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Tuesday - December 12, 1989 - 4:00 P.M.

Regular Meeting

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

William G. Moore; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Eugene W. Ellison; and William W. Estes; 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 Councilman Estes.

### **APPROVAL OF MINUTES**

Mayor Michalove announced the approval of the minutes of the November 28, 1989 and December 5, 1989 meeting as submitted.

### **I. PROCLAMATIONS:**

#### **A. Resolution No. 89-179 - Resolution of appreciation for**

##### **Thomas Johnson, recent retiree.**

Harold Huff, Director of Water and Sewer Services

introduced Thomas Johnson, recent retiree as a Meter Reader III in the Water Department. He said Mr. Johnson retired November 1, 1989 and has been employed with the City of Asheville since July, 1973.

Mayor Michalove read the resolution.

Upon motion of Councilman Frank, seconded by Vice-Mayor

Moore, Resolution No. 89-179 was unanimously adopted.

**Resolution Book No. 18 Page No. 41**

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

#### **A. Public hearing relative to Minority Business Goals.**

Mayor Michalove opened the public hearing at 4:12 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 City Attorney said the North Carolina legislature

recently adopted legislation relating to state and local bid projects. He said the legislation requires the adoption of bid goals for participation by minority businesses for public contracts. He said the state has set their goal at ten percent (10%) and requires local governments to adopt bid goals. He said the legislation does not give guidance for setting the goals but only requires that the goals be reasonable and verifiable. He said bidders will be notified of steps to take to work toward obtaining these goals. He said the staff is awaiting guidelines from the Institute of Government before these goals are set. He suggested that the public hearing be continued until this information is received and until such time as the proposal can be reviewed by interested parties before Council takes action on the percentage goals.

Vice-Mayor Moore moved to continue the public hearing

until January 16, 1990, without further advertisement. This motion was seconded by Councilman Price and carried unanimously.

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

#### **A. Ordinance No. 1807 - Third reading of Ordinance**

**amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, Cleo and John Wilson and Loraine Hensley, property located on Springvale Avenue.**

The City Manager said the Asheville Planning and

Zoning Commission on November 1, 1989, reviewed and recommended approval of rezoning Lots 4, 101, 104, 114 and 125, Sheet 16, Ward 7, from R-3 Residential District to LI Light Industrial District. This ordinance was read on first reading on November 28,

1989 and on second reading on December 5, 1989.

Mayor Michalove said this ordinance was previously read

on first and second reading and would not be read in its entirety.

On a roll call vote of 7-0, Ordinance No. 1807 passed

on third and final reading.

**Ordinance Book No. 12 Page No. 50**

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

#### **A. Resolution No. 89-180 - Resolution authorizing**

**execution of an interlocal agreement with the County of Buncombe and the Buncombe County Administrative Offices of the Courts to establish the Buncombe County Association of Criminal Justice Agencies.**

The City Manager said the function of the association

is to promote and fund the development and on-going maintenance of an automated Criminal Justice Information System. He said the cost to the City and County for furnishing this computer service is \$70,000 per year. He said new software is being furnished by the City under a five (5) year financing plan. He said the contract specifies a three year period with the option to renew yearly.

After discussion, Councilman Ellison moved to amend the

agreement to reflect a term of five years in order to run consecutively with the financing period. This motion was seconded by Councilman Price and carried unanimously.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Frank, Resolution No. 89-180, as amended was unanimously adopted.

**Resolution Book No. 12 Page No. 42**

**V. CONSENT:**

**VI. OTHER BUSINESS:**

**A. Group Development Process**

Gerald Green from the Planning Department explained the Group

Development Process from the initial presentation to the approval stage. He also presented a flow chart explaining the various actions taken when a group development plan is being considered.

Councilman Ellison asked the City Attorney to look into the

legality of including a liquidated damage clause in the approval of group developments in order to protect the City and neighboring residents from being damaged by a project being started and not completed in accordance with required contingencies.

**B. Group Development Actions by the Planning and Zoning**

**Commission**

Gerald Green, from the Planning Department, said 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 December 6, 1989.

**(1) Asheville Eye Clinic - Off Tunnel Road**

The Asheville Planning and Zoning Commission on December

6, 1989 reviewed and approved the site plan of the **Asheville Eye Clinic - Off Tunnel Road** subject to the following contingencies: 1) Approval of an erosion control plan by the Planning Department prior to soil disturbance; 2) Approval of Driveway Permit; and 3) Compliance with requirements of Water, Wastewater, and Engineering Department.

He said a petition was received from adjacent property

owners supporting the project.

Council accepted the recommendation of the Planning and

Zoning Commission for the site plan of the Asheville Eye Clinic - Off Tunnel Road, thereby indicating approval.

**(2) Hawthorne Villages - 198 Old Haw Creek Road**

The Asheville Planning and Zoning Commission on December

6, 1989 reviewed and approved the site plan of the **Hawthorne Villages - 198 Old Haw Creek Road** subject to the following contingencies: 1) Approval of an erosion control plan by the Planning Department prior to soil disturbance; and 2) Allowing roll type gutter as approved by Public Works.

He said Rose Rose of the Homeowners' Association

indicated that they support the project.

Council accepted the recommendation of the Planning and

Zoning Commission for the site plan of the Hawthorne Villages - 198 Old Haw Creek Road, thereby indicating approval.

**C. Eugene W. Ellison - Resignation from Alcoholic Beverage**

**Control Board**

Mayor Michalove read a letter from Eugene W. Ellison,

Councilman, resigning from the Alcoholic Beverage Control Board effective December 12, 1989.

Councilman Price moved to accept Mr. Ellison's

resignation from the Alcoholic Beverage Control Board. This motion was seconded by Vice-Mayor Moore and carried unanimously.

**D. Resolution No. 89-181 - Resolution reaffirming the**

**appointment of Russell M. Martin as a member to the City of Asheville Board of Alcoholic Control**

Mayor Michalove read a resolution reaffirming the

appointment of Russell M. Martin as a member of the City of Asheville Board of Alcoholic Control to serve a three year term, term expiring November 13, 1992, or until his

successor is duly appointed and qualified.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Price, Resolution No. 89-181 was unanimously adopted.

**Resolution Book No. 12 Page No. 43**

**E. Resolution No. 89-182 - Resolution appointing member to**

**the City of Asheville Board of Alcoholic Control**

**(Osborne M. Hart)**

Mayor Michalove read a resolution appointing Osborne M.

Hart to serve the unexpired term of Eugene W. Ellison, term expiring November 13, 1990, or until his successor is duly appointed and qualified.

Upon motion of Councilman Bratton, seconded by Councilman

Price, Resolution No. 89-182 was unanimously adopted.

**Resolution Book No. 12 Page No. 44**

**F. Resolution No. 89-183 - Resolution appointing Chairman to  
the City of Asheville Board of Alcoholic Control  
(Helen Mitchell)**

Mayor Michalove read a resolution appointing Helen

Mitchell as Chairman of the City of Asheville Board of Alcoholic Control to serve until her term expires, November 13, 1991, or until her successor is duly appointed and qualified.

Upon motion of Councilman Bratton, seconded by Councilman

Frank, Resolution No. 89-183 was unanimously adopted.

**Resolution Book No. 12 Page No. 45**

**G. Claims - Doris Robinson (Streets) - James Tucker (Sewer) -  
Sophie Dixon (Water) - John Michaels (Water) - Dana Edwards (Water)**

The City Manager presented claims received from Doris

Robinson, James Tucker, Sophie Dixon, John Michaels, and Dana  
Edwards.

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

**VII. ADJOURNMENT**

Mayor Michalove adjourned the meeting at 5:15 p.m.

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**MAYOR CITY CLERK**

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