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Tuesday - August 9, 1988 - 4:00 P.M.

Regular Meeting

Present: Vice-Mayor Kenneth M. Michalove, Presiding; Councilmen

Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton (Was late arriving at the meeting - 4:24 P.M.), and Russell Martin; Staff Attorney Patsy Brison; City Manager Douglas O. Bean; and Associate City

Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor W. Louis Bissette and Councilman Walter Boland;

City Attorney William F. Slawter

INVOCATION

The invocation was given by Councilman Price.

MINUTES - AUGUST 2, 1988 MEETING

Upon motion of Councilman Price, seconded by Councilman Martin, the minutes of the August 2, 1988 meeting were unanimously approved.

MINUTES - JULY 26, 1988 MEETING

Approval of the minutes of the July 26, 1988 meeting

was deferred until August 16, 1988.

I. PROCLAMATIONS:

A. RESOLUTION NO. 88-131 - RESOLUTION OF APPRECIATION TO

RETIRED ASHEVILLE FIREFIGHTERS

Vice Mayor Michalove said during he past year, nine Asheville firefighters have retired from active duty. They were Charles F. Jennings, Bruce L. Calloway, Carl C. Messer, Clifford S. Smathers, Bruce A. Duckett, Harley B. Sampson, Charles W. Burnette, Guy F. Justice, Jr., and Carvel G. Whitt. He said these firefighters contributed immeasurably to the safety and well-being of everyone in Asheville. He said it is customary to retire the badge of a firefighter who has rendered honorable service, and the plaques presented to these firefighters will bear those badges.

Vice Mayor Michalove said members of Council were previously furnished copies of the resolution and it would be read in its entirety unless there was a specific request to do so.

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 88-131 was unanimously adopted.

Resolution Book No. 17 - Page No. 222

Vice Mayor Michalove presented a copy of the resolution and plagues to the retired firefighters.

Fire Chief John Rukavina thanked the Council for the

honor bestowed on the firefighters.

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO A PROPOSED WORDING AMENDMENT TO ASHEVILLE ZONING ORDINANCE, SECTION 30-9-4, DISTRICT SIGN REGULATIONS ORDINANCE NO. 1704

Vice Mayor Michalove said the Asheville Planning and zoning Commission on June 29, 1988, reviewed and recommended approval of amending the Asheville Zoning Ordinance, Section 30-9-4. District Sign Regulations, Subparagraph (D)(1) by adding a new item (b) as follows: "(b) Off-premise advertising signs three hundred (300) square feet per display face or less shall be allowed only in the CH Commercial Highway District, CS Commercial Service District, LI Light Industrial District and HI Heavy Industrial District.

Vice Mayor Michalove opened the public hearing at 4:20 P.M.

The City Clerk presented the notice to the public and the affidavit of publication.

Julia Cogburn, Acting Director of Planning, said the proposed wording amendment is just a simple housekeeping item and clarification for off premises signs of 300 sq. ft. or less. Staff does recommend adding CG Commercial General to the list of districts where such signs are permitted. She said the enforcement of the ordinance in the past has been in accordance with today's requested amendment.

Mr. Frank Graham, Attorney for Naegle Outdoor Advertising Company, requested that the ordinance be further clarified to include the following phrase at the end of subsection (b) "...except as specified in subsection (a) above."

Vice Mayor Michalove asked that staff look at the change requested by Mr. Graham and make a recommendation to the Council at next week's meeting. In addition, the staff recommendation would be included in an amendment at that time.

Vice Mayor Michalove closed the public hearing at 4:17 P.M.

Vice Mayor Michalove said copies of the ordinance were previously distributed to members of council and the ordinance would not be read in its entirety unless there was a specific request to do so.

Councilman Martin moved for the adoption of Ordinance No. 1704. This motion was seconded by Councilman Price.

On a roll call vote of 4-0, **Ordinance No. 1704 passed on first reading.**

B. PUBLIC HEARING RELATIVE TO REZONING PROPERTY FROM ONE ROTARY

DRIVE OVER TO CARIBOU ROAD FROM R-3 RESIDENTIAL DISTRICT TO OI OFFICE INSTITUTIONAL DISTRICT

ORDINANCE NO. 1705

Vice Mayor Michalove said the Asheville Planning and Zoning Commission on June 29, 1988, reviewed and recommended approval of rezoning Ward 7, Sheet 15, Lots 81, 82, and 231, and Ward 7, Sheet 11, Lot 20, from R-3 Residential District to OI- Office Institutional District. (Property extends from One Rotary Drive over to Caribou Road)

Vice Mayor Michalove opened the public hearing at 4:18 P.M.

The City Clerk presented the notice to the public and the affidavit of publication.

Julia Cogburn, Acting Director of Planning, said the property is currently owned and operated by Thoms Rehabilitation Hospital. She said the property is located off Sweeten Creek Road and a portion of it extends down to Caribou Road. She said the property to the North and South is zoned HI-Heavy Industrial, the property to the South is zoned R-3 Residential and the property to the West is zoned R-3 Residential and LI-Light Industrial. Even though there is no other OI-Office Institutional zoning in the area, she said staff felt this was not a problem because of the particular nature of the use and size of the property.

Mrs. Cogburn said the requested rezoning is in accordance with the Comprehensive Plan and that the 57 surrounding property owners were notified of today's hearing. She said only one opposition had been received - from a Mr. Bedford Tomberlin, 183 Belvedere Road (Lot 183), who had phoned in and not specified a particular opposition to the proposed rezoning.

Councilman Price voiced concern about the impact the OI designation would have on density in the area since this zoning classification permits 32 units per acre. She also mentioned the impact of additional traffic on Caribou Road.

Charles Norvell, President of Thoms Rehabilitation Hospital, said the Hospital has entrances off London and Sweeten Creek Road, and that he didn't perceive any traffic coming onto the campus from Caribou Road.

Councilman Bratton arrived at the meeting at 4:24 P.M.

Vice Mayor Michalove closed the public hearing at 4:25 P.M.

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

Councilman Price moved for the adoption of Ordinance No. 1705. This motion was seconded by Councilman Martin.

On a roll call vote of 5-0, **Ordinance No. 1705 passed**

on first reading.

III. OLD BUSINESS:

A. RESOLUTION NO. 88-132 - RESOLUTION ADOPTING BEAVERDAM VALLEY

PLAN FOR THE EXTENSION OF MAJOR CITY SERVICES

Vice Mayor Michalove said a report of plans for extending services to the Beaverdam Valley territory to be annexed is required by N. C. Gen. Stat. sec. 160A-47 to be approved at least thirty (30) days prior to the date of public hearing on the question of annexation.

Patty Tallerday of the Planning Department said the Police Department will add 3 sworn officers to provide police protection services to the Beaverdam area. She said these officers will be assigned to the police force in general and will help carry the load in criminal investigations, community

services, record keeping and communications.

Ms. Tallerday said Station #7 on Merrimon Avenue will be the primary provider of fire protection services. She said an additional 4-wheel drive pumper truck will be added to Station #7's inventory due to the mountainous terrain of the Beaverdam Valley as well as other steep sections in the City. Additional communications equipment will be purchased. She said the City is also prepared to offer to negotiate a 5-year contract with the Beaverdam Volunteer Fire Department for fire services if the Board of Directors wants to provide these services for the first 5 years.

Ms. Tallerday said the City will purchase one (1) sway car, (1) tractor loader and one (1) leaf machine to provide solid

waste collection services to the Beaverdam area. She said the solid waste services can be provided with existing personnel by rerouting the garbage collection routes.

Ms. Tallerday said there are approximately 6 miles of state system streets that will become City system streets for the purposes of maintenance services such as snow removal, pothole repair, etc. She said there are also approximately two miles of private streets that do qualify for dedication to the City system. She said maintenance cost for these streets has also been included in the cost of services. In addition, she

said, there are other private streets that will have to be dedicated on a street-by-street basis. Ms. Tallerday said the dedication process calls for the property owners to sign a petition. However, she said, one of the criteria to dedicate the street calls for the street to be 17-20 feet in width with easements granted to the City. If improvements are made to bring the streets to this width or if they are currently this width, they can be dedicated and accepted by the City. She said any improvements made to bring the streets up to the required criteria are at the expense of the property owners.

Ms. Tallerday said the estimated cost for providing street lighting services to the Beaverdam area is \$17,000. She said this is based on providing a pole for street lighting every 250 feet.

Ms. Tallerday said water and sewer line improvements in the Beaverdam were going to be expensive. She said the City plans to install approximately 20,000 linear feet of 6-inch water line at a cost of \$672,000 and approximately 12,000 linear feet of 8-inch sewer line at a cost of \$842,000.

Upon inquiry of Vice Mayor Michalove relative to transit services, Ms. Tallerday said the City normally requests the Transit Authority to restudy annexed areas for possible re-routing or additional routes.

Vice Mayor Michalove noted that on Page 7 of the "Plan" that first year costs were anticipated at \$431,174 while estimated revenue is expected to be \$365,837.

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

Upon motion of Councilman Price, seconded by Councilman Bratton, **Resolution No. 88-132** was unanimously adopted.

Resolution Book No. 17 - Page 223

B. RESOLUTION NO. 88-133 - RESOLUTION ADOPTING HANSEL AVENUE

PLAN FOR THE EXTENSION OF MAJOR CITY SERVICES

Vice Mayor Michalove said a report of plans for extending services to the Hansel Avenue territory to be annexed is required by N. C. Gen. Stat. sec. 160A-47 to be approved at least thirty (30) days prior to the date of public hearing on the

question of annexation.

Patty Tallerday of the Planning Department said the Hansel Avenue area contains approximately 130 people and comprises approximately 46 acres. She said police, fire and solid waste services will be provided with existing personnel and

equipment. She said Station #3 on Louisiana will be the primary provider of fire protection services with backup coming from Station #6 on Haywood Road and Headquarters. She said Hansel Avenue is presently not a part of any fire protection district.

Ms. Tallerday said there are 1.1 miles of state system streets that will become City system streets for the purposes of maintenance services such as snow removal, pothole repair, etc. She said there are also approximately .2 miles of

private streets that do qualify for dedication to the city system. She said the City anticipates a capital cost of \$49,000 for paving and maintenance of the dirt roads in this area.

Ms. Tallerday said an analysis of the existing water lines revealed a 6-inch water line on Hazel Mill Road and a 2-inch line on Hansel Avenue. She said 5,420 linear feet of 6-inch water line will be added to the Hansel Avenue area at a projected cost of \$163,000. Ms. Tallerday said the Hansel Avenue is served by a 6-inch sanitary sewer along Hazel Mill Road. She said installation of 5,020 linear feet of 8-inch sewer line is planned at an estimated cost of \$351,000, which will benefit only the Hansel Avenue area.

Ms. Tallerday said the first year cost of services is expected to be \$68,515 and annual operating costs are projected at \$13,711. She said annual revenue is expected to be \$17,682.

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

Upon motion of Councilman Bratton, seconded by Councilman Price, **Resolution No. 88-133** was adopted with Councilman Martin voting "no".

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C. RESOLUTION NO. 88-134 - RESOLUTION ADOPTING PLEMMONS AREA

PLAN FOR THE EXTENSION OF MAJOR CITY SERVICES

Vice Mayor Michalove said a report of plans for extending services to the Plemmons territory to be annexed is required by N. C. Gen. Stat. sec. 160A-47 to be approved at least thirty (30) days prior to the date of public hearing on the question of annexation.

Patty Tallerday of the Planning Department said this area contains two individual tax lots and is located North of the Hansel Street area. She said this area was left out of the City when the Hilton petitioned for annexation. She said the area will not require any additional city services, annual operating cost or capital costs. However, she said, the City does plan an improvement to the water line. This area is currently served by a 2-inch line along Plemmons Drive, and the City proposes to upgrade this line to a 6-inch line - approximately 650 linear feet - at a cost of \$19,500. She said anticipated revenue is \$1,000 per year.

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

Upon motion of Councilman Frank, seconded by Councilman Frank, **Resolution No. 88-134** was unanimously adopted.

Resolution Book No. 17 - Page 225

D. ORDINANCE NO. 1703 - THIRD READING OF AN ORDINANCE RELATIVE

TO ZONING PROPERTY ON TUNNEL ROAD TO CH COMMERCIAL HIGHWAY

DISTRICT

Vice Mayor Michalove said this is the final reading of this ordinance relative to zoning property on Tunnel Road to CH Commercial Highway District. He said the purpose of the request is to make the entire tract between US 74 and I-240 CH Commercial Highway District. The property was formerly owned by the N.C. Department of Transportation for right-of-way and was not previously zoned. As it is now owned by private property owners it therefore needs to be zoned. He said this ordinance passed on first reading on July 26, 1988 and passed on second reading on

August 2, 1988.

Vice Mayor Michalove said this ordinance was previously read on first and second readings, and it would not be re-read in

its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, **Ordinance No. 1703** passed on third and final reading.

Ordinance Book No. 11 - Pages 300 and 301

IV. NEW BUSINESS:

V. CONSENT:

VI. OTHER BUSINESS:

A. CLAIMS - MORNA MOORE (WATER); ALTHEA HENSLEY (SEWER); JAMES RIVERS (WATER); AND WILLIAM WICK (WATER)

The City Manager presented claims received from Morna Moore, Althea Hensley, James Rivers, and William Wick.

Vice Mayor Michalove referred the claims to the City

Attorney for investigation and recommendation.

B. JULIA COGBURN - REPORT OF GROUP DEVELOPMENT ACTIONS BY THE PLANNING AND ZONING COMMISSION

Julia Cogburn, Acting Director of Planning, said the City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. She said in accordance with the new procedure, the action of the Commission shall be

final unless the City Council determines at their meeting to schedule a public hearing on the matter. She said the following action was taken by the Planning and Zoning Commission at their

meeting on August 3, 1988.

(1) APPALACHIAN STOVE AND FABRICATORS, INC. - ADDITION TO BUILDING

Mrs. Cogburn said the Asheville Planning and Zoning Commission on August 3, 1988, reviewed and recommended approval of the group development plans of **Appalachian Stove and Fabricators, Inc.** for an addition to their building subject to

the following conditions:

- a) A building line setback variance of 10' being granted to front on Emma Road;
- b) A parking lot paving variance being granted to apply to

both existing and newly constructed parking lots;

c) An access easement being granted from the Eaven-Brice

Partnership property to the west;

d) Approval of fire flows, water pressure and hydrant

location by the Fire Department;

e) Approval of an erosion control plan by the City

Engineering Department with special attention to Porshia

property line and stabilization of slope;

f) Approval of a drainage control plan for the site by the

City Engineering Department;

g) The driveway being paved from Emma Road into the north

parking lot;

h) That buffer plantings and parking lot trees comply with

Sec. 30-3-14. of Zoning Ordinance; and

i) Compliance with N. C. State Building Code requirements

relative to automatic fire protection for buildings of this size.

Mrs. Cogburn said three (3) public comments were received opposing the group development. These were from Iona Goforth, 323 Emma Road (Lot 21), opposed to addition; Faron Porshia, speaking for self (Lot 48), for Father (Lot 24) and Ms. Goforth (Lot 21) - objection to amount of fill dirt brought into site and fill dirt running onto his property, concern with extent of slope at southeast portion of building, concern with traffic problems created by employees, and opposed to setback variance being granted; and Wayne Butler (Lots 18 and 19) concern about noise, including burglar alarm and drainage problems from site.

Councilman Price said due to the number of conditions set forth by the Planning and Zoning Commission in granting their approval, she would prefer to have a public hearing on this group development. She moved to schedule a public hearing on the matter for **Tuesday, August 23, 1988**. This motion was seconded by Councilman Bratton and carried unanimously.

(2) SEVIER STREET APARTMENTS - PHASE II (GROUP DEVELOPMENT)

Mrs. Cogburn said the Asheville Planning and Zoning Commission on August 3, 1988, reviewed and recommended approval of the group development plans of **Sevier Street Apartments -**

Phase II subject to the following conditions:

a) City approval of Erosion Control Plan;

b) Construction of stream channel to be as designed by

developer and approved by City (July 27, 1988 letter in file);

c) Elevation of first floors more than two feet above base flood elevations;

d) Concrete driveway provided to City specifications;

e) Storm drainage approved by City Engineer; and

f) Erosion control facilities to remain a part of storm drainage plan approved by City Engineer.

Mrs. Cogburn said no opposition was received prior to or at the meeting, and that this group development had been unanimously approved by the Planning and Zoning

Commission.

The City Council took no action on this site plan, making the action of the Planning and Zoning Commission final.

C. FIRE CHIEF JOHN RUKAVINA - INVITATION TO VISIT THE

CONFERENCE OF THE N. C. FIRE CHIEFS AND N. C. FIREMEN'S ASSOCIATION AT THE INN ON THE PLAZA

Fire Chief John Rukavina said the Council had adopted a resolution extending an invitation to the N. C. Fire Chiefs and N. C. Firemen's Association to hold their annual meeting in Asheville. He said the meeting will begin at 9:00 A.M. on Thursday and will continue through Saturday at the Inn on the Plaza. He invited Council to stop by and visit at any time during the meeting.

D. RALPH BISHOP - CLARIFICATION OF REQUEST TO BILL SLAWTER FOR

COPY OF LAW CREATING THE INSTITUTE OF GOVERNMENT

Ralph Bishop requested that staff pass on a clarification to City Attorney Bill Slawter that he had asked for a copy of the law establishing and creating the Institute of

Government.

ADJOURNMENT:

Upon motion of Councilman Frank, seconded by Councilman Martin, the meeting adjourned at 4:53 P.M.
