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Tuesday - January 16, 1990 - 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 Mayor Michalove.

### **APPROVAL OF MINUTES**

Mayor Michalove announced the approval of the minutes

of the January 9, 1990 meeting as submitted.

### **I. PROCLAMATIONS:**

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

#### **A. Public hearing relative to amending Chapter 30 of the**

**Code of Ordinance of the City of Asheville to include self service storage facilities as permitted uses and conditional uses.**

#### **Ordinance No. 1812 - Ordinance amending Chapter 30 of**

**the Code of Ordinances of the City of Asheville to include self service storage facilities as permitted uses and conditional uses**

Mayor Michalove said the Asheville Planning and Zoning

Commission met on December 6, 1989 and voted to recommend to City Council that Article 5 Chapter 30 of the Code of Ordinances be amended to include self-service storage facilities as a permitted use in the CS, LI, and HI districts and as a conditional use in the CH district.

Mayor Michalove opened the public hearing at 4:17 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.

Gerald Greene, from the Planning Department, reviewed

the proposed ordinance which defines self-service storage facilities, identifies districts in which they are permitted, and establishes standards for their development. He said self-service storage facilities (mini-warehouses) are not

currently addressed in the ordinance and this use has been treated as a warehouse. The special characteristics of this use demands special attention in the ordinance.

David Matney, Attorney representing George Morosani,

said he felt the proposed ordinance is a compromise that the self-service storage warehouse businesses could operate under. He requested that the provision for a landscaped strip of twenty (20) feet in width to be provided along the front property line be amended to state that this provision shall not be applicable if the facility has a permanent improvement structure between the highway and the facility which would obstruct the view of the warehouse from the highway.

After a brief discussion, Mayor Michalove closed the public hearing at 4:50 p.m.

Mayor Michalove said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety.

Councilman Price moved for the adoption of the ordinance

amending the definition of self-service storage facility to reflect that the facility shall not exceed 800 square feet per unit and further that a landscaped strip of twenty (20) feet in width shall be provided along the

front property line unless there is a permanent improvement between the highway and the self-service storage facility which would obstruct the view of the self-service storage facility in which case the front property line shall have a landscaped strip of ten (10) feet in width. This motion was seconded by Councilman Ellison.

On a roll call vote of 7-0, Ordinance No. 1812 passed on first reading.

#### **B. Public hearing relative to adoption of an ordinance**

**directing the Director of Building Inspections to**

**demolish the dwelling located at 224 Flint Street.**

SUMMARY: This ordinance will direct the Director of

Building Inspections to demolish the structure located at 224 Flint Street, Asheville, North Carolina, and in so doing, comply with the provisions of the City of Asheville Housing

Code.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Price, the public hearing was continued until January 23, 1990, without further advertisement, pending verification that the property owners have been notified of the public hearing.

#### **C. Public hearing relative to adoption of an ordinance**

**directing the Director of Building Inspections to demolish the dwellings located at 36, 38, and 40**

**Cumberland Avenue.**

**SUMMARY:** This ordinance will direct the Director of

Building Inspections to demolish the dwellings located at 36, 38, and 40 Cumberland Avenue,

Asheville, North Carolina.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Price, the public hearing was continued until January 23, 1990, without further advertisement, pending verification that the property owners have been notified of the public hearing.

#### **D. Continuation of a public hearing relative to Minority**

##### **Business Goals**

##### **Resolution No. 90 -11 - Resolution establishing a**

**verifiable percentage goal for participation by minority business in the awarding of building construction contract awarded pursuant to N.C. Gen. Stat.**

##### **Sec. 143-128**

Mayor Michalove said this public hearing was continued

from the December 12, 1989 meeting and is scheduled to receive public comments relative to Minority Business Goals.

Mayor Michalove reopened the public hearing at 4:52 p.m.

The City Attorney reviewed the proposed resolution

establishing a verifiable percentage goal for participation by minority business in the awarding of building construction contracts awarded pursuant to

N.C. Gen. Stat. Sec. 143-128.

He 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 building construction 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 verifiable. He said bidders will be notified of steps to take to work toward attaining these goals.

He said the M/WBE Committee will be presenting members

of Council with a Procurement Plan in the near future. He said this committee has also been working toward setting percentage goals.

The City Attorney agreed with Councilman Ellison that

the percentage goals being established were not that important since Council must accept the lowest responsible bid.

Councilman Ellison said he felt the process for

notification to minorities and women is the most important aspect.

Upon inquiry of Council, Marvin Vierra, Director of

Community Development, said the M/WBE Committee arrived at the suggested five (5%) percent goal through a discussion process. He said they had no scientific formula for arriving at that figure. He said the percentage goals would be monitored for several years.

Carroll Hughes, architect, asked what criteria would be

used in meeting these goals and what should contractors be told when submitting bids in order to meet these goals.

The City Attorney said this action would not affect

professional service contracts. He said contractors would be notified of the requirements of the resolution.

The City Attorney said this recent legislation deals

only with building construction contracts.

Councilman Bratton said she has been working with the

M/WBE Committee and is a member of the State Minority Business Committee and they would also be giving guidance on this issue.

Mayor Michalove closed the public hearing at 5:28 p.m.

Vice-Mayor Moore moved for the adoption of Resolution

No. 90-11 allowing for a verifiable goal of five (5%) percent. This motion was seconded by Councilman Frank.

Councilman Ellison made a substitute motion for the

adoption of Resolution No. 90-11 allowing for a verifiable goal of eight (8%) percent to be more in line with the goals set by the state. This motion was seconded by Vice-Mayor Moore.

After discussion, Vice-Mayor Moore withdrew his motion

and his second to Councilman Ellison's motion.

Councilman Ellison then moved for the adoption of

Resolution No. 90-11 allowing for a verifiable goal of ten (10%) percent. This motion was seconded by Vice-Mayor Moore and carried unanimously.

### **Resolution Book No. 18 - Page 67 - 70**

#### **E. Continuation of a public hearing relative to the**

**adoption of an ordinance directing the Director of Building Inspections to demolish the dwelling located at 10 Birch Street.**

SUMMARY: This ordinance will authorize the Director of

Building Inspections to demolish 10 Birch

Street, Asheville, North Carolina.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Price, the public hearing was continued until January 23, 1990, without further advertisement, pending verification that the property owners have been notified

of the public hearing.

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

#### **A. Ordinance No. 1809 - Third reading of an ordinance**

**relative to designating property known as the Public Service Building at 89-93 Patton Avenue as a local historic property.**

Mayor Michalove said the Historic Resources Commission

at the request of Southeastern Historic Properties, owner of the structure, has studied the Survey and Research Report as submitted by Southeastern Historic Properties' consultant and determined the building to be eligible for designation as a local historic property. The North Carolina Department of Cultural Resources concurs with the Historic Resources Commission's

nomination.

On a roll call vote of 7-0, Ordinance No. 1809 passed on third and final reading.

**Ordinance Book 12 - Page 52-54**

#### **B. Ordinance No. 1810 - Third reading of an ordinance**

**relative to rezoning property located off Rock Hill**

**Road, petition of Charles Harrell, Harrell-Butler.**

Mayor Michalove said the Asheville Planning and Zoning

Commission on December 6, 1989, reviewed and recommended approval of zoning Lot 14, Sheet 32 & 44, Ward 13, from LI Light Industrial District to R-3 Residential

District.

On a roll call vote of 7-0, Ordinance No. 1810 passed on third and final reading.

**Ordinance Book 12 - Page 55**

#### **C. Continuation of discussion relative to the Group**

**Development for C & D Mini-Warehouses.**

Mayor Michalove said the Group Development plan for

C & D Mini-Warehouses was submitted to Council on January 9, 1990 after receiving review and approval by the

Planning and Zoning Commission with several contingencies. After discussion, this matter was continued for discussion until the January 16, 1990

meeting.

The City Manager said an agreement has been reached with

the developer of the project to comply with all the contingencies specified by the Planning and Zoning Commission. He said the developer agreed to provide for adequate fire protection at the developer's expense.

Council took no action on the project; therefore, the

project was approved as recommended by the Planning and

Zoning Commission.

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

##### **A. Ordinance No. 1813 - Ordinance amending Chapter 8,**

##### **Buildings, of the Code of Ordinances of the City of**

##### **Asheville (amending Fire District No. 1)**

John Rukavina, Fire Chief, said a parcel of property

along Asheland Avenue lies within the First Fire District of Asheville (fire districts are statutory areas where construction materials for buildings are limited, so as to prevent conflagrations), but a structure proposed for construction thereon protrudes only 20 feet into that District. This proposed ordinance amendment would exclude this property from this Fire District and remove fire district limitations

from the proposed structure.

Carroll Hughes, President of Spaceplan, spoke in favor

of the ordinance.

Councilman Price moved for the adoption of Ordinance No.

1813. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 7-0, Ordinance No. 1813 passed on

first reading.

Councilman Price moved to suspend the rules and proceed

to the second reading of Ordinance No. 1813. This motion was seconded by Councilman Ellison and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1813 passed on

second reading.

Councilman Price moved to suspend the rules and proceed

to the third reading of Ordinance No. 1813. This motion was seconded by Councilman Ellison and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1813 passed on third and final reading.

**Ordinance Book No. 12 - Page 65-66**

**B. Ordinance No. 1814 - Budget Amendment to appropriate**

**Fair Housing Assistance Program Grant funds.**

Mayor Michalove said the City has received approval from

the Department of Housing and Urban Development for the Third year funding of the Fair Housing Assistance Program in the amount of \$3,650. This action will appropriate the funds into the budget. The project will be administered by the Asheville-Buncombe Community Relations Council under contract with the City of Asheville.

Councilman Estes moved for the adoption of Ordinance No. 1814. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 7-0, Ordinance No. 1814 passed on first and final reading.

**Ordinance Book No. 12 - Page 67**

**C. Resolution No. 90-12 - Resolution appointing member to the Asheville-Buncombe Community Relations Council.**

Mayor Michalove said this resolution will appoint Bernadette Thompson as a member of the Asheville-Buncombe Community Relations Council.

Upon motion of Councilman Bratton, seconded by Councilman Price, Resolution No. 90-12 was unanimously adopted.

**Resolution Book No. 18 - Page 71**

**V. CONSENT:**

**VI. OTHER BUSINESS:**

**COUNCILMAN ELLISON - LOW WATER PRESSURE - NORTH**

Councilman Ellison requested that the City Manager furnish members of Council with a report and recommendation to improve the low water pressure in the

north section.

**CLAIMS - RICKY JACKSON (WATER) - KEVIN K. RHEW (SEWER) - COY AND MARY RADFORD (WATER)- JAMES HILL (SEWER) - MR. AND MRS. HOWARD**

**FISHER (SEWER) - MRS. FRED KRAUSS (WATER)**

The City Manager said claims were received from Ricky

Jackson, Kevin K. Rhew, Coy and Mary Radford, James Hill, Mr. and Mrs. Howard Fisher, and Mrs. Fred Krauss.

Mayor Michalove referred the claims to the City

Attorney for investigation and recommendation.

**VII. ADJOURNMENT.**

Mayor Michalove adjourned the meeting at 6:00 p.m.

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**MAYOR CITY CLERK**

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