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Tuesday - August 29, 1989 - 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, Russell Martin and A. Robert York; 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 Councilman Price.

### **APPROVAL OF MINUTES**

Mayor Bisette announced the approval of the minutes of the August 22, 1989 meeting as submitted.

### **I. PROCLAMATIONS:**

#### **A. Recognition of Friendship Force delegation from Russia**

Tracy McFarlan, Past President of Friendship Force of

Western North Carolina, introduced eight (8) delegates from Russia visiting Asheville under the Friendship Force organization.

Analoliv Bokov, from Russia, thanked the citizens of Asheville for their hospitality. Mike Arrowood was interpreter.

#### **B. Recognition of Hillcrest Enrichment Program participants**

Mayor Bisette read the proclamation. He said this

proclamation recognizes the participants of the Hillcrest Enrichment Program for their performance in the "Back to School" Parade in Chicago, Illinois - the second largest "Back to School" Parade in the Nation.

David Jones, Executive Director of the Housing

Authority, also recognized the participants; Peggy Shook, Chairman of the Housing Authority; and Hunter Watson, Commissioner of the Housing Authority.

Miss Williams, Head Majorette and Youth Advisor, thanked members of Council for the Certificate of

Appreciation.

## **II. PUBLIC HEARINGS:**

### **A. Public hearing relative to the site plan of the proposed**

#### **Cisco Road Apartments.**

Mayor Bisette said the Asheville Planning and

Zoning Commission reviewed and approved the site plan subject to several contingencies. He said the site plan is now before the City Council for consideration.

Mayor Bisette opened the public hearing at 4:34

P.M.

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

Tom Elmore, from the Planning Department, said on August 2,

1989, the Asheville Planning and Zoning Commission reviewed and approved the site plan of the proposed Cisco Road Apartments subject to the following contingencies:

1. Approval of erosion control plan by the Planning Department prior to soil disturbance;
2. Installation of an approved residential sprinkler system and receipt of the proposed right-of-way dedication prior to issuance of certificate of occupancy; and
3. Installation of septic tank system not to impose on any required buffering of the project.

Mr. Elmore said the property is located on Cisco

Road on 5.1 acres and is zoned R-2 Residential. He

said the developer proposes to construct three apartment buildings with four units each. He said water is available and a septic tank permit has been issued. He said fire protection is available with contingencies and a 20' buffer is proposed on the east/west side.

Mr. Elmore said the residents are concerned about

snow access, increased traffic, site visibility, and water pressure. He said they also asked that the center line of Cisco Road be painted.

Mr. Elmore said it has been determined that a 6"

sewer line is available for this property.

E. L. Siler, 40 Cisco Road, spoke relative to the

project stating that a sewer line with a pumping station is not being taken care of. He said the private pumping station is causing problems on his property.

Barbara Melton, speaking on behalf of the Haw Creek

Homeowner's Association, said there are existing problems with Cisco Road. She said the water pressure problems still exist. She said the City needs to take some action to correct these problems if building is to continue in Haw Creek.

Scott McIntire, architect for the project, spoke in

support of approval for the project. He said certainly a sewer line would be more acceptable than a septic tank.

After discussion, Vice-Mayor Michalove moved to

continue the public hearing until September 12, 1989, without further advertisement, in order that the basic problems can be addressed before approval of the project and members of Council can make sure the City is not imposing any more problems on the residents in the area. This motion was seconded by Councilman Frank and carried unanimously.

**B. Ordinance No. 1788 - Public hearing relative to the**

**adoption of an ordinance directing the Director of Inspections to proceed with the demolition and removal of the dwelling known as 66 Elizabeth Place.**

Mayor Bissette said this ordinance, upon final

adoption, will instruct the Director of Inspections to proceed with the demolition and removal of the dwelling known as 66 Elizabeth Place. He said Resolution No. 89-105 was adopted on August 8, 1989,

calling for this public hearing.

Mayor Bissette opened the public hearing at 5:01

P.M.

The City Clerk presented the notice to the public

and the affidavit of publication.

The City Attorney said statutory procedures were followed in

order to proceed with the demolition and removal of the dwelling known as 66 Elizabeth Place.

Mayor Bissette closed the public hearing at 5:04 P.M.

Mayor Bissette said copies of this ordinance was previously

distributed to members of Council and would not be read in its entirety unless there was a specific request to do so.

Councilman Martin moved to approve Ordinance No. 1788. This

motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1788 passed on

first reading.

Councilman Price moved to suspend the rules and

proceed to the second reading of Ordinance No. 1788. This motion was seconded by Councilman Martin and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1788

passed on second reading.

Councilman Price moved to suspend the rules and

proceed to the third reading of Ordinance No. 1788. This motion was seconded by Councilman Martin and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1788

passed on third and final reading.

### **Ordinance Book 11 - Page 481**

#### **C. Public hearing and adoption of resolution relative to closing a portion of Westwood Place.**

Mayor Bissette said George W. Morosani, owner of Lots

134 and 135 of Ward 6, Sheet 2 of the Buncombe County Tax Maps, has filed a written petition and request to close a portion of Westwood Place. He said this portion of Westwood Place is totally surrounded by property owned by Mr. Morosani. A resolution of intent calling

for a public hearing was adopted on August 1, 1989.

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

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

Tom Elmore, with the Planning Department, said the

closing of a this portion of Westwood Place is in connection with a site plan now under consideration by the Planning and Zoning Commission. He said the developer proposes to construct a mini-storage warehouse facility. He said the closing is needed for site access and in order to meet setback requirements.

David Matney, representing George W. Morosani, said

Westwood Place currently ends at a barricade. He said his client is requesting that a portion of the road be closed which would only move the barricade a short distance. He said no one would be deprived of ingress and egress to their property.

After considerable discussion, Councilman Price moved to

continue the public hearing until September 12, 1989 at which time a recommendation would be received from the Planning and Zoning Commission relative to the site plan for the mini-storage warehouse. She said perhaps the site plan could be approved with a contingency that a portion of Westwood Place be closed and that a proper turn-around would be provided. This motion was seconded by Councilman Bratton and carried on a voice vote of 6-1 with Councilman Martin voting "no".

#### **D. Ordinance No. 1789 - Public hearing and adoption of ordinance relative to rezoning property located at #1 St. Dunstan's Road.**

At the request of Mayor Bisette, Councilman Frank moved

to excuse Mayor Bisette from participation in the matter involving #1 St. Dunstan's Road due to his law firm representing the petitioner. This motion was seconded by Councilman Bratton and carried unanimously.

Vice-Mayor Michalove said the Asheville Planning and

Zoning Commission on August 2, 1989, reviewed and recommended approval of rezoning Ward 4, Sheet 13, Lot 8, from R-3 Residential District to OI Office-

Institutional District.

Mayor Bisette opened the public hearing at 5:43 p.m.

The City Clerk presented the notice to the public

and the affidavit of publication.

Carol Alberice, from the Planning Department, said

this property is bordered by Sterling Street and is used as a doctor's office. She reviewed the surrounding zoning and uses of the property and said the OI Office Institutional District zoning would expand the medical community. She said one area resident voiced opposition to the rezoning stating that the area is residential in character and changing the zoning would increase traffic in the area.

Vice-Mayor Michalove closed the public hearing at 5:45 p.m.

Vice-Mayor Michalove said copies of this ordinance was

previously distributed to members of Council and would not be read in its entirety unless there was a specific request to do so.

Councilman Bratton moved to approve Ordinance No. 1789.

This motion was seconded by Councilman York.

On a roll call vote of 7-0, Ordinance No. 1789 passed on first reading.

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

#### **A. Continuation of a public hearing relative to the site plan for Staff Housing at Grove Park Inn.**

Mayor Bisette said the Asheville Planning and Zoning

Commission on July 5, 1989, reviewed and recommended approval of the site plan subject to several contingencies. He said this public hearing was continued from the August 8, 1989 meeting.

Tom Elmore of the Planning Department said on July 5,

1989, the Asheville Planning and Zoning Commission reviewed and recommended approval of the site plan of the proposed staff housing at Grove Park Inn subject to

the following contingencies:

1) Approval of erosion control plan by the Planning

Department prior to soil disturbance;

2) Approval by Planning Director of on-site

lighting; and

3) Approval by Planning Director of on-site noise

generating mechanical units.

Mr. Elmore said the project would consist of a three

story 69 unit staff facility in close proximity to the existing structure. He said there had been extensive public comments relative to the project. He said concerns were expressed about traffic, glare from the parking lights, air conditioning noise, and erosion control.

Verl Emrick from the Planning Department, said he

had been working as a liaison for the City with Grove Park Inn and the residents in the area.

Mr. Emrick presented a letter, dated August 29,

1989, from Jack Westall, Attorney for Grove Park Inn, outlining the status of the items which have been a concern of the residents. A copy of the letter is made a part of these minutes.

Jack Westall, Attorney for Grove Park Inn, said he

felt the concerns of the residents and the approval of the project for the staff housing should be separate issues. He reiterated the status of the lighting, erosion control plan, and the cooling tower noise. He said there is an inevitable conflict between the commercial establishment and the residential area. He said Grove Park Inn is doing everything possible to alleviate these problems.

Max Haner, speaking on behalf of the Grove Park

Homeowners Association, said he disagreed with Mr. Westall on a number of issues. He said the residents feel these concerns should not be ignored and should be addressed before approval of their project. He said the level of confidence between the residents and Grove Park Inn has increased due to the establishment of the Liaison Committee and it was their hope that the communication would continue. He said they would also request that when the project is approved that stipulations be made that construction hours be between 8:00 a.m. and 8:00 p.m. with no Sunday construction; that construction traffic be limited with a specific route being established; that approval be contingent upon a formal agreement being reached with all problems addressed.

Teresa White, 11 Woodcrest Road, spoke relative to

construction debris being dumped and unsightly dumpsters being placed in the area. She also expressed concern about the air conditioning noise.

A resident of West Asheville whose mother lives in

the Grove Park Inn area said he felt the concessions expressed by Grove Park Inn are unacceptable. He said they should also give completion dates as to when these problems would be resolved.

Liddy Sidnick, resident of the Grove Park Inn area, said she felt Grove Park Inn is overdeveloped.

Roger Dameron, architect for the proposed project, gave a detailed report on the construction of the staff housing facility.

Lilly Miller, 82 Grovewood Road, said she was also concerned about the air conditioning noise.

Mayor Bissette closed the public hearing at 7:14 p.m.

Vice-Mayor Michalove suggested that action be postponed until the September 12, 1989 meeting in order to give legal consideration to the wording of the motion.

Vice-Mayor Michalove moved to continue the public hearing without further advertisement until September 12, 1989. This motion was seconded by

Councilman Price and carried unanimously.

#### **B. Ordinance No. 1780 - Third reading of an ordinance**

**amending the City Charter of the City of Asheville pursuant to North Carolina General Statute Sec. 160A-102 to provide for election of the Asheville City Council by the nonpartisan election and runoff election method as set forth in North Carolina General Statute Sec. 163-293.**

#### **C. Ordinance No. 1781 - Third reading of an ordinance**

**amending the City Charter of the City of Asheville pursuant to North Carolina General Statute Sec. 160A-102 to provide for election of members of City Council by district as authorized by North Carolina General Statute Section 160A-101(6)c.**

### **IV. NEW BUSINESS:**

#### **A. Resolution calling for a special election for the**

**purpose of submitting to a vote Ordinance No. \_\_\_\_\_ regarding amendment of the City Charter of the City of Asheville to provide for elections by the nonpartisan election and runoff election method.**

#### **B. Resolution calling for a special election for the**

**purpose of submitting to a vote Ordinance No. \_\_\_\_\_ regarding amendment of the City Charter of the City of Asheville to provide for election of members of City Council by district.**

Mayor Bissette said action on the above matters have

been postponed until September 5, 1989, giving members of Council an opportunity to review a proposal received from the committee who sponsored a petition for nonpartisan elections and district representation.

Rendall Davis, White Pine Drive, spoke relative to

nonpartisan elections and district representation and Council's reaction to same.

Roy Harrison of 59 Bartlett Street spoke to members of

Council relative to Council's action/nonaction on various issues.

**C. Ordinance No. 1790 - Ordinance amending Sections 28-**

**81.2, 28-81.3, and 28-81.4 of Article IV, Speed Regulations, of Chapter 28 of the Code of Ordinances of the City of Asheville - Speed Limit changes in the**

**Beverly Hills area, as well as on Macon Avenue.**

Mayor Bissette said City staff has conducted a

traffic/speed investigation which revealed that speed limit reductions are warranted on certain streets. These streets, along with the recommended speed limits, are as follows:

Beverly Road - 20 MPH

Governor's View Road - 25 MPH

Fairway Drive - 25 MPH

Gladstone Road - 25 MPH

Kensington Drive - 20 MPH

Macon Avenue - 25 MPH

A representative of the Beverly Hills Homeowners

Association spoke in favor of the speed limit changes.

Mayor Bissette said this ordinance was previously

distributed to members of Council and 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. 1790. This motion was seconded by Councilman Martin.

On a roll call vote of 7-0, Ordinance No. 1790 passed on first reading.

Vice-Mayor Michalove moved to suspend the rules and proceed to the second reading of Ordinance No. 1790. This motion was seconded by Councilman Bratton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1790

passed on second reading.

**D. Resolution No. 89-133 - Resolution relative to map of consideration for annexation.**

Mayor Bissette said the map of the City identifying

areas under consideration for annexation expired on June 2, 1989, pursuant to N. C. Gen. Stat. 160A-49(i). Readoption of the map is necessary in order for the City to set an effective date for annexation earlier than one year from the passage of an annexation ordinance if desired.

Patty Tallerday, from the Planning Department, presented

the map outlining the areas to be considered for

annexation.

Mayor Bisette said copies of this resolution was

previously distributed to members of Council and would not be read in its entirety unless there was a

specific request to do so.

Upon motion of Vice-Mayor Michalove, seconded by Councilman Martin, Resolution No. 89-134 was unanimously adopted.

**Resolution Book No. 17, Page 489**

**V. CONSENT:**

**VI. OTHER BUSINESS:**

**A. Claims - John Collins (Streets), John Shook (Water),**

**Howard Lee (Water), James Webb (Sewer) and John Kledis**

**(Sewer)**

The City Manager presented claims received from John

Collins, John Shook, Howard Lee, James Webb and John Kledis.

**VII. ADJOURNMENT**

Mayor Bisette adjourned the meeting at 8:00 p.m.

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**MAYOR CITY CLERK**

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