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Tuesday - April 19, 1988 - 4:00 P.M.

Regular Meeting

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

M. Michalove; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, and Russell Martin, Acting Corporation Counsel Pam McGrayne; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Walter R. Boland and Corporation Counsel

William F. Slawter

### **INVOCATION**

The invocation was given by Councilman Bratton.

### **APPROVAL OF MINUTES - APRIL 12, 1988 MEETING**

Mayor Bisette announced the approval of the minutes of the April 12, 1988 meeting as submitted.

### **I. PROCLAMATIONS:**

#### **A. Proclamation - Professional Secretaries Week -**

**April 24 - 30, 1988**

Mayor Bisette read the proclamation and presented a copy to Sandra Fowler, CPS, President of Asheville Chapter of Professional Secretaries International, Martha Capps and Henrietta Griffin.

#### **B. Proclamation - "Consumer's Week" - April 24 - 30, 1988**

Mayor Bisette read the proclamation and presented a copy to Craig LaRoche.

### **II. PUBLIC HEARINGS:**

#### **A. Public hearing relative to closing Parkwood Avenue,**

**Oakwood Street, Oakwood Place (a/k/a Parkwood Place) and a portion of Green Briar Road Extension.**

Mayor Bisette said a petition has been filed by R.B.R. &

S.T., a North Carolina Limited Partnership, requesting that Parkwood Avenue, Oakwood Street, Oakwood Place (a/k/a Parkwood Place) and a portion of Green Briar Road Extension be permanently closed to the public use. All streets are on a certain 14.54 acre tract entitled "West

Terrace Apartments, Inc."

Mayor Bisette 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.

Mayor Bissette said a request was received from the attorney involved in the closing that the public hearing be continued until May 10, 1988 due to a misunderstanding relative to the posting of the streets proposed to be closed. He said this continuance would give the attorney an opportunity to post the streets in question as required by the N. C. General Statute.

Councilman Bratton moved to continue the public hearing relative to closing Parkwood Avenue, Oakwood Street, Oakwood Place (a/k/a Parkwood Place) and a portion of Green Briar Road Extension until May 10, 1988 without further advertisement. This motion was seconded by Councilman Martin and carried unanimously.

### **III. OLD BUSINESS:**

#### **A. Ordinance No. 1685 - Second reading of 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 177 Brickyard Road.**

Mayor Bissette said the Asheville Planning and Zoning Commission at a meeting on March 2, 1988, reviewed the petition of Mr. Carl Chambers that Lot 22, Sheet 12, Ward 12 (177 Brickyard Road) be rezoned from R-2 Residential District to R-5 Residential District. Commission recommended approval of the petition. This ordinance passed on first reading on April 12, 1988.

Mayor Bissette said this ordinance was previously read on first reading and will not be reread in its entirety.

On a roll call vote of 6-0, Ordinance No. 1685 passed on second reading.

#### **B. Ordinance No. 1686 - Second reading of an ordinance**

**amending Ordinance No. 322, known as "An ordinance providing for the Zoning of the City of Asheville," as amended. (Wording Amendment - Section 30-3-14.**

#### **Buffering)**

Mayor Bissette said this ordinance will amend Ordinance No. 322 by creating a new Section 30-3-14, Landscape and Buffering Requirements. This ordinance was read on first reading on April 12, 1988.

Mayor Bissette said this ordinance was previously read on first reading and will not be reread in its entirety.

Al Kopf, from the Planning Department, reviewed the two

revisions incorporated in the ordinance during the first reading. He said the planning staff was also requested to work with Mr. George Jenson, Engineer, relative to including language to give developers incentives to preserve existing trees. He said as an interim solution it is suggested that the ordinance be amended to provide that every 2" of diameter of existing trees that is preserved that this can be substituted for one required tree. He said this would also apply to street trees as well as parking lots. Basically, that existing buffering can be applied to required buffering. A discussion was held relative to having this provision apply to trees up to 30". It was decided that this language could be incorporated into the ordinance prior to the third reading.

George Jenson, Engineer, said he felt there should be

some economic trade-off for developers saving large trees in parking lot areas. He suggested that for every 15 trees saved that one required space be deleted. He said a large building area could be taken up by the requirement of trees. He also suggested that under the maintenance of landscaping that the requirement for replacing unhealthy plants within thirty (30) days include language that states "weather permitting".

June Grant, local realtor, again spoke relative to the

need to address developments within Historic Districts and abutments on residential properties. She gave a hypothetical example of how these requirements could effectively reduce a developers building space, costing the developer a sizeable amount of money, without compensation.

Verl Emrick, Director of Planning, said these amendments

are proposed in an effort to recognize specific circumstances and to reduce the number of steps and conditions a developer has to go through in getting a group development approved.

On a roll call vote of 6-0, Ordinance No. 1686 passed on second reading.

#### **IV. CONSENT:**

##### **A. Resolution No. 88-65 - Resolution authorizing the City**

**Manager to execute an agreement with Terry Brothers Construction Company, Inc., for the construction of the Caledonia Road Sanitary Sewer Project.**

SUMMARY: This project involves the installation of

approximately nineteen hundred linear feet of sanitary sewer on Caledonia Road. Bids were opened on this project on March 29, 1988 and the lowest responsible bidder was Terry Brothers Construction Company, Inc., in the amount of \$67,036.00. It is recommended that the City Manager is authorized to execute an agreement with Terry Brothers Construction Company, Inc. for this project.

**Resolution Book No. 17 Page No. 134**

##### **B. Resolution No. 88-66 - Resolution authorizing the Mayor**

**of the City of Asheville to execute easement in favor of the Carolina Power and Light Company for property on Walnut Street and Rankin Avenue for the new Rankin Street**

**Parking Garage.**

SUMMARY: Carolina Power and Light Company has requested

that the City of Asheville execute a right-of-way easement on property belonging to the City of Asheville on Walnut Street for the purpose of locating an underground electric line at the new Rankin Avenue Parking Deck.

**Resolution Book No. 17 Page No. 135**

**C. Scheduling public hearing relative to Master Plan of UNC-Asheville for May 10, 1988.**

SUMMARY: The Asheville Planning and Zoning Commission

at a meeting on April 6, 1988, reviewed the Master Plan of UNC-Asheville and voted unanimously to endorse the Master Plan with the recommendation that both car and foot access to Belk Theatre and Carmichael Lecture Hall be considered for incorporation

into the plan.

**D. Scheduling public hearing relative to amending Section**

**30-7-1. Conditional Uses. K. of Ordinance No. 322, known as "An Ordinance providing for the Zoning of the City of**

**Asheville, as amended" for May 17, 1988.**

SUMMARY: Per City Council's request of March 8, 1988,

the Asheville Planning and Zoning Commission on April 6, 1988, considered a proposed wording amendment to the Asheville Zoning Ordinance, Section 30-7-1. Conditional Uses., Item K. to add Haywood Road to the list of thoroughfares permitting professional offices in the R-3 District adjacent to commercial and industrial zones. Commission unanimously recommended this

amendment to City Council.

**E. Scheduling public hearing relative to approval of final**

**subdivision plat for Lornelle Place for May 3, 1988.**

SUMMARY: The Asheville Planning and Zoning Commission

on January 14, 1987, approved the preliminary plat subject to: Board of Adjustment granting a variance from the 100' required lot width on Lots 3 and 4, and City Council granting a variance from 50' to 40' on width of road and cul-de-sac. The Board of Adjustment granted the lot width variance on March 9, 1987. City Council granted the variance on the road and cul-de-sac by Resolution on 9-1-87. The final plat of Lornelle Place is now being presented for approval.

Upon motion of Councilman Frank, seconded by Vice-Mayor

Michalove, the consent agenda was unanimously approved.

**V. OTHER BUSINESS:**

**SITE PLAN OF BEAVER LAKE VILLAS (ELLEN GOLDSTEIN PROJECT)**

Councilman Martin moved to remand the site plan for the

Beaver Lake Villas (Ellen Goldstein's Project on Long Street) to the Planning and Zoning Commission and that the site plan be considered again on May 17, 1988. This motion was seconded by Councilman Price and carried unanimously.

**CONTINUATION OF PUBLIC HEARING RELATIVE TO CLOSING A PORTION OF SYRLIN STREET REQUESTED BY ELLEN GOLDSTEIN**

Councilman Frank moved to continue the public hearing

relative to closing a portion of Syrlin Street, requested by Ellen Goldstein from April 19, 1988 until May 17, 1988 giving Council members an opportunity to review the Beaver Lake Villas Site plan. This motion was seconded by Councilman Price and carried

unanimously.

**VI. NEW BUSINESS:**

**A. Resolution No. 88-67 - Resolution authorizing the Mayor**

**to sign a contract with the Neighborhood Reinvestment**

**Corporation.**

Mayor Bisette said this agreement with Neighborhood

Reinvestment Corporation will provide for the initial phase of development of a Neighborhood Housing Services program for revitalizing the Montford

neighborhood.

Marvin Vierra, Community Development Director,

highlighted the details of the agreement with Neighborhood Reinvestment Corporation, stating that the agreement commits the City of Asheville to partially funding the project for the Montford area. He said the city staff has been working with the Neighborhood Reinvestment Corporation for about two and one-half years in an attempt to get this service

implemented in the Montford area.

After a brief discussion, Vice-Mayor Michalove moved

for the adoption of Resolution No. 88-67. This motion was seconded by Councilman Price and carried unanimously.

**Resolution Book No. 17 Page No. 136**

**CLAIMS - FOREST BEACHBOARD (PARKS) - RHONDA DILLINGHAM (PARKS) - JACQUELINE BURRELL (STREETS)**

The City Manager presented claims received from Forest Beachboard, Rhonda Dillingham, and Jacqueline Burrell.

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

**LAWSUITS - MOSER, INC. V. PACK PLAZA ASSOCIATES LIMITED PARTNERSHIP, ET AL (LIEN PERFECTION) - JENNINGS GLASS CO., INC. V. BLOSAM CONTRACTORS, INC., ET AL (LIEN PERFECTION) - E. LUKE GREENE COMPANY, INC., V. BLOSAM CONTRACTORS, INC., ET AL (LIEN PERFECTION) - W. R. McCLAIN, INC., V. BLOSAM CONTRACTORS, INC., ET AL (LIEN PERFECTION) - ROBIN LYLES V. PATSY MARTIN V. CITY (AUTOMOBILE**

**ACCIDENT)**

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The City Manager said the City was served with lawsuits involving Moser, Inc., vs. Pack Plaza Associates Limited Partnership, et al (lien perfection; City named a party since it has a Deed of Trust); Jennings Glass Company, Inc. v. Blossam Contractors, Inc., et al (lien perfection; City named a party since it has a Deed of Trust); E. Luke Greene Company, Inc. v. Blossam Contractors, Inc., et al (lien perfection; City named a party since it has a Deed of Trust); W. R. McClain, Inc., v. Blossam Contractors, Inc., et al (lien perfection; City named a party since it has a Deed of Trust); Robin Lyles v. Patsy Martin v. City (automobile accident).

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

**COUNCILMAN MARTIN - COMMENDATION FOR FINANCE DEPARTMENT**

Councilman Martin said he has been reviewing the investments that the City of Asheville makes through the Finance Director, Larry Fisher. He said in his opinion the Finance Department is "right on top of everything" with the City's investments, the rates received by the City are good, and he commends the department for making such diligent decisions.

**CITY MANAGER - REPORT ON WALKAMERICA 1988 COMPARED TO 1987**

The City Manager said during Walkamerica 1987 the City of Asheville had 26 participants with total donations of \$625.00 with 24 walkers and 2 breakfast helpers. He said during Walkamerica 1988 the City of Asheville had 107 participants with total donations of \$2,776.55 as of 4/18/88 (money is still coming in); 152 signed up for the walk, but 107 actually turned in money envelopes. He said the City of Asheville's participation in Walkamerica 1988 showed a 411% improvement in participation and a 443% improvement in total contributions over Walkamerica 1987.

**RALPH BISHOP - RIGHT TO SPEAK DURING PRE-COUNCIL WORK SESSIONS**

Ralph Bishop again spoke relative to right to address Councilmembers during the Pre-Council Work sessions. He said he felt Vice-Mayor Michalove did not have the right to stop him from commenting during these sessions since the Mayor was in charge of

the meetings. He said in his opinion Section 9 of the City Charter allows him to speak during these sessions as long as he is not disruptive.

**ADJOURNMENT:**

Upon motion, the meeting adjourned at 5:30 p.m.

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**MAYOR CITY CLERK**

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