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® Tuesday - **January 19, 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: None

INVOCATION

The invocation was given by Councilman Frank.

APPROVAL OF MINUTES - JANUARY 12, 1988

Mayor Bissette announced the approval of the minutes of the January 12, 1988 meeting as submitted.

®I. PROCLAMATIONS:

®II. 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. The public hearing was again continued until January 19, 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. The public hearing was again continued until January 19, 1988.

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

Verl Emrick, Director of Planning, said he had met

with Mr. Patton, Ms. Goldstein's developer, relative to access alternatives available in developing the property. He said access could be obtained from Long Street, Wildwood Avenue, or Syrlin Street. He said, however, if Ms. Goldstein subdivides the land instead of using the condominium/apartment approach in developing the land, she would need additional land for development. He said the approach of "dual permanent easements" could also be used in developing the land.

Piercy Carter, resident in the area, spoke in

support of closing both sections of Syrlin Street. He said he would object to Council closing only the portion requested by Ms. Goldstein. He said he would also object to Syrlin Street being used as part of Ms. Goldstein's development since Syrlin Street is not presently used as a street.

Mayor Bissette noted that Council must follow the

N. C. General Statutes in considering the closings. He said Council must determine, before closing the streets that it does not deny access to any property owner and that the closing would not be contrary to the public interest.

Norman Bradford, of Lockley Avenue, spoke in support

of closing both sections of Syrlin Street. He also opposed using Syrlin Street as part of Ms. Goldstein's proposed development.

Findley Reed said the residents in the area are not

opposed to Ms. Goldstein's request to close a

portion of Syrlin Street. He said Ms. Goldstein's project should be channeled through Long Street. He said the property values on Syrlin Street would be threatened if the project is accessed on Syrlin Street.

Mr. Swartz of 79 Edgewood Road spoke in support of

closing both sections of Syrlin Street. He said Syrlin Street is not used as a street but only for children playing. He said in his opinion the closing of both sections of Syrlin Street would not prevent Ms. Goldstein from using her property. He said Ms. Goldstein's proposed project should be accessed from Long Street.

Upon inquiry of Ralph Bishop, Mayor Bissette said if

Council closes Syrlin Street the adjoining property owners would own the portions of Syrlin Street closed.

Harold Bennett, Attorney for Ms. Goldstein, spoke in

support of closing the portion of Syrlin Street requested by Ms. Goldstein. He spoke in opposition to closing the portion requested by other residents.

Upon inquiry of Councilman Bratton, Ms. Goldstein

said at this time she did not have a definite set of

plans for the property.

Mayor Bissette closed the public hearing relative to

closing a portion of Syrlin Street requested by Ms. Goldstein at 4:48 p.m.

Mayor Bissette said members of Council were previously

furnished copies of the resolution and it would not be read in its entirety.

Councilman Price moved that action relative to Ms.

Goldstein's request to close a portion of Syrlin Street be continued, without further advertisement, until

April 19, 1988, giving Ms. Goldstein an opportunity to submit a group development plan to Planning and Zoning and Council. This motion was seconded by Councilman Boland and carried unanimously.

Mayor Bissette said it is Council's hope that Ms.

Goldstein could submit a group development plan that would be satisfactory to Planning and Zoning, Council, and area residents.

John Walsh said in his opinion Council could act as an

arbitrator in this issue.

Mayor Bissette then closed the public hearing relative

to closing a portion of Syrlin Street requested by G. Findley Reed Jr., Norman C. Bradford, Virginia S. Bradford and others at 5:00 p.m.

Mayor Bissette said members of Council were previously

furnished copies of the resolution and it would not be read in its entirety.

Councilman Price said, due to an opinion rendered by the

Corporation Counsel that the closing of this portion of Syrlin Street could perhaps deny access to a property owner, she would move that the request be denied. This motion was seconded by Councilman Martin and carried

unanimously.

®III. OLD BUSINESS:

® A. Staff report relative to Asheville Speedway and non-conforming uses.

Mayor Bissette said several weeks ago Council

instructed the City Attorney and the Planning Division to provide a report relative to the Asheville Speedway and to address other types of activities that would be nonconforming pursuant to

Section 30-3-3 of the Code of Ordinances.

The Corporation Counsel then gave a report to the

City Council regarding the Asheville Speedway and nonconforming businesses that might be subject to the amortization provisions of Section 30-3-3 of the Code of Ordinances. He stated that Verl Emrick, Director of Planning and Zoning, would have further information regarding the nonconforming uses. With regard to the Speedway, he stated that he was in the process of compiling ordinances and other information from other cities regarding noise restrictions. He stated that he had been in contact with manufacturers of mufflers for racing automobiles and would be receiving further information about them.

The Corporation Counsel recommended that the City

Council consider amendments to the Code of Ordinances as follows:

1. Amendment of the noise ordinance to delete the exemption for race tracks.
2. Either by amendment of the noise ordinance or by separate ordinance restrict the hours of operation of the Speedway and possibly other outdoor sporting events.
3. Assign police officers to regulate traffic during racing events.

Members of Council commended the Corporation

Counsel for the report and giving Council several options to consider. They indicated that time is of essence in attempting to solve the problems associated with the race track since races are now

being scheduled.

After discussion, Council scheduled a work session

for February 9, 1988 at 1:00 p. m. in the Council Chambers to discuss alternatives for the race track and other nonconforming uses. At that time staff could present draft ordinances amending the noise ordinance.

®IV. NEW BUSINESS:

® A. Ordinance No. 1672 - Budget Ordinance Amendment

appropriating Fair Housing Grant Assistance funds.

Mayor Bissette said this amendment will appropriate

\$34,000 of HUD Fair Housing Assistance Program grant funds. The projects will be subcontracted with the Asheville-Buncombe Community Relations Council for staff support to the Fair Housing

Commission.

Councilman Boland requested a status report from

the Fair Housing Commission.

Councilman Martin moved for the adoption of Ordinance No. 1672. This motion was seconded by Vice-Mayor Michalove.

On a roll call vote of 7-0, Ordinance No. 1672 passed on first and final reading.

Ordinance Book No. 11 Page No. 226

® B. Ordinance No. 1673 - Budget Ordinance Amendment appropriating Community Development Block Grant Funds for Emergency Shelter Grant Program Administration.

Mayor Bissette said this budget amendment will

appropriate \$5,000 of CDBG funds for administration of the Emergency Shelter Grant Program (ESGP). The City will contract with the Housing Authority to

administer the ESGP on behalf of the City.

Vice-Mayor Michalove moved for the adoption of

Ordinance No. 1673. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1673

passed on first and final reading.

Ordinance Book No. 11 Page No. 227

® C. Resolution No. 88-8 - Resolution authorizing execution of an agreement with the Housing Authority to administer the Emergency Shelter Grant Program.

Mayor Bissette said this agreement will authorize

the Housing Authority to administer the Emergency Shelter Grant Program and to contract with ABCCM, Eliada Home, and Hospitality House to operate the

shelters.

Upon motion of Councilman Price, seconded by

Councilman Frank, Resolution No. 88-8 was

unanimously adopted.

Resolution Book No. 17 Page No. 65

® D. Resolution No. 88-9 - Resolution authorizing the City Manager to execute agreement with Asheville Area

Chamber of Commerce.

Mayor Bissette said this agreement with the Chamber of Commerce is for Tourism and Promotion Services and Small Business Promotion.

Upon motion of Councilman Bratton, seconded by

Vice-Mayor Michalove, Resolution No. 88-9 was unanimously adopted.

Resolution Book No. 17 Page No. 66

®V. CONSENT:

® A. Resolution No. 88-10 - Resolution recognizing years of service for retiring Asheville Police Officers by presentation of the badge and sidearm carried during their career.

Mayor Bissette said this resolution will authorize that retiring police officers be awarded their badge and service sidearm upon retirement.

Resolution Book No. 17 Page No. 67

® B. Resolution No. 88-11 - Resolution appointing members to the Board of Directors of the Victoria of Asheville, Inc.

Mayor Bissette said this resolution will reappoint Dr.

John P. Holt and Dorothy C. Maitland and will appoint Darlene Wilkins to the Board of Directors of the Victoria of Asheville, Inc., terms expiring November 29, 1988, or until their successors are duly appointed and qualified.

Resolution Book No. 17 Page No. 68

® C. Resolution No. 88-12 - Resolution appointing member to the Alcoholic Beverage Control Board.

Mayor Bissette said this resolution will appoint Warren

G. Cabaniss as a member of the Board of Alcoholic Control, term expiring November 13, 1990.

Resolution Book No. 17 Page No. 69

Upon motion of Councilman Frank, seconded by Vice-Mayor

Michalove the consent agenda was unanimously approved.

®OTHER BUSINESS:

® Motion - J. W. Byers - Chairman of Alcoholic Beverage Control

Board

Councilman Boland moved to appoint J. W. Byers as Chairman of the Alcoholic Beverage Control Board until his term expires, November 13, 1989, or until his successor is duly appointed and qualified.

® Resolution No. 88-13 - Resolution appointing members to the

Asheville-Buncombe Community Relations Council

Mayor Bissette said this resolution will appoint Hazel Turner

and Linda McDaniel as members of the Asheville-Buncombe Community Relations Council for three year terms, terms expiring

December 31, 1990.

Upon motion of Councilman Price, seconded by Councilman Boland,

Resolution No. 88-13 was unanimously adopted.

Resolution Book No. 17 Page No. 70

®CLAIMS - MRS. ROBERT GADDY (SEWER) - TED LETMAN (STREETS) - BOBBY BROWN (STREETS) - KARNE STATON (STREETS) - WALLY CULBERTSON (STREETS) - HOWARD MARTENS (STREETS) - CHARLES CREASMAN (STREETS) - CECIL HARRISON (FIRE) - GEORGE ZOURZOUKIS (STREETS)

The City Manager presented claims received from Mrs. Robert Gaddy, Ted Letman, Bobby Brown, Karen Staton, Wally Culbertson, Howard Martens, Charles Creasman, Cecil Harrison,

George Zourzoukis.

®ADJOURNMENT:

Upon motion of Councilman Price, seconded by Councilman Frank, the meeting adjourned at 5:45 p.m.

MAYOR CITY CLERK
