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Tuesday - July 25, 1989 - 4:00 P.M.

Regular Meeting

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

M. Michalove; Councilmen Mary Lloyd Frank, Wilhelmina Bratton, Russell Martin and A. Robert York; Acting Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Norma T. Price - Corporation Counsel William

F. Slawter

INVOCATION

The invocation was given by Mayor Bisette.

APPROVAL OF MINUTES

Mayor Bisette announced the approval of the minutes of

the July 18, 1989 meeting.

I. PROCLAMATIONS:

A. Proclamation - July 29 - August 5, 1989 - "Swim-A-Cross

Week" - August 3, 1989 - "Lifeguard Competition Day" - July 29, 1989 - "Belly Flop Day"

Mayor Bisette read the proclamation and presented a

copy to John Teeter, Chairman of the Asheville Area American Red Cross and several representatives from the Red Cross.

B. ESTABLISHMENT OF COMMITTEE - "PEOPLE FOR JUSTICE" TASK

FORCE

Vice-Mayor Michalove said in light of the comments made

at last week's Council meeting by the members of the "People for Justice" Task Force from Mountainside Apartments several Council members attended a meeting of the Task Force on Monday night. He said a number of concerns were discussed that should be looked into. He said after discussing the issue Council members feel

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that the proper approach is to establish a multi-facet

committee to look into the concerns and make recommendations to Council. He said the committee would be made up of four (4) members of the "People for Justice" Task Force, the City Manager, one or two members of Council, the Police Chief and other representatives of the Police Department that may need to be involved; Community Relations Council, and other staff or boards and commissions that may be helpful. He said the committee would work with and

through the Community Relations Council Board. He said the committee would provide the Community Relations Council Board would all the details of their concerns and the Board would formulate these concerns and make recommendations to City Council in a time period not to exceed sixty (60) days.

Vice-Mayor Michalove presented his comments in the form

of a motion, which motion was seconded by Councilman Martin and carried unanimously.

Larry Linney, Attorney representing the "People for

Justice" Task Force, said it was his hope that the committee would do something about the problems rather than just discussing the issues.

Clarence Benton, with the Task Force, said the members

would rather work as an autonomous board rather than under the direction of the Community Relations Council Board.

Dwight Mullen, Chairman of the Community Relations

Council, said the Board would not be biased in its discussions and urged the Task Force to continue its efforts and promised that the Board would work with the

Task Force.

II. PUBLIC HEARINGS:

A. Public hearing relative to Blue Ridge Industries

Expansion

Mayor Bissette said the Asheville Planning and Zoning Commission on July 5, 1989, reviewed and approved the site plan subject to the following contingencies:

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- 1) City Council granting a variance on the requirement for paving the parking lot;
- 2) Letter from Fire Department stating approval of fire protection for the project; and
- 3) Approval of erosion control plan by Planning Department prior to soil disturbance.

Mayor Bissette opened the public hearing at 4:45

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.

Tom Elmore from the Planning Department presented

the site plan. He said Blue Ridge Industries is located at the corner of Long Shoals Road and Hendersonville Road and they are planning an expansion of 12,000 square feet to the existing factory. He said they are requesting a variance from the code on the requirement for paving the parking lot. He said there are 12 full time employees that would be using the parking lot. He said the Planning Board recommends that the variance be granted since the parking lot is well maintained and functional without paving. He said the other contingencies have been resolved.

A representative of Blue Ridge Industries spoke in

support of the project and the requested variance.

Councilman Martin and Councilman Frank said in their

opinion if the requirement for paving is in the code it should be adhered to or the code should be amended.

Mike Moser, Chairman of the Planning and Zoning

Commission, said the commission felt the request for the variance was reasonable. He said he did not know why the requirement for paving is in the code.

Mayor Bissette closed the public hearing at

4:59 p.m.

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Vice-Mayor Michalove moved to approve the site plan

for the Blue Ridge Industries Expansion project as recommended by the Planning and Zoning Commission and to grant the requested variance in order to produce a successful project. This motion was seconded by Councilman York and carried on a voice vote of 4-2 with Councilman Frank and Councilman

Martin voting "no."

B. Public hearing relative to zoning of Pawn World Gun

Supply property annexed into City of Asheville effective July 1, 1989.

Ordinance No. 1775 - Ordinance amending the Zoning

Ordinance and the zoning map of the City of Asheville to provide for zoning of property located on Highway 19-23 and identified as Lower Hominy Ward, Sheet 9, Lot 116 of the Buncombe County Tax Maps.

Mayor Bissette said the Asheville Planning and Zoning

Commission on July 5, 1989, reviewed and recommended approval of zoning the property CH Commercial Highway District.

Mayor Bissette opened the public hearing at 5:00 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, with the Planning Department, said the

Planning and Zoning Commission recommended that the property be zoned Commercial Highway to allow for the commercial use of a pawn shop and the gun shop as well as the other rental structures on the property. He said no opposition was received during the Planning and Zoning Commission public hearing.

Mayor Bissette closed the public hearing at 5:06 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.

1775. This motion was seconded by Councilman Bratton.

On a roll call vote of 6-0, Ordinance No. 1775 passed on

first reading.

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C. Public hearing relative to nonpartisan elections and district representation.

Mayor Bissette said the City Council intends to consider

an ordinance amending the Charter of the City of Asheville to provide for municipal elections within the City of Asheville to be conducted by nonpartisan plurality as provided in N.C. Gen. Stat. sec. 163-292, by nonpartisan election and runoff election as provided in N.C. Gen. Stat. sec. 163-293 or by nonpartisan primary and election as provided in N.C. Gen. Stat. sec. 163-294 all as provided in N.C. Gen. Stat. sec. 160A-

101(7).

The Council further intends to consider an ordinance

amending the Charter to provide for municipal elections with the City of Asheville to be conducted on the basis of a portion of or all candidates for City Council to be nominated and elected by district as provided in N. C. Gen. Stat. sec. 160A-101 (6) b,

c, d or e.

N. C. Gen. Stat. sec. 160A-102 provides that a

public hearing be held on the proposed Charter amendments not more than 45 days after adoption of a resolution of intent, which was adopted on June 20,

1989.

Mayor Bissette opened the public hearing at

5:09 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.

The following individuals spoke relative to

partisan/nonpartisan elections and district representations:

Rendall Davis - 285 White Pine Drive - President of

the Kenilworth Forest Association - in favor of retaining partisan elections and in favor of district representation.

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Lewis Clay - 1037 New Haw Creek Road - in favor

of nonpartisan elections and against district representation.

Hazel Fobes - Beaverbrook Road - in favor of

district representation and partisan elections.

Ben McKenzie- 191 Charlotte Street - against

district representation - in favor of partisan elections.

Harold Holcome- not a city resident - in favor of

nonpartisan elections - against district representation.

Paul Godfrey - 72 Henrietta Street - in favor of

district representation.

George Tisdale- 65 Shorewood Drive - in favor of

partisan elections

Kevin Clark - 294 White Pine Drive - in favor of

partisan elections.

Susan Patterson - 70 N. Liberty Street - in favor of

district representation

Ron Lamb - 104 Trotter Place - in favor of

district representation - in favor of partisan elections.

Larry Linny - 36 Elizabeth Street - against

district representation - in favor of nonpartisan elections

Mike Moser - 3 Brushwood Road - supports

nonpartisan elections - against district representation.

Gene Ellison - in favor of partisan elections - in

favor of district representation

Joe Webster - 7 Von Ruck Court - in favor of
partisan elections - in favor of district representation.

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Emanuel J. Coutlakis - 174 Pearson Drive - in favor
of district representation - in favor of partisan elections.

Ernie Thurston- 19 Panola Street - in favor of
partisan elections and district representation.

Bob Plemmons - Linden Avenue - read story made up
about Council members

Beth Arrowood- 17 Woodcrest - First Vice-Chairman
of Democratic Party - in favor of partisan elections and district representation.

Susan Fisher - 15 Maple Ridge Lane - President of
League of Women Voters - no official stand - in favor of referendum

Shirley Beaty - 706 River Ridge Drive - supports
separate referendums on partisan/nonpartisan elections and district representation.

Liddy Sidnick - 90 Gertrude Place - in favor of
partisan elections and district representation for Council Members and at large representation for the Mayor.

Ralph Bishop -

Gene Ochsenreiter - in favor of partisan elections.

Mayor Bissette closed the public hearing at 6:29

p.m. and said a representative from the Institute of Government would be at the Council meeting next week to discuss
and answer questions relative to partisan/nonpartisan elections and district representation.

III. OLD BUSINESS:

A. Ordinance No. 1774 - Second reading of an ordinance

rezoning property at 391-393 Hendersonville Road for Buncombe County Board of Education.

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Mayor Bissette said the Asheville Planning and

Zoning Commission on June 7, 1989, reviewed and recommended approval of rezoning Lot 52, Sheet 4, Ward 7, from

R-3 Residential District and CS Commercial Service District to CH Commercial Highway District excepting that portion of Lot 52 lying 150 feet from the centerline of Vanderbilt Road and that portion be rezoned from R-3 Residential District to R-1 Residential District. This ordinance was read

on first reading on July 18, 1989.

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

John Seay, Jr., representative of the Preservation

Society of Buncombe County, appealed to Council not to rezone the property. He said the structures are significantly historic and if the property is rezoned the structures could be demolished.

Martha Fullington, Preservationist, said the State has

acknowledged that the structures on the property in question have the potential of being designated on the National Register as historical structures. She also appealed to Council not to rezone the property because the structures then may be demolished.

Marjorie Mann, Attorney with Roberts, Stevens and

Cogburn, representing the Buncombe County School Board, spoke in support of the rezoning. She reminded members of Council that the entire property surrounding the property in question is zoned Commercial with the exception of property facing Vanderbilt Road. She said the best use of the property is commercial zoning.

Mayor Bissette suggested that the concerns relative to

the historical designations be taken to the Buncombe County School Board since they own and control the property.

On a roll call vote of 6-0, Ordinance No. 1774 passed on second reading.

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IV. NEW BUSINESS:

A. Ordinance No. 1776 - Budget Ordinance amendment to

provide for a grant from N. C. Humanities Council for Asheville Colored Cemetery Study.

Mayor Bissette said this amendment will provide a local

match for grant from N.C. Humanities Council for Asheville Colored Cemetery Study. This will also provide total funding of \$7,050 for the study with a local match of \$3,400 provided from the General Fund - Contingency.

Mayor Bissette said members of Council were previously

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

On a roll call vote of 6-0, Ordinance No. 1775 passed on first and final reading.

Ordinance Book No. 11 Page No. 468

V. CONSENT:

A. Resolution No. 89-97 - Resolution authorizing the closing of certain streets in downtown Asheville relative to the Bele Chere Festival.

SUMMARY: This resolution identifies requested street closings and details of parking regulations for Bele Chere Weekend.

Resolution Book No. 17 Page No. 447 - 449

B. Resolution No. 89-98 - Resolution authorizing the Mayor of the City of Asheville to enter into a contract for dedication of land for redevelopment for the City of Asheville.

SUMMARY: The City previously entered into an agreement with the Housing Authority for the program of reconstruction or rehabilitation of slum and blighted areas in the City of Asheville. The Housing Authority has acquired and improved

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certain parcels of land known as Disposal

Parcels 59-B and 66. It is in the best interest of the City to accept the parcels of land.

Resolution Book No. 17 Page No. 450

Upon motion of Vice-Mayor Michalove, seconded by Councilman Frank, the consent agenda was unanimously adopted.

VI. OTHER BUSINESS:

Resolution No. 89-99 - Resolution appointing members to the Planning and Zoning Commission

Mayor Bissette read a resolution reappointing Mike Moser, Danie Johnson, and Wanda Henry Coleman as members of the Asheville Planning and Zoning Commission.

Upon motion of Vice-Mayor Michalove, seconded by Councilman Martin, Resolution No. 89-99 was unanimously adopted.

Resolution Book No. 17 Page No. 451

CLAIMS - CONSTRUCTION HARDWARE COMPANY (SEWER) - JANET WATTS (WATER) - MYRA RAMSEY (SEWER) - MARY HUBBARD (SANITATION) - ROBERT DEWAYNE POUNDERS (TRAFFIC

ENGINEERING)_____

The City Manager presented claims from Construction Hardware Company, Janet Watts, Myra Ramsey, Mary Hubbard, and Robert DeWayne Ponders.

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

RALPH BISHOP - COMMENTS RELATIVE TO CITY MANAGER'S SALARY

Ralph Bishop again spoke to members of Council relative to the City Manager's recent salary increase.

VII. ADJOURNMENT

Mayor Bissette adjourned the meeting at 7:10 p.m.

MAYOR CITY CLERK
