

Tuesday - August 14, 1990 - 4:00 P.M.

Regular Meeting

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

William G. Moore; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Eugene W. Ellison and William W. Estes; 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 Moore.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes

of the August 7, 1990 meeting as submitted.

I. PROCLAMATIONS:

II. PUBLIC HEARINGS:

V. NEW BUSINESS:

A. 2010 Asheville City Plan - Bi-Annual Report

Mike Moser, Chairman of the Planning and Zoning Commission,

presented the Monitoring Report of the 2010 Plan which included the accomplishments of the 2010 Plan. He said this report covers the period from January - June, 1990.

He said in the past these reports have expressly outlined

the accomplishments. He said the Plan has had many accomplishments over the past six (6) months, however he

wanted to emphasize the importance of completing many of the projects in the plan that have seemed to lag behind. He specifically mentioned the Downtown Design Review, the Sign Ordinance, Annexations, Unified Development Plan, Water Source, Formulated Industrial Parks, Commercial Hubs, Economic Development Partnership and the Airport Clean Up Project.

A copy of the Monitoring Report of the 2010 Plan for January

- June, 1990 is on file in the Office of the City Clerk.

After discussion, it was decided that a joint letter from

the Mayor and the Chairman of the Planning and Zoning Commission would be sent to the various agencies and departments expressing the importance of completing some of

these projects.

III. OLD BUSINESS:**A. Continuation of a public hearing relative to the closing of****Academy and Center Street at their intersection with****Hendersonville Road.**

Mayor Michalove said the N. C. Department of Transportation's designs for improvements to Hendersonville Road would result in excessive grades and additional right-of-way to connect Academy Street and Center Street to the new roadway. Closing these streets, where they intersect with Hendersonville Road, will eliminate the excessive grades and the need for additional right-of-way acquisition, but will still provide access to Hendersonville Road via Yorkshire and Fairview Streets. This public hearing was held on July 17, 1990 and after discussion was continued until August 14, 1990 to obtain additional information.

Mayor Michalove said members of Council toured the Hendersonville Road Widening Project area.

Charles Penny, Assistant City Manager, said the City staff recommends the closing of Academy and Center, as requested by the North Carolina Department of Transportation. Failure to close the two streets will result in excessive street grades, and in order to meet the City's 12 percent grade requirement, the state would have to purchase more properties on each street to construct the streets to our grade requirements. He said if the streets are closed, staff recommends that improvements be made on Reed Street from Yorkshire to West

Chapel. The improvements would include resurfacing Reed Street; realigning the intersection at Reed and Academy; improving the intersection at Yorkshire and Reed Streets; and providing maintenance to the drainage ditch on Reed Street. The City staff would also request that the state investigate the feasibility of installing a hammerhead turnaround on Center Street. He said the estimated cost to accomplish these recommendations is \$40,000.

Joe Buckner with the North Carolina Department of Transportation reviewed the plans for the intersection of Academy and Center Streets as it relates to the Hendersonville Road Widening Project. He answered general questions from members of Council. He said all streets intersecting with Hendersonville Road will be widened and paved.

A discussion was held relative to the storm drainage on Center and Reed Street.

Mr. Penny said traffic counts were taken at various locations and the City staff would recommend to the state that traffic signals be installed at Yorkshire Street and West Chapel Road. He said it was his understanding that the state would consider these signals on completion of the project and if the area warrants traffic signals.

Attorney Robert Dungan, representing the owners of the Christmas Shop on Hendersonville Road at Center Street, requested that the plans for the closing of the intersection be changed to allow his client access into his business.

Mayor Michalove closed the public hearing at 6:45 p.m.

After further discussion it was decided that action on the resolution would be postponed until August 28, 1990 giving the City Manager an opportunity to look into Attorney Dungan's request and to meet with the NCDOT to see if the request is feasible. During the interim, language could be incorporated in the resolution to reflect Council's intent to allow the NCDOT to dead end Academy and Center Street, providing for a cul-de-sac at the end of the streets; and to permit a driveway into the Christmas Shop.

It was recommended that the state be requested to install traffic signals at West Chapel Road.

Widening of Hendersonville Road Project

Mayor Michalove reported that members of Council toured the site and construction markers for the Hendersonville Road Widening Project.

Charles Penny, Assistant City Manager, reported that there are no plans to go behind the Fire Station to provide parking. He said extra parking would be provided on the south side of the building. He said the project would create very minimal changes at the Fire Station.

Mayor Michalove outlined a letter from Gene Edmonds, Division Engineer with the North Carolina Department of Transportation, answering general questions regarding the project. He noted that the letter stated that a request to allow parking on project on Sunday from 10:00 a.m. to 1:00 p.m. at Biltmore Baptist Church is not recommended; no property has been purchased; the funding ratio for the project is 75% federal and 25% state; due to environmental impact, switching from federal to non-federal funding of the project would not be allowed; historic area still has to be preserved no matter if federal or non-federal funds are used; Utilities- Carolina Power and Light Company will be reimbursed approximately \$125,500, Southern Bell will be reimbursed approximately \$271,000, no reimbursement for Cable TV and Public Gas, water and sewer by contract to be reimbursed 100% by the City of Asheville.

Mayor Michalove said at the request of Polly Hickling the City Staff contacted a representative of Don Klema's office, Director of the Eastern Office of the Advisory Council on Historic Preservation in Washington, D.C. to determine if the Council could change or alter the boundaries of an historic district as it has been determined eligible for the National Register thus allowing the state to take property on the Biltmore Forest side of Hendersonville Road for the widening.

Kent Newell, Director of Historic Resources, said the Advisory Council has the responsibility to review and comment on all federally funded projects that impact on historic resources. The Advisory Council provides interagency mediation for the mitigation adverse impacts on historic resources. He said the Advisory Council could evaluate on the DOT and FHWA project as to its impact on the National Register Eligible Biltmore Forest Historic District; however, the Council does not have the authority to change or alter the boundaries of a historic district.

Mayor Michalove said he had also be in contact with the Mayor of Biltmore Forest regarding this matter. He said the Mayor of Biltmore Forest said to date they had not received a formal request to rezone the Biltmore Forest side of Hendersonville Road to commercial. He said the Mayor further noted that one Council could not bind another Council on issues. He said the Mayor also responded that proceeding with an official historic designation for Biltmore Forest was not an expense they had budgeted for.

Mayor Michalove commented that the Hendersonville Road Widening Project has been in the making for twenty (20) years and is really needed. He said if NCDOT is requested to change the plans the project could be delayed even further. He said he would recommend that the project proceed.

Polly Hickling and Tommy Koontz thanked the Mayor and members of Council for their time and effort on the project and said it was up to the neighborhood as to what direction to take

regarding the project.

V. NEW BUSINESS CONTINUED

B. Bids for Motor Vehicles for Police Department.

The City Manager submitted a recommendation to award to

low bidder, Matthews Ford, Inc., Asheville, North Carolina, in the amount of \$179,387.00 for the purchase of thirteen (13) each 1991 Ford Crown Victoria, police cruisers.

Councilman Ellison moved to accept the recommendation

to award the bid for the thirteen (13) police cruisers to Matthews Ford, Inc. This motion was seconded by Vice-Mayor Moore and carried unanimously.

A complete bid summary is on file in the Office of the

City Clerk.

C. Resolution No. 90-111 - Resolution making certain

findings and authorizing the signing of documents related to the installment purchase acquisition of the City's Radio Communication System.

The City Manager said Council has previously approved

the funding of the City's new radio communication system via an installment purchase contract with First Wachovia Leasing Corporation. This resolution acknowledges the approval of the North Carolina Local Government Commission of this arrangement and authorized the signing of the documents.

Mayor Michalove said members of Council were previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Estes, seconded by Councilman Frank, Resolution No. 90-111 was unanimously adopted.

Resolution Book No. 18 - Page 190-191

D. Resolution No. 90-112 - Resolution authorizing the

Mayor to execute a non-warranty deed relinquishing the City's easement on the site of the former Peach Knob Reservoir.

The City Manager said the City of Asheville has a

waterline and reservoir easement upon property owned by Lawrence B. Farr and wife, Michelle Rippon. The reservoir site is the former location of the Peach Knob Reservoir, which is no longer in use. The owners of the property have requested that the City relinquish its easement in the reservoir site, while retaining the 10-foot waterline easement that crosses their property. This resolution will authorize the Mayor to execute a deed to accomplish this purpose. Neither the City nor the Asheville-Buncombe Water Authority has any further need for the easement.

Mayor Michalove said members of Council were previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Estes, seconded by Councilman Frank, Resolution No. 90-112 was unanimously adopted.

Resolution Book No. 18 - Page 192

E. Report of Sign Revision Committee.

Vice-Mayor Moore, Chairman of the Sign Ordinance

Revision Committee said the committee met on August 13, 1990 to discuss six (6) items concerning the Sign Ordinance. He said several items could not be resolved pending legal language needed regarding banners and further discussion of technical corrections. He said the committee will meet again on August 15, 1990 and a final report will be given at next week's Council meeting.

He said it is anticipated that a public hearing will be

scheduled to readopt the Sign Ordinance with several amendments in order to allow individuals additional time to determine if they want to contest the Sign Ordinance regulations. He said the last day the current Sign Ordinance can be contested is

September 4, 1990.

After discussion, Vice-Mayor Moore moved to schedule a

public hearing for August 28, 1990 to consider amendments to the Sign Ordinance. This motion was seconded by Councilman Ellison and carried unanimously.

V. CONSENT:

A. Sale of Disposal Parcel 180 in the East Riverside Urban

Renewal Project.

SUMMARY: The Housing Authority has tentatively

accepted a bid from Jennifer Scoville for Disposal Parcel 180 in the East Riverside Urban Renewal Project in the amount of \$1,000. The Redeveloper is the owner of the adjoining property and plans to use the subject property in connection with that property. Ms. Scoville's adjoining property is the site of the Asheville Montessori

School.

B. Resolution No. 90-113 - Resolution appointing members

to the Asheville Tree/Greenway Commission.

SUMMARY: The terms of office of Alison Arnold, Robert

Hope, Sandra Byrd, and Rebecca Norris as members of the Asheville Tree/Greenway

Commission expired on August 1, 1990. This resolution will reappoint Alison Arnold, Sandra Byrd and Rebecca Norris and appoint Arthur Allen as members of the Asheville Tree/Greenway Commission, terms expiring August 1, 1993, or until their successors are duly appointed and qualified.

Resolution Book No. 18 - Page 193

C. Resolution No. 90-114 - Resolution appointing members

to the Asheville-Buncombe Historic Resources

Commission.

SUMMARY: The terms of Raymond Spells, Jr. and Shirley

A. McCullough as members of the Asheville-Buncombe Historic Resources Commission expired on July 1, 1990; This resolution will reappoint Raymond Spells and appoint Carleton R. Collins as members of the Historic Resources Commission to serve three (3) year terms, terms expiring July 1, 1993 or until their successors are duly appointed and qualified.

Resolution Book No. 18 - Page 194

**D. Resolution No. 90-115 - Resolution appointing members
to the Recreation Board.**

SUMMARY: The terms of office of Charles Bullman, Larry

Kimel, and Sherman Williams as members of the Recreation Board expired on June 30, 1990. This resolution will reappoint Charles Bullman as a member and appoint Betty S. Donoho as a member, terms expiring June 30, 1993, or until their successors are duly appointed and qualified.

Resolution Book No. 18 - Page 195

Upon motion of Councilman Frank, seconded by Councilman Ellison, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

Council Meeting - September 4, 1990 - Cancelled

Mayor Michalove announced that the regular meeting scheduled for September 4, 1990 will be cancelled due to the Labor Day Holidays.

Councilman Frank - Report - Minority Business Committee

Councilman Frank reported that the recently established

Minority Business Committee met on August 2, 1990. She said it is anticipated that the Minority Business Coordinator should be on board by early September. She said several members of the Committee requested permission to sit in on the interview process for the Coordinator.

Group development action by the Planning and Zoning Commission

Gerald Green, Senior Planner with the Planning Department, 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. The action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. The following actions were taken by the Planning and Zoning Commission at their meeting on August 8, 1990:

1. Wind in the Oaks, Tracts II and III

Mr. Gerald Green, Senior Planner in the Planning Department,

said Wind in the Oaks received initial approval for construction of 48 units at the project site, located off Windswept Drive, in 1984. The project ran into several problems and construction ceased after construction of 22 of the 48 approved units. Duvall Investment Group has purchased the project and is proposing the construction of

26 units, for a total of 48 units.

Development of the site is now regulated by the Hillside Development Ordinance due to the elevation and slope of the site. The developers were granted a variance by the Board of Adjustment to permit the construction of 26 units. Justification for the variance was that the new units would be located on areas already graded and very little additional grading would be required to construct the new units. Developers are proposing as a part of the project the construction of a loop road which would connect the two parking/drive areas. The loop road would be constructed partially on property owned by the City of Asheville and a

right-of-way agreement will be required for the construction of this road. Construction of the connector road was endorsed by the Fire Department and the Public Works

Department.

After reviewing the site plans for the project and hearing the comments of the staff and the developer's attorney, the Asheville Planning and Zoning Commission voted to approve

the project with one contingency:

1. Approval by the City of Asheville of an access

agreement to permit the construction of the connector road between the two parking/drive areas.

City Council accepted the recommendation of the Planning and

Zoning Commission by taking no action.

2. Lakeview Mobile Home Park Extension

Gerald Green, Senior Planner in the Planning Department, said

Mr. Lawrence Elbaum, owner, is proposing the addition of 11 mobile home spaces to the Lakeview Mobile Home Park. The area for which the expansion is proposed is less than one acre. Density of the proposed expansion is 12 homes per acre. In order to develop the mobile home park expansion as proposed, six variances from the standards for mobile home park expansion set forth in the City's Zoning Ordinance would be required. Variances from the standards for density,

setbacks, and lot size would be required.

After reviewing the site plan and hearing the comments of staff and the project engineer, the Asheville Planning and Zoning Commission voted to recommend denial. The density and crowding of the development were the major concerns of the

Commission.

Councilman Ellison moved to schedule a public hearing on the Lakeview Mobile Home Park Extension for August 28, 1990 in order to give the developer an opportunity to present his plans to the City Council. This motion died for the lack of a second.

City Council accepted the recommendation of the Planning and

Zoning Commission by taking no action.

George Morosani - Council of Independent Business Owners - Request for Budget Information

George Morosani, Chairman of the Budget Committee for the

Council of Independent Business Owners, said during the budget process they had requested information on contracts entered into by the City for outside consultants for the past three to five years. He said it was his understanding

that this information would be furnished to them.

The City Manager said there is not a separate line item in

the budget to show outside consultants. He said this information is in respective departmental budgets and it would take a tremendous amount of time to search for this

information.

After discussion, Mayor Michalove said if the Budget

Committee would like he and the City Manager would meet with them to discuss the process used in obtaining the services of outside consultants. He also said the Budget Committee members could also review the minutes of the Council meetings for the past three to five years to obtain this

information.

VII. ADJOURNMENT

Mayor Michalove adjourned the meeting at 7:05 p.m.

MAYOR CITY CLERK
