

Tuesday - May 21, 1985 - 4:00 p.m.

Asheville Civic Center Banquet Room

Regular Meeting

Present: Mayor Larry McDevitt, Vice-Mayor Wilhelmina Bratton; Councilmen Mary Lloyd Frank, Norma T. Price, Walter R. Boland, and Louis Bissette; Corporation Counsel William F. Slawter; City Manager Neal Creighton; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Gordon Myers

INVOCATION

The invocation was given by Councilman Norma Price.

APPROVAL OF THE MINUTES - MAY 14, 1985 MEETING

1. Approval of the minutes of the May 14, 1985 meeting.

Mayor McDevitt announced the approval of the minutes as submitted.

AMENDMENT TO THE MINUTES OF THE APRIL 23, 1985 MEETING

Councilman Frank moved to amend the minutes of the April 23, 1985, meeting of the Asheville City Council, page 121, relating to the rezoning of property located on Hemphill Knoll at Gashes Creek and I-40 as follows:

Delete the paragraph "On a roll call vote of 5-1, Ordinance No. 1510 passed on first reading with Mayor McDevitt voting 'No'."

Further, that Councilman Boland's motion be amended to reflect the postponement of the first reading of Ordinance No. 1510 until May 28, rather than the postponement of the second reading. This motion was seconded by Councilman Bissette and carried unanimously.

PROCLAMATION - "PUBLIC WORKS WEEK"

1A. Mayor McDevitt read a proclamation proclaiming May 19-25, 1985, as "Public Works Week."

Mayor McDevitt presented the proclamation to Clark Brown, Director of Public Works for the City of Asheville.

Mr. Brown introduced the divisions heads under the Public Works Department.

PUBLIC HEARING - COMPREHENSIVE PLANNING STUDY REPORT RELATIVE TO HAW CREEK AREA - EXTENDING PRESENT MORATORIUM IN HAW CREEK AREA

ORDINANCE NO. 1519 - AN ORDINANCE IMPOSING A LIMITED MORATORIUM IN THE HAW CREEK AREA

2. A public hearing was held to receive a comprehensive planning study report relative to the Haw Creek area, and extending the present moratorium in said area.

Mayor McDevitt said on February 26, 1985, Council adopted Ordinance No. 1498 imposing a moratorium on property in the Haw Creek area for the issuance of any zoning or building permits and consideration of any request for group development review by the Planning and Zoning Commission through May 28, 1985. At this public hearing, Council will receive a report from the Planning and Zoning Department resulting from a comprehensive planning study of the

area. Public comments with regard to said comprehensive planning study will also be received, and Council will consider what action, if any, to take as a result of the comprehensive planning study, including the possibility of an extension of said moratorium.

Mayor McDevitt opened the public hearing at 4:18 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.

Verl Emrick, Director of Planning, presented members of Council with the Comprehensive Planning Study Report relative to the Haw Creek area. He also presented members of Council with a copy of the Haw Creek Homeowners Association's Planning Report.

Mr. Emrick summarized the Comprehensive Planning Report, which is attached to and made a part of the minutes.

Bob McDonald, Traffic Engineer, outlined the Haw Creek Street and Traffic Improvements Report, attached to and made a part of the minutes.

Mr. McDonald said he could not recommend an extension of the present moratorium in Haw Creek because of the traffic conditions alone.

Rick Harper, with the Water and Sewer Department, outlined the Sewer Report, which is attached to and made a part of the minutes.

Mr. Harper said the water system in Haw Creek, on a whole, is good. He said there is low pressure in spots. He said before major developments could be added to the area, improvements to the water system would be needed.

Dorothy Davis, Chairman of the Haw Creek Homeowners Association, spoke in support of an extension of the moratorium.

Ed Dyson, member of the Haw Creek Homeowners Association, read the "Report from the Haw Creek Homeowners Association" attached to and made a part of the minutes.

Bob McPherson, Sondley Estates, thanked members of Council for their cooperation with the Haw Creek Homeowners Association.

Mayor McDevitt closed the public hearing at 5:20 p.m.

Councilman Price moved for the adoption of Ordinance No. 1519 with the stipulation that the moratorium be extended for 90 days, August 25, 1985, and that detached single family residences be excluded from the moratorium. This motion was seconded by Councilman Boland.

On a roll call vote of 6-0, Ordinance No. 1519 passed on first reading.

PUBLIC HEARING - REVISION TO RULES 4 AND 29 OF THE CIVIL SERVICE RULES AND REGULATIONS

RESOLUTION NO. 85-79 - RESOLUTION APPROVING THE REVISION OF RULES 4 AND 29 OF THE CIVIL SERVICE RULES

3. A public hearing was held relative to the revision of Rules 4 and 29 of the Civil Service Rules and Regulations.

Mayor McDevitt said this public hearing is to allow employees, who are members of the Classified Service of the City of Asheville, an opportunity to provide input and recommendations concerning revisions of Rules 4 and 29 of the Civil Service Rules and Regulations. Proposed revisions are being made in order to comply with the provisions of the ADEA (Age Discrimination Employee Act).

Mayor McDevitt opened the public hearing at 5:28 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.

There being no comments from City employees or the public, Mayor McDevitt closed the public hearing at 5:29 p.m.

Mayor McDevitt said members of Council were furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Vice-Mayor Bratton, seconded by Councilman Frank, Resolution No. 85-79 was unanimously adopted.

Complete text of Resolution No. 85-79 will be found in Resolution Book No. 15 at page 214.

PUBLIC HEARING - SITE PLAN OF PROPOSED SWEET CREEK OFFICE PARK - SWEETEN CREEK ROAD

4. A public hearing was held relative to a site plan of the proposed Sweet Creek Office Park to be located on Sweeten Creek Road.

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held April 3, 1985, reviewed the site plan of the proposed Sweet Creek Office Park to be located on Sweeten Creek Road. The plan was prepared by John Broadbooks, Landscape Architect, for Ken Partin, Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the site plan to City Council subject to compliance with the Erosion Control Ordinance.

Mayor McDevitt opened the public hearing at 5:30 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.

Mr. Emrick, Director of Planning, said the project would consist of 23 units of office condominiums. He said all water and sewer commitments are in place.

Mayor McDevitt closed the public hearing at 5:33 p.m.

Vice-Mayor Bratton moved to approve the site plan of the proposed Sweet Creek Office Park to be located on Sweeten Creek Road. This motion was seconded by Councilman Bissette and carried unanimously.

ORDINANCE NO. 1514 - AN ORDINANCE AMENDING ORDINANCE 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (WORDING AMENDMENT RELATIVE TO PROPOSED STRUCTURAL HEIGHTS IN THE R-1 AND THE R-2 DISTRICT)

5. Consideration was given to the third reading of Ordinance No. 1514, an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended (wording amendment relative to proposed structural heights in the R-1 and R-2 Districts).

Mayor McDevitt said this ordinance was previously read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

Gary Rowe, Attorney, speaking on behalf of the Sunset Homeowners Association, spoke in support of the ordinance.

Melba Thompson, with the Haw Creek Homeowners Association, also spoke in support of the ordinance.

On a roll call vote of 6-0, Ordinance No. 1514 passed on third and final reading.

Complete text of Ordinance No. 1514 will be found in Ordinance Book No. **10** at page **265, 266, and 267.**

ORDINANCE NO. 1515 - AN ORDINANCE AMENDING ORDINANCE 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (REZONING PROPERTY LOCATED AT 31 GRANBY STREET AND 18 ARDEN ROAD)

6. Consideration was given to the second reading of Ordinance No. 1515, an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended (rezoning property located at 31 Granby Street and 18 Arden Road).

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held April 3, 1985, considered the request of Mr. John Nilsson, Agent for Asheville Hand Center, that Ward 1, Sheet 8, Lots 141 and 143 be rezoned from R-2 Residential District to OI Office Institutional District. The property is located at 31 Granby Street and 18 Arden Road. After review and discussion, the Commission voted to recommend to City Council that Ward 1, Sheet 8, Lot 141 and a portion of Lot 143, be rezoned from R-2 Residential District to OI Office Institutional District, leaving a 30' R-2 Residential District buffer along Granby Street and Arden Road. This ordinance was read on first reading on May 14, 1985.

Mayor McDevitt said this ordinance was previously read on first reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1515 passed on second reading.

ORDINANCE NO. 1516 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED - (REZONING PROPERTY LOCATED BEHIND PEARLMAN'S ON TUNNEL ROAD)

7. Consideration was given to the second reading of Ordinance No. 1516, an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended (rezoning property located behind Pearlman's on Tunnel Road).

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held April 3, 1985, considered the request of Mr. Steve Russell, Trust Office NCNB, for Julian Long Estate, and Mr. M. M. Pearlman that Ward 8, Sheet 11, Lots 50 and 51, be rezoned from R-3 Residential District to CH Commercial Highway District. The property is located behind Pearlman's on Tunnel Road. After review and discussion, the Commission voted to recommend to City Council that Ward 8, Sheet 11, Lots 50 and 51, be rezoned from R-3 Residential District to CH Commercial Highway District. This ordinance was read on first reading on May 14, 1985.

Mayor McDevitt said this 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. 1516 passed on second reading.

ORDINANCE NO. 1517 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED - (REZONING PROPERTY LOCATED AT 941 FAIRVIEW ROAD)

8. Consideration was given to the second reading of Ordinance No. 1517, an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended (rezoning property located at 941 Fairview Road).

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held April 3, 1985, considered the request of Mr. James Schumacher that Ward 7, Sheet 27, Lot 42, be rezoned from LI Light Industrial District to R-3 Residential District. This ordinance was read on first reading on May 14, 1985.

Mayor McDevitt said this ordinance was previously read on first reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1517 passed on second reading.

CLAIMS - WANDA STEIN (WATER) - GREG OGLE (SEWER)

The City Manager presented claims received from Wanda Stein and Greg Ogle.

Mayor McDevitt referred the claims to the Corporation Counsel for investigation and recommendation.

LAWSUITS - HARRY BRUMMER VS. BOARD OF ADJUSTMENTS (APPEAL FROM BOARD OF ADJUSTMENT DECISION)

The City Manager said the City was served with a summons in connection with a lawsuit involving Harry Brummer, Brummer vs. the Board of Adjustment.

Mayor McDevitt referred to summons to the Corporation Counsel for investigation and recommendation.

DISCUSSION OF CHANGE OF SITE PLAN FOR CIMMARON VILLAGE - SWEETEN CREEK ROAD

A discussion was held relative to a site plan change in the Cimmaron Village project located on Sweeten Creek Road.

After discussion, it was the consensus of Council to discuss this matter during the Pre-Council Meeting on May 28, 1985.

ADJOURNMENT

Upon motion, the meeting adjourned at 5:55 p.m.

MAYOR CITY CLERK
