

Tuesday - December 16, 1986 - 4:00 p.m.

Regular Meeting

Present: Mayor W. Louis Bissette, Presiding; Vice-Mayor Mary Lloyd Frank; Councilmen Wilhelmina Bratton, Walter R. Boland; Kenneth M. Michalove, Norma T. Price, and George M. Tisdale; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and City Clerk/Associate City Manager William F. Wolcott, Jr.

Absent: None

INVOCATION

1. Vice-Mayor Frank introduced John Robert Long, a neighbor and student at Ira B. Jones School, who gave the invocation.

PROCLAMATION - DECEMBER 16 - 21, 1986 - "UP WITH PEOPLE WEEK"

2. Mayor Bissette read a proclamation proclaiming December 16 - 21, 1986, as "Up With People Week".

Mayor Bissette presented the proclamation to David Grissom, President of Optimist's Club of Fletcher, Sue Dymoke and Todd Hartley, both with Up With People.

PROCLAMATION - HILL HAVEN REHABILITATION AND CONVALESCENT CENTER - 1986 "NORTH POLE SUBSTATION"

2a. Mayor Bissette read a proclamation proclaiming Hill Haven Rehabilitation and Convalescent Center as a 1986 "North Pole Substation".

Mayor Bissette presented the proclamation to Natalie Frost and one of the residents of the Hill Haven Rehabilitation and Convalescent Center.

Natalie Frost for the Hill Haven Rehabilitation and Convalescent Center said the "Ho Ho Hotline" was established about three years in order to get the residents involved in the community and with Christmas activities.

She said they have received excellent results and the residents have received numerous calls from children in the area.

APPROVAL OF MINUTES - DECEMBER 9, 1986 MEETING

3. Consideration was given to the approval of the minutes of the December 9, 1986 meeting.

Mayor Bissette announced the approval of the minutes as submitted.

PUBLIC HEARING - SITE PLAN OF PROPOSED K-MART SHOPS OF ASHEVILLE - SOUTH TUNNEL ROAD (BENEATH BEAUCATCHER CINEMAS PARKING DECK)

4. A public hearing was held relative to a site plan of the proposed K-Mart Shops of Asheville to be located on South Tunnel Road (beneath Beaucatcher Cinemas Parking Deck).

Mayor Bissette said his law firm represents the developer and requested that he be excused from participation and vote on this issue.

Councilman Price moved to excuse Mayor Bissette from participation and vote relative to the site plan of the proposed K-Mart Shops located on South Tunnel Road. This motion was seconded by Councilman Tisdale and carried unanimously.

Vice-Mayor Frank said the Asheville Planning and Zoning Commission at a meeting held November 12, 1986, reviewed the site plan of the proposed K-Mart Shops of Asheville to be located on South Tunnel Road (beneath Beaucatcher Cinemas Parking Deck). The plan was prepared by Danie Johnson, Architect, for Mr. Edward I. Greene, 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 compliance with the Erosion Control Ordinance.

Vice-Mayor Frank opened the public hearing at 4:16 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, said the project would include an additional 7,000 sq. ft. of retail space underneath the parking deck of the Beaucatcher Cinemas. He said the land would be leased from the K-Mart Plaza and the project was in compliance with all ordinances and codes of the City of Asheville. He said the Planning & Zoning Commission had recommended approval of the project subject to the final approval of Erosion Control Ordinance and that the signage on the facade be limited to 25 sq. ft.

Vice-Mayor Frank closed the public hearing at 4:19 p.m.

Councilman Michalove moved to approve the site plan of the proposed K-Mart Shops of Asheville to be located on South Tunnel Road subject to compliance with the Erosion Control Ordinance and signage on the facades be limited to 25 sq. ft. This motion was seconded by Councilman Bratton and carried unanimously.

PUBLIC HEARING - ADDITION TO SAND HILL MOBILE HOME PARK - 710 SAND HILL ROAD

4. A public hearing was held relative to the site plan of the proposed addition to Sand Hill Mobile Home Park located at 710 Sand Hill Road.

Mayor Bisette said the Asheville Planning and Zoning Commission at a meeting held on November 12, 1986, reviewed the site plan of a proposed addition to Sand Hill Mobile Home Park located at 710 Sand Hill Road. The plan was prepared by Kenneth Pankow, Engineer, for Mr. Tom Pinkerton, 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 compliance with the Erosion Control Ordinance and provision of a 12" buffer on the North boundary line.

Mayor Bisette opened the public hearing at 4:20 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, said Council had previously approved 42 units for the Sand Hill Mobile Home Park. He said this addition would include 10 units. He said the proposed addition is in compliance with all ordinances and codes of the City of Asheville. He said the Planning & Zoning Commission had recommended approval of this project subject to compliance with the Erosion Control Ordinance and a provision that a 20' buffer strip be located on the northern property line.

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

Councilman Tisdale moved for the approval of the site plan of the proposed addition to Sand Hill Mobile Home Park located at 710 Sand Hill Road subject to compliance with the Erosion Control Ordinance and that a 20' planted buffer strip be located on the northern property line. This motion was seconded by Councilman Price and carried unanimously.

PUBLIC HEARING - SITE PLAN - PROPOSED ADDITION TO ASTON PARK HEALTH CARE CENTER

5. A public hearing was held relative to the site plan of the proposed addition to Aston Park Health Care Center located at 380 Brevard Road.

Mayor Bisette said that since his firm represents Aston Park Health Care Center, he would ask to be excused from participation and vote on this issue.

Councilman Price moved to excuse Mayor Bisette from participation and vote on the proposed addition to Aston Park Health Care Center. This motion was seconded by Councilman Tisdale and carried unanimously.

Vice-Mayor Frank said the Asheville Planning and Zoning Commission at a meeting held November 12, 1986, reviewed the site plan of a proposed addition to Aston Park Health Care Center located at 380 Brevard Road. The plan was prepared by Larry Traber, Architect, for the 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 compliance with the Erosion Control Ordinance.

Vice-Mayor Frank opened the public hearing at 4:26 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, said the proposed addition would include a 1,000 sq. ft. freestanding laundry room and a 3,200 sq. ft. maintenance building. He said the project complies with all ordinances and codes of the City of Asheville. He said the Planning and Zoning Commission had recommended approval of the project subject to compliance with the Erosion Control Ordinance.

Vice-Mayor Frank closed the public hearing at 4:27 p.m.

Councilman Michalove moved to approve the site plan of the proposed addition to Aston Park Health Care Center located at 380 Brevard Road subject to compliance with the Erosion Control Ordinance. This motion was seconded by Councilman Price and carried unanimously.

PUBLIC HEARING - MODIFIED SITE PLAN OF THE OXFORD/ASHEVILLE RETIREMENT CENTER

6. A public hearing was held relative to the modified site plan of the Oxford/Asheville Retirement Center.

Mayor Bisette said the Asheville Planning and Zoning Commission at a meeting held November 12, 1986, reviewed a modified site plan of the Oxford/Asheville Retirement Center. The project to be named "Chambrel of Asheville" is located on Hendersonville Road. The site plan was prepared by Land Design, Architects, for the Oxford Development Corporation, both of Charlotte, North Carolina, 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 compliance with the Erosion Control Ordinance; to recommend that City Council grant a variance to permit .9 parking spaces per unit, and confirmation by Board of Adjustment of Conditional Use in the R-3 District approved February 3, 1986.

Mayor Bisette opened the public hearing at 4:20 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, said the project had previously been approved by City Council. He said the modified site plan is requesting approval of an additional 25 units making a total of 325 units for the project. He said the project would consist of 20 buildings which would be 3 and 4 story structures. He said the modified plan shows a reduction of 3 buildings. He said the project would not be visible from the Blue Ridge Parkway. He said it is his understanding that the Homeowner's Association of Deerwood Condominiums is supportive of the project. He said the entrance to the project would be the Hendersonville Road.

He said the Planning and Zoning Commission had recommended approval of the project subject to compliance with the Erosion Control Ordinance, and that City Council grant a variance to permit .9 parking spaces per unit as recommended by the Board of Adjustment and that the motion for approval include approval of Phase II in concept being the nursing home portion of the project.

Mr. Little, with Oxford Development Company, briefly explained the modified plans and said the project should start next spring or summer.

Mayor Bisette closed the public hearing at 4:35 p.m.

Vice-Mayor Frank moved to approve the modified site plan of the Oxford/Asheville Retirement Center subject to the Erosion Control Ordinance and to grant a variance to permit .9 parking spaces per unit as recommended by the Board of Adjustment and that the City Council approve in concept the nursing home phase of the project. This motion was seconded by Councilman Tisdale and carried unanimously.

ORDINANCE NO. 1620 - ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (HANDICAPPED OFF-STREET PARKING)

7. Consideration was given to an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville", as amended relative to handicapped off-street parking.

Mayor Bisette said this ordinance will amend Section 30-3-11 of Article 3. General Provisions to include the following exemption to paragraph (1)(d) "Mobile Home Parks which are subject to Article 6 of this Ordinance (Group Development/Planned Unit Developments)." Adoption of the ordinance will exempt mobile home parks from complying with handicapped off-street parking requirements.

Councilman Price moved for the adoption of Ordinance No. 1620. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1620 passed on first reading.

Councilman Michalove moved to suspend the rules and proceed with the second reading of Ordinance No. 1620. This motion was seconded by Vice-Mayor Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1620 passed on second reading.

Councilman Michalove moved to suspend the rules and proceed with the third reading of Ordinance No. 1620. This motion was seconded by Vice-Mayor Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1620 passed on third reading.

Complete text of Ordinance No. 1620 will be found in Ordinance Book No. 11 at page 106.

SCHEDULING PUBLIC HEARING - REZONING PROPERTY LOCATED AT 218 EAST CHESTNUT STREET (MR. CHRIS PETERSON PETITIONER)

8. Consideration was given to a motion scheduling a public hearing relative to a request to rezone property located at 218 East Chestnut Street, Ward 2, Sheet 16, Lot 138 (Mr. Chris Peterson, Petitioner) for January 6, 1987.

Mayor Bisette said on November 12, 1986, the Asheville Planning and Zoning Commission considered the petition of Mr. Chris Peterson that Ward 2, Sheet 16, Lot 138 (218 E. Chestnut St.) be rezoned from R-4 Residential District to CG Commercial General District. After review and discussion, the Commission voted to recommend that the petition be denied and that the property remain as it is now zoned. On December 10, 1986, the City Clerk received written notice of appeal from the petitioner for this matter to be heard by the City Council. This motion will schedule a public hearing on January 6, 1987.

Councilman Boland moved to schedule a public hearing relative to the rezoning of property located at 218 E. Chestnut Street for January 6, 1987. This motion was seconded by Councilman Tisdale and carried unanimously.

Councilman Michalove requested that the City Manager determine if Chris Peterson is the owner of the property and whether or not the property is under some type of option at the present time.

BIDS - ONE REFUSE COLLECTION VEHICLE - TRUCK WITH PACKER BODY FOR PUBLIC WORKS DEPARTMENT, SANITATION DIVISION

9. Consideration was given to approval of bids for one refuse collection vehicle - truck with packer body for Public Works Department, Sanitation Division.

Mayor Bisette said sealed bids were received pursuant to N.C. General Statute 143-129 to furnish one (1) refuse collection vehicle to the Public Works Department, Sanitation Division. Three bids were received - Western Carolina Truck Center, Inc. Asheville, NC - \$83,120.76; Sanco Corporation, Winston-Salem, NC - \$85,221.00; and Cavalier Equipment Corporation, Roanoke, VA - \$85,557.00. T. Clark Brown, Director of Public Works, has reviewed these bids for technical compliance to specifications and confirms that the low bid from Western Carolina Truck Center, Inc. does meet specifications. Mr. Brown recommends awarding the bid to Western Carolina Truck Center, Inc. for a 1987 "White Expeditor" model WX64 cab and chassis with a "Heil" Formula 5000 packer body and a "ARS" dumping unit at a cost of \$83,120.76. Funds for this purchase are provided in the Revenue Sharing Fund, Sanitation Division, Account No. 50-428-0740.

Councilman Price moved to approve the low bid of Western Carolina Trucks Center, Inc. in the amount of \$83,120.76 for the refuse collection vehicle truck with packer body. This motion was seconded by Councilman Boland and carried unanimously.

COMMENTS BY COUNCILMAN TISDALE - RENOVATION OF CITY HALL BUILDING

10. Councilman Tisdale said the Asheville City Council members had scheduled a retreat for February 14th and 15th. He said it is his understanding that the City's capital plans for the next five years will be discussed. He said since the renovation of the City Hall Building will be included in the discussion, he requested that the City Manager determine the long-range plans of the Asheville City Schools and other tenants in the City Hall Building prior to that retreat. He also requested a tour of the City Hall Building and the Municipal Building. He requested that the City Manager determine whether or not the Asheville City Schools are paying rent to the City for the use of the lower level of the Municipal Building.

RESOLUTION NO. 86-228 - RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT AN EASEMENT AMENDING THE EXISTING PERPETUAL CONSERVATION FACADE EASEMENT FOR THE OLD PACK MEMORIAL LIBRARY BUILDING

11. Mayor Bisette said the Pack Plaza Associates, Limited Partnership, is in the processing of constructing a redevelopment project in the Pack Plaza Redevelopment Area. He said the old Pack Memorial Library Building is included within that project and Pack Plaza Associates, Limited Partnership, desires to grant to the City of Asheville an easement amending the existing perpetual conservation facade easement for the old Pack Memorial Library Building. He said this resolution would authorize the Mayor to accept on behalf of the City a grant of the preservation, restrictions, and covenants which amends the existing perpetual conservation facade easement for the old Pack Memorial Library Building.

Upon motion of Vice-Mayor Frank, seconded by Councilman Michalove, Resolution No. 86-228 was unanimously adopted.

Complete text of Resolution No. 86-228 will be found in Resolution Book No. 16 at page 242.

RESOLUTION NO. 86-229 - RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT ON BEHALF OF

THE CITY OF ASHEVILLE A GRANT OF PRESERVATION RESTRICTIONS AND COVENANTS FOR DEVELOPMENT RIGHTS OF THE "OLD PACK MEMORIAL LIBRARY BUILDING"

12. Consideration was given to a resolution authorizing the Mayor to accept on behalf of the City of Asheville a grant of preservation restrictions and covenants for development rights of the "Old Pack Memorial Building".

Mayor Bissette said the Pack Plaza Associates, Limited Partnership, desires to grant to the City of Asheville an easement providing for certain preservation restrictions and covenants with regard to the development rights to the Old Pack Memorial Library Building. He said this resolution would authorize the Mayor on behalf of the City of Asheville to accept the easement granting preservation restrictions and covenants with regard to the development rights for the Old Pack Memorial Building.

Upon motion of Vice-Mayor Frank, seconded by Councilman Michalove, Resolution No. 86-229 was unanimously adopted.

Complete text of Resolution No. 86-229 will be found in Resolution Book No. 16 at page 243.

PRESENTATION OF PETITION - KENILWORTH FOREST COMMUNITY CLUB AND/OR RESIDENTS - INTERSECTION OF WHITE PINE DRIVE

13. The City Manager presented a petition received from the Kenilworth Forest Community Club and residents relative to a traffic problem that threatens the safety of the residents entering White Pine Drive, school buses and shoppers tending to use the mall entrance beside the International House of Pancakes. The petition states that presently automobiles headed west on Tunnel Road wishing to turn left onto White Pine Drive must do so against two lanes of traffic going east without the benefit of a left turn signal. The petitioners requested a left turn signal for westbound traffic at the intersection of White Pine Drive and Tunnel Road.

The City Manager said the Traffic Engineer has conducted a traffic count in the area, and has furnished the information to the N. C. Department of Transportation. He said the City would be working with the N. C. Department of Transportation on this request.

CLAIMS - HARRY JAMES (STREETS) - PATRICIA MCINTOSH (STREETS) - HELEN HENDON (SEWER)

14. The City Manager presented claims received from Harry James, Patricia McIntosh, and Helen Hendon.

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

RALPH BISHOP - COMMENTS RELATIVE TO NEW FIRE CHIEF

15. Ralph Bishop spoke to members of Council relative to his dissatisfaction with the City Manager going out of town to hire a new Fire Chief. He said he also felt that the new Fire Chief and the City Manager had made a mistake in taking out alarm boxes.

Mayor Bissette responded that the proposal to take out fire alarm boxes was made prior to Chief Rukavina coming to work for the City of Asheville. He said it has been proven that alarm boxes don't always work and that the numerous false alarm calls are received from malicious youths pulling fire alarm boxes.

ADJOURNMENT

Councilman Price moved to adjourn the meeting at 5:00 p.m. This motion was seconded by Vice-Mayor Frank and carried unanimously.

Mayor City Clerk

