

Tuesday - April 3, 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 Councilman Bratton.

APPROVAL OF MINUTES

Approval of the minutes of the March 27, 1990 meeting were postponed.

I. PROCLAMATIONS:

A. Resolution No. 90-47 - Resolution recognizing recent retiree, Robert E. Simmons.

Mayor Michalove read a resolution recognizing recent

retiree, Robert Simmons who has been employed with the City of Asheville since September, 1968. He was a Police Sergeant in the Police Department and retired

effective February 1, 1990.

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 90-47 was unanimously adopted.

Resolution Book No. 18 - Page 109

B. Proclamation - "Community Development Week" -

April 7 - 14, 1990

Mayor Michalove read the proclamation proclaiming

April 7 - 14, 1990 as "Community Development Week" and presented the proclamation to Julia Cogburn, Director of Planning and Zoning.

C. Proclamation - "Occupational Therapy Month" -

April 1 - 30, 1990

Mayor Michalove proclaimed April 1 - 30, 1990 as

"Occupational Therapy Month" in the City of Asheville.

D. Proclamation - "Glad Bag A Thon Month" - April, 1990.

Mayor Michalove proclaimed the month of April, 1990 as

"Glad Bag A Thon Month" in the City of Asheville and presented the proclamation to Carolyn Kramer with Quality Forward.

II. PUBLIC HEARINGS:

III. OLD BUSINESS:

A. Report on ABC Permit for Montford Pharmacy.

The City Manager explained the City's role in providing

local government opinions on ABC permits. He said the State grants or denies ABC permits. He said the City Manager's office is the agency to submit local government opinions. He said the local ABC Board investigates the applicant and the City submits comments as it relates to zoning, building codes, and the past history of a particular location.

He said in February, 1990, the City Manager's Office

received the Local Government Opinion Form in reference to the Montford Store at 231 Montford Avenue requesting a beer and wine permit. The owner of the business, a Ms. Suzanne Lewis, was contacted by phone by City staff and advised that the City Manager's office could not recommend the location due to the community concerns and based upon a police report of the entire community.

He said in the Montford Community, several attempts have

been made by different individuals to obtain beer and

wine permits and has been met with very strong resistance by members of the community. In July of 1989, Mr. Ronald Beck was relocating his business from the head of Montford to the pharmacy at 231 Montford, and at that time, the residents became quite alarmed. A petition was received from the residents basing their opposition on the experience at the head of Montford with loitering, littering, and civil disturbances around the Montford Grocery Store. Mr. Beck was granted a temporary beer and wine license because he had previously had one at the Montford Store. Mr. Beck eventually decided to relocate his store from the Montford community.

He said each time action has been taken copies of the

correspondence was given to members of Council.

Councilman Ellison said it is his understanding that the

petitions used as a basis for recommending denial were directed at another individual and should be considered "old information". He said he has no interest in getting involved with the issuance of ABC permits but the Montford area is a sensitive area. He said information used in the local government opinions needs to be applicable. He said he was not advocating approving or disapproving the ABC permit for Montford Pharmacy.

Councilman Bratton questioned why the City Council

members are involved in the recommendation for the ABC Permit for Montford Pharmacy. She said she would like from the ABC Board the actual function the City takes in issuing ABC permits.

Councilman Ellison requested that Council consider having a community meeting in the Montford area in order that the residents can voice their concerns.

Mike Plemmons, Director of Council of Independent

Business Owners, requested that a better dialogue be established between the City staff and the applicant for ABC permits. He said the applicant for the ABC permit at Montford Pharmacy did not receive a copy of the City's recommendation.

STUDENT REPRESENTATIVES - INTRODUCED

Charles Penny, Assistant City Manager, introduced Judd

Herron, a Junior at Asheville High School and Will Brown, also a Junior at Asheville High School. They will be the City Council student representatives for the month of April, 1990.

B. Report on water service for Deaverview Road.

The City Manager said last week several individuals expressed concern about the water service on Deaverview Road.

The City Manager recommended that the Mayor send a

letter to the Chairman of the Asheville-Buncombe Water Authority stating the residents concern and a request that the proposed 16-inch diameter masterplan line be funded in next year's budget and that the Authority expedite its design and construction as quickly as possible.

Council accepted the City Manager's recommendation.

C. Discussion relative to facade easement for Globe

Furniture Building on Broadway.

Mayor Michalove said after a fire which destroyed the

Globe Furniture building, the building was demolished except for the facade. Negotiations have taken place with the current owner to obtain an easement to insure the facade will be retained. In exchange for this easement the owner requires that the City pay for the stabilization costs. The retention of the facade would assist in salvaging some of the urban character on Broadway.

The City Manager said estimates for stabilization of the facade have not been received and Council would have to consider these at a later date.

The City Attorney reviewed the particulars of the facade easement.

Councilman Ellison said it is his understanding that

someone is trying to buy the building north of the Globe Furniture Building on Broadway and this information would be very important in making a decision regarding the facade easement. He requested that the City Manager find

out the particulars on this purchase.

D. Ordinance No. 1838 - Second reading of an ordinance

relative to rezoning property on Glendale Avenue from R-

3 Residential District to LI Light Industrial District.

Mayor Michalove said the Asheville Planning and

Zoning Commission on February 7, 1990, voted to recommend the rezoning of Lots 16, 17, 131, 132, 247, Sheet 16, Ward 7 from R-3 Residential District to LI Light Industrial. A public hearing on this request was scheduled at the February 27, 1990 meeting. At the public hearing on March 13, 1990 the public hearing was continued until March 27, 1990. This ordinance was read on first reading on March

27, 1990.

Mayor Michalove said this ordinance was previously

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

On a roll call vote of 7-0, Ordinance No. 1838

passed on second reading.

Elbert Taylor, Agent for the petitioner, requested

that Council consider the third reading of the ordinance.

Councilman Ellison moved to suspend the rules and

proceed to the third and final reading of Ordinance No. 1838. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1838

passed on third and final reading.

Ordinance Book No. 12 - Page 109

IV. NEW BUSINESS:

A. Ordinance No. 1842 - Budget ordinance amendment to

appropriate funds for Vance School Ballfield Improvements.

The City Manager said due to cost overruns in the

construction of the toilet facility and concession at Vance School - request transfer of funds totaling \$7,000 to the Vance School Ballfield Improvements.

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 Ordinance No.

1842. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1842 passed on first and final reading.

Ordinance Book No. 12 - Page 111

B. Resolution No. 90-48 - Resolution endorsing the

Asheville Urban Area Transportation Improvement Program Priority Needs List.

Mary Helen Duke, with the Land of Sky Regional Council,

said the Transportation Advisory Committee (TAC) adopted the FY 1991 Priority Needs List on March 15, 1990. The list recommends a priority ranking of transportation improvement projects. Each unit of government in the Asheville Urban Area is being requested to endorse the TIP List. She reviewed the details of the Priority Needs List and answered general questions from members of Council.

After discussion, Councilman Ellison moved for the

adoption of Resolution No. 90-48 with the understanding that it is Council's desire that Leicester Highway widening be a first priority after the Hendersonville Road widening. This motion was seconded by Councilman Frank and carried unanimously.

Resolution Book 18 - Page 110

C. Resolution No. 90-49 - Resolution endorsing the establishment of a Public Transportation Fund.

Mary Helen Duke said the TAC also adopted a resolution

supporting the establishment of a separate state Public Transportation Fund and is seeking local government support.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Bratton, Resolution No. 90-49 was unanimously adopted.

Resolution Book 18 - Page 111

D. Appeal of James M. Randall from the decision of the Disability Review Board for Asheville Police Officers and Firefighters.

Mayor Michalove said James M. Randall's attorney has

requested that this appeal be postponed until a later

date.

V. CONSENT:

VI. OTHER BUSINESS:

A. Claims

The City Manager said claims were received from Southern Bell (water), Pearlmans (water), and USF & G (streets).

Mayor Michalove referred the claims to the City Attorney for appropriate action.

B. Meeting Scheduled

The City Manager said the Planning and Zoning Commission has scheduled a workshop on Erosion Control for May 2, 1990 at 7:00 p.m. to discuss revisions to the ordinance. He said budget work sessions have also been scheduled for Thursday, May 3 at 4:30 p.m. and Monday, May 7, 1990.

VII. ADJOURNMENT

At the request of Mayor Michalove, Vice-Mayor Moore

moved to adjourn the meeting and that Council meet in executive session to discuss a legal matter. This motion was seconded by Councilman Frank and carried unanimously.

The meeting adjourned at 6:00 p.m.

MAYOR CITY CLERK
