

Tuesday - September 9, 1986 - 4:00 p.m.

Regular Meeting

Present: Mayor W. Louis Bisette, Presiding; Vice-Mayor Mary Lloyd Frank; Walter R. Boland; Kenneth M. Michalove, Norma T. Price, and George M. Tisdale; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean;

Deputy City Clerk Carol Hensley.

Absent: Councilman Wilhelmina Bratton and Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Councilman Kenneth Michalove.

APPROVAL OF THE MINUTES - SEPTEMBER 2, 1986 MEETING

1. Consideration was given to the approval of the minutes of the September 2, 1986, meeting.

Mayor Bisette announced the approval of the minutes as submitted.

PROCLAMATION - SEPTEMBER 15 - 19, 1986 - "PRISONERS OF WAR WEEK"

1A. Mayor Bisette read a proclamation proclaiming the week of September 15 - 19, 1986, as "Prisoners of War Week".

Mayor Bisette presented the proclamation to David Brown.

RESOLUTION NO. 86-169 - RESOLUTION IN MEMORIAM OF FORMER GOVERNOR DAN MOORE

1B. Mayor Bisette read a resolution in memoriam of former governor Dan Moore, stating that the City Council wishes to records its deep sorrow over the recent passing of former governor Dan Moore.

Upon motion of Councilman Tisdale, seconded by Councilman Boland, Resolution No. 86-169 was unanimously adopted.

Complete text of Resolution No. 86-169 will be found in Resolution Book No. 16 at page 141.

PUBLIC HEARING - ZONING PROPERTY LOCATED ON U.S. 25 (BLACK FOREST RESTAURANT)

ORDINANCE NO. 1605 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED - PROPERTY KNOWN AS THE BLACK FOREST RESTAURANT LOCATED ON U.S. 25

2. A public hearing was held relative to an ordinance amending Ordinance No. 322, known as "as ordinance providing for the zoning of the City of Asheville" as amended - property known as The Black Forest Restaurant located on U.S. 25.

Mayor Bisette said the Asheville Planning and Zoning Commission on July 9, 1986, reviewed and recommended that The Black Forest Restaurant

property which became a part of the City of Asheville in 1983 as a non-

contiguous, or "Satellite" annexation area be zoned CH Commercial Highway District.

Mayor Bisette opened the public hearing at 4:17 p.m.

The Deputy 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, said property was annexed by consent of the property owner. He said all the property involved is used for commercial businesses, and the property would be zoned Commercial Highway District.

Mayor Bisette closed the public hearing at 4:18 p.m.

Mayor Bisette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety unless there was a specific request to do so.

Vice-Mayor Frank moved for the adoption of Ordinance No. 1605. This motion was seconded by Councilman Price.

On a roll call vote of 6-0, Ordinance No. 1605 passed on first reading.

Vice-Mayor Frank moved to suspend the rules and proceed to the second reading of Ordinance No. 1605. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1605 passed on second reading.

PUBLIC HEARING - ZONING PROPERTY LOCATED ON TUNNEL ROAD (THE POSEIDON RESTAURANT)

ORDINANCE NO. 1606 - AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED -

PROPERTY KNOWN AS THE POSEIDON RESTAURANT LOCATED ON TUNNEL ROAD

3. A public hearing was held relative to an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville" as amended - property known as The Poseidon Restaurant located on Tunnel Road.

Mayor Bisette said the Asheville Planning and Zoning Commission on July 9, 1986, reviewed and recommended that the Poseidon Restaurant property which became a part of the City of Asheville in 1983 as a non-contiguous, or "satellite" annexation area be zoned CH Commercial Highway District.

Mayor Bisette opened the public hearing at 4:20 p.m.

The Deputy 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 relative to the zoning of the property, Mayor Bisette closed the public hearing at 4:21 p.m.

Mayor Bisette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety unless there was a specific request to do so.

Councilman Boland moved for the adoption of Ordinance No. 1606. This motion was seconded by Councilman Price.

On a roll call vote of 6-0, Ordinance No. 1606 passed on first reading.

Vice-Mayor Frank moved to suspend the rules and proceed to the second reading of Ordinance No. 1606. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1606 passed on second reading.

PUBLIC HEARING - ZONING PROPERTY LOCATED ON U.S. 19-23 (THE RAMADA INN-WEST)

ORDINANCE NO. 1607 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED - PROPERTY KNOWN AS THE RAMADA INN-WEST LOCATED ON U.S. 19-23

4. A public hearing was held relative to an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended property known as The Ramada Inn-West located on U.S. 19-23.

Mayor Bisette said the Asheville Planning and Zoning Commission on July 9, 1986, reviewed and recommended that The Ramada Inn-West property which became a part of the City of Asheville in 1984 as a non-contiguous, or "satellite" annexation area be zoned CH Commercial Highway District.

Mayor Bisette opened the public hearing at 4:22 p.m.

The Deputy 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 further comments relative to the zoning of the property, Mayor Bisette closed the public hearing at 4:23 p.m.

Mayor Bisette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety unless there was a specific request to do so.

Councilman Boland moved for the adoption of Ordinance No. 1607. This motion was seconded by Councilman Tisdale.

On a roll call vote of 6-0, Ordinance No. 1607 passed on first meeting.

Vice-Mayor Frank moved to suspend the rules and proceed to the second reading of Ordinance No. 1607. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1607 passed on second reading.

PUBLIC HEARING - ZONING PROPERTY NEAR INTERSECTION OF LONG SHOALS ROAD AND LEDBETTER ROAD (THE COACHLITE RESTAURANT)

ORDINANCE NO. 1608 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED - PROPERTY KNOWN AS THE COACHLITE RESTAURANT NEAR INTERSECTION OF LONG SHOALS ROAD AND LEDBETTER ROAD

5. A public hearing was held relative to an ordinance amending Ordinance No. 322 known as "an ordinance providing for the zoning of the City of Asheville" as amended - property known as The Coachlite Restaurant near intersection of Long Shoals Road and Ledbetter Road.

Mayor Bisette said the Asheville Planning and Zoning Commission on July 9, 1986, reviewed and recommended that The Coachlite Restaurant property which became a part of the City of Asheville in April, 1986, as a non-contiguous, or "satellite" annexation area be zoned CH Commercial Highway District.

Mayor Bisette opened the public hearing at 4:24 p.m.

Verl Emrick, Director of Planning, said one adjacent property owner had expressed opposition to zoning the property

Commercial Highway District.

Mayor Bisette closed the public hearing at 4:25 p.m.

Mayor Bisette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety unless there was a specific request to do so.

Councilman Tisdale moved for the adoption of Ordinance No. 1608. This motion was seconded by Vice-Mayor Frank.

On a roll call vote of 6-0, Ordinance No. 1608 passed on first reading.

Vice-Mayor Frank moved to suspend the rules and proceed to the second reading of Ordinance No. 1608. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1608 passed on second reading.

PUBLIC HEARING - FINAL PLAT OF THE SCHWAB CONSTRUCTION COMPANY SUBDIVISION - LOCATED OFF LAKESHORE DRIVE

6. A public hearing was continued relative to the final plat of the Schwab Construction Company Subdivision to be located off Lakeshore Drive.

Mayor Bisette said the Asheville Planning and Zoning Commission at a meeting held June 11, 1986, approved the preliminary plat subject to the developer providing a 16' wide paved drive to all four parcels and recommending

that City Council consider placing a caution signal light and signage on each side of the entrance road. The final plat of the Schwab Construction Company Subdivision is to be located off Lakeshore Drive. This plat was prepared by Webb Morgan, R.L.S., for Schwab Construction Company, Developer, and submitted in accordance with Ordinance #424, as amended. This public hearing was continued from the August 26, 1986 meeting. At the September 2, 1986 meeting, this public hearing was continued until the September 9, 1986 meeting.

Verl Emrick, Director of Planning, said the developer has requested that the public hearing be continued until technical problems relative to the roadway are solved.

Councilman Tisdale moved to continue the public hearing until September 11, 1986, without further advertisement. This motion was seconded by Councilman Price and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

7. Consideration was given to a motion approving the consent agenda.

Mayor Bisette said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, pursuant to the procedures established in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 86-170

Consideration of a resolution authorizing the Purchasing Director to sell surplus motor vehicles and other surplus property at public auction.

HIGHLIGHTS: This

resolution will authorize the Purchasing Director to sell surplus motor vehicles and other surplus property at a public auction. FISCAL IMPACT: This auction will generate an estimated \$30,000.00 in revenues.

Resolution Book 16 - page 142.

B. Resolution No. 86-171

Consideration of a resolution authorizing the City Manager or his designee to enter into agreements necessary to conduct the French Broad Riverfest and authorizing the City Manager to temporarily close a portion of Riverside Drive for the French Broad Riverfest to be held on Saturday, September 13, 1986

HIGHLIGHTS: This resolution will authorize the City Manager or his designee to enter into agreements necessary to conduct the French Broad Riverfest and that the City Manager be authorized to temporarily close a portion of Riverside Drive for the French Broad Riverfest for Saturday, September 13, 1986, from 8:00 a.m. until 9:00 p.m.

Resolution Book 16 - page 143.

C. Consideration of a motion relative to bids received for one diesel engine tractor with mower.

HIGHLIGHTS: Sealed bids were invited to furnish one (1) diesel engine tractor with hydraulic arm mower to the Parks, Recreation and Public Facilities Department. Specifications called for a four (4) cyclinder engine tractor with a minimum of 239 cubic inch displacement. Four (4) bids were received. It is recommended that Bruce Machinery Company of Asheville be accepted on the basis of being the lowest responsible bidder meeting specifications.

FISCAL IMPACT: \$27,617.16 - Funding is available in the Fiscal 1986/87 Capital Budget. Account Code 17-502-0740-321.

D. Resolution No. 86-172

Consideration of a resolution appointing members to the Planning & Zoning Commission.

HIGHLIGHTS: This resolution will appoint Augusta Young and Ed Dyson to a two year term effective October 1, 1986, term expiring August 14, 1988.

FISCAL IMPACT: None

Resolution Book 16 - page 144.

E. Consideration of a motion to schedule a public hearing for the site plan

of a proposed Bi-Lo Shopping Center to be located on Hendersonville Road for September 30, 1986.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting

held August 27, 1986, reviewed the site plan of a proposed Bi-Lo Shopping Center to be located on Hendersonville Road. The plan was prepared by Gray Engineering Consultants, Inc., Greenville, South Carolina for the Sofran Company, Atlanta, Georgia, 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 project, and signage, subject to 1) compliance with the Erosion Control Ordinance;

2) approval of curb cut by NCDOT; 3) location of trash compactor to southern side of building; 4) recommend that buffering conditions around the dumpster be met by fencing;

and 5) buffer with trees on the east side.

FISCAL IMPACT: None

F. Consideration of a motion to schedule a public hearing for a site plan of

Phase II of Pinecliff Condominiums located on State Road 2243 for September 30, 1986.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting

held August 6, 1986, reviewed a site plan of Phase II of

Pinecliff Condominiums located on State Road 2243. The plan

prepared by Traber Associates, Architect, for Piney Mountain

Associates, Inc., 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 project subject to: granting water line easement in favor of the City of Asheville or moving 16" line, and compliance with the

Erosion Control Ordinance.

Councilman Price moved to approve the consent agenda. This motion was seconded by Vice-Mayor Frank and carried unanimously.

RESOLUTION NO. 86-173 - RESOLUTION AMENDING RESOLUTION NO. 85-8 ESTABLISHING GRADING PERMIT FEES FOR APPLICATIONS REQUIRED BY THE SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

8. Consideration was given to a resolution amending Resolution No. 85-8 establishing grading permit fees for applications required by the Soil Erosion and Sedimentation Control Ordinance.

Mayor Bissette said this resolution will amend Resolution No. 85-8 establishing grading permit fees for applications made pursuant to the City of Asheville's Soil Erosion and Sedimentation Control Ordinance. This will increase revenues by approximately \$12,000 per year.

The City Manager stated that when the Soil Erosion and Sedimentation Control Ordinance was adopted, the fee schedule was not included. He said the approximate cost of enforcing this ordinance is \$72,000 per year and the City is presently receiving approximately \$5,000 in revenues. He said after surveying various cities, it was determined that the grading permit fees as presented should be adopted. He said this still would not recover all the costs associated for administration of the ordinance.

Upon motion of Vice-Mayor Frank, seconded by Councilman Boland, Resolution No. 86-173 was unanimously adopted.

Complete text of Resolution No. 86-173 will be found in Resolution Book No. **16** at page **145**.

SCHEDULING PUBLIC HEARING - RELATIVE TO ADOPTION OF AN ORDINANCE CREATING THE CHESTNUT-LIBERTY STREET AREA AS LOCAL HISTORIC DISTRICT

9. Consideration was given to a motion to schedule a public hearing relative to the adoption of an ordinance amending Chapter 30 of the Code of Ordinances of the City of Asheville to create Chestnut-Liberty Street area as local historic district for September 30, 1986.

Mayor Bissette said this ordinance would designate the Chestnut-

Liberty Street neighborhood as a local historic district. Certificates of Appropriateness would be required by a property owner before any exterior rehabilitation or new construction can take place. At the August 12, 1986 meeting, a public hearing was held to consider a proposal by the Historic Resources Commission; however, this matter was remanded to the Historic Resources Commission to reconsider alternate plans that include a smaller area and different boundaries. The Historic Resources Commission has now presented Council with a revised proposal.

Mayor Bissette noted that Carolyn Humphries, Executive Director of the Historic Resources Commission, had presented the revised boundaries to members of Council during the pre-Council work session. He said it was the intent of the Council to advertise and consider the boundaries as presented by Carolyn Humphries.

Councilman Michalove, using a map as presented by the Historic Resources Commission, explained that it was his understanding that controlling design review could be done in two ways - an historic overlay and a redevelopment/renewal plan. He expressed concern that this area was not being properly planned for and needed to be looked at in terms of overall zoning and a redevelopment plan bordering Merrimon, Murdock, Charlotte Street and I-240. He said that the proposed historic district was too large and did not follow logical lines and if an historic district were done, he would prefer seeing a smaller district at this time, say including the Jefferson Apts. on Chestnut to Liberty St., east along the back property lines of the property fronting the north side of Chestnut to Washington St., north to Hillside then south on Liberty back to Chestnut. He explained that to create a large Historic District at this time, without an overall plan would be a disservice to the area because once the area was designated historic it would be different to reduce the size, whereas, starting small and building the size, if appropriate, would be a more logical approach. He also said that Historic houses of real significance could be moved to an historic district in another location.

Councilman Price noted that in order to designate the Chestnut-Liberty Street area a redevelopment area the houses in the area would have to be designated blighted. She said this process is very long and costly. She said that she would like to proceed with the action to schedule the public hearing relative to designating the area as an historic district as presented by the Historic Resources Commission.

Councilman Michalove said since members of Council had agreed to look at the overall zoning for the entire City of Asheville he felt it was a disservice to the citizens to designate this property as an historic district.

A discussion was held relative to including the "Penland property" in the Chestnut-Liberty Street historic district. Carolyn Humphries, Executive Director of Historic Resources Commission, said she felt it would be best to leave the Penland property in the district in order that it could be used as an entrance point.

Councilman Price moved to schedule a public hearing relative to the adoption of an ordinance amending Chapter 30 of the Code of Ordinances of the City of Asheville to create the Chestnut-Liberty Street area as local historic district for September 30, 1986, including three lots on Charlotte Street, north of Broad Street, presently owned by Penland and sons. This motion was seconded by Councilman Tisdale.

Tim Warner, of 87 North Liberty Street, spoke in support of the Historic Resources Commission's designation and urged Council's adoption of the boundaries as proposed, including the Penland and Sons property as an historic district.

Ed Schell, of 12 Linden Avenue, speaking on behalf of the Community Club, spoke in support of the historic designation and questioned why Councilman Michalove was questioning the designation of the historic district.

Councilman Michalove responded that the Chestnut-Liberty Street area has been in progress since February 1986. He said he felt members of Council should be looking at the community at large rather than individual property owners.

On a voice vote of 5-1, Councilman Price's motion to schedule the public hearing passed with Councilman Michalove voting "no".

RESOLUTION NO. 86-174 - RESOLUTION OF APPRECIATION TO C. LEROY ROBINSON FOR SERVICES AS CHAIRMAN OF THE METROPOLITAN SEWERAGE DISTRICT BOARD

Mayor Bissette read a resolution of appreciation to C. LeRoy Robinson for services as Chairman of the Metropolitan Sewerage District Board who has served for 23 years and has been the Board's Chairman for the past 12 years.

He said Mr. Robinson is resigning from the Metropolitan Sewerage District Board effective September 16, 1986. He said this resolution would express City Council's appreciation to Mr. Robinson for his services as Chairman of the Metropolitan Sewerage District Board and for his services to the citizens of this community in this capacity.

Upon motion of Vice-Mayor Frank, seconded by Councilman Tisdale, Resolution No. 86-174 was unanimously adopted.

Complete text of Resolution No. 86-174 will be found in Resolution Book No. **16** at page **146**.

REPORT RELATIVE TO INTERGOVERNMENTAL SERVICES COMMITTEE MEETING OF SEPTEMBER 9, 1986

Vice-Mayor Frank said all members of the Intergovernmental Services Committee met at 12:30 p.m. on September 9, 1986. She said they discussed the emergency 911 number, the proposed MSD agreement, and the central warehousing proposal. She said the committee members also requested that members of Council and the County Commissioners discuss the Water Agreement in November.

MAYOR BISSETTE COMMENTS - MEETING WITH NORTH CAROLINA BOARD OF REALTORS

Mayor Bissette said he had met with the Home Builders Association and received a request that they be notified of any matters being considered by Council in which the Home Builders Association might have an interest. It was agreed by members of Council that the City Manager inform the Home Builders Association of any matters being considered by members of Council relative to real estate.

LETTER OF SYMPATHY TO BE SENT TO FAMILY OF CARL HYATT

Mayor Bissette said a letter of sympathy would be sent to the family of Carl Hyatt. He said Mr. Hyatt was the former Director of Public Safety for the City of Asheville and had contributed tremendously in many capacities to the community over a number of years.

CLAIMS - SUSAN KELLY (SEWER) - DAVID GAY (SEWER) - RUTH OWENBY (SEWER) - TOM HARDER (SANITATION)

The City Manager presented claims received from Susan Kelly, David Gay, Ruth Owenby, and Tom Harder.

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

ADJOURNMENT

Upon motion of Councilman Boland, seconded by Councilman Tisdale, the meeting adjourned at 5:45 p.m.

MAYOR CITY CLERK
