor consisting of approximately 8,370 l.f. of 21-inch sanitary sewer. Fourteen firms responded. A committee evaluated and rated the proposals and the contract was negotiated with the highest rated firm, Black and Veatch of Asheboro, North Carolina at a cost of \$77,500.

Resolution Book No. 17 Page No. 12

C. Resolution No. 87-207- Resolution authorizing the Mayor

to execute a supplemental municipal agreement with the North Carolina Department of Transportation for closed

loop Signal system in Asheville.

SUMMARY: The City and the North Carolina Department of

Transportation, on the 12th day of March, 1985, entered into a Municipal Agreement for the procurement and installation of a Closed Loop Signal System. Procurement costs and time frames for implementation of this system have changed substantially. Due to these changes the City and the North Carolina

Department of Transportation now wish to supplement the agreement.

Resolution Book No. 17 Page No. 13

D. Approval of bids for fire hydrants and PVC pipe.

SUMMARY: Recommendation for award of 135 each 6 inch

fire hydrants and 6000 feet of 12 inch C-900 PVC Pipe as follows: Miller Supply Company, Laurinburg, North Carolina for Bid Items No. 1, 2, and 3 (135 fire hydrants - 6 inch with various bury lengths) in the amount of \$50,050.00 and Consolidated Pipe and Supply, Charlotte, North Carolina for Bid Item 4 (6000 feet - 12 inch, C-900 PVC pipe) in the amount of \$83,880.00.

(Bid Summary Sheet on file in the Office of
the City Clerk)

E. Scheduling public hearing relative to Asheville Mall

Expansion for December 8, 1987.

SUMMARY: The Asheville Planning and Zoning Commission

at a called meeting on June 19, 1985, reviewed and approved the site plan of the Expansion of the Asheville Mall subject to nine contingencies. The Commission also recommended that the City Council, at a later date, request that a study be made of the feasibility of making Bracketown Road one-way out only to White Pine Drive. A grading plan was submitted and approved on January 15,

1987, and this work has been completed.

F. Scheduling public hearing relative to Sevier Street

Apartments, Phase A for December 8, 1987.

SUMMARY: The Asheville Planning and Zoning Commission

at a meeting on November 11, 1987, reviewed and approved the site plan of Sevier Street Apartments, Phase A, subject to reducing the

number of units to nine, specifically deleting unit number one, and compliance with Erosion Control Ordinance.

G. Scheduling public hearing relative to Adams Hill Mobile

Home Park for December 15, 1987.

SUMMARY: The Asheville Planning and Zoning Commission

at a meeting on November 11, 1987, reviewed and approved the site plan subject to the following: That the plan be approved provided an 80' buffer be provided between this, any lot for mobile home uses, and the adjacent property owners along the property lines bearing N 85 deg. 27' 04" 464.17', S 80 deg. 33' 27" W 275.68', appears to be adjacent to the Roger Keener, Charlene Webb and Edwin Hensley property, no land disturbing activities to be permitted on this 80' buffer except for purposes of control of storm water and that planting be in accordance with the buffering requirements for the entire 80', subject to review by the appropriate sedimentation board review authority. That a temporary silt basin and permanent stilling basins be installed in the two buffer areas mentioned before and also for Area C. Pumping station closest to space number 29 will have to be moved up the hill 60'.

Upon motion of Vice-Mayor Frank, seconded by

Councilman Price, the consent agenda was unanimously approved.

STATUS OF IMPLEMENTATION OF 2010 PLAN

Upon inquiry of Councilman Boland, the City Manager said

a report relative to the status of implementation of the 2010 plan would be forthcoming in the near future.

COMMENTS BY IRMGARD GORDOS

Irmgard Gordos, of 61 Bingham Road, Apartment 7C, spoke

to Council relative to problems she was experiencing in

the Bingham Heights Apartments. She told Council that she had contacted the Asheville Housing Authority and Pisgah Legal Services about her problems but she was still going to have to vacate the premises within three (3) weeks.

After discussion, Mayor Bisette requested that Ms.

Gordos give the City Manager a list of her problems and

he would see what could be done about her concerns.

**CLAIMS - ROBERT VAN DINE (STREETS) - MARY ANN BRACKETT (WATER) - ANN BALL (WATER)
- BOBBY FOWLER (SANITATION) - J. C. McDARIS**

(STREETS) - KATHY KEENER (WATER)

The City Manager presented claims received from Robert

Van Dine, Mary Ann Brackett, Ann Ball, Bobby Fowler, J. C. McDaris, and Kathy Kenner.

Mayor Bisette referred the claims to the Corporation

Counsel for investigation and recommendation.

LAWSUITS - PATRICIA L. ANDERSON VS. CITY OF ASHEVILLE

The City Manager said the City of Asheville was named a

party in a Small Claims action involving Patricia L. Anderson vs. City of Asheville relative to property damage and bodily injury resulting from automobile accident.

Mayor Bisette referred the claim to the Corporation

Counsel for investigation and recommendation.

RALPH BISHOP - COMMENTS RELATIVE TO LOTTERY SALES

Ralph Bishop again spoke to members of Council relative

to the lottery sales in the City of Asheville.

ADJOURNMENT

Upon motion, Mayor Bisette adjourned the meeting at

5:20 P.M.

MAYOR CITY CLERK
