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Tuesday - June 20, 1989 - 4:00 P.M.

Regular Meeting

Present: Vice-Mayor Kenneth M. Michalove, Presiding; Councilmen

Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Russell Martin and A. Robert York; Corporation Counsel William F. Slawter; Assistant City Manager Charles Penny; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor W. Louis Bissette and City Manager Douglas O.

Bean (attending business meeting in Washington, D. C.)

INVOCATION

The invocation was given by Councilman York.

APPROVAL OF MINUTES

Vice-Mayor Michalove announced the approval of the minutes of the June 13, 1989 meeting as submitted.

I. PROCLAMATIONS:

II. PUBLIC HEARINGS:

A. Continuation of public hearing relative to City of

Asheville Budget for 1989-90.

Vice-Mayor Michalove said this public hearing was

continued from the June 13, 1989 meeting without further advertisement. He said since the Mayor and City Manager is out of town the public hearing should be continued for one more week.

Councilman Price moved to continue the public hearing

until June 27, 1989 without further advertisement. This motion was seconded by Councilman York and carried unanimously.

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III. OLD BUSINESS:

A. Ordinance No. 1768 - Third reading of an ordinance

rezoning property located at Buckstone Court and I-240.

Vice-Mayor Michalove said 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.

Vice-Mayor Michalove said the ordinance was previously read on first and second reading and would not be reread in its entirety.

On a roll call vote of 6-0, Ordinance No. 1768 passed on third and final reading.

Ordinance Book No. 11 Page No. 452

B. Ordinance No. 1769 - Third reading of an ordinance

relative to annexing a noncontiguous area on U.S. 19-23 known as Pawn World Gun Supply.

Vice-Mayor Michalove said 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.

Patty Tallerday, with the Planning Department,

requested that the third reading of the ordinance be postponed until June 27, 1989 in order for a fire protection agreement to be completed prior to the third reading. She said the effective date of the annexation could be June 30, 1989.

Councilman Price moved to continue the third reading

of Ordinance No. 1769 until June 27, 1989. This motion was seconded by Councilman Martin and carried unanimously.

IV. NEW BUSINESS:

V. CONSENT:

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VI. OTHER BUSINESS:

Resolution No. 89-77 - Resolution authorizing the Mayor to execute on behalf of the City of Asheville a Federal Aviation grant agreement, Project No. 3-37-0005-10

Vice-Mayor Michalove read a resolution authorizing the Mayor to execute a Federal Aviation Grant Agreement, Project No.

3-37-0005-10 for improvements to expand and rehabilitate air carrier ramp; exit taxiway, taxi guidance signs and fixed distance markers - Runway 16-34. The grant is in the amount of \$1,852,740. Since the City of Asheville and the County of Buncombe are cosponsors of the grant agreement, the FAA requires each sponsor to execute the grant agreement.

Upon motion of Councilman Frank, seconded by Councilman Price, Resolution No. 89-77 was unanimously adopted.

Resolution Book No. 17 Page No. 424

USE OF SPACE FROM PACK PLAZA ASSOCIATES LIMITED PARTNERSHIP - BELE CHERE

FESTIVAL

Councilman Frank moved to authorize the City Manager to execute a letter of indemnification/hold harmless to be given to Pack Plaza Associates Limited Partnership to permit the City to use 10 parking spaces in the new Pack Plaza Garage, storage space in Commerce Building and the following buildings for Bele Chere Headquarters: G's Bookstore, Finkelstein's and Western Hotel for the Bele Chere Festival for July 28-30, 1989 and for selected spaces beginning July 24 through August 3, 1989. This motion was seconded by Councilman Martin and carried unanimously.

RESOLUTION NO. 89-76 - RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF ASHEVILLE TO PROVIDE FOR NONPARTISAN ELECTIONS AND TO PROVIDE FOR DISTRICT REPRESENTATION AND CALLING FOR A PUBLIC HEARING THEREON FOR

JULY 25, 1989

Vice-Mayor Michalove presented the resolution of intent to consider an ordinance amending the Charter of the City of Asheville to provide for nonpartisan elections and to provide for district representation and calling for a public hearing thereon

for July 25, 1989.

Upon motion of Councilman Bratton, seconded by Councilman Martin, Resolution No. 89-76 was unanimously approved.

Resolution Book No. 17 Page No. 422-423

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Councilmen Martin, Bratton and Frank were appointed to an ad hoc committee to study the various methods of governments throughout the state involving nonpartisan/partisan elections and district representation and how each of these systems are working.

COMMENTS BY DAVID A. WEIR - DEMOLITION OF EVERGREEN MOTEL AT 612 MERRIMON AVENUE AND SERENDIPITY SQUARE

David A. Weir appeared before Council relative to the demolition of the Evergreen Motel at 612 Merrimon Avenue and Serendipity Square, a shopping center next to the Evergreen Motel which were demolished in violation of Federal NESHAP laws (National Emission Standards for Hazardous Air Pollution). He said the buildings were not inspected by the Western North Carolina Pollution Control Agency for the presence of asbestos containing materials. He presented a fact sheet on asbestos and details of asbestos in the demolition materials. He said in his opinion the owners of these properties should be imposed fines on these two projects for not following the proper notification procedures of the Federal NESHAP Laws.

Mr. Weir presented a proposal for the City to establish an Asbestos Task Force to deal with asbestos removal. He said a trained team could be formed to remove asbestos. He said grants could possibly be obtained to deal with this problem. He said perhaps these grants could provide low interest loans to remove asbestos from older homes in the City of Asheville.

Councilman Frank said in her opinion the Environmental Affairs Committee with the County of Buncombe should handle this issue and she would check into this possibility and let Mr. Weir know what actions the committee are or will be taking relative to asbestos removal.

CLAIMS - VICKIE JOHNSTON (FIRE) - WILMA MOORE (STREETS) - FORREST SHIFFLETT (POLICE) - LAURA NOAH (SEWER) - REAGAN RIDDLE (WATER) - LINDA HOOVER (WATER) - GRACE DORN (STREETS) - CHARLES R. MOSLEY (PARKS AND

RECREATION)

The Assistant City Manager presented claims received from Vickie Johnston, Wilma Moore, Forrest Shifflett, Laura Noah, Reagan Riddle, Linda Hoover, Grace Dorn, and Charles R. Mosley.

Vice-Mayor Michalove referred the claims to the City Attorney for investigation and recommendation.

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LAWSUIT - SWEETEN CREEK LIMITED PARTNERSHIP v. CITY OF ASHEVILLE (CHALLENGE TO ANNEXATION OF WOODS EDGE AREA) - ASHEVILLE INDUSTRIES, INC. V. CITY OF ASHEVILLE (CHALLENGE TO ANNEXATION OF SKYLAND II AREA)

The Assistant City Manager said the city was served with lawsuits on June 14, 1989 from Sweeten Creek Limited Partnership v. City of Asheville relative to a challenge to annexation of Woods Edge area and from Asheville Industries, Inc. v. City of Asheville relative to a challenge to annexation of Skyland II area.

Vice-Mayor Michalove referred the lawsuit to the City Attorney for investigation and recommendation.

VII. ADJOURNMENT

Vice-Mayor Michalove adjourned the meeting at 5:00 p.m.

MAYOR CITY CLERK
