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Tuesday - June 7, 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 Councilman Boland.

**APPROVAL OF MINUTES - MAY 31, 1988**

Mayor Bissette announced the approval of the minutes of the May 31, 1988 meeting as submitted.

**I. PROCLAMATIONS:**

**II. PUBLIC HEARINGS:**

**A. Public hearing relative to rezoning property located on**

**Governor's View Road.**

**Ordinance No. 1692 - An Ordinance amending Ordinance**

**No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, petition of Smoky Mountain Petroleum Company, property located**

**at 27 Governor's View Road.**

Mayor Bissette said the Asheville Planning and

Zoning Commission on May 4, 1988, reviewed and recommended approval of the petition of Smoky Mountain Petroleum Company that Ward 8, Sheet 15, Lot 98, and a portion of Lot 65 (27 Governors View Road), be rezoned from R-2 Residential District to

CS Commercial Service District.

Mayor Bissette opened the public hearing at

4:19 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 Bissette requested to be excused from

deliberations on this matter due to his firm representing the owner of Smoky Mountain Petroleum Company.

Vice-Mayor Michalove moved to excuse Mayor Bisette

from vote and discussion relative to this rezoning. This motion was seconded by Councilman Frank and carried unanimously.

Vice-Mayor Michalove presided over this matter.

Patty Tallerday, with the Planning Department, said

the Planning and Zoning Commission recommended approval of the requested rezoning. She said Smoky Mountain Petroleum Company owns both properties requested to be rezoned. She said adjoining property owners were notified of the requested rezoning with no opposition being received. She said the property fronts on Governor's View Road and runs to Swannanoa River Road.

Mr. Morgan, with Smoky Mountain Petroleum Company,

spoke in support of the rezoning stating that his company does not have long range plans for the property. He said it would more than likely be used for warehousing or parking.

Mayor Bisette closed the public hearing at

4:23 p.m.

Mayor Bisette said members of Council were

previously presented copies of the ordinance and it would not be read in its entirety.

Councilman Price moved for the adoption of

Ordinance No. 1692. This motion was seconded by Councilman Boland.

On a roll call vote of 6-0, Ordinance No. 1692

passed on first reading.

**B. Public hearing relative to annexing the V.F.W. Post**

**891, on Leicester Highway.**

**Ordinance No. - An Ordinance annexing a noncontiguous**

**area located on N.C. Highway 63 (Leicester Highway) and**

**known as the V.F.W. Post 891 Property**

Mayor Bisette said the City of Asheville has

received a petition from the V.F.W. Post 891 requesting annexation of a non-contiguous area on New Leicester Highway. The City Clerk has certified the sufficiency of said petition. A

public hearing is required pursuant to N.C.G.S.

Mayor Bisette opened the public hearing at

4:25 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.

Patty Tallerday, with the Planning Department,

explained how the area meets the standards for satellite annexation. She detailed the final plan for service to the area. She said the property is tax exempt and would not generate ad valorem taxes. However, the City would receive about \$500 from taxes received from the sale of beverages.

Upon inquiry of Councilman Martin, Ms. Tallerday

said the VFW Post 891 plans to obtain an ABC permit after annexation is approved.

Ralph Bishop said he did not think the City should be responsible for issuing liquor license in the County.

After discussion, Mayor Bisette closed the public hearing at 4:35 p.m.

Mayor Bisette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety.

Councilman Price moved for the adoption of the Ordinance. This motion was seconded by Councilman Bratton.

On a roll call vote of 4-3, the ordinance **failed**,

with Mayor Bisette, Councilman Bratton and Councilman Price voting "aye" and Vice-Mayor Michalove, Councilman Boland, Councilman Martin and Councilman Frank voting "no".

### **III. OLD BUSINESS:**

#### **A. Report on 2010 Plan.**

Mike Moser, Chairman of the Planning and Zoning

Commission, highlighted the progress of the 2010 Plan adopted by the Asheville City Council in October, 1977. The 2010 Plan is a long-range comprehensive plan for the City of Asheville for the next 25 years which was compiled basically by the citizens of Asheville. He said the Planning and Zoning Commission was charged with the responsibility of implementation and monitoring of the plan. He said this is a six month report on the completion and progress by departments and agencies of various items in the plan. He said a more comprehensive report would be given on October 3, 1988, one year after the initial adoption of the plan. He said the plan and its implementation process is working.

#### **B. Ordinance No. 1690 - Second reading of an Ordinance for the levy and collection of business license taxes.**

Mayor Bisette said the Revenue Ordinance has been

rewritten to make it simpler and easier to understand, easier to administer and more equitable in levy.

The City Manager said several minor modifications

were being made to the proposed ordinance which would be presented to members of Council prior to the third reading. He said members of Council would also be furnished a graph showing the impact of the changes from the current ordinance.

Mayor Bissette said members of Council were

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

On a roll call vote of 7-0, Ordinance No. 1690

passed on second reading.

#### **IV. NEW BUSINESS:**

##### **A. Motion adopting the Water Budget for Fiscal Year**

###### **1988-89.**

Mayor Bissette said the Asheville-Buncombe Water

Authority has submitted the Water Fund Budget for

Fiscal Year 1988-89.

Harold Huff, Director of Water and Sewer Services,

said about one and one-half years ago the Asheville-Buncombe Water Authority unanimously

approved a Master Plan Contract with the firm of Black and Veach. He said the plan is intended as a guide for the next twenty-two years. He said it has been the Authority's intention not to regulate or restrict the use of water. He said new requests for water taps have not been denied. He said in order to continue this water as needed practice without selective water tap denials or mandatory usage cut backs the Master Plan improvements recommended over the next eight (8) years need to be implemented without delay. He said this years budget proposes a water usage rate increase of fifteen percent (15%) which will assist in funding \$5 million in capital improvements cited in the Master Plan. He said the Asheville-Buncombe Water

Authority adopted the Water Budget on May 24, 1988.

Mr. Huff answered questions from Vice-Mayor

Michalove relative to the across the board 15% rate increase, the suggestion in the transmittal letter dated May 23, 1988 that the City Council and County Commissioners consider amending the Water Agreement to place a cap on their respective 5% and 2 1/2% contributions from the Water Fund at the FY 87/88 budget levels, and the effect the increase would have on water customers.

Upon inquiry of Council, Mike Holcombe with the

Water and Sewer Services Department, said the County Commissioners adopted the Water Budget subject to the City agreeing to changing the formula for payment in lieu of taxes to the Water Fund.

Several members of Council expressed concern

relative to amending the Water Agreement since it was amended about a year ago with the City at that time making many financial concessions.

After discussion, members of Council said they were

not ready to vote on the Water Budget at this time since they have several questions relative to the Budget. Several items that were mentioned was a breakdown of expenditures, cost allocations, and timber contracts. It was noted that Council would discuss the 1988-89 Water Budget at next week's Council meeting.

### **Update on current water situation**

Harold Huff, Water and Sewer Services Director,

said reservoirs system wide are three fourths full. He said measures are being taken to eliminate future problems with the Beaucatcher, Peach Knob,

and Patton Mountain reservoirs.

Councilman Boland said he would like for Council to

thoroughly discuss water availability in greater

detail.

### **B. Ordinance No. 1693 - Ordinance amending Section 25-14**

**of Chapter 25 of the Code of Ordinances of the City of Asheville relative to cutting into or otherwise disturbing streets and sidewalks.**

Mayor Bissette said this ordinance sets forth rules

and regulations relative to cutting into or

otherwise disturbing streets and sidewalks.

The City Manager said this ordinance has been

reviewed for a number of years in order to assure quality street and sidewalk cuts. He said the ordinance has been presented and discussed by the

Utilities Coordinating Committee (ULOCO).

Charles Penny, Associate City Manager, instrumental

in the preparation of the proposed ordinance, said the current ordinance dealing with street and sidewalk cuts is very broad and vague. He said the new ordinance provides for the collection of fees for street and sidewalk permits. He outlined the procedures and regulations to be followed in the issuance of permits.

Mayor Bissette said members of Council were

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

Councilman Frank moved for the adoption of

Ordinance No. 1693. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1693

passed on first reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the second reading of Ordinance No. 1693. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1693

passed on second reading.

**C. Ordinance No. 1694 - Ordinance appropriating additional funds for the Rental Rehabilitation Program.**

Mayor Bissette said the City of Asheville was

notified by the U. S. Department of Housing and

Urban Development on May 16, 1988 that the City has been awarded an additional \$32,100 for the Rental Rehabilitation Program administered by the Housing Authority of the City of Asheville. This action will appropriate these additional funds into the

Budget.

Mayor Bissette said copies of the ordinance was

previously presented to members of Council and it would not be read in its entirety.

Councilman Boland moved for the adoption of

Ordinance No. 1694. This motion was seconded by Councilman Martin.

On a roll call vote of 7-0, Ordinance No. 1695

passed on first and final reading.

**Ordinance Book No. 11 Page No. 284**

**D. Ordinance No. 1695 - Ordinance appropriating funds for Fire Station Project.**

Mayor Bissette said the City of Asheville is

expanding its City Limits West of the present boundaries. The existing fire station will be relocated to a point considerable west of its present location. The new location will provide response times and distances, as equal as possible,

throughout this company's district.

Mayor Bissette said copies of the ordinance was

previously presented to members of Council and it would not be read in its entirety.

Councilman Martin moved for the adoption of

Ordinance No. 1695. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1695

passed on first and final reading.

**Ordinance Book No. 11 Page No. 285**

**E. City Clerk to present certificate certifying the**

**sufficiency of the petition to annex a non-contiguous area on Leicester Highway known as Dewey's Inc.**

**property.**

Mayor Bissette said the City of Asheville has

received a petition from Ms. Judith A. Prozzo requesting annexation of a non-contiguous area known as Dewey's Inc. on Leicester Highway. The City Clerk has certified the sufficiency of said

petition.

The City Clerk presented the certificate certifying

the sufficiency of the petition to annex a non-contiguous area on Leicester Highway known as

Dewey's Inc. property.

**V. CONSENT:**

**A. Approval of sale of disposal parcel 160 in the East**

**Riverside Redevelopment Project.**

SUMMARY: The Housing Authority has tentatively

accepted the following bid for a certain disposal parcel in the East Riverside

Redevelopment Project.

Parcel Reuse Price Bid Redeveloper

160 Office-Inst. \$30,000 \$30,225 Blue Ridge Bone

& Joint Clinic

Disposal Parcel 160 is located at the corner of Myrtle and Pine Grove Streets and will be developed for parking in connection with the redeveloper's expansion of its facility at 129 McDowell Street.

**B. Resolution No. 88-89 - Resolution fixing date of public**

**hearing on question of annexation pursuant to G.S. 160-58.2, as amended (Dewey's Tavern, Leicester Highway)**

**for June 21, 1988.**

SUMMARY: The City of Asheville has received a

petition from Ms. Judith A. Prozzo requesting annexation of a non-contiguous area known as Dewey's Inc. on Leicester Highway. The City Clerk has certified the sufficiency of said petition. A public hearing is required pursuant to N.C.G.S.

**Resolution Book No. 17 Page No. 169**

**C. Scheduling public hearing relative to amending Section**

**30-11-4 of the Code of Ordinance of the City of Asheville streamlining Group Development Procedure for**

**June 28, 1988.**

SUMMARY: The Asheville Planning and Zoning

Commission on May 18, 1988, recommended approval of this amendment to City Council. It will facilitate the approval of group developments meeting certain criteria. Representatives of homeowners associations, Coalition of Asheville

Neighborhoods, Council of Independent Business Owners, Home Builders Association, and other professional groups provided input at our hearings.

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Boland, the consent agenda was unanimously approved.

**VI. OTHER BUSINESS:**

**RESOLUTION NO. 88-90 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE CIVIC CENTER COMMISSION (Mike Green, Dianna Jackson, and Sheryl Groce)**

Mayor Bissette presented a resolution reappointing Mike Green, Dianna Jackson and Sheryl Groce as members of the Asheville Civic Center Commission for three (3) year terms, terms expiring June 30, 1991 or until their successors have been duly appointed and qualified.

Upon motion of Councilman Martin, seconded by Councilman Frank, Resolution No. 88-90 was unanimously adopted.

**Resolution Book No. 17 Page No. 170**

**CLAIMS - KATHY TIPTON (WATER) - CAROL MURRAY (WATER) - PO FOLKS (WATER) - STEVE PARKER (WATER) - CHARLES RAWLS (WATER) - MAX HUTCHINS (COMMUNITY DEVELOPMENT) - MARGARET TRUMBO (SEWER) - RANDY PARKER (WATER)**

The City Manager presented claims received from Kathy Tipton, Carol Murray, Po Folks, Steve Parker, Charles Rawls, Max Hutchins, Margaret Trumbo, and Randy Parker.

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

**LAWSUITS - HOUSING AUTHORITY OF THE CITY OF ASHEVILLE (CONDEMNATION OF TRUSTEES OF GOODWILL LODGE 316, ET AL., PROPERTY (E. END/VALLEY**



**STREET))**

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The City Manager said the City was served with a lawsuit on May 27 involving the Housing Authority of the City of Asheville and the condemnation of Trustees of Goodwill Lodge 316, et al., property on E. End/Valley Street.

Mayor Bissette referred the lawsuit to the Corporation Counsel for investigation and recommendation.

**REPORT ON INTERGOVERNMENTAL SERVICES COMMITTEE MEETING**

Councilman Frank reported that the Intergovernmental Services Committee met today at 12:30 p.m. and discussed six different issues. She said Commissioner Montgomery requested that the issues be written with all the particulars and sent to him within a week and he would have the County Commissioners respond within a month. She said the issues discussed were joint warehousing, litter enforcement, 911 emergency number, extraterritorial jurisdiction, tax lot clearing, and metropolitan law enforcement.

**REQUEST FOR STATUS REPORT ON MANOR PROPERTY**

Vice-Mayor Michalove requested a current status report on the Manor property.

**ADJOURNMENT**

Upon motion, the meeting adjourned at 6:10 p.m. to executive session to discuss a real estate matter.

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**MAYOR CITY CLERK**

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