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Tuesday - July 12, 1988 - 4:00 P.M.

Regular Meeting

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

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

William F. Wolcott, Jr.

Absent: Councilman Walter Boland

INVOCATION

The invocation was given by Vice-Mayor Michalove.

APPROVAL OF THE MINUTES - JUNE 28, 1988

Mayor Bisette announced the approval of the minutes of the June 28, 1988 meeting as submitted.

I. PROCLAMATIONS:

A. Resolution No. 88-109 - Resolution in memory of Harold

F. Robinson.

Mayor Bisette read a resolution in memory of Harold F. Robinson, former Chancellor of Western Carolina University, who recently passed away.

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 88-109 was unanimously adopted.

Resolution Book No. 17 Page No. 193

II. PUBLIC HEARINGS:

III. OLD BUSINESS:

A. Continuation of a public hearing relative to closing

Shawnee Trail.

Resolution No. 88-110 - Resolution to close Shawnee Trail.

Mayor Bisette said a petition has been filed by

Centennial American Properties, Ltd. on behalf of The Litchfield Co. of South Carolina Ltd. Partnership requesting that Shawnee Trail be

permanently closed to the public use.

Mayor Bisette opened the public hearing at

4:10 p.m.

Mayor Bisette asked to be excused from

participation and vote on the issue involving Shawnee Trail due to a conflict of interest.

Councilman Price moved to excuse Mayor Bisette

from participation and vote on the issue involving Shawnee Trail. This motion was seconded by Councilman Martin and carried unanimously.

Vice-Mayor Michalove left the meeting at 4:15 p.m.

unexcused.

Councilman Price presided over the meeting during

the Shawnee Trail issue.

Patty Tallerday, from the Planning Department,

said the closing of Shawnee Trail is necessary for the group development proposal, Overlook Village. She said the Technical Review Committee reviewed the proposed closing and voiced no problem with the closing.

Councilman Price closed the public hearing at

4:28 p.m.

Councilman Price said members of Council were

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

Upon motion of Councilman Bratton, seconded by

Councilman Martin, Resolution No. 88-110 was unanimously adopted.

Resolution Book No. 17 Page No. 194-195

B. Ordinance No. 1699 - Second reading of an

ordinance amending Section 30-11-4 of the Zoning Ordinance, Procedures for Group Developments.

Mayor Bisette said 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. This ordinance was read on first reading

on June 28, 1988.

Mayor Bissette said this ordinance was previously read on first reading and would not be reread in its entirety.

On a roll call vote of 6-0, Ordinance No. 1699 passed on second reading.

C. Ordinance No. 1698, Third reading of an ordinance

amending Chapter 12, Fire Prevention and Protection, of the Code of Ordinances of the City of Asheville relative to smoke detectors.

Mayor Bissette said this ordinance amends the

Asheville Fire Code by requiring that: 1) Smoke detectors must be installed in any dwelling unit offered for rental or lease, including single-family homes; 2) In multi-dwelling buildings, smoke detectors must be installed in stairwells and common areas; 3) The owner of such units is responsible for installing, maintaining and repairing the smoke detectors; the tenant is responsible for reporting observed detector problems, and for preventing destruction and removal of the detector; 4) Smoke detectors must be installed in any dwelling unit offered for sale by the time sale closing or completion. The effective date of the ordinance - and its

requirements - would be August 1, 1988.

Mayor Bissette said this ordinance was previously read on first reading and would not be reread in its entirety.

On a roll call vote of 6-0, Ordinance No. 1698 passed on third and final reading.

Ordinance Book No. 11 Page No. 291-192

IV. NEW BUSINESS:

A. Sign permit request for off-premises advertising sign to be located at I-240 at Fairview Road.

Mayor Bissette said Holland Outdoor Advertising

Company has requested approval of a sign permit for a 14' x 48' off-premises advertising sign to be located at I-240 and Fairview Road. This permit requires approval of Council since the sign will be situated closer than 600' from a limited access

highway.

Mayor Bissette said consideration of the sign

permit has been delayed until July 26, 1988 at the request of Holland Outdoor Advertising Company.

B. Ordinance No.1701 - Ordinance rescinding Ordinance No.

1662 of the Code of Ordinances of the City of Asheville

regarding fire sprinklers.

Mayor Bisette said on November 10, 1988, the

Council adopted Ordinance No. 1662, which dealt with use of sprinkler systems in lieu of second stairwells in certain historic buildings. State law requires the approval of the Building Code Council in order for such an ordinance to become effective. Following adoption of this ordinance, on the advice of experts in the architectural, engineering, and code enforcement fields, this matter was put to the Building Code Council as a proposal to amend the State Building Code, rather than approval of Asheville's local ordinance. That effort was successful. Therefore, there is no need for Ordinance No. 1662 and it needs to be rescinded.

Mayor Bisette said this ordinance was previously presented to members of Council and would not be read in its entirety.

Councilman Price moved for the adoption of Ordinance No. 1701. This motion was seconded by Councilman Martin.

On a roll call vote of 6-0, Ordinance No. 1701 passed on first reading.

Councilman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1701. This motion was seconded by Councilman Martin and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1701 passed on second reading.

Councilman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1701. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1701 passed on third and final reading.

Ordinance Book No. 11 Page No. 298

C. Resolution No. 88-111 - Resolution authorizing the

Mayor to execute a municipal agreement with the North Carolina Department of Transportation to make certain street and highway improvements under Project 8.2841901 (SR 1781 (Broadway Avenue) from US 19-23 to Catawba

Street).

Mayor Bissette said this resolution will allow the

City to enter into an agreement with the NC DOT to make certain street and highway improvements to Broadway Avenue from US 19-23 to Catawba Street.

Upon motion of Councilman Bratton, seconded by

Councilman Frank, Resolution No. 88-111 was unanimously adopted.

Resolution Book No. 17 Page No. 196-197

D. Resolution stating the intent of the City of Asheville

to consider the annexation of a portion of the area generally known as the Beaverdam Valley area, and fixing the date of a public hearing on the question of

annexation.

SUMMARY: Pursuant to Chapter 160A of the North

Carolina General Statutes the City of Asheville has examined certain areas to determine if they qualify for annexation. Certain statutory procedures are required for annexation. This resolution expresses Council's intent to annex the above mentioned property and schedules a public hearing on the question for August

30, 1988.

Mayor Bissette said action on this resolution would

be postponed until July 26, 1988.

E. Resolution stating the intent of the City of Asheville

to consider the annexation of a portion of the area generally known as the Hansel Avenue area, and fixing the date of a public hearing on the question of

annexation.

SUMMARY: Pursuant to Chapter 160A of the North

Carolina General Statutes the City of Asheville has examined certain areas to determine if they qualify for annexation. Certain statutory procedures are required for annexation. This resolution expresses Council's intent to annex the above mentioned property and schedules a public hearing on the question for August

30, 1988.

Mayor Bissette said action on this resolution would

be postponed until July 26, 1988.

F. Resolution stating the intent of the City of Asheville

to consider the annexation of a portion of the area generally known as the Hansel Avenue North area, and fixing the date of a public hearing on the question of

annexation.

SUMMARY: Pursuant to Chapter 160A of the North

Carolina General Statutes the City of Asheville has examined certain areas to determine if they qualify for annexation. Certain statutory procedures are required for annexation. This resolution expresses Council's intent to annex the above mentioned property and schedules a public hearing on the question for August

30, 1988.

Mayor Bissette said action on this resolution would

be postponed until July 26, 1988.

V. CONSENT:

A. Resolution No. 88-112 - Resolution authorizing the

Mayor of the City of Asheville to sign the annual

certification of firemen.

SUMMARY: North Carolina's General Statutes, Ch.

118-38, requires certified fire departments to record the names of their firefighters with the North Carolina Firemen's Pension Fund. This certification requires official City Council action.

Resolution Book No. 17 Page No. 198

B. Scheduling of public hearing relative to zoning

property on Tunnel Road to CH Commercial Highway

District for July 26, 1988.

SUMMARY: The Asheville Planning and Zoning

Commission on June 29, 1988, reviewed and recommended approval of zoning a 1.3 acre tract (previously NCDOT right-of-way) lying between I-240 and Lot 12, Sheet 21, Ward 8, to CH Commercial Highway District. The purpose of the request is to make the entire tract between US 74 and I-240 CH Commercial Highway District for the purpose of constructing the Overlook

Village Shopping Center.

Upon motion of Councilman Martin, seconded by

Councilman Frank, the consent agenda was

unanimously approved.

VI. OTHER BUSINESS:

ANNOUNCEMENT RELATIVE TO APPEAL OF CHESTNUT-LIBERTY HISTORIC DISTRICT LAWSUIT DECISION

Mayor Bissette announced that during the pre-council work session members of Council discussed the appeal of a

decision relative to the Chestnut-Liberty Historic District lawsuit. He said during the vote on the district there were members who supported the district and members who did not support the district. However, the discussion did not center around whether or not anyone supported the district but the procedures used in establishing the district. He said after discussion the City Attorney was instructed to appeal the decision of the lawsuit.

REPORT RELATIVE TO INTERGOVERNMENTAL SERVICES COMMITTEE MEETING

Councilman Frank reported that the Intergovernmental Services Committee met on July 5, 1988. She said Commissioner Montgomery furnished the members with information requested at the prior meeting. She said the committee discussed the Metropolitan Police Force, dealing with the 911 emergency number, and requested that the City Manager and John Creighton, Planning Director, for the County come back to the committee with a report in August.

Zoning for the two-three mile perimeter in the area of the new shopping center being constructed in the west was discussed and the commissioners said they would not make a suggestion for zoning but the members of the community should have input into the zoning.

She said the commissioners were interested in a joint city/county purchasing agreement and the city and county purchasing directors will be discussing this matter.

She said it was suggested that the position of the Environmental Control Officer remain with the County as stipulated in the Water Agreement. Councilman Price said the

Environmental Control Officer is not a part of the Water Agreement.

She said they discussed the County participating in the cost of cleaning up tax lots. The commissioners said they would be willing to help with the cost but would like to do so at the time of the sale of the property.

She said the commissioners requested that the council members give them a list of items in the Water Agreement which they feel are double taxation items.

She said the next meeting for the Intergovernmental Services Committee would be on August 2, 1988.

SALE OF DISPOSAL PARCELS 79 AND 108A - EAST RIVERSIDE REDEVELOPMENT PROJECT

The City Manager presented a recommendation from the Housing Authority for the sale of Disposal Parcels 79 and 108A in the East Riverside Redevelopment Project. He said Parcel 79 would be sold to Diana L. Geter for \$900 and Parcel 108A would be sold to Marion Presha in the amount of \$1,200. He said the lots are located on Ora Street and will be developed for single family residences in cooperation with WNC Habitat for Humanity.

Councilman Martin moved to approve the recommendation of the Housing Authority for the sale of Disposal Parcels 79 and 108A. This motion was seconded by Councilman Price and carried unanimously.

CLAIMS - GAY MORGAN (SEWER) - JACK SMITH (PARKING SERVICES) - ROBERT LILLY (POLICE) - JESSIE REED (PARKS)- ANNABELLE GREEN (STREETS) - DEBBIE MORGAN (WATER)

The City Manager presented claims received from Gay Morgan, Jack Smith, Robert Lilly, Jessie Reed, Annabelle Green, and Debbie Morgan.

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

RALPH BISHOP - MINUTES OF COUNCIL MEETINGS

Ralph Bishop again spoke to members of Council relative

to his opinion that Council keep verbatim minutes.

ADJOURNMENT

Upon motion the meeting adjourned at 4:55 p.m.

MAYOR CITY CLERK
