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Tuesday - September 12, 1989 - 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 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 Vice-Mayor Michalove.

APPROVAL OF MINUTES

Mayor Bisette announced the approval of the minutes of the September 5, 1989 meeting as submitted.

I. PROCLAMATIONS:

A. Proclamation - September, 1989 - "French Broad River

Month"

Mayor Bisette read the proclamation and presented a copy
to Jean Webb, with the French Broad River Foundation.

B. Proclamation - September 9-17, 1989 - "Symphony Week"

Mayor Bisette read the proclamation and presented a copy
to Robert Hart Baker, Music Director for the Symphony and Margaret Gromley, President of the Symphony Guild.

C. Proclamation - September, 1989 - "National Alcohol and Drug

Abuse Month"

Mayor Bisette read the proclamation and presented a copy
to Pete Banyai, Director of War on Drugs Commission.

D. Proclamation - September 17-23, 1989 - "Emergency Medical

Services Week"

Mayor Bisette read the proclamation and presented a copy
to Fire Chief John Rukavina.

**E. Proclamation - September 16, 1989 - "Smith-McDowell House
5-K Run and Medical Mile Day"**

Mayor Bissette read the proclamation and presented a copy to Bob Burgin from Mission Hospital and Dick Hatton from St. Joseph's Hospital.

F. Awards Recognition Program - 2010 Asheville City Plan.

Mayor Bissette said two years ago this community was engaged in a unique planning process called "Alternatives for Asheville". This process was designed to let all citizens have an opportunity to help write the City's 2010 plan.

The Asheville community has been hard at work for the past two years accomplishing the goals and strategies of the 2010 plan and their own organizations.

He said we are today honoring this hard work with this first

Achievement Awards program. He said all the strategies that were to be accomplished in the past two years are available in a "Special Report" but he would not be able to mention all of the accomplishments today but would highlight some of them in this awards ceremony.

He asked Vice-Mayor Michalove, Councilman Price, and Mike

Moser, Chairman of the Planning and Zoning Commission, to join him in presenting the awards.

Awards were presented to the following individuals:

Asheville-Buncombe Discovery - Karen Fields, Executive

Director and Roger McGuire, Chairman

Public Works Department - Jim Ewing

Asheville Airport Authority - Jim Parker, Executive Director

and James Rice, Chairman

Water and Sewer Engineering, Harold Huff

Asheville-Buncombe Library System - Nancy Hammond, Acting

Director and Bud Taylor, Chairman

Downtown Development, Leslie Anderson

Asheville-Buncombe Technical College - Harvey Haynes,

President and Sara Morris, Vice-President

Parks and Recreation Department, Ray Kisiah

**Asheville City Schools - Dr. Doug Pearson, Superintendent
and David Hillier, Chairman**

Finance Department - Larry Fisher

Asheville Transit Authority - Tom Tomlin, Chairman

Planning Department - Julie Cogburn

**Asheville Tree and Greenway Commission - Susan Roderick,
Chairman**

Personnel Department, Pam McGrayne

**Quality Forward - Susan Roderick, Executive Director and
Linda Nicodemus, Chairman**

Legal Department, Patsy Brison and Bill Slawter

Buncombe County Schools - Dr. Gene Yarborough,

Superintendent and Scott Harrower, Board of Education Chairman

Audit and Budget - Bob Wurst

Buncombe County Commissioners - Gene Rainey, Chairman, Jon

**Creighton, Planning Director, Steve Metcalf, County Manager, and Jerry VeHaun, Director of Emergency
Services**

Fire Department, Chief John Rukavina

**Chamber of Commerce - Mike Rollins, Executive Director, and
George Beverly, President**

French Broad River Foundation - Lee Reading, Chairman

**Asheville Housing Authority - David Jones, Executive
Director, Larry Holt and Peggy Shook**

**Land-of-Sky Regional Council - Bob Shepherd, Executive
Director, and Andy Andrews, Chairman**

**Tourism Development Authority - Carolyn Ketchum, Director
and Steve Miller, Chairman**

UNC-A - Dr. David Brown, Chancellor and Tom Byers

Transportation Advisory Committee - Andy Andrews

Asheville-Buncombe Water Authority - Ralph Morris, Chairman

Police Department - Gerald Beavers

Asheville Planning and Zoning Commission - Mike Moser,

Chairman and Danie Johnson, Vice-Chairman

Historic Resources Commission - Barbara Molloy, Chairman

Downtown Commission - Bob Carr, Chairman

Civic Center - Bill Murphy

YMI Board of Directors - Wanda Henry Coleman, Executive

Director, Al Whitesides, Chairman and Dr. Howard Harrison

Mike Moser said it is time to update the City's Master Plan,

2010 Plan. He said three community meetings are scheduled in the Asheville Civic Center Banquet Room for the citizens of Asheville to take part in the update of the 2010 Asheville City Plan.

Thursday - September 14 at 7:00 p.m. - Major topics to be

discussed: Recreation and Open Space Planning, Land Use, Annexation and Extraterritorial Jurisdiction (Includes Economic Development, Parks, Greenways, etc.)

Thursday, September 21 at 4:00 p.m. - Major topics to be

discussed: Transportation and Public Utilities (Includes Water and Sewer Services, Public Streets and Sidewalks, Bus and Airport Services, etc.)

Thursday, September 28 at 7:00 p.m. - Major topics to be

discussed: Housing, Community Services, Human Resources, Downtown Asheville, Historic Preservation and Community

Appearance.

II. PUBLIC HEARINGS:

III. OLD BUSINESS:

A. Action relative to approval of group development plan of the proposed Staff Housing Quarters at Grove Park Inn

Mayor Bissette said the Asheville Planning and Zoning

Commission on July 5, 1989, reviewed and recommended approval of the site plan subject to the following contingencies:

1) Approval of erosion control plan by the Planning

Department prior to soil disturbance;

2) Approval by Planning Director of on-site lighting;

and

3) Approval by Planning Director of on-site noise

generating mechanical units.

He said a public hearing was held on the Grove Park Inn

matter on August 29, 1989; however, action was postponed until today giving an opportunity for the concerns of the area residents to be addressed.

Roger Dameron, Architect for the project, said he wanted

to reiterate comments that he had presented to members of Council in a letter. He said the proposed project exceeds all building and zoning codes and regulations and should be considered on its own merits. He said the concerns expressed by the area residents are pre-existing conditions that do not violate any codes and regulations. He requested that Council approve the project.

Walter Gale of 10 Club View Road, presented members of

Council with a petition containing forty-four signatures from North Asheville residents that feel the Grove Park Inn should do what is necessary to reduce significantly the noise level of the very large fan located adjacent to the parking garage serving the Vanderbilt Wing.

Teresa White, resident in the Grove Park Inn area, spoke

relative to the noise from the air conditioner.

Max Haner, President of the Grove Park Homeowners

Association, said Grove Park Inn is an industry in Asheville and they have a responsibility to area residents. He said the concerns of the residents should be addressed.

Larry New, Landscape Engineer, with Vaughn and Melton

Engineers, said they were retained by Grove Park Inn to investigate the erosion control problems. He said he received a report today about the erosion control problems dealing with the parking lot bank and the report needs to be analyzed by himself and Grove Park Inn before a final decision on how to correct the problems can be determined.

Jack Westall, Attorney for Grove Park Inn, said most of

the concerns expressed by the area residents have been addressed and Grove Park Inn is making every effort to correct the problems in a reasonable manner. He said they have not determined a feasible way to correct the noise from the air conditioners but would continue looking at different alternatives to reduce the noise from the air conditioners. He said Grove Park Inn has been in contact with Daniels Construction Company who originally installed the air conditioner to determine if they have a solution.

Mr. Westall stated that if the noise problem is not

resolved in some fashion, such as a contribution by Daniels toward the cost of reducing the noise, that the issue might be decided in court. He further stated that, while any such litigation might last two to three years, the Grove Park Inn would not wait until that time to try to resolve the problem, but rather would continue diligently to pursue all options in an attempt to solve the noise problem.

Mr. Westall said the Staff Housing project should be

viewed independently since this project meets or exceeds all building and code requirements. He said Grove Park Inn is not willing to accept a contingency on approval of this project that occupancy would be based on correction of the problems addressed by the area residents. He said Grove Park Inn wants to be a good neighbor and is willing to work on the problems. He said Grove Park Inn has no objection to keeping in contact the Liaison Committee with the City Staff, Grove Park Inn, and the area residents to continue working on the concerns of the residents.

He said Grove Park Inn will continue to diligently work

to solve the noise from the air conditioners.

After discussion, Vice-Mayor Michalove moved to approve

the group development plan of the proposed Staff Housing Quarters at Grove Park Inn subject to the conditions outlined by the Planning and Zoning Commission and further that the Liaison Committee continue to meet to address the concerns of the area residents and that the Committee make periodic reports to Council. This motion was seconded by Councilman

York and carried unanimously.

Councilman Price left the meeting at 6:25 p.m.

unexcused.

B. Continuation of the public hearing relative to Cisco Road

Apartments.

SUMMARY: The Asheville Planning and Zoning Commission

on August 2, 1989, reviewed and approved the site plan subject to the following contingencies:

1. Approval of erosion control plan by the Planning Department prior to soil disturbance;
2. Installation of an approved residential sprinkler system and receipt of the proposed right-of-way dedication prior to issuance of certificate of occupancy; and
3. Installation of septic tank system not to impose on any required buffering of the project.

Mayor Bisette said this public hearing was

continued from the August 29, 1989 meeting.

Gerald Green, from the Planning Department,

said the developer has withdrawn his request at this time. He said the developer is redesigning his plans and the project will be

resubmitted at a later date.

C. Continuation of the public hearing relative to closing a portion of Westwood Place.

Resolution No. 89-135 - Resolution closing a portion of

Westwood Place

Mayor Bissette said George W. Morosani, Owner of Lots

134 and 135 of Ward 6, Sheet 2 of the Buncombe County Tax Maps, has filed a written petition and request to close a portion of Westwood Place. This portion of Westwood Place is totally surrounded by property owned by Mr. Morosani. A resolution of intent calling for a public hearing was adopted on August 1, 1989. This public hearing was continued from the August 29, 1989 meeting pending action by the Planning and Zoning Commission on a proposed project by Mr. Morosani for a mini-storage facility in the vicinity of Westwood Place.

Gerald Green, from the Planning Department, said on

September 6, 1989 the Planning and Zoning Commission reviewed and approved the site plan of the Patton Mini-Storage facility on Westwood Place with several contingencies. He said one of the contingencies is that a provision be made for a dedicated right-of-way to allow turning at the proposed end of Westwood Place subject to approval by the Planning Director.

The City Attorney said the closing of Westwood Place and

the group development planned by Mr. Morosani are independent issues to be addressed by the City Council.

Gerald Green stated that the Planning Department's

recommendation was that Westwood Place be closed, whether or not the group development was approved.

After discussion, Mayor Bissette closed the public

hearing at 6:38 p.m.

Mayor Bissette said members of Council were previously

furnished copies of the resolution to close a portion of Westwood Place and it would not be read in its entirety.

Upon motion of Councilman Bratton, seconded by

Councilman Frank, Resolution No. 89-135 was unanimously adopted.

Resolution Book No. 17 - Page No. 492 - 493

D. Ordinance No. 1789 - Second reading of ordinance to rezone

property located at #1 St. Dunstan's Road.

Mayor Bissette was previously excused from participation

and vote on this issue due to a conflict of interest.

Vice-Mayor Michalove said the Asheville Planning and

Zoning Commission on August 2, 1989, reviewed and recommended approval of rezoning Ward 4, Sheet 13, Lot 8 from R-3 Residential District to OI Office

Institutional District.

Vice-Mayor Michalove said the 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. 1789 passed on second reading.

E. Ordinance No. 1790 - Third reading of Ordinance amending

Sections 28-81.2, 28-81.3, and 28-81.4 of Article IV, Speed Regulations, of Chapter 28 of the Code of Ordinances of the City of Asheville - Speed Limit changes in the Beverly

Hills area, as well as on Macon Avenue.

Mayor Bissette said the City staff has conducted a

traffic/speed investigation which revealed that speed limit reductions are warranted on certain streets. These streets, along with the recommended speed limits, are as follows:

Beverly Road - 20 MPH

Governor's View Road - 25 MPH

Fairway Drive - 25 MPH

Gladstone Road - 25 MPH

Kensington Drive - 20 MPH

Macon Avenue - 25 MPH

Mayor Bissette 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 7-0, Ordinance No. 1790 passed on third and final reading.

Ordinance Book No. 11 Page No. 484

IV. NEW BUSINESS:

A. Motion to approve free standing identification signs and

wall identification sign for the new Quality Inn -

Biltmore located at 1115 Hendersonville Road.

Mayor Bissette said City Council on October 25, 1989,

approved the Biltmore Hotel group development to be located at One Vanderbilt Road. The developer is now requesting City Council's approval of two free-standing

signs.

Gerald Green, from the Planning Department, said the

applicant is requesting approval of a 98 square foot double face sign with a 41 square foot changeable copy sign to be mounted on a pole (24 feet high) at the entrance to the motel. Also requesting approval of a 45 square foot single face neon sign to the building to identify the restaurant. He said the sign complies with the Zoning Ordinance and the staff recommends approval. He said the sign must have the approval of City Council since it will be situated closer than 600' of a limited access highway.

Vice-Mayor Michalove moved to approve the sign permit

request for Quality Inn - Biltmore located at 1115 Hendersonville Road. This motion was seconded by Councilman Martin and carried unanimously.

B. Motion to approve proposed free standing and wall signs

to be located at the Shoney's Inn at 230 Hendersonville Road.

At the request of Mayor Bisette, Councilman Frank moved

to excuse Mayor Bisette from participation and vote on the requested sign permit from Shoney's Inn due to a conflict of interest. This motion was seconded by Councilman York and carried unanimously.

Gerald Green, from the Planning Department said the

applicant is requesting approval of a 63 square foot double face free standing sign (25 feet high) with an attached 35 square foot double face reader board (13 feet high). Also requesting approval of a 17.5 square foot wall sign to be attached to the new building. He said the sign complies with the Zoning Ordinance and

must have approval from City Council since it will be situated closer than 600' from a limited access highway.

Councilman Martin moved to approve the sign permit

requested by Shoney's Inn. This motion was seconded by Councilman Bratton and carried unanimously.

C. Annual Report on Affirmative Action Goals.

Pam McGrayne, Personnel Director, said the City's

Affirmative Action Plan was adopted on June 22, 1988. This is the first annual report which includes a status report on minority and female representation, an

updated workforce analysis and goals for FY 89-90.

Mrs. McGrayne presented and highlighted the Affirmative Action Report.

Fire Chief John Rukavina and Police Chief Gerald

Beavers spoke relative to their active recruitment efforts for the Police and Fire Departments. They indicated that they are focusing on minority recruitment.

Councilman Bratton suggested that the local legislative

delegates be furnished a copy of the Affirmative Action Report and be advised that the "Rule of 3" in the Civil Service Rules impacts the City's Affirmative Action

Plan.

V. CONSENT:

VI. OTHER BUSINESS:

A. Resolution No. 89-136 - Resolution authorizing the City Manager

to file a grant application with the North Carolina Department of Crime Control and Public Safety in support of a Drug Enforcement Program

The City Manager presented the resolution stating that this grant

from the Department of Crime Control and Public Safety is in the amount of \$90,014.00 and is to be made to the City of Asheville to assist in defraying the cost of the project known as "Housing Against Narcotics and Drugs (HAND).

Upon motion of Vice-Mayor Michalove, seconded by Councilman

Martin, Resolution No. 89-136 was unanimously adopted.

Resolution Book No. 17 Page No. 494

B. French Broad River Foundation - Liability Insurance Coverage

The City Manager said the French Broad River Foundation will be

named as additional insured for events at the Riverfest not covered under the Foundation's own liability policy. This coverage will extend to the French Broad River Foundation only for 1989 and excludes any coverage for their Board of Directors.

C. Scheduling of public hearing - Extension of Sign Moratorium

Councilman Frank moved to schedule a public hearing to consider

extending a moratorium on the issuance of permits for off-premises advertising signs within the zoning jurisdiction of the City of Asheville for October 3, 1989. This motion was seconded by Vice-Mayor Michalove and carried unanimously.

D. Report of Group Development Actions by the Planning and Zoning

Commission

The City Council adopted a procedure whereby the Planning

Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. The action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. The following action was taken by the Planning and Zoning Commission

at their meeting on September 6, 1989:

(1) Asheville High School - Cultural Arts Facility

The Asheville Planning and Zoning Commission on September 6,

1989 reviewed and approved the site plan of the **Asheville High School - Cultural Arts Facility - Group**

Development subject to the following contingencies:

1) Approval of erosion control plan by the Planning

Department prior to soil disturbance; and 2) Receipt of an approval letter from the Fire Department. No opposition was expressed at the public hearing.

Council accepted the report of the Planning and Zoning

Commission and the group development plan was approved as

recommended by the Planning and Zoning Commission.

(2) Patton Mini-Storage

The Asheville Planning and Zoning Commission on September 6,

1989 reviewed and approved the site plan of the **Patton Mini-Storage Facility - Group Development** subject to the following contingencies:

1) Approval of fire flows by the Fire Department prior to

issuance of a building permit; 2) Approval of the closure of Westwood Place by City Council; 3) Addition to the site plan of a buffer at the intersection of Westwood and Hazel Mill subject to the approval of the Planning Director; and 4) Provision of a dedicated right-of-way to allow turning at the proposed end of Westwood Place subject to approval by the

Planning Director.

Councilman Martin moved to schedule a public hearing

relative to the Patton Mini-Storage Facility Group Development for October 24, 1989. This motion was

seconded by Vice-Mayor Michalove and carried unanimously.

(3) Haw Creek Heights

The Asheville Planning and Zoning Commission on September 6,

1989 reviewed and approved the site plan of the **Haw Creek Heights - Group Development** subject to the following contingencies:

1) Approval of an erosion control plan by the Planning

Department prior to soil disturbance; and 2) Buffering as

required by Asheville Zoning Ordinance.

Councilman Martin moved to schedule a public hearing

relative to the Haw Creek Heights - Group Development for October 24, 1989. This motion was seconded by Vice-Mayor

Michalove and carried unanimously.

(4) Wal-Mart on Tunnel Road - Amendment to Site Plan

The Asheville Planning and Zoning Commission on September 6,

1989 reviewed and approved the site plan of the **Wal-Mart on Tunnel Road - Amendment to Site Plan - Group Development** subject to the following contingencies:

1) That fill be tested and information provided to City; 2)

Buffering as required by Asheville Zoning Ordinance; 3)

Replacement of trees that have died.

Councilman Martin moved to schedule a public hearing

relative to the Wal-Mart on Tunnel Road - Amendment to Site Plan - Group Development for October 24, 1989. This motion was seconded by Vice-Mayor Michalove and carried

unanimously.

E. Proposal by Councilman Martin - Governmental Program at Asheville

High School

Councilman Martin read the following memorandum relative to his

proposal:

"For some time it has been apparent that more education and

communication between City Council and members of the public would be helpful in our effort to inform our constituency.

One way to accomplish the educational aspect would be to promote

a program at Asheville High School. Therefore, I would like to propose the following program to be coordinated between our city school system and staff to include our high school students.

I propose that the City Manager coordinate with the

Superintendent of City Schools and the Principal of Asheville High School an organized program to designate two students to serve with city council each Tuesday for a month (four council meetings). Each month two different students would be assigned to City Council service. Students assigned could be members of the Student Council or could be chosen by another method to include those interested in municipal government.

The students should receive the same packet of information

delivered to city councilmen prior to each pre-council and council meeting. The packets could be delivered to the students at the administrative office of the high school each Monday prior to the Tuesday meeting.

Students would be expected to attend pre-council and council

meetings and sit with council. They would be encouraged to contribute. In short, students would actually participate with council in our city government.

If this program is in effect for eight months each school year it

would affect sixteen students, thirty-two parents, all other children of the households, and it would serve to increase the interest of classmates and teachers. Over a period of years the educational benefit and increased awareness of how our city government operates could touch the lives of hundreds of our young people and their parents."

F. Glenn Shelton - Complaint relative to fall at Aston Park Center

Glenn Shelton said he tripped on a 1/2" door jam built on a

threshold at Aston Park Center which caused him to have severe medical problems. He contended that this action was caused by negligence on the part of the Building Inspections Department, particularly Mr. Joe Morris. He said this 1/2" door jam built on a threshold is in direct violation of the Building Code which has been brought to the attention of Mr. Joe Morris and the Department of Insurance. He said the City of Asheville should be

forced to enforce their ordinances. He said this matter has been brought to the attention of Mr. Morris on several occasions. He said he has also talked with Assistant City Manager Charles Penny and City Manager Doug Bean about this problem on several occasions and no action has been taken.

Mr. Shelton said he has sought recourse from several sources but

to no avail. He said he has retained the services of an attorney in Greenville, South Carolina to represent him in his claim.

After discussion, Mayor Bissette suggested that Mr. Shelton have

his attorney contact City Attorney Bill Slawter.

G. Councilman Frank - Draft to Minority and Women Procurement Plan

Councilman Frank asked that Council members be on the look out

for a "second draft" of the Minority and Women Procurement Plan which they should receive in the near future.

H. Mayor Bissette - Federal Plaza Building

Mayor Bissette said he and the City Manager had met with several

of the Congressmen on Monday along with the Senate Appropriations Committee relative to the proposed Federal Plaza Building. He said the Congressmen said the proposal presented by the City Asheville appears to be a good proposal.

I. Claims - Marvin Yarborough (Sewer) - Tommy Plummer (Water) -

Accudata Services Inc. & The Trophy House (Downtown Development) - Mrs. Heilig (Water) - Francine Costa (Water) - Mrs. William Barkley (Sanitation) - Richard Clark (Water)

The City Manager presented claims received from Marvin

Yarborough, Tommy Plummer, Accudata Services, Inc. & The Trophy House, Mrs. Heilig, Francine Costa, Mrs. William Barkley, and Richard Clark.

Mayor Bissette referred the claims to the City Attorney for

investigation and recommendation.

J. Ralph Bishop - Lottery Sales

Ralph Bishop again appeared before Council relative to the lottery sales in the City of Asheville.

VII. ADJOURNMENT

Mayor Bissette adjourned the meeting at 7:45 p.m.

MAYOR CITY CLERK
