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® Tuesday - February 23, 1988 - 4:00 P.M.

Regular Meeting

Present: Mayor W. Louis Bisette, Presiding; Vice-Mayor Kenneth

M. Michalove; Councilmen Norma T. Price, Wilhelmina Bratton, Russell Martin, and Walter Boland; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F.

Wolcott, Jr.

Absent: Councilman Mary Lloyd Frank

INVOCATION

The invocation was given by Mayor Bisette.

APPROVAL OF MINUTES - FEBRUARY 16, 1988

Mayor Bisette announced the approval of the minutes of the February 16, 1988 meeting as submitted.

®I. PROCLAMATIONS:

®II. PUBLIC HEARINGS:

® A. Continuation of public hearing relative to Westgate

Shopping Center.

Mayor Bisette said the Asheville Planning and Zoning

Commission at a meeting on January 13, 1988, reviewed and approved the site plan of the Westgate Shopping

Center Expansion subject to the following conditions:

(1) Proper dedication of Cliff Street;

(2) Provision of minimum 6' wide planted buffer on the west side of Cliff Street between Cliff Street and the parking area and that planted islands a minimum of 6' wide be installed on the

east side of Cliff Street on approximately 120' centers. (3) Compliance with sign ordinance and primary sign be a maximum width of 30" for each post; (4) Inclusion of right-of-way trees on Patton Avenue; and (5) Compliance with Erosion Control Ordinance.

Mayor Bisette said at the Council meeting of

February 16, 1988, the public hearing was continued until February 23, 1988 giving property owners an opportunity to reach an agreement relative to the dedication of Cliff Street.

Verl Emrick, Director of Planning, said the

issue with the dedication of Cliff Street has still not been resolved; however, it would be his recommendation that Council approve Phase I of the project in order to meet the construction schedule for renovations. He said the Planning

and Zoning Commission would be considering Phase II of the project on March 3, 1988 and at that time Planning and Zoning would deal with the issues relating to the dedication of Cliff Street.

He said Phase I of the project would consist of

151,000 square feet of renovations and 36,000 square feet of new buildings. He said the developer would be providing 1000 parking spaces which exceeds the parking requirements.

Mr. Emrick explained the signs proposed for the project.

After discussion, Mayor Bissette closed the public hearing at 4:35 p.m.

Councilman Martin moved to approve Phase I of

the site plan for the expansion of the Westgate Shopping Center contingent upon the conditions outlined by the Planning and Zoning Commission. This motion was seconded by Councilman Boland

and carried unanimously.

®III. OLD BUSINESS:

®IV. NEW BUSINESS:

® A. Consideration of participating in the Economic Development Partnership.

Resolution No. 88-31 - Resolution endorsing the

establishment of an Economic Development Partnership and appointing initial members to the Board of the partnership.

Mayor Bissette said a task force consisting of

David G. Brown, Chancellor of the University of North Carolina at Asheville, together with representatives from the City, the County, and the Chamber of Commerce has proposed the establishment of an Economic Development Partnership. The purpose of the Partnership is to focus, promote, and help implement the public/private community efforts toward assuring the continued economic vitality of

the Asheville/Buncombe County area.

Vice-Mayor Michalove said the Economic Development

Task Force met for approximately five months to create a coordinated effort to do a better job of economic development in the City of Asheville. He said the conclusion was to propose the creation of an Economic Development Partnership consisting of seven (7) individuals that would meet on a regular basis to create long range plans for the community in the area of economic development. He said they would also be encouraging present industries to expand.

Upon inquiry of Ralph Bishop, Mayor Bissette said

the Economic Development Partnership would be seeking all types of industry.

John Mosely, representative from the Board of

Realtors, questioned where the land for new industries would be coming from and the functions of the partnership.

Mayor Bisette responded to Mr. Mosely that the

Chamber of Commerce maintains an inventory of potential industrial site.

Mayor Bisette said this resolution will also

appoint Vice-Mayor Michalove to the Economic Development Partnership for a term to expire December 31, 1989 and Councilman Russell Martin for a term to expire on December 31, 1988.

Upon motion of Councilman Price, seconded by

Councilman Boland, Resolution No. 88-31 was unanimously adopted.

Resolution Book No. 17 Page No. 91

® B. Ordinance No. 1676 - An ordinance amending Chapter 12-

A of the Code of Ordinances of the City of Asheville with regard to floodplain regulations.

Mayor Bisette said the Federal Emergency Management

Agency has adopted new final rules which require changes in local ordinances with regard to flood plain regulations. The North Carolina Department of Crime Control and Public Safety has prepared model ordinances for local communities to use in revising their flood plain regulations. This ordinance will revise the City's flood plain ordinance to comply with federal regulations.

Julie Cogburn from the Planning Department explained

the revisions proposed for the floodplain regulations. She said these revisions are required for compliance with federal guidelines. She said several other revisions are proposed for clarity. She said the Planning Department would administer the ordinance.

Carol Albrice from the Planning Department detailed the

major changes being made to the floodplain ordinance.

Councilman Price moved for the adoption of Ordinance

No. 1676. This motion was seconded by Vice-Mayor Michalove.

On a roll call vote of 6-0, Ordinance No. 1676 passed

on first reading.

® C. Ordinance No. 1677 - An ordinance amending Article VI

of Chapter 2 of the Code of Ordinances of the City of Asheville establishing the Asheville Tree/Greenway Commission.

Mayor Bissette said this ordinance will establish an

Asheville Tree/Greenway Commission to promote the establishment of passive park areas known as "Greenways" and to foster the planting, growth and protection of trees on publicly owned areas with the

City.

Councilman Martin moved for the adoption of

Ordinance No. 1677. This motion was seconded by Councilman Price.

On a roll call vote of 6-0, Ordinance No. 1677

passed on first reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the second reading of Ordinance No. 1677. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1677

passed on second reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the third and final reading of Ordinance No. 1677. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1677

passed on third and final reading.

Ordinance Book No. 11 Page No. 240-242

® D. Ordinance No. 1678 - An Ordinance amending Chapter 23A

of the Code of Ordinances of the City of Asheville amending the Tree Ordinance.

Mayor Bissette said this ordinance will amend the Tree

Ordinance to reflect the establishment of the Asheville Tree/Greenway Commission.

Vice-Mayor Michalove moved for the adoption of

Ordinance No. 1678. This motion was seconded by Councilman Boland.

On a roll call vote of 6-0, Ordinance No. 1678 passed

on first reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the second reading of Ordinance No. 1678. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1678 passed

on second reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the third and final reading of Ordinance No. 1678. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1678 passed

on third and final reading.

Ordinance Book No. 11 Page No. 243-244

® E. Resolution No. 88-32 - Resolution authorizing the

Mayor to execute non-warranty deeds concerning parcels

of property adjoining Poplar Street.

Mayor Bisette said the right-of-way of Poplar

Street has recently been relocated and there exists within properties, owned by David H. Levitch and wife Rosine J. Levitch and Henry E. Teich and S. Janson Grimes, a portion of the old right-of-way of Poplar Street. NCDOT has abandoned any interest in the former right-of-way and the City has been requested to convey any interest that it may have in said property in order to clear title and allow development of said properties.

The City Manager said it has been determined that

the property is surplus.

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Bratton, Resolution No. 88-32 was unanimously adopted.

Resolution Book No. 17 Page No. 92

®OTHER BUSINESS:

®Resolution No. 88-33 - Resolution appointing a member to the Asheville Sign Commission

Mayor Bisette presented a resolution appointing Robert Patterson as a member of the Asheville Sign Commission due to the resignation of Gary Lowe.

Upon motion of Vice-Mayor Michalove, seconded by Councilman Martin, Resolution No. 88-33 was unanimously adopted.

Resolution Book No. 17 Page No. 93

®CLAIMS - CATHY WALGATE (WATER) - MRS. J. W. BROWN (WATER) - SHEILA HUNTLEY (WATER) - KAREN WAGSTAFF (WATER) - DAVID BALL (STREETS) - CHARLES HARVEY (WATER)

The City Manager presented claims received from Cathy Walgate, Mrs. J. W. Brown, Sheila Huntley, Karen Wagstaff, David Ball and Charles Harvey.

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

®LAWSUITS - SHIRLEY W. BROWN AND BOBBY BROWN VS. CITY OF ASHEVILLE, ASHEVILLE WATER AND SEWAGE, BRUCE E. KENNEDY AND EMMA E. KENNEDY (PERSONAL INJURY FROM FALL IN WATER METER HOLE) - CONCERNED CITIZENS OF DOWNTOWN ASHEVILLE, JIM F. HUGHES, JOHN A. AUTEN, ROBERT H. JOLLY VS. BOARD OF ADJUSTMENT OF THE CITY OF ASHEVILLE (APPEAL FROM BOARD OF ADJUSTMENT DECISION)

The City was served with lawsuits during the week of February 15, 1988 involving Shirley W. Brown and Bobby Brown vs. City of Asheville, Asheville Water and Sewage, Bruce E. Kennedy and Emma E. Kennedy (personal injury from fall in water meter hole) and Concerned Citizens of Downtown Asheville, Jim F. Hughes, John A. Auten, Robert H. Jolly vs. Board of Adjustment of the City of Asheville (Appeal from Board of Adjustment decision).

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

®RALPH BISHOP - LOTTERY SALES

Ralph Bishop again spoke to members of Council relative to the lottery sales in the City of Asheville.

®ADJOURNMENT

Upon motion, the meeting adjourned at 5:25 p.m.

MAYOR CITY CLERK
