

® Tuesday - January 12, 1988 - 4:00 P.M.

Regular Meeting

Present: Mayor W. Louis Bissette, Presiding; Vice-Mayor Kenneth

M. Michalove; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Russell Martin, and Walter Boland; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City

Manager/City Clerk William F. Wolcott, Jr.

Absent:

### **INVOCATION**

The invocation was given by Mayor Bissette.

### **APPROVAL OF MINUTES - JANUARY 5, 1988**

Mayor Bissette announced the approval of the minutes of the January 5, 1988 meeting as submitted.

### **®. PROCLAMATIONS:**

® **A. Proclamation - Land of the Sky Chess Week -**

**January 18 - 24, 1988**

Mayor Bissette read the proclamation and presented a copy to Wilder Wadford, Chairman of the Committee for the Chess Tournament and President of the Asheville Chess Club.

### **®I. PUBLIC HEARINGS:**

® **A. Continuation of a public hearing relative to closing a portion of Syrlin Street requested by Ellen Goldstein.**

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 extending northward from the northern margin of Tax Lot 178 and Tax Lot 13-1/4 of Ward 9, Sheet 7, be

closed as a public street right of way. This public hearing was on November 24, 1987 but was continued until January 5, 1988. At the January 5, 1988 meeting the hearing was continued until January 12, 1988.

® **B. Continuation of a public hearing relative to closing a portion of Syrlin Street requested by G. Findley Reed Jr., Norman C. Bradford, Virginia S. Bradford and others.**

Mayor Bissette said a petition was received on November

16, 1987 from the property owners along a portion of Syrlin Street. The petition requested that a portion of Syrlin Street between Tax Lots 178 and 13-1/4 of Ward 9, Sheet 7 or the Buncombe County Tax Maps, extending northward

approximately 160 feet from the southern margin of said lots be closed as a public street right of way. At the January 5, 1988 meeting the hearing was

continued until January 12, 1988.

It was the desire of Council to hold these two public hearings together since they are related issues.

Verl Emrick, Planning Director, said the two

petitions received to close portions of Syrlin Street were generated by a proposed group development by Ellen Goldstein for four duplex apartments. He said the plan was reviewed by the Planning and Zoning Commission and presented to Council with a recommendation for approval with several modifications. He said the group development plan was subsequently withdrawn pending the resolution of the closing of a portion of Syrlin Street. He said the Public Works Department reviewed and proposed closings and has no problems with the closings.

Harold Bennett, Attorney representing Ellen

Goldstein, presented a plat showing the properties in question. He said his client purchased the property about a year ago, which is zoned R-3 Residential District, for the purpose of constructing four duplex apartments. He said the development cannot legally be accessed from Long Street and that the complex cannot be built without entry and exit from Syrlin Street. He said General Statutes 160A-299 permits the closing of this portion of Syrlin Street since the closing will not be detrimental to the public interest or to individual property rights.

Mr. Bennett spoke in opposition to the closing of

the portion of Syrlin Street requested by others stating that the closing of this portion of Syrlin Street would be extremely detrimental to Ellen Goldstein. He said if the entire portion of Syrlin Street is closed as requested the group development project would fail due to lack of access to public right-of-way. He said the proposed development would be a \$600,000 investment by Ms. Goldstein.

Gary Swartz, 79 Edgewood Road, said he did not

object to the closing of that portion of Syrlin Street adjacent to Ms. Goldstein's property but also requested that the extension of Syrlin Street requested to be closed by other residents be closed. He said Syrlin Street is not a "real" street but is just on the tax maps. He said it is not used by pedestrians or vehicles. He said the residents have no objection to Ms. Goldstein developing her property for commercial use but the development if accessed from Syrlin Street would be destructive and harmful to the neighborhood. He said the residents are of the opinion that the developer could revise her plans so the project does not come through Syrlin Street. He said closing both portions of Syrlin Street, as requested, would allow the developer to develop her project as well as prohibit commercial encroachment into the residential neighborhood.

Norman and Virginia Bradford, 28 Lockley Avenue,

spoke in support of the closing of the portions of Syrlin Street as requested. They spoke in opposition to a commercial development having access to Syrlin Street. They said the plans could be adapted not to use Syrlin Street.

Darrell Metcalf, 6 Long Street, also spoke in support of the closings.

Harold Bennett said in his opinion the residents are

actually speaking in opposition to Ms. Goldsteins group development. He said the property is zoned

R-3 Residential District which allows such a group development.

Upon inquiry of Council, Corporation Counsel Slawter

said in his opinion the issues before Council were whether the closing of either portion of Syrlin Street would deny Ms. Goldstein or others reasonable access to their property and whether the closing would be detrimental to the public interest.

After a lengthy discussion relative to the status of

accessing the proposed development from Long Street

and the legality of closing Syrlin Street, Councilman Boland moved to continue the public hearings for one week, until January 19, 1988, without further advertisement, giving the Planning and Legal Staff an opportunity to meet with the developer to determine the alternatives to accessing the proposed project and to formulate an opinion on the closing of Syrlin Street. This motion was seconded by Vice-Mayor Michalove and carried

unanimously.

**®II. OLD BUSINESS:**

**®V. NEW BUSINESS:**

**® A. Request for lighting the ballfield at Deaverview Park.**

Mayor Bisette said a request was received from Dorothy

Arrowood of 126 Vance Crescent with reference to the possibility of lighting the ballfield at Deaverview Park in the spring of 1988. This request was forwarded to the Parks and Recreation Advisory Board. After considerable discussion the Board unanimously recommended that the ballfield at Deaverview Park be lighted in the spring of 1988. The Board suggested that this be accomplished by allocating \$50,000 from funds allocated for the proposed Martin Luther King Drive/South Charlotte Street Park with the understanding that the \$50,000 would be replaced into the Martin Luther King Drive/South Charlotte Street Park project during fiscal year 1988-89. It was noted that the funds to light Deaverview Park are included in the capital improvement program for 1988-89 and that this action will simply advance this project for one year.

Dorothy Arrowood, of 126 Vance Crescent, spoke in

support of the lighting of the ballfield at Deaverview Park. She said she has presented letters and petitions to members of Council, on December 1, 1987, requesting the lighting at Deaverview Park. She requested that Council accept the recommendation of the Parks and Recreation Advisory Board.

Bill Costello, retiree from the Asheville Police

Department, said he had worked with young people for many years and in his opinion the expense to the City for the lighting will be well spent to help the youth

stay off the streets.

**® Ordinance No. 1670 - Budget Ordinance amendment**

**appropriating Bee Tree Settlement Proceeds and earmarking \$50,000 for Deaverview Park lighting.**

Vice-Mayor Michalove moved to accept the recommendation

of the Parks and Recreation Advisory Board and for the adoption of Ordinance No. 1670. This motion was seconded

by Councilman Bratton.

On a roll call vote of 7-0, Ordinance No. 1670 passed on first and final reading.

**Complete text of Ordinance No. 1670 will be found in Ordinance Book No. 11 at Page 224.**

**Resolution No. 88-2 - Resolution of support that the controversy concerning Champion International Corporation be resolved.**

Vice-Mayor Michalove read the resolution.

Upon motion of Councilman Michalove, seconded by Councilman Bratton, Resolution No. 88-2 was unanimously adopted.

**Complete text of Resolution No. 88-2 will be found in Resolution Book No. 17 at page 59.**

Mayor Bissette said he would be attending the public

hearing scheduled at the Asheville Civic Center on Thursday, January 14, 1988 to be held between 1 PM and 10 PM relative to Champion International Corporation and the Environmental Protection Agency.

**Resolution No. 88-3 - Resolution authorizing the City**

**Manager to execute on behalf of the City of Asheville an agreement and any amendments thereto with CH2M Hill, Southeast, Inc., for engineering services for a drainage study.**

Mayor Bissette said the citizens of Asheville approved

a bond issue for the purpose of improvements and

rehabilitation to streets, sidewalks, and drainage within the City. The services of a consulting engineer are required to survey, inventory, evaluate, map, and prioritize the long range drainage needs for the City. An Evaluation/Selection Committee selected CH2M-Hill as the consultant for this project from over two hundred

(200) solicitations.

The City Manager and Harold Huff, Director of Water and Sewer Services, outlined the details of the agreement.

Upon motion of Councilman Boland, seconded by

Councilman Martin, Resolution No. 88-3 was unanimously adopted.

**Resolution Book No. 17 Page No. 60**

**Resolution No. 88-4 - Resolution authorizing the Mayor**

**to execute an agreement with Price Waterhouse for auditing services for the Fiscal Year ending June 30, 1988.**

Mayor Bissette said N.C. Gen. Stat. sec. 159-34

requires that local governments of North Carolina submit an annual audit to the Local Government Commission. Price Waterhouse, current auditors of the City of Asheville, has submitted a proposal to perform auditing services for the fiscal year ending June 30, 1988.

Upon motion of Councilman Price, seconded by Councilman

Frank, Resolution No. 88-4 was unanimously adopted.

**Resolution Book No. 17 Page No. 61**

Mayor Bissette was excused from the meeting and turned the meeting over to Vice-Mayor Michalove.

**® D. Ordinance No. 1671 - Budget Ordinance amendment to appropriate funds for the Emergency Shelter Grant Programs.**

Vice-Mayor Michalove said this amendment will

appropriate \$49,837 of grant funds from the Emergency Shelter Grant Program. The project will be subcontracted as follows: ABCCM Shelter \$30,027; Eliada Home Shelter \$15,142; Hospitality House Shelter \$4,668.

Councilman Price moved for the adoption of Ordinance

No. 1671. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1671 passed on first and final reading.

**Ordinance Book No. 11 Page No. 225**

**® E. Motion authorizing the City Manager to execute a**

**Landlord's Consent in favor of Northern Telecom Finance Corporation in regard to a lease with U. S. Cellular for use of tower space at the White Fawn Reservoir.**

Corporation Counsel Slawter said a request was received

from Steve Goldstein for execution by the City of a Landlord's Consent. The City entered into a lease with U. S. Cellular for use of tower space at the White Fawn Reservoir. This consent authorizes the assignment of that lease to a subsidiary partnership. The document also provides that Northern Telecom Finance Corporation will have a first lien on any equipment placed on the site by U. S. Cellular.

Councilman Price moved to authorize the City Manager to

execute a Landlord's Consent in favor of Northern Telecom Finance Corporation in regard to a lease with U. S. Cellular for use of tower space at the White Fawn Reservoir. This motion was seconded by Councilman Frank and carried unanimously.

**®THER BUSINESS;**

**Resolution No. 88-5 - Resolution appointing members to the Asheville Downtown Commission (Councilman Boland and Councilman**

**Bratton)**

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Vice-Mayor Michalove presented a resolution reappointing

Councilman Boland and Councilman Bratton to the Asheville Downtown Commission for a term expiring December 5, 1989.

Upon motion of Councilman Price, seconded by Councilman

Martin, Resolution No. 88-5 was unanimously adopted.

**Resolution Book No. 17 Page No. 62**

**Resolution No. 88-6 - Resolution appointing member to the Asheville-Buncombe Crime Stoppers Committee (Councilman Norma**

**Price)**

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Vice-Mayor Michalove presented a resolution reappointing

Councilman Norma Price as a member to the Asheville-Buncombe Crime Stoppers Committee, term expiring June 30, 1990.

Upon motion of Councilman Frank, seconded by Councilman

Boland, Resolution No. 88-6 was unanimously adopted.

**Resolution Book No. 17 Page No. 63**

**Resolution No. 88-7 - Resolution appointing member to the**

**Asheville-Buncombe Water Authority (Ralph D. Morris, Jr.)**

Vice-Mayor Michalove presented a resolution reappointing

Ralph D. Morris, Jr. as a member of the Asheville-Buncombe Water Authority for a term expiring December 31, 1990.

Mayor Bisette returned to the meeting.

Councilman Martin said he could not support the resolution

because of Council's stated policy that an individual can not serve on a Board or Commission more than two (2) terms. He said Council members should adhere to this policy. He said he was not opposing the resolution because of Ralph Morris, but merely because of Council's stated policy on reappointments.

Councilman Price and Frank supported the resolution stating

that Ralph Morris was instrumental in the establishment of the Authority and his expertise was needed on the Authority. They said Mr. Morris is a valuable member to the Authority and has the ability to handle their unique problems.

Councilman Boland and Mayor Bisette said they would

support the resolution, however, they also had reservations about Council deviating from Council's stated policy on reappointments.

Upon motion of Councilman Frank, seconded by Councilman

Boland, Resolution No. 88-7 was adopted on a voice vote of 6-1, with Councilman Martin voting "no".

**Resolution Book No. 17 Page No. 64**

**LETTERS RECEIVED RELATIVE TO SNOW REMOVAL**

Mayor Bissette said a number of letters and calls were

received from individuals relative to the recent snow removal process. He said he felt the Public Works Department had done a very good job. He said the Public Works Department removes the snow on a priority basis. He said the City Manager would be responding to the letters received.

**ANN CROSS - COMPLAINT RELATIVE TO WIRE IN STREET**

Ann Cross of Woodland Road, complained about a wire falling

down at 18 Orange Street that his hanging down, partly on the sidewalk and partly in the street. She said she had called the power, cable, and fire departments to come out and check the wire and to date, no one has been out to check it. She said the wire could be dangerous.

Mayor Bissette said the City Manager would have someone

check the wire.

**ELEN O'CONNER - PLANETARY COMMISSION - SUPPORT FOR 'PEACE POLE'**

Helen O'Conner with the Planetary Commission requested

Council's support to the erection of the "Peace Pole" on the City/County Plaza. She said they wish to install the pole during the Martin Luther King, Jr.'s celebration next week.

After discussion, Mayor Bissette instructed the City

Manager to look into the Planetary Commission's request and determine if they can find an appropriate location for the

"Peace Pole."

**LAIMS - KATHLEEN BALL (WATER) - LYNNETTE EASLEY (WATER)**

The City Manager presented claims received from Kathleen

Ball and Lynnette Easley.

Mayor Bissette referred the claims to the Corporation

Counsel for investigation and recommendation.

**DJOURNMENT**

Upon motion of Councilman Price, seconded by Councilman

Michalove, the meeting adjourned at 6:25 p.m.

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**MAYOR CITY CLERK**

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