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Tuesday - May 16, 1989 - 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 A. Robert York; 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**

Mayor Bissette announced the approval of the minutes of the May 9, 1989 meeting.

### **I. PROCLAMATIONS:**

#### **A. Resolution No. 89-58 - Resolution in support of Women in Fire Suppression.**

Mayor Bissette read the resolution and presented a copy to Asheville Firefighter III Peggy Roberts.

### **II. PUBLIC HEARINGS:**

#### **A. Public hearing relative to rezoning property at 43**

**Oakley Place, petition of Darrell Redmond by Carla Taylor, Agent.**

**Ordinance No. 1765 - Ordinance amending Ordinance No.**

**322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, petition of Darrell**

**Redmond by Carla Taylor, Agent, 43 Oakley Place.**

Mayor Bissette said the Asheville Planning and Zoning

Commission on April 5, 1989 reviewed and recommended approval of rezoning Lot 19, Sheet 6, Ward 6, from R-3 Residential District to CS Commercial Service District.

Mayor Bissette opened the public hearing at 4:27 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.

Carol Albrice, from the Planning Department, reviewed

the rezoning request. She said the lot is vacant and the rezoning is in accordance with the 2010 comprehensive plan. She reviewed the surrounding zoning of the property. She said a 5' buffering would be required to adjacent residential property. She said the Public Works Department recommends the closing of Oakley Place which is currently a right of way that is not maintained. She said no opposition was received relative to the rezoning.

Mayor Bissette closed the public hearing at 4:34 p.m.

Mayor Bissette 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. 1765. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1765 passed on

first reading.

**B. Public hearing relative to an ordinance regulating the  
operating or maintenance of automobile graveyards and  
junkyards in the zoning jurisdiction of the City of Asheville.**

**Ordinance No. 1766 - An ordinance regulating the**

**operating or maintenance of automobile graveyards and junkyards in the Zoning Jurisdiction of the City of  
Asheville.**

Mayor Bissette said the Asheville Planning and Zoning

Commission on April 5, 1989 reviewed and recommended adoption of the ordinance.

Mayor Bissette opened the public hearing at 4:35 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.

Verl Emrick, from the Planning Department, presented the

proposed ordinance to regulate automobile junkyards. He said notices of the hearing were given to property owners and operators by certified mail. He said the ordinance is mirrored with the County ordinance adopted in 1983. He said principal landscaping requirements are in keeping with the landscaping ordinance adopted in 1988. He said property owners and operators would be given twelve (12) months to comply with the ordinance. He said in his opinion ninety (90%) percent of the businesses can comply with ordinance with very little difficulty.

Upon inquiry of Councilman Price, Mr. Emrick said

variances to specific sections of the ordinance can be obtained through the Board of Adjustment.

Mayor Bissette closed the public hearing at 4:54 p.m.

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.

1766. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1766 passed on first reading.

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

#### **A. Ordinance No. 1762 - Second reading of an ordinance**

**amending Article 13 of Chapter 30 of the Code of Ordinance of the City of Asheville to create the Albemarle Park Historic District.**

Mayor Bissette said the Asheville Planning and Zoning

Commission on April 5, 1989 reviewed the request of the Albemarle Park-Manor Grounds Association, through the Historic Resources Commission, that their area be designated a local historic district. The Commission voted to recommend approval of the designation and to exclude the property on Charlotte Street south of the

Gatehouse zoned CG Commercial General.

Mayor Bissette said after further discussions

relative to the designation of Albemarle Park Historic District, it has been recommended that action on the second reading of the ordinance be

postponed for three (3) weeks.

Mayor Bissette said after consulting with the City

Attorney, the City Council had three options: 1) proceed with second reading of ordinance; 2) remand entire district to Planning and Zoning Commission; or 3) postpone second reading until Planning and Zoning Commission reviews the six (6) additional properties. He said the City Attorney has advised that Council proceed with the third alternative.

Jean Warner and Rich Matthews requested that Council

rescind the first reading of the ordinance and remand the entire district to Planning and Zoning Commission. They said they felt this action would avoid delays in getting the area designated.

Councilman York moved to postpone the second reading

of the ordinance for three (3) weeks. This motion was seconded by Councilman Frank and carried unanimously.

#### **B. Ordinance No. 1763 - Second reading of an ordinance**

**rezoning property at 371 North Louisiana Avenue from R-3 Residential District to CH Commercial Highway**

**District for Mr. Emmett Ramsey.**

Mayor Bissette said the Asheville Planning and Zoning

Commission on April 5, 1989, reviewed and recommended approval of rezoning a portion of Lot 86, Sheet 17, Ward 6, from R-3 Residential District to CH Commercial

Highway District.

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

On a roll call vote of 7-0, Ordinance No. 1763  
passed on second reading.

**C. Resolution No. 89-59 - Resolution amending the report of  
plans for extension of city services into the Woods Edge Apartments Area proposed for annexation.**

Mayor Bissette said N. C. Gen. Stat. 160A-49(e)

authorizes the municipal government to amend the report required by N. C. Gen. Stat. 160A-47 to make changes in the plans for serving the area proposed for annexation.

**D. Resolution No. 89-60 - Resolution amending the report of  
plans for extension of city services into the Skyland II Area proposed for annexation.**

Mayor Bissette said N. C. Gen. Stat. 160A-49(e)

authorizes the municipal government to amend the report required by N. C. Gen. Stat. 160A-47 to make changes in the plans for serving the area proposed for annexation.

Patty Tallerday, from the Planning Department, reviewed  
the major amendments to the plan.

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

Upon motion of Councilman Frank, seconded by  
Councilman Price, Resolution No. 89-60 was unanimously adopted.

**Resolution Book No. 17 Page No. 404**

**E. Ordinance No. 1760 - Third reading of an ordinance  
relative to annexation of an area known as the Woods Edge Apartments Area.**

Mayor Bissette said pursuant to Part 3 of Article 4A of  
Chapter 160A of the N. C. General Statutes, the City of Asheville has examined certain areas to determine if they

qualify for annexation. By Resolution No. 87-99, adopted June 2, 1987, the City of Asheville identified the Woods Edge Apartments area as being under consideration for annexation.

Mayor Bissette said the ordinance was previously read on first and second readings and would not be reread in its entirety.

On a roll call vote of 7-0, Ordinance No. 1760 passed on third and final reading.

**Ordinance Book No. 11 Page No. 435-437**

A. W. Wexler, appearing on behalf of residents in the

Woods Edge and Skyland II areas, presented a petition in opposition to the annexation of the Woods Edge and Skyland II areas. He said the petition contained approximately 300 signatures. He also requested the Council consider a 120 day delay in annexing these properties in order for the Buncombe County Commissioners to present the City with a proposal concerning this issue. He said the Commissioners are in the process of preparing this proposal.

Mayor Bissette said the Buncombe County Commissioners

have not formally advised members of Council of a proposal relative to annexation and to his knowledge the Commissioners have not considered such a proposal. He said in order for the City of Asheville to grow on a reasonable basis the City must annex properties. He reminded Mr. Wexler that the City of Asheville operates under the same laws as any other city in North Carolina regarding annexation.

The City Attorney reminded members of Council that the

annexation ordinance must be finally adopted today in order for the annexations to take effect June 30, 1989.

Jerry Chandler, Vice-President of Haywood Crossings

Condominiums, spoke in opposition to the annexations. He said the residents are prepared to take legal action against the annexations.

At the request of the Mayor, Patty Tallerday said the

area is being qualified for annexation through the density of lots rather than population.

At the request of Mr. Wexler, Mayor Bissette entertained

a motion to delay the final action on the annexations for 120 days.

No motion was received to delay action on the

annexations for 120 days.

Several members of Council expressed concern that

citizens are aware of proposals by the County to the City prior to City Council members being informed of such proposals.

At the request of the Mayor, Patty Tallerday said

consideration of these annexations began two years ago and formal proceedings began on February 28, 1989 with the

adoption of the resolutions of intent to annex, adoption of the plans for services on March 14, 1989, and the public hearing on April 18, 1989. She said property owners were officially notified of these proposed annexations four weeks before the public hearing and the notice of the public hearing was advertised in the paper two weeks before the public hearing.

Several unidentified individuals from the proposed annexation areas spoke in opposition to the annexations.

Ralph Bishop commented that Council did not notify the residents of the proposed annexations.

**F. Ordinance No. 1761 - Third reading of an ordinance relative to annexation of an area known as the Skyland II Area.**

Mayor Bissette said Pursuant to Part 3 of Article 4A of

Chapter 160A of the N. C. General Statutes, the City of Asheville has examined certain areas to determine if they qualify for annexation. By Resolution No. 87-99, adopted June 2, 1987, the City of Asheville identified the Skyland II area as being under consideration for annexation.

Mayor Bissette said the ordinance was previously read on first and second readings and would not be reread in its entirety.

On a roll call vote of 7-0, Ordinance No. 1761 passed on third and final reading.

**Ordinance Book No. 11 Page No. 438-440**

**G. Ordinance No. 1764 - Second reading of an ordinance**

**amending Ordinance No. 1690 known as "An Ordinance for the levy and collection of business license taxes."**

Mayor Bissette said North Carolina General Statutes,

Chapter 105, Section 53 addresses Peddlers, Itinerant Merchants, and flea market operators. Ordinance No. 1690 in its present form does not define these classes, or is vague in its description. The revision is consistent with North Carolina General Statutes. The ordinance also reaffirms the rates outlined in the ordinance.

The City Manager said the Chamber of Commerce and the

Council of Independent Business Owners were notified of the proposed ordinance and no adverse comments have been received. He presented members of Council with an example of the impact of the ordinance on different businesses.

On a roll call vote of 7-0, Ordinance No. 1764 passed on second reading.

**H. Resolution adopting Minority and Women Business Procurement Plan.**

Mayor Bissette said the Minority and Women Business

Procurement Plan states the Policy of the City with regard to providing equal opportunity for minority and women owned business enterprises (M/WBE) in all aspects of City contracting and purchasing programs. The plan also includes goals for M/WBE participation in overall City contracting and procurement and describes responsibilities of the City and contractors to enhance efforts to meet the goals.

Mayor Bissette said after further discussions relative

to the plan it has been recommended that the matter be remanded to the City's Minority and Women Enterprise (MEE/WEE) Advisory Committee for further study.

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

##### **A. Approval of City of Asheville Classification and Pay**

###### **Plan**

The City Manager introduced John Maxwell, Vice-President

of Municipal Advisors, Inc. who presented the new Classification and Pay Plan for City of Asheville employees.

Mr. Maxwell said the study received substantial employee

involvement throughout the entire process. He said job description forms were completed, employee interviews were held and a salary survey was taken of other cities and the private sector.

Mr. Maxwell said it would be their recommendation to

have 41 pay grades with a 5% difference between the grades; a 46% range between minimum and maximum; and the implementation of a longevity plan in order to conform competitively. He also recommended a cost of living increase for employees. He said this plan would benefit longer term employees. He also suggested that the pay plan be updated yearly and a cost of living increase considered annually. He said cost of living increases and merit pay increases should be considered separately.

The City Manager presented members of Council with a

plan to implement the recommendations presented by Municipal Advisors, Inc. He said the comprehensive package would include a merit plan and implementation of longevity. He said it would provide a combination of cost-of-living adjustment (COLA) and phasing individual employees into assigned pay range based on time in the classification; COLA applied to 6/30/89 base rate; assurance that all employees will make at least the minimum of the assigned pay range, effective 7/1/89; assurance that all full-time employees with a year or more in the classification will make at least a fixed percentage beyond the new minimum rate; 4% COLA; time in class assurance for at least 1-3-5-7 (or more) years (2.5%-5%-10%-20%). He said the steps would be to:

1) Apply COLA to employees 6/30/89 base pay; 2) Apply

new minimum to employee's adjusted 6/30/89 base pay;

3) Apply time in class consideration to new minimum:

###### **Years of Service % Above Minimum**

1 - 3 2.5%

3 - 5 5%

5 - 7 10%

7+ 20%

Mayor Bissette said in his opinion this plan will meet the goals of the City of Asheville and he looked forward to implementation of the plan.

Ralph Bishop asked what the cost would be to implement the plan and the cost to the taxpayers.

Councilman York moved to approve the Classification and Pay Plan as outlined by John Maxwell and the City Manager. This motion was seconded by Councilman Frank and carried unanimously.

**Resolution No. 89-61 - Resolution authorizing the Vice-Mayor of the City of Asheville to execute a release and abandonment of easement for a water line easement located across the property of Centennial American Properties, Ltd.**

At the request of Mayor Bissette, Councilman Price moved to excuse Mayor Bissette from participation and vote on Resolution No. 89-61 due to a conflict of interest. This motion was seconded by Councilman Martin and carried unanimously.

Councilman Price said this water line easement was for the 24" water main along Haw Creek behind K-Mart on South Tunnel Road. The water main was abandoned upon completion of the I-240 Tunnel Road Project which included re-routing of the 24" main down South Tunnel Road. The easement is no longer needed.

Upon motion of Councilman Martin, seconded by Councilman York, Resolution No. 89-61 was unanimously adopted.

**Resolution Book No. 17 Page No. 405**

**V. CONSENT:**

**A. Resolution No. 89-62 - Resolution amending Resolution**

**No. 88-120 appointing members to the City of Asheville Police Officers and Firefighters Disability Review Board.**

SUMMARY: Resolution No. 88-120 appointed specifically

Mayor W. Louis Bissette, Jr., to the Disability Review Board. The Vice-Mayor has been attending those meetings in place of the Mayor. It is, therefore, necessary to change the language of the appointment in the resolution. This resolution appoints the Mayor or the Vice-Mayor or the designee of either to be the appointment of the Asheville City Council to the City of Asheville Police Officers and Firefighters Disability Review

Board.

**Resolution Book No. 17 Page No. 406**

**C. Certification by the City Clerk as to the sufficiency**

**of a petition to annex property located on U. S. 19-23**

**D. Resolution No. 89-63 - Resolution fixing date of public**

**hearing on question of annexation of property located on U. S. 19-23 pursuant to N. C. Gen. Stat. Sec. 160A-58.2.**

SUMMARY: The City of Asheville has received a petition

from Mr. DeWayne Roberson requesting annexation of a noncontiguous area known as Pawn World Gun Supply on Highway 19-23. The City Clerk has investigated the petition and

has certified that it is sufficient.

**Resolution Book No. 17 Page No. 407**

**E. Scheduling of public hearing relative to rezoning**

**property on Buckstone Court at I-240 for June 6, 1989.**

SUMMARY: The Asheville Planning and Zoning

Commission on May 3, 1989, reviewed and recommended approval of rezoning Ward 8, Sheet 11, Lots 35-1/2 and 53 from R-3 Residential District to CH Commercial

Highway District.

**F. Scheduling of public hearing relative to amendment**

**to sign package, Oakley Plaza Shopping Center Group**

**Development for June 6, 1989.**

SUMMARY: The Asheville Planning and Zoning

Commission on May 3, 1989 reviewed the request of Crawford Sign Company to amend the sign package of Oakley Plaza Shopping Center to permit the Mandarin Plaza Chinese Restaurant to have a sign either 72 square feet, 40.25 square feet or 31.25 square feet. The Commission voted to recommend that the request be denied and that signage of 30 square feet be permitted in accordance with the original signage approval of 1 square foot of attached wall signage per linear foot of

building frontage.

**G. Scheduling of public hearing relative to amendment to**

**sign package, Westgate Shopping Center Group**

**Development for June 6, 1989.**

SUMMARY: The Asheville Planning and Zoning Commission

on May 3, 1989 reviewed the request of the Property Manager of Westgate Shopping Center to amend the sign package to permit the Spa Health Club to have a sign 31 square feet. The Commission voted to recommend that the request be denied and that signage of 25 square feet be permitted in accordance with the original approval which stipulated signage

to conform with the Zoning Ordinance.

Upon motion of Councilman Martin, seconded by Councilman York, the consent agenda was unanimously approved.

**VI. OTHER BUSINESS:**

**CLAIMS - TERRI PETTIS (POLICE) - TIM BECK (WATER) - OPAL LEE HILL (SEWER) - TED PEAY (SEWER) - DALE NEAL (SANITATION) - JOHN MILLER (SEWER)**

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The City Manager presented claims received from Terri Pettis, Tim Beck, Opal Lee Hill, Ted Peay, Dale Neal, and John Miller.

Mayor Bissette referred the claims to the City Attorney for investigation and recommendation.

**LAWSUIT - ELMER O. BELLES V. CITY OF ASHEVILLE (SEWER BACK UP)**

The City Manager said the city was served with a small claims action on May 11, 1989 involving Elmer O. Belles v. City of Asheville relative to a sewer back up.

Mayor Bissette referred the claim to the City Attorney for investigation and recommendation.

**RALPH BISHOP - SELECTION OF NEW POLICE CHIEF**

Ralph Bishop again made comments to members of Council relative to the selection of the new Police Chief.

**VII. ADJOURNMENT**

Mayor Bissette adjourned the meeting at 7:05 p.m.

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**MAYOR CITY CLERK**

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