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Tuesday - September 13, 1988 - 4:00 P.M.

Regular Meeting

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

M. Michalove; Councilmen Mary Lloyd Frank; Norma T. Price; Wilhelmina Bratton (arriving at 4:30 p.m.); 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:

**INVOCATION**

The invocation was given by Vice-Mayor Michalove.

**I. PROCLAMATIONS:**

**II. OLD BUSINESS:**

**A. Ordinance No. 1706 - Third reading of Ordinance revising the Motor Vehicle Registration Tax - City Stickers.**

At the request of the City Attorney, Mayor Bissette

said the third reading of this ordinance would be

postponed for one week.

**B. Ordinance No. 1707 - Third reading of an ordinance**

**amending Section 28-81.5 and Section 28-81.6 of Article IV, Speed Regulations, of Chapter 28 of the Code of Ordinances of the City of Asheville (portion of Riceville Road to be 35 m.p.h. as requested by N.C.**

**Department of Transportation).**

Mayor Bissette said this action will revise the

current ordinance to declare a 35 mph speed limit on that portion of Riceville Road (SR 2002) within the corporate limits of the City of Asheville. The

N. C. Department of Transportation has requested that the City Council approve this speed limit change.

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Mayor Bissette said this ordinance was previously

read on first and second readings and would not be read in its entirety.

On a roll call vote of 6-0, Ordinance No. 1707

passed on third and final reading.

**Ordinance Book No. 11 Page No. 306**

**III. NEW BUSINESS:**

**IV. CONSENT:**

**A. Resolution No. 88-139 - Resolution authorizing the City**

**Manager of the City of Asheville to make application for and enter into an agreement with the Land of Sky Regional Council for Senior Citizen Grant funds for**

**physical improvements to the Center.**

SUMMARY: This action will authorize the City Manager to

apply for and enter into an agreement with the Land of Sky Regional Council for senior citizen grant funds. These funds would be used to renovate the existing toilet facilities at the Senior Opportunity Center making them accessible for handicapped participants.

**Resolution Book No. 17 Page No. 231**

**B. Resolution No. 88-140 - Resolution authorizing the City**

**Manager of the City of Asheville to make application for and enter into an agreement with the Land of Sky Regional Council for Senior Citizen Grant funds for**

**outreach services.**

SUMMARY: This action will authorize the City Manager to

apply for and enter into an agreement with the Land of Sky Regional Council for senior citizen grant funds. These funds would be used to provide outreach services to Montford Recreation Center, Shiloh Recreation Center, on a daily basis as well as providing programs for seniors at Battery Park Apartments, Vanderbilt Apartments, Bartlett Arms, Aston Towers, and similar housing areas for senior

citizens.

**Resolution Book No. 17 Page No. 232**

**C. Resolution No. 88-141 - Resolution authorizing the Mayor**

**to execute an Agreement for Entry requested by the North Carolina Department of Transportation for the proposed NC 280 Connector at the Airport.**

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SUMMARY: The North Carolina Department of

Transportation has developed plans for the proposed NC 280, State Project 8.1950202, at the Asheville Airport. The North Carolina Department of Transportation has requested an easement across property owned by the City of Asheville. Prior to the aforementioned project being completed, the North Carolina Department of Transportation will prepare the easement agreements required to officially record the required easements.

**Resolution Book No. 17 Page No. 233**

Ralph Bishop requested that the Mayor furnish him with the names of the individuals on the Land of Sky Regional Council.

Upon motion of Councilman Frank, seconded by Vice-Mayor Michalove, the consent agenda was unanimously approved.

**V. OTHER BUSINESS:**

**A. PATTY TALLERDAY - REPORT OF GROUP DEVELOPMENT ACTIONS BY THE PLANNING AND ZONING COMMISSION**

Patty Tallerday, 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 September 7, 1988.

**(1) RIVER RIDGE BUSINESS CENTER - FAIRVIEW ROAD**

Ms. Tallerday said the Asheville Planning and Zoning Commission on September 3, 1988, reviewed and recommended approval of the group development plans of **River Ridge Business Center** to be located on Fairview Road subject to the following conditions:

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- a) A recordable document being approved by the City Attorney which provides access to parking off the site;
- b) A letter being provided from the City stating availability of water services;
- c) Easements being approved by the City Attorney for all public utility extensions outside public rights-of-way;
- d) An erosion control plan being approved by the City Engineering Department; and
- e) Signs to comply with sign package previously approved for River Ridge Shopping Center.

Ms. Tallerday 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.

## **(2) ASHEVILLE RESIDENTIAL TREATMENT CENTER - VICTORIA ROAD**

Ms. Tallerday said the Asheville Planning and Zoning Commission on September 7, 1988, reviewed and recommended approval of the group development plans of **Asheville Residential Treatment Center to be located on Victoria Road** subject to the

following conditions:

a) Erosion Control Plan approval by City Engineering

Department;

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b) Access and utility easement approval by the City

Attorney; and

c) Demolition and reconstruction plan review and approval by

the Historic Resources Commission staff.

At the request of Vice-Mayor Michalove, Councilman Martin moved to excuse Vice-Mayor Michalove from discussion and vote on this issue due to a conflict of interest in that St. Joseph's Hospital has an interest in this project. This motion was seconded by Councilman Price and carried unanimously.

Ms. Tallerday 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.

## **3) LOWE'S OF WEST ASHEVILLE - PATTON AVENUE**

Ms. Tallerday said the Asheville Planning and Zoning Commission on September 7, 1988, reviewed and recommended approval of the group development plans of **Lowe's of West Asheville to be located on Patton Avenue** subject to the following conditions:

a) Letters of approval from MSD and Water and Sewer

Services;

b) Letter from Asheville Fire Department approving adequacy

of proposed lines for fire fighting purposes;

c) Recordable grading easement from adjoining property

owners; and

d) No grading or tree removal adjacent to R-2 areas until final approval.

Vice-Mayor Michalove said due to the interest from the Malvern Hills Homeowners Association in this project, he would prefer to have a public hearing on this group development. He moved to schedule a public hearing on the matter for **Tuesday, September 27, 1988**. This motion was

seconded by Councilman Price and carried unanimously.

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**B. Approval of bids for fire pumper.**

Mayor Bisette said a recommendation was received for

award of Bid Request No. 337-89 for one Fire Pumper/Squad Unit to the low bidder, Slagle's Fire Equipment, Cayce, South Carolina, in the amount of \$122,500.

Councilman Frank moved to accept the recommendation and award the bid for the fire pumper to Slagle's Fire Equipment in the amount of \$122,500. This motion was seconded by Vice-Mayor Michalove and carried unanimously.

**LETTER FROM CROWFIELDS CONDOMINIUMS - SIGNS**

Mr. H. B. Van Hartesveldt, President, Executive Committee of Crowfields Condominiums Cluster Association read the following letter:

September 6, 1988

The Honorable Louis Bisette

Mayor of Asheville

P. O. Box 7148

Asheville, North Carolina 28802

Dear Mayor Bisette:

The proliferation of signs along south Hendersonville Road is creating a "honky-tonk" appearance offensive to residents and visitors alike. It can only depress residential property value as it degrades the image of Asheville to users of this heavily travelled highway. The Crowfields Condominium Association opposes those regulations which have permitted this commercial graffiti to occur and will support in anyway

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possible an ordinance to correct the condition. The Association is particularly concerned with recently installed enormous billboards (600 - 700 square feet, 45 feet high).

This Association (Crowfields) cannot speak officially for our neighbors, but residents of the Racquet Club, Deer Wood, Deerfield, Turtle Creek and Oak Forest have expressed the same concerns as Crowfields' residents. We ask that you take these concerns into account when you assess this condition. It surely affects the kind of City Asheville will become, and to those of us who love and are proud of our City, this makes it very important.

Yours truly,

H. B. Van Hartesveldt

President, Executive Committee

cc: Mr. Jerry Grant

Mr. Glenn Kelly

Mr. Hartesveldt also presented an article from the New York Times relative to "Challenging the Billboard Industry".

Councilman Bratton arrived at the meeting at 4:30 p.m.

Mayor Bissette said the Asheville Sign Commission would be presenting new recommendations for the Sign Ordinance to Council within the next six (6) weeks. He said it was his hope that Crowfields Condominiums Cluster Association would give their input into these recommendations when they are presented.

**CLAIMS - MILDRED HAYNES (STREETS) - PATRICIA RHODES (STREETS) - ALICE WHEAT (WATER) - W. L. JONES (STREETS) - FAYELLEN PITTS (SEWER) - TAMRA JOHNSON (WATER) - BOYCE WHITAKER (WATER) - BILL SISK (SEWER)**

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The City Manager said claims were received from Mildred Haynes, Patricia Rhodes, Alice Wheat, W. L. Jones, Fayellen Pitts, Tamra Johnson, Boyce Whitaker and Bill Sisk.

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

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**5:00 o'clock p.m.**

**VI. PUBLIC HEARINGS:**

**A. Public hearing relative to the annexation of property**

**generally known as the Beaverdam Valley Area.**

**B. Public hearing relative to the annexation of property**

**generally known as the Hansel Avenue Area.**

**C. Public hearing relative to the annexation of property**

**generally known as the Plemmons Property.**

Mayor Bissette said pursuant to Chapter 160A of the

North Carolina General Statutes the City of Asheville has examined certain areas to determine if they qualify for annexation. Certain statutory procedures are required for annexation. A public hearing is required under these procedures.

Mayor Bissette said all three public hearings would be

held simultaneously.

Mayor Bissette opened the public hearings at 5:06 p.m.

The City Clerk presented the notices to the public setting the time and date for the public hearings and the affidavits of publication.

Ms. Patty Tallerday, Acting Director of Planning, outlined for the plan for services for each area proposed to be annexed.

George Hyler, 49 Webb Cove Road, said he lives outside the area proposed to be annexed, but was speaking on behalf of the Beaverdam Community Council and

CODA North, a group of residents opposed to annexation. He said the residents are opposed to the proposed annexation and disputes the facts and factors presented by the Planning Department. He said they would dispute the fact that 67% of the total acreage consists of lots

and tracts five acres or less in size; the fact that adequate fire protection can be provided; and the general manner in which the annexation has been proposed. He said he would mainly speak to the third dispute since the first two issues can be brought up in court.

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Mr. Hyler said the proposed area to be annexed is only

"taking the heart out of the valley." He said the sole purpose of "gerrymandering" is to reach the 60% requirement. He said the area proposes to go to the end of streets and leaving part of the property out. He said this would have a significant impact on the area. He said those left out will not have adequate fire protection. He said Beaverdam has a volunteer fire department and those individuals would not voluntarily fight fires when they are paying taxes for fire protection.

Mr. Hyler said the Beaverdam residents created the

Beaverdam Council and they have worked with the City and County on zoning in the area. He said this is a fairly progressive community and if annexed there will no longer be a Beaverdam Council.

He said the residents do not question the legality of

the annexation but do question whether or not the City can do anything for the citizens in that area. He said the City should have proposed to annex ridge line to ridge line. He said annexation would destroy something worth saving.

Mr. Dick Plemmons, owner of property proposed to be

annexed known as the "Plemmons area", said he would not benefit from the annexation. He said he owns the road in the area and he put in his own water line.

Mayor Bisette noted that the water line in the

"Plemmons area" would be upgraded from a 2" line to a

6" line. He said Mr. Plemmons' fire insurance rates would probably be reduced.

There being no further comments, Mayor Bisette closed

the public hearing at 5:35 p.m. He said the first reading of the annexation ordinances is scheduled for the Council meeting of September 27, 1988.

**APPROVAL OF MINUTES - AUGUST 23, 1988 AND AUGUST 30, 1988**

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Bratton, the minutes of the August 23, 1988

and August 30, 1988 meeting were unanimously approved as submitted.

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**ADJOURNMENT:**

Mayor Bissette adjourned the meeting at 5:40 p.m.

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**MAYOR CITY CLERK**

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