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Tuesday - December 20, 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, Russell Martin and Arthur Robert York; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Deputy City Clerk

Carol Hensley.

Absent:

INVOCATION

The invocation was given by Vice-Mayor Michalove.

APPROVAL OF MINUTES - DECEMBER 13, 1988

Mayor Bisette announced the approval of the minutes of the December 13, 1988 meeting as submitted.

PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) - ANNUAL REPORT - BOND PRESENTATION REPORT

The City Manager recognized Larry Fisher, Director of Finance, Charlotte Tell, Pat Lackey, Joe Elkins and Dottie Lawing from the Accounting Division for the hard work and dedication that went into the preparation of the Comprehensive Annual Financial Report. The employees presented members of Council with their personal copy of the report.

The City Manager recognized Robin Westbrook, Public Information Director and Peggy Gardner from the Public Response Division for their efforts in the preparation of the first Annual Report which includes a narrative about the City and a financial summary. He said this report can be distributed throughout the City to citizens and civic groups. The staff members presented members of Council with their personal copy of the annual report.

The City Manager recognized Bob Wurst, Audit and Budget Director, Debbie Taylor, and Tom Fitzpatrick, the Finance Department, and the Public Response Department for their efforts in the preparation of the Bond Rating Report. He said this Bond Presentation Report helped the city receive its recent "AA" Credit rating.

The City Manager said the covers of these reports would be the "new look for the City for the next year".

I. PROCLAMATIONS:

II. PUBLIC HEARINGS:

A. Public hearing for the adoption of an ordinance

designating the Reed House, located at 119 Dodge Street as local historic property.

Ordinance No. 1743 - An ordinance designating property

known as the "Samuel Harrison Reed House" at 119 Dodge

Street as a local historic property.

Mayor Bisette said the Historic Resources

Commission has received approval from the State Historic Preservation Office to proceed with the designation of the Reed House (overlooking Biltmore Village). Property owner will receive a 1989 property tax break if the building is designated by January 1, 1989. The Reed House has undergone

substantial rehabilitation recently.

Mayor Bisette opened the public hearing at

4:32 p.m.

The Deputy City Clerk presented the notice to the

public setting the time and date for the public hearing and the affidavit of publication.

Doug Swaim, Director of Historic Resources

Commission, said this is a joint public hearing with City Council and the Historic Resources Commission. He said a quorum of the Commission is present for the hearing. He showed members of Council slides of the "Samuel Harrison Reed House" at 119 Dodge Street which they are recommending as a local historic property designation. He said the house is a rare and little altered remnant of the grand lifestyle associated with the seat of a pre-Biltmore country estate. He said the house was built on a hilltop overlooking the village of Best (later Biltmore) by

Samuel Harrison Reed, a wealthy local attorney who represented the George W. Vanderbilt estate. He requested that Council pass the ordinance on three readings at today's meeting in order for the owner of the property to receive a 1989 property tax break.

A spokesman from the Preservation Society said they

strongly supported the designation of 119 Dodge Street as a local historic property.

Mayor Bisette closed the public hearing at

4:38 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 Bratton moved for the adoption of

Ordinance No. 1743. This motion was seconded by Councilman York.

On a roll call vote of 7-0, Ordinance No. 1743

passed on first reading.

Councilman Frank moved to suspend the rules and

proceed to the second reading of Ordinance No. 1743. This motion was seconded by Councilman Bratton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1743

passed on second reading.

Councilman Frank moved to suspend the rules and

proceed to the third reading of Ordinance No. 1743. This motion was seconded by Councilman Bratton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1743

passed on third and final reading.

Ordinance Book No. 11 Page No. 409-411

B. Public hearing for the adoption of an ordinance

designating the O. B. Wright House, located at 233-235 Pearson Drive as local historic property.

Ordinance No. 1744 - An ordinance designating the O. B.

Wright House, located at 233-235 Pearson Drive as local

historic property.

Mayor Bissette said the Historic Resources

Commission has received approval from the State Historic Preservation Office to proceed with the designation of the O. B. Wright House, located at 233-235 Pearson Drive. Property owner will receive a 1989 property tax break if the building is designated by January 1, 1989. The Wright house has

undergone substantial rehabilitation recently.

Mayor Bissette opened the public hearing at

4:41 p.m.

The Deputy City Clerk presented the notice to the

public setting the time and date for the public hearing and the affidavit of publication.

Doug Swaim, Director of Historic Resources

Commission, said this is a joint public hearing with City Council and the Historic Resources Commission. He said a quorum of the Commission is present for the hearing. He showed members of Council slides of the "O.B. Wright House and Carriage House" at 235 and 233 Pearson Drive which they are recommending as a local historic property designation. He said the "O.B. Wright House," was built around 1900 and is distinguished as one of Asheville's most carefully detailed examples of the Colonial Revival influenced variation of the Queen Anne style. He said the house is listed as a key building in Montford on the National Register of Historic Places. He said the large adjacent carriage house is essentially original in appearance and is an important adjunct to the Wright House. He said the house and carriage house comprise the original property of Osella B. Wright, early twentieth century Asheville businessman and proprietor of the Carolina Carriage House.

A spokesman from the Preservation Society said they

strongly supported the designation of 235 and 233 Pearson Drive as a local historic property.

Mayor Bissette closed the public hearing at

4:45 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 Martin moved for the adoption of

Ordinance No. 1744. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1744

passed on first reading.

Councilman Martin moved to suspend the rules and

proceed to the second reading of Ordinance No. 1744. This motion was seconded by Councilman York and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1744

passed on second reading.

Councilman Martin moved to suspend the rules and

proceed to the third reading of Ordinance No. 1744. This motion was seconded by Councilman Bratton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1744

passed on third and final reading.

Ordinance Book No. 11 Page No. 412-414

III. OLD BUSINESS:

A. Ordinance No. 1741 - Third reading of an ordinance of

the City of Asheville ("Grantor") authorizing the transfer of a cable television franchise from American

Cable TV Investors to United Artists Holdings, Inc.

Mayor Bisette said this ordinance will approve and

consent to the transfer and assignment of the franchise to Daniels & Associates, Inc. and/or its affiliates which are controlled by United Artists Communications, Inc. This ordinance passed on first reading on December 6, 1988, and on second reading

on December 13, 1988.

Mayor Bisette said this ordinance was previously

read on first and second reading and would not be reread.

Councilman York moved to amend Ordinance No. 1741 by

striking the word "liabilities" from Section 4 and adding the words "equivalent to those transferred to American Cable TV Investors" in lieu of "now held by" and to insert the word "and" between obligations and privileges. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1741

passed on third and final reading, as amended.

Ordinance Book No. 11 Page No.

B. Ordinance No. 1742 - Second reading of an ordinance

relative to an ordinance amending Ordinance No. 322, known as "An Ordinance providing for the zoning of the City of Asheville," as amended, (Wording Amendment -

Section 30-5-16. NC Neighborhood Commercial District).

Mayor Bissette said the Asheville Planning and

Zoning Commission on November 2, 1988, recommended that City Council amend the Asheville Zoning Ordinance by adding a new Sec. 30-5-16. NC Neighborhood Commercial District. This ordinance

passed on first reading on December 13, 1988.

Mayor Bissette said this ordinance was previously

read on first reading and the ordinance would not be reread.

On a roll call vote of 7-0, Ordinance No. 1742

passed on second reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the third and final reading of Ordinance No. 1742. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1742

passed on third and final reading.

Ordinance Book No. 11 - Page No. 405 - 408

C. Ordinance No. 1731 - Third reading of an ordinance

amending Section 19A-1 and 19A-11 of the Code of Ordinances (Grievance Procedure) of the City of

Asheville.

Mayor Bissette said Section 19A-1 is being amended

to clarify procedures for hearing group grievances because meeting with large groups can make it almost impossible to meet time deadlines of the present ordinance. This amendment would allow a department head the flexibility to meet with a group of employees if he/she so desires; however, it would clarify that it is not a requirement of the grievance procedure. Section 19A-11 will clarify who the department head must confer with prior to rendering a decision on a grievance as opposed to who must actually attend the grievance conference. Section 19A-11 also eliminates the time

allotted for the City Manager to render his decision provided the conference is held within 10 days after the appeal is received by the City Clerk.

Mayor Bisette said this ordinance was previously read on first and second reading and would not be reread.

At the request of the City Attorney, Councilman

Price moved to amend Ordinance No. 1731 to provide that employees who file a group grievance shall select no more than six (6) employee representatives from among those filing the grievance prior to presenting their complaint to their supervisor. Supervisors shall hear a grievance through the group representatives, however, the supervisor may hear the grievance with the entire group of grievants. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1731 passed on third and final reading.

Ordinance Book No. 11 Page No. 389 - 391

D. Resolution to close a portion of Cliff Street in the City of Asheville, North Carolina.

Mayor Bisette said a petition has been filed by

Westgate Shopping Center of Asheville, Inc. requesting that a portion of Cliff Street which has never been paved or otherwise utilized be permanently closed to the public use. This closing is in connection with the Westgate Shopping Center Expansion Project - Phase II. A public hearing was held on September 27, 1988. Action on the resolution was continued until December 20, 1988.

At the request of the petitioner, Councilman Price

moved to continue action on the resolution until January 31, 1989. This motion was seconded by Councilman Martin and carried unanimously.

IV. NEW BUSINESS:

A. Resolution No. 88-184 - Resolution authorizing the City

Manager to execute utility agreement with the North Carolina Department of Transportation for the South Hominy Creek Bridge Improvement Project.

Mayor Bisette said this agreement provides for the

N. C. Department of Transportation to relocate existing utility lines associated with the South Hominy Creek Bridge Improvement Project. Even though the Asheville-Buncombe Water Authority is responsible for the Water System, utility agreements with State agencies must be by and between the City of Asheville and the appropriate State agency; due

to the City being the owner of the system.

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

Upon motion of Vice-Mayor Michalove, seconded by Councilman Frank, Resolution No. 88-184 was unanimously adopted.

Resolution Book No. 17 Page No. 310

V. CONSENT:

A. Scheduling of public hearing relative to the final

subdivision plat for Inn at the Ridge for

January 10, 1989.

SUMMARY: The Asheville Planning and Zoning

Commission on December 7, 1988, reviewed and approved the preliminary subdivision plat subject to utility easements being added consistent with the Inn at the Ridge Group Development. This contingency has been complied with and the final plat is

submitted for your approval.

B. Scheduling of public hearing relative to amending

Section 30-5-12. OI- Office Institutional District to

permit banks for January 10, 1989.

SUMMARY: The Asheville Planning and Zoning

Commission on December 7, 1988, voted to approve staff's recommendation that Section 30-5-12, OI Office-Institutional

District be amended to permit banks.

Upon motion of Councilman Martin, seconded by

Councilman Frank the consent agenda was unanimously

adopted.

VI. OTHER BUSINESS:

CLAIMS - KELLY BRYSON RHYMER (WATER) - DENISE WORLEY (SEWER) - JASPER PARTON (SEWER)

The City Manager presented claims received from Kelly Bryson Rhymer, Denise Worley and Jasper Parton.

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

LAWSUIT - R. L. COLEMAN & COMPANY - SUIT BY ASHEVILLE MALL

The City Manager said the City was served with a lawsuit on December 15, 1988 involving R. L. Coleman & Company relative to a suit by Asheville Mall regarding angle of intersection of Brackettown Road and White Pine Drive.

Mayor Bisette referred the lawsuit to the Corporation

Counsel for investigation and recommendation.

(2) ADDITION OF MOTEL AT BLACK FOREST RESTAURANT ON U.S. 25

Ms. Tallerday said the Asheville Planning and Zoning Commission on December 13, 1988, reviewed and recommended approval of the group development plans of **the addition of motel at Black Forest Restaurant on U. S. 25**, subject to the following conditions:

1. Approval of the erosion control plan;
2. Receipt of a letter of approval on water and sewer services;
3. The City Council grant a variance

to the number of parking spaces required for the Restaurant and Motel, with said variance in the amount of 48 parking spaces, due to the fact that the Black Forest Restaurant had only 90 parking spaces when it was annexed into the City which amounted to a shortage of 48 parking spaces being an existing condition when the property was annexed; and

4. The City Council grant a variance

to the requirement that all of the parking area be paved since part of the parking area for the Black Forest Restaurant was paved and part was graveled when the property was annexed into the City, thereby allowing an existing condition to remain; provided that all of the parking spaces for the Black Forest Motel be paved and provided that all of the parking spaces, including the graveled parking area, be

separately designated.

After discussion, Councilman Price moved to schedule a public hearing on the group development plan for January 10, 1989. This motion was seconded by Vice-Mayor Michalove and carried unanimously.

VIDEO SHOWN - 1988 BELLY FLOP

The City Manager presented a video tape of Mayor Bisette and Vice-Mayor Michalove during the 1988 Belly Flop Contest.

RALPH BISHOP - COMMENTS RELATIVE TO PARKING GARAGES - LOTTERY SALES IN THE CITY

Ralph Bishop requested information relative to the cost of operation for the two new parking garages. He also commented relative to the lottery sales in the City of Asheville.

Mayor Bisette informed Mr. Bishop that information relative to the cost of operation for the parking garages would be available next year during the budget process.

VII. ADJOURNMENT

Mayor Bisette adjourned the meeting at 5:10 p.m.

MAYOR CITY CLERK
