

((1))

Tuesday - October 3, 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, and Russell Martin; Acting City Attorney Martha McGlohon; City Manager Douglas O. Bean; and

Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman A. Robert York

Vice-Mayor Kenneth M. Michalove arrived at 4:45 p.m.

Corporation Counsel William F. Slawter

### **INVOCATION**

The invocation was given by Councilman Bratton.

### **APPROVAL OF MINUTES**

Mayor Bissette said approval of the minutes of the September 19, 1989 meeting is being withheld pending further review of the minutes.

### **I. PROCLAMATIONS:**

#### **A. Proclamation - "Service Corps of Retired Executives Week" - (SCORE) - Week of October 1, 1989**

Mayor Bissette read the proclamation and presented a copy to Frank West, Executive Director of Service Corps of Retired Executives (SCORE).

#### **B. Proclamation - "Physicians Assistants Day" October 6, 1989**

Mayor Bissette read the proclamation and presented a copy to Jose E. "Ed" Hernandez, Physicians Assistant at the Veterans Administration Medical Center.

#### **C. Proclamation - Month of October, 1989 - "Crime Prevention Month"**

Mayor Bissette read the proclamation and presented a copy to Willie Allen, from the Asheville Police Department.

**D. Proclamation - October 8-14, 1989 - "Greek Festival Week"**

Mayor Bissette read the proclamation and presented a copy to Father Manuel and Nick Angelos from the Holy Trinity Greek Orthodox Church.

**E. Proclamation - October 1-7, 1989 - "Mental Illness Awareness Week"**

Mayor Bissette read the proclamation and presented a copy to Doris Brewer, Mary Lane Travis, and Carolyn Freeman from the Western North Carolina Alliance for the Mentally Ill and the American Psychiatric Association.

**F. UNC-A - Homecoming Weekend - October 7 - 8, 1989**

Councilman Bratton noted that this weekend is Homecoming Weekend for UNC-A.

**II. PUBLIC HEARINGS:**

**A. Public hearing relative to the amended site plan of the Walmart Development to be located on Tunnel Road.**

Mayor Bissette said the Asheville Planning and Zoning Commission on September 6, 1989, reviewed and approved the amended site plan subject to the following contingencies:

- 1) That fill be tested and information provided to City;
  - 2) Buffering as required by Asheville Zoning Ordinance;
- and
- 3) Replacement of trees that have died.

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

The City Clerk presented the notice to the public and affidavit of publication setting the time and date for the public hearing.

Gerald Green, from the Planning Department, said this

project is located on South Tunnel Road and was approved by Council last year. He said the plan has been significantly amended and needs additional approval. He noted the major changes as the entrance being moved; a 5'

greenbelt; existing vegetation to remain on the north side of the property; a double row of evergreens located along the water line easement; and the installation of 135' guardrail and fence. He said these changes were necessary because the rock in the soil is less stable than anticipated and more grading was necessary.

There being no further comments, Mayor Bisette closed

the public hearing at 4:40 p.m.

Councilman Price moved to approve the amended site plan

of the Walmart Development to be located on Tunnel Road subject to the conditions specified by the Planning and Zoning Commission and further that the Planning Director approve the replacement trees and that the trees be similar in type and size to the trees being replaced. This motion was seconded by Councilman Frank

and carried unanimously.

## **B. Public hearing relative to the site plan of the Patton**

### **Mini-Storage to be located on Patton Avenue.**

Mayor Bisette said the Asheville Planning and Zoning

Commission on September 6, 1989, reviewed and approved

the site plan 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.

Tom Elmore, with the Planning Department, said this project will consist of a 13,600 square foot mini-storage facility. He said the property is zoned Light

Industrial and access would be off I-240 and the Westgate access ramp. He said the Fire Department is requiring the installation of a new fire hydrant. He reiterated the Planning and Zoning Commission's conditions for approval. He said landscaping is proposed for the bank.

David Matney, Attorney for the developer, in order to comply with the provision outlined by Planning and Zoning for a dedicated right-of-way to allow turning at the proposed end of Westwood Place, presented a plan showing the dedication and how the developer plans to provide for the turn-a-round although in his client's opinion this action is not necessary.

Mayor Bisette closed the public hearing at 5:10 p.m.

After discussion, Councilman Martin moved to approve the site plan of the Patton Mini-Storage facility to be located on Patton Avenue subject to the conditions outlined by the Planning and Zoning Commission and further that the proposed right-of-way dedication and the construction for the turn-a-round be at the developer's expense and approved by the Planning Director and the City Attorney. This motion was seconded by Councilman Bratton and carried unanimously.

**C. Public hearing relative to imposing a moratorium on the**

**issuance of permits for off-premises advertising signs within the zoning jurisdiction of the City of Asheville.**

**Ordinance No. 1793 - An Ordinance renewing a moratorium on**

**the issuance of permits for off-premise advertising signs**

Mayor Bisette said on June 27, 1989, the City Council

adopted an ordinance imposing a moratorium on the issuance of permits for off-premises advertising signs within the zoning jurisdiction of the City of Asheville. Council is considering extending the present moratorium.

Mayor Bisette opened the public hearing at 5:15 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.

Julia Cogburn, Director of Planning, suggested that the

moratorium be extending until January 9, 1990 or until Council enacts a new Sign Ordinance.

Mayor Bisette closed the public hearing at 5:18 p.m.

Vice-Mayor Michalove moved for the adoption of Ordinance

No. 1793. This motion was seconded by Councilman Price.

On a roll call vote of 6-0, Ordinance No. 1793 passed on

first reading.

Vice-Mayor Michalove moved to suspend the rules and proceed

to the second reading of Ordinance No. 1793. This motion was seconded by Councilman Martin and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1794 passed on

second reading.

Vice-Mayor Michalove moved to suspend the rules and proceed

to the third and final reading of Ordinance No. 1793. This motion was seconded by Councilman Martin and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1793 passed on

third and final reading.

**Resolution Book No. 17 Page No. 487 - 488**

**III. OLD BUSINESS:**

**IV. NEW BUSINESS:**

**A. Motion authorizing the sale of Disposal Parcels 142,**

**152, 153, 155, and 158 of the East End/Valley Street Community Improvement Program**

Mayor Bissette said the Housing Authority has

tentatively accepted the bids for several disposal parcels in the East End/Valley Street Community Improvement Program. Council must approve the sale of these parcels.

**Parcel Use Price Bid Redeveloper**

142 Res. 3,700 7001.50 Johnnie & Carolyn

Crouch 152 Res. 4,200 4,840.00 R & R Associates

153 Res. 3,600 4,202.00 R & R Associates

155 Res. 2,800 3,310.00 Christopher &

Diane Robinson

158 Res. 4,100 4,610.00 Cathy Marie Lee

Parcels 152 and 153 are to be developed with single family homes for resale. The eventual owner occupants of the completed homes may apply for the Incentive Housing Subsidy.

Disposal Parcels 142, 155, & 158 are to be developed with single family homes for occupancy by the purchaser under the Incentive Housing Program.

Councilman Bratton questioned whether or not the Neighborhood Committee had reviewed and approved of the sale of these properties.

After discussion, Mayor Bissette said the sale of the Disposal Parcels would be considered at next week's meeting giving the staff an opportunity to answer Councilman

Bratton's question.

**B. Resolution No. 89-139 - Resolution authorizing the City**

**Manager to sign an agreement with St. Joseph's Hospital, Inc. for the development of a wellness program for City of Asheville employees.**

**Resolution No. 89-140 - Resolution authorizing the City**

**Manager to sign an agreement with St. Joseph's Urgent Care, Inc. for the provision of medical services to City of Asheville employees for treatment of work-related injuries.**

At the request of Vice-Mayor Michalove, Councilman Price

moved to excuse Vice-Mayor Michalove from participation and vote on these issues due to a conflict of interest in that he is employed by St. Joseph's Hospital. This motion was seconded by Councilman Martin and carried unanimously.

Mayor Bissette said these agreements will continue

medical treatments and consultation to the infirmary for work related illness and injuries, as well as provide for a new comprehensive wellness program for employees and their families.

The City Manager explained the details of the wellness

program contract stating that this will allow the City to collect complete base line data on each employee for \$37,000. He said the data would be analyzed and would determine what educational programs are needed for employees. He said wellness programs have been very successful in reducing health care costs.

The City Manager said the agreement with St. Joseph's

Urgent Care, Inc. is an extension of a present agreement for medical services to City of Asheville employees for treatment of work-related injuries.

The City Manager said proposals were taken from local

hospitals and the proposal from St. Joseph's Hospital and St. Joseph's Urgent Care represent the best service at the best possible cost available within the community at this time.

At the request of Mayor Bissette, Councilman Frank moved

to excuse Mayor Bissette from participation and vote of these issues due to a conflict of interest in that his law firm represents St. Joseph's Hospital. This motion was seconded by Councilman Price and carried unanimously.

Upon inquiry of Councilman Bratton, the Acting City

Attorney said Councilman Bratton should not be excused from participation and vote on these issues because her husband works for St. Joseph's Hospital, Inc.

Upon motion of Councilman Martin, seconded by Councilman

Frank, Resolution No. 89-139 was unanimously adopted.

**Resolution Book No. 17 Page No. 497**

Upon motion of Councilman Frank, seconded by Councilman

Martin, Resolution No. 89-140 was unanimously adopted.

**Resolution Book No. 17 Page No. 498**

**C. Resolution No. 89 - 141 - Resolution authorizing award**

**of bids received for renovations of City Hall, authorizing City Manager to execute contract with low bidders.**

Mayor Bissette said this resolution will authorize the

award of bids for renovations to City Hall.

John Cort, with Wood and Cort, Architects, gave a

detailed background report of the renovations planned for the City Hall Building.

Mr. Cort said their recommendation would be to accept the base bids plus all alternates as follows:

General Contract:

Jerry Payne Construction Company - \$1,814,678

Plumbing Contract:

Moser, Inc. - 355,380

Mechanical Contract:

Gene Cox Mechanical Contractor - 1,100,210

Electrical Contract:

Zoerb Electric Company - 500,000

Upon inquiry of a citizen, Mr. Cort said the firms

selected have a long history and are highly recommended. He reviewed projects the contractors have recently completed.

At the request of Mayor Bissette, Councilman Price moved

to excuse Mayor Bissette from participation and vote on the City Hall bids since his law firm represents Moser, Inc. This motion was seconded by Councilman Frank and carried unanimously.

Councilman Bratton told Mr. Cort that although it is not

a requirement she would like to request that the contractors consider using minority and women businesses as subcontractors whenever possible. She said she would furnish him with the address of the North Carolina Association of Minority Businesses who could supply the contractors with a list of minority and women businesses.

Upon inquiry of Vice-Mayor Michalove, Mr. Cort said the

construction period for the project is 18 months and a

\$500 per day penalty provision is included.

John Walsh spoke in opposition to funding renovations to

the City Hall Building stating that the City should provide more funds to properly staff the Building Inspection Division.

Upon inquiry of Liddy Sidnick, Mr. Cort said provisions

have been made for the possibility of asbestos exposure during the construction period. He said the contract has a contingency for asbestos removal and they will be monitoring air samples during construction.

Upon motion of Councilman Price, seconded by Councilman Martin, Resolution No. 89-141 was unanimously adopted.

**Resolution Book No. 17 Page No. 499**

**D. Resolution No. 89-142 - Resolution authorizing execution of instruments for funding the City Hall renovations and computer upgrade projects.**

Mayor Bissette said the City needs to fund its computer upgrade and City Hall renovation projects in an amount not to exceed \$4,600,000.

The City Manager said Wachovia Bank and Trust Company would be the financing agency at a 6.9 percent interest rate. He said \$1.3 would be used for the computer upgrade projects and \$3.3 would be used for City Hall renovations.

Upon motion of Vice-Mayor Michalove, seconded by Councilman Martin, Resolution No. 89-142 was unanimously adopted.

**Resolution Book No. 17 Page No. 500**

**E. Ordinance No. 1794 - Budget Amendment to establish capital project budget for City Hall Project.**

Mayor Bissette said this amendment establishes a capital project for City Hall renovations in the amount of \$4,600,000. Funding will be provided by \$1,300,000 cash and \$3,300,000 long term financing.

Vice-Mayor Michalove moved for the adoption of Ordinance No. 1794. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1794 passed on first and final reading.

**Ordinance Book No. 11 Page No. 489**

**V. CONSENT:**

**A. Resolution No. 89-143 - Resolution appointing members to the Asheville Tree/Greenway Commission.**

SUMMARY: This resolution will appoint Rosa Walker, Robert Hope and Will Neville as members of



the Asheville Tree/Greenway Commission.

**Resolution Book No. 17 Page No. 501**

**B. Scheduling public hearing relative to Sign Ordinance on**

**October 24, 1989 at the Asheville Civic Center Banquet Room at 5:00 p.m.**

SUMMARY: The Asheville Planning and Zoning Commission

on September 27, 1989 moved to forward their recommendations to City Council in the form of an addendum along with the complete, unabridged text of the Asheville Sign Commission's "Draft Sign Ordinance".

Upon motion of Councilman Frank, seconded by Councilman

Martin, the consent agenda was unanimously approved.

**VI. OTHER BUSINESS:**

**A. Statement by Mayor relative to Downtown Design Review**

Mayor Bisette said he had received a letter from G. Carroll

Hughes, Chairman of the Downtown Design Review Committee, and Robert J. Carr, Chairman of the Downtown Commission, requesting that the current Design Review Guidelines scheduled for November be postponed until the first quarter of 1990 for the following reasons: 1) Staff has just been hired for this position and has had little time to prepare the documents; 2) A little more time will provide them with a larger base of information to evaluate

the guidelines.

**B. Resolution No. 89-143 - Resolution authorizing the Mayor to**

**execute an option to purchase and to accept a deed, if the option to purchase is exercised, for property to serve the Asheville Fire Department on Old Haywood Road.**

The City Manager presented a resolution for the lease with the

option to purchase a parcel of land in the vicinity of Old Haywood road and Patton Avenue for the relocation of the West Asheville Fire Station #6. This relocation is necessary for the West Annexation area.

Upon motion of Councilman Frank, seconded by Councilman Price,

Resolution No. 89-143 was unanimously adopted.

**Resolution Book No. 17 Page No. 501**

**CLAIMS - LAURA WEST (SEWER) - G. EDITH ROBINSON (WATER) - SONJA DUCKER (WATER) - MRS. MARGARET WIMBERLY (WATER) - ERNEST HOLBERT (FIRE) - WILDON FISHER, JR. (SEWER) - AMOS HARWOOD, JR. (STREETS) - R. L. SURRETT (WATER) - CAROLINA BUILDING ASSOCIATES OF ASHEVILLE, INC. (STREETS) - ELIZABETH PARKER (WATER) - ROBERT BATTLE (WATER) - TERRY RAMSEY (SEWER) - JACKIE GOUGE (SEWER)**

The City Manager presented claims received from Laura West, G. Edith Robinson, Sonja Ducker, Mrs. Margaret Wimberly, Ernest Holbert, Wildon Fisher, Jr., Amos Harwood, Jr., R. L. Surret, Carolina Building Associates of Asheville, Inc., Elizabeth Parker, Robert Battle, Terry Ramsey, and Jackie Gouge.

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

**LENI SITNICK - COMMENTS RELATIVE TO TRANSPORT OF NUCLEAR WASTE- INTEREST IN ASHEVILLE TREE/GREENWAY COMMISSION**

Leni Sitnick asked that Council begin looking into establishing regulations for the transport of nuclear waste through Asheville and the impact this could have on the community.

Councilman Price asked the City Manager to check with the Director of Civil Preparedness on the options that are available relative to regulations for the transport of nuclear waste. She also requested that the staff check with other cities to see what they are doing about transportation of nuclear waste.

Ms. Sidnick also expressed an interest in serving on the Asheville Tree/Greenway Commission.

**RALPH BISHOP - PRIZE FIGHTING AT THE ASHEVILLE CIVIC CENTER**

Ralph Bishop said the prize fighting at the Asheville Civic Center is in violation of North Carolina General Statute 14.271.

Mayor Bissette said the staff would look into this matter and report back to Mr. Bishop at next week's Council meeting.

**VII. ADJOURNMENT**

Mayor Bissette adjourned the meeting at 6:45 p.m.

---

**MAYOR CITY CLERK**

---