18, 1985 o44-o81 4:00 p.m.oBBo65o44??Regular Meetingo65o44??o45o44 o1408Present: Mayor Louis Bissette, Presiding; Viceo44-o81Mayor Mary Lloyd?Frank; Councilmen Norma T. Price, Walter Boland, George Tisdale and Kenneth?Michalove; Corporation Counsel William F. Slawter; Acting City Manager?William F. Wolcott, Jr., Deputy City Clerk Carol Hensleyo65044??045044 01408Absent: Councilman Wilhelmina Brattono65044?? oE2oE3oE3INVOCATIONoE0oE1o65o44??o45o44 o1408The invocation was given by oFBCouncilman Walter Boland.o65o44??oE2oE3oE3APPROVAL OF THE MINUTES o44-o81 FEBRUARY 11, 1986 MEETINGoE0oE1o65o44??o45o44 o14081. Consideration was given to the approval of the minutes of the?February 11, 1986 meeting.o65o44??o45o44 o1408Mayor Bissette announced the approval of the minutes as submitted?with the correction of a typographical error.o65o44??oE3oE3oE2PROCLAMATION o44-o80 FEBRUARY 16o44-o8122, 1986 o44-o81 "GEORGE WASHINGTON WEEK" o65o44??o45o44 o1408oE0oE12. Mayor Bissette read a proclamation proclaiming February 16044-08122,?1986 as "George Washington Week." o65044?? oE3oE3oE2PROCLAMATION o44-o81 FEBRUARY 18, 1986 o44-o81 "SAVE THE MOUNTAINS DAY" oE0oE1o65o44??o45o44 o14082a. Mayor Bissette read a proclamation proclaiming February 18,?1986 as "Save the Mountains Day" in connection with the Department of?Energy's proposal to locate a nuclear waste storage site in Western North?Carolina.o65o44??o45o44 o1408Mayor Bissette presented the proclamation to Dr. James Laird.o65o44??oE2PUBLIC HEARING o44-o81 PROPOSALS FOR THE TRANSPORTATION OF WHEELCHAIRED?0E30E30E20E2INDIVIDUALS AND SEMI044-081AMBULATORY PERSONS BY PRIVATE AGENCY oE0oE1o65o44??o45o44 o14083. A public hearing was held to consider proposals for the?transportation of wheelo44-o81chaired individuals and semio44-o81ambulatory persons by a?private agency.o65o44??o45o44 o1408Mayor Bissette said the City of Asheville receives UMTA?transportation funds. Federal regulations provide that a portion of these?funds be used for the transportation of wheelo44-o81chaired and semio44-o81ambulatory?persons. UMTA regulations require that a public hearing be held relative to?proposals received for providing this service. He said the contract funds?will be drawn from UMTA funds received through operating assistance. The?amount will be 3044-0811/2% of the operating funds for each fiscal year.065044??045044 01408Mayor Bissette opened the public hearing at 4:10 p.m.o65o44??o45o44 o1408The Deputy City Clerk presented the notice to the public setting?o44Lthe time and date for the public hearing and the

affidavit of publication.o65044??045044 01408Carl Owenby, with the Asheville Transit Authority, said the Federal? Government allows 3.5 percent of Urban Mass Transportation Act funds to be?used for transporation of wheelo44o81chaired individuals and semio44-o81ambulatory?persons. He said one proposal had been received from the American Red Cross?to furnish this service on an annual basis. He said since only one proposal?had been received, a contract would be drawn up and brought back to Council? for their consideration at a later date.o65044??045044 o1408Barry Master, Attorney for the Pisgah Legal Services, read the?following prepared statemento9B:o65o44?? oC5o44 o1408oBDo1403oE2REMARKS TO ASHEVILLE CITY COUNCIL ON TRANSPORTATION PROPOSAL?o1409oBDo1416FROM AMERICAN RED CROSS?o1409?o1409oE0oBDo1419February 18, 1986? o1409?o1409My name is Barry Master. I am an attorney and am the executive?o1409director of Pisgah Legal Services. I wish to speak in favor of the?o1409proposal from the American Red Cross.o65o44?o1409?o1409Pisgah Legal Services has been retained by an elderly,?o1409semio44-o81ambulatory resident of the City of Asheville to protect her?o1409legal rights to have access to public transportation. She is?o1409unable to use the City bus system due to the high steps at the bus?01409entrance. We have put her in touch with the American Red Cross,?01409and they have provided her with transportation to medical?01409appointments. There have been times, however, when she has called?o1409the Red Cross one to one and a half weeks in advance of her medical?o1409appointment, only to find that the Red Cross is booked and she?o1409cannot get a ride to her appointment. There is no other agency in? o1409town that we or the Red Cross have been able to refer her to, on?o1409these occasions, which would be able to

get her to her medical?01409appointments.o65044?01409?01409If the Red Cross had the additional funding that this proposal?01409would provide, they would be able to purchase additional vehicles?01409which could provide transportation to medical appointments for my?01409client and at least 1,700 others who have been provided? 01409transportation in Asheville in the past year from the Red Cross.o65044?01409?01409Under the law, the City of Asheville, as a recipient of funds from?01409the federal government under the Urban Mass Transportation Act, has? 01409a legal obligation towards my client and other handicapped and?01409semio44-o81ambulatory persons who are similarly situated. Her?01409transportation is the City's responsibility. It is Federal law?01409that elderly and handicapped persons have the same right as?01409everyone else to utilize mass transportation facilities and? 01409services. The law requires that special efforts be made in the?01409planning and design of mass transportation facilities and services?01409so that the availability to elderly and handicapped persons, of?01409mass transportation which they can effectively utilize, will be?01409assured.o65044?01409?01409Furthermore, it is federal law that no otherwise qualified?01409handicapped individual shall, solely by reason of his or her?044L01409handicap, be excluded from the participation in, be denied the?01409benefits of, or be

subjected to discrimination under any program or?o1409activity receiving federal financial assistance. The courts have?o1409repeatedly held that this law requires, at the very least, "modest,?o1409affirmative steps" to accommodate the handicapped in public?o1409transportation. The regulations refer to the term "special?o1409efforts," and indicate that one way to meet those special efforts?01409is to provide a oE3minimumoE1 of 3.5% of the federal financial assistance?o1409under UMTA to a program for wheelchair users and semio44-o81ambulatory?o1409handicapped persons.o65044?01409?01409In my opinion, the funding that will be provided in this proposal?01409is overdue, but it is certainly better for it to arrive late 044-081044-081?01409than never 044-081044-081 for my client and others similarly situated. As this?o1409funding is overdue, I request that you give consideration to?o1409providing additional funding for this program, and that there be?o1409expenditures above and beyond the 3.5% that would include?o1409advertising, publicity and outreach for persons, like my client,?o1409who may have given up hope that they could find access to?01409transportation within the City of Asheville.065044?01409?01409I would remind the City Council that the 3.5% figure is described?o1409as a "minimum," and I would urge that the City seek to reach more?o1409persons with this proposal than are already in touch with either?o1409the American Red Cross or Pisgah Legal Services.o65o44?o1409?o1409Thank you.oF5o44??o45o44 o1408Mayor Bissette closed the public hearing at 4:16 p.m.o65o44??oE3oE3oE2PUBLIC HEARING o44-o81 REZONING PROPERTY LOCATED ON NEW LEICESTER HIGHWAY 0E00E1065044??0E2ORDINANCE NO. 1572 044-081 AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN?ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED 044-080?0E30E3PROPERTY LOCATED ON LEICESTER HIGHWAY (MR. WAYNE HAWKINS PETITION) oE0oE1o65o44??o45o44 o14084. A public hearing was held relative to rezoning property located?on New Leicester Highway.o65044??045044 01408Mayor Bissette said the Asheville Planning and Zoning Commission at?a meeting held January 8, 1986, considered the petition of Mr. Wayne Hawkins?that portions of Lots 35 and 41, Sheet 36, Ward 12, and Lot 323, Sheet 20,?Ward 6, be rezoned from Ro44-o813 Residential District to CS Commercial Service? District. The property is located on the New Leicester Highway. After? review and discussion, the Commission voted to recommend to City Council?that Lot 323, Sheet 20, Ward 5, be rezoned from Ro44-o813 Residential District to?CS Commercial Service District. Staff advised the Commission that Lots 35? and 41, Sheet 36, Ward 12 were already zoned Commercial Service in their?entirety.o65044??o45044 o1408Mayor Bissette opened the public hearing at 4:17 p.m.o65o44??o45o44 o1408The Deputy City Clerk presented the notice to the public setting? the time and date for the public hearing and the affidavit of publication. o65044?? 045044 01408 Verl Emrick, Director of Planning, said the Planning and Zoning?Commission had reviewed the requested rezoning and recommended approval. He?o44Lsaid this property ties in with property already zoned Commercial

Service. ?He said adjacent property owners had been notified of the requested rezoning?and no one had opposed the rezoning. He said the proposed use of the?property would be for a mini warehouse project.o65o44??o45o44 o1408Kenneth Pankow, with Pankow Engineering Company, said he represents?Public Storage, Inc. who has a contract on the property at the present time, ?and spoke in favor of the rezoning.o65o44??o45o44 o1408Mayor Bissette closed the public hearing at 4:20 p.m.o65o44??o45o44 o1408Mayor Bissette said members of Council were previously furnished?copies of the ordinance and it would not be read in its entirety unless?there was a specific request to do so.o65o44??o45o44 o1408Councilman Boland moved for the adoption of Ordinance No. 1572. ?The motion was seconded by Councilman Tisdale.o65o44??o45o44 o1408On a roll call vote of 6o44-o810, Ordinance No. 1572 passed on oFBfirst?reading.o65o44??oE2PUBLIC HEARING o44-o81 SITE PLAN OF CROWNPOINTE

MOBILE HOME PARK 044-081 NORTH LOUISIANA?0E30E3AVENUE 0E00E1065044??045044 014085. A public hearing was held relative to a site plan of?Crownpointe Mobile Home Park, to be located on North Louisiana Avenue.o65044??045044 01408Mayor Bissette said the Asheville Planning and Zoning Commission at?a meeting held January 8, 1986, reviewed the site plan of Crownpointe Mobile? Home Park to be located on North Louisiana Avenue. The site plan was?prepared by Ray Anders, R.L.S., for Mr. Allen Moss, Developer, and submitted?in accordance with the Group Development Section of the Asheville Zoning?Ordinance. After review and discussion, the Commission voted to recommend?approval of the site plan to City Council subject to: 1) deletion of Lot #1?and provision of appropriate landscaping; 2) deletion of Lot #30 and?redesign of Lot #31; 3) that a planted buffer and a solid barrier of chain?link fence 6' high and slatted be provided on the western boundary as shown?at the entrance and lot lines on Lots #30 and #31; 4) redrawing of the plat?to include the "common area" and access from this mobile home park prior to?going to City Council; and 5) compliance with Erosion Control Ordinance.o65o44??o45o44 o1408Mayor Bissette opened the public hearing at 4:22 p.m.o65o44??o45o44 o1408The Deputy City Clerk presented the notice to the public setting?the time and date for the public hearing and the affidavit of publication.o65044??045044 01408Verl Emrick, Director of Planning, said the Planning and Zoning?Commission had reviewed the site plan and had recommended approval subject?to several conditions which have been met. He said the project complied?with all requirements of the Zoning Ordinance and is being constructed at?density level requirements for a mobile home park.o65o44??o45o44 o1408Upon inquiry of Councilman Price, Mr. Emrick said the project, even?though outside the City limits, had been reviewed in its entirety by the? Fire Marshall. 065044?? 045044 o1408Mr. Emrick said, in the near future, it would be necessary to amend?o44Lthe Zoning Ordinance relative to mobile home parks to provide for larger lot?sizes and design of pads for mobile homes since they are constructing larger?mobile homes. He said this would also decrease the density ratio per acre.o65044??045044 01408Mayor Bissette closed the public hearing

at 4:27 p.m. o65o44??o45o44 o1408Councilman Price moved to approve the site plan of the Crownpointe?Mobile Home Park to be located on North Louisiana Avenue, subject to the?conditions outlined by the Planning and Zoning Commission. This motion was?seconded by Councilman Michalove and carried unanimously.o65o44??oE2PUBLIC HEARING 044-081 SITE PLAN OF PROPOSED BARNARD GROVE APARTMENTS TO BE?0E30E3LOCATED ON BARNARD AVENUE oE0oE1o65o44??o45o44 o14086. A public hearing was held relative to a site plan of the? proposed Barnard Grove Apartments to be located on Barnard Avenue.065044??045044 01408Mayor Bissette said the Asheville Planning and Zoning Commission at? a meeting held January 8, 1986, reviewed the site plan of the proposed?Barnard Grove Apartments to be located on Barnard Avenue. The site plan was?prepared by James Samsel, Architect, for Mr. Kerry Kindsey, Developer, and?submitted in accordance with the Group Development Section of the Asheville? Zoning Ordinance. After review and discussion, the Commission voted to? recommend approval of the site plan to City Council subject to: 1)?documentation of access into the site; and 2) compliance with the Erosion? Control Ordinance. The Commission further recommended that parking on one?side only on Fenner Avenue be instituted as soon as possible.o65044??045044 o1408Mayor Bissette opened the public hearing at 4:29 p.m.o65044?? o45o44 o1408The Deputy City Clerk presented the notice to the public setting?the time and date for the public hearing and the affidavit of publication.065044??045044 01408Verl Emrick, Director of Planning, said the project would be in the?vicinity of UNCA, and was reviewed by the Planning and Zoning Commission at?it meeting held on January 8, 1986, and received a recommendation for?approval, subject to documentation of access into the site and compliance? with the Erosion Control Ordinance. He said Jack Westall, Attorney for the?developer, has delivered documentation that access would be available on?Barnard Avenue. He said plans had been submitted to the Engineering?Division for the erosion control plan. He said the project had been? approved by the Fire Marshall. He said the project would consist of 34?units and meets all requirements of the Zoning Ordinance.o65o44??o45o44 o1408He showed slides of the property in question. He said the? Commission had recommended that parking on one side only on Fenner Avenue be? instituted as soon as possible. He said the Traffic Engineer had reviewed?the site plan and the site visibility at the access point.o65044??045044 01408Jim Samsel, Architect for the project, said the units would be?rental units with 2 bedrooms.o65o44??o45o44 o1408Mrs. Grahams of Barnard Avenue spoke relative to the project,?stating that she was concerned about erosion control that is currently an? existing problem on Barnard Avenue, and the serious washo44o81off problems this?project may cause. She said the project, as proposed, would cover most of?the land with buildings and parking, and not allow for drainage control.o65o44?o44L?o45o44 o1408Harold Garland, of 88 Fenner Avenue, spoke relative to the project, 065044? stating that the area currently has water problems with volume and pressure,?and this project would add an

additional burden to the water problem, the?current problems with traffic, and would create a hazard for the?

ACC MIN 2/18/86BAD

neighborhood. He said a project such as this should be done in an orderly?fashion.o65o44??o45o44 o1408Jim Samsel said he had received assurance from the Water Department?that the project, as proposed, would have sufficient water pressure. He?said provisions are being made to control the erosion problems that?currently exist and to control any storm drainage that this project would?cause. He said the existing house on the property would be converted into 3? apartments and a new building would contain 7 units.o65o44??o45o44 o1408Upon inquiry of Mayor Bissette, the Acting City Manager said if the?project was approved, he intended to implement parking on one side of Fenner? Avenue.o65o44??o45o44 o1408Mayor Bissette closed the public hearing at 5:00 p.m.o65o44??o45o44 o1408Viceo44o81Mayor Frank moved for the approval of the proposed Barnard?Grove Apartments to be located on Barnard Avenue, subject to the conditions?outlined by the Planning and Zoning Commission. This motion was seconded by? Councilman Price and carried unanimously.o65o44??oE3oE3oE2PUBLIC HEARING o44-o81 PROPOSED ASHEVILLE RETIREMENT CENTER 044-081 HENDERSONVILLE ROAD 0E00E1065044??045044 014087. A public hearing was held relative to the site plan of the?proposed Asheville Retirement Center to be located on Hendersonville Road.o65o44??o45o44 o1408Mayor Bissette said the Asheville Planning and Zoning Commission at?a meeting held January 8, 1986, reviewed the site plan of a proposed? Asheville Retirement Center to be located on Hendersonville Road. The plan?was prepared by Land Design, Inc., Charlotte, N. C., for Oxford Development? Corporation, Charlotte, N. C., Developer, and submitted in accordance with?the Group Development Section of the Asheville Zoning Ordinance. After?review and discussion, the Commission voted to recommend approval of the?site plan to City Council subject to the following: 1) that the site plan?be reviewed as a "Conditional Use" in the Ro44o813 Residential District by the?Board of Adjustment; 2) that the City Council grant a variance to permit?.82 parking spaces per unit as shown on the plans, but that the developer be?able to provide two spaces per unit if necessary; 3) that the nursing home?site be marked off as a future phase of the project; and 4) compliance with?the Erosion Control Ordinance.o65044??o45044 o1408Mayor Bissette opened the public hearing at 5:02 p.m.o65044??o45044 o1408The Deputy City Clerk presented the notice to the public setting?the time and date for the public hearing and the affidavit of publication.o65044??045044 01408Verl Emrick, Director of Planning, said the Planning and Zoning?Commission had reviewed the site plan and recommended approval, subject to?the conditions outlined by Mayor Bissette. He said, subsequently, the Board? of Adjustments had reviewed the project and approved the conditional use for? Oxford Development. He said the project would consist of 292 units in 3?phases.o65o44?o44L?o45o44 o1408He said one of the conditions of the Planning and Zoning Commission? is to permit .82 parking spaces per unit, however, there is enough room on?the property to allow for 2 spaces per unit if necessary. He said

water?would be provided for the complex from Sweeten Creek Road. However, a new?line in the area is contemplated for the future.o65044??045044 01408Larry Ford, Assistant Development Manager, for Oxford Development? Corporation spoke in support of the project stating that the complex would?consist of cottages, residential apartments, assisted living units, and a?nursing home. He said residents would be furnished meals, housekeeping,?laundry, transportation, and emergency medical care. He said he felt the?project would enhance Asheville as a retirement area. He said construction? is scheduled to start July 1. He said the complex would be used for? individuals 65 and over.o65044??045044 01408Mayor Bissette closed the public hearing at 5:19 p.m.o65044??045044 01408Councilman Tisdale moved for the approval of the site plan of the?proposed Asheville Retirement Center to be located on Hendersonville Road,?subject to the conditions outlined by the Planning and Zoning Commission. ?This motion was seconded by Councilman Boland and carried unanimously.o65o44??oE2ORDINANCE NO. 1570 o44-o81 AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN?ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED?0E30E3(HANDICAPPED OFF044-081STREET PARKING REQUIREMENTS) oE0oE1o65o44??o45o44 o14088. Consideration was given to the third reading of Ordinance No.?1570, an ordinance relative to amending the Zoning Ordinance to provide for?handicapped offo44o81street parking requirements.o65o44??o45o44 o1408Mayor Bissette said this wording amendment will provide a? requirement for handicapped offo44-o81street parking. This ordinance passed on?first reading on February 4, 1986, and on second reading on February 11,?1986.065044??045044 o1408Mayor Bissette said this ordinance was previously read on first and?second reading and would not be reread in its entirety unless there was a?specific request to do so.o65o44??o45o44 o1408Donna Cator, Chairperson for the Mayor's Employment of the?Handicapped Committee, extended appreciation to members of Council for the?adoption of this ordinance.o65o44??o45o44 o1408Mr. Lawrence spoke in support of the ordinance, stating that he?felt this particular ordinance would correct defects in a State law for?handicapped parking.o65o44??o45o44 o1408On a roll call vote of 6o44-o810, Ordinance No. 1570 passed on third and?final reading.o65o44??o45o44 o1408Complete text of Ordinance No. 1570 will be found in Ordinance Book?No. oE210oE0 at Page oE2364, 365,oE0 and oE2366oE0.o65o44??oE2RESOLUTION NO. 86044-08128 044-081 RESOLUTION APPROVING THE SALE AND CONVEYANCE OF?CERTAIN ADDITIONAL REAL PROPERTIES LOCATED IN THE PACK PLAZA REDEVELOPMENT?AREA BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO PACK PLAZA?044L0E30E3ASSOCIATES LIMITED PARTNERSHIP 0E00E1065044?? 9. Consideration was given to a resolution approving the sale and? conveyance of certain additional real properties located in the Pack Plaza?Redevelopment Area by the Housing Authority of the City of Asheville to Pack?Plaza Associates Limited Partnership.065044??045044 01408Mayor Bissette said the Housing Authority has acquired certain?properties pursuant to the implementation of the Redevelopment Plan for the?Pack Plaza Redevelopment Area. The Housing Authority held a

public hearing?on February 11, 1986, and made certain findings, all pursuant to Sections 2?and 4 of 1979 Session Laws Ch. 317, in order to convey certain parcels in?the Pack Plaza Redevelopment Area to a prospective developer. This?resolution will authorize the sale and conveyance of those properties of the?Pack Plaza Redevelopment Area under the terms and conditions set forth in? the resolution of the Housing Authority of the City of Asheville. 065044?? o45o44 o1408Verl Emrick, Director of Planning, said this would convey the final?two parcels to the Pack Plaza Associates, Ltd. Partnership.o65o44??o45o44 o1408Mayor Bissette said copies of the resolution were previously? furnished to members of Council and it would not be read in its entirety?unless there was a specific request to do so.o65o44??o45o44 o1408Upon motion of Viceo44-o81Mayor Frank, seconded by Councilman Boland,?Resolution No. 86044-08128 was unanimously adopted.065044??045044 01408Complete text of Resolution No. 86044-08128 will be found in Resolution?Book No. oE2oFB15oE0 at Page oE2oFB443oE0.o65o44??oE2RESOLUTION NO. 86044-08129 044-081 RESOLUTION APPROVING CAPITAL IMPROVEMENTS AT THE?0E30E3ASHEVILLE REGIONAL AIRPORT oE0oE1o65o44??o45o44 o140810. Consideration was given to a resolution approving capital? improvements at the Asheville Regional Airport.o65o44??o45o44 o1408Mayor Bissette said this resolution will approve the capital?improvements made at the Asheville Regional Airport by the Asheville?Regional Airport Authority since July 1, 1980, and approves the capital?improvements in respect to an addition to the vehicle storage building, with?a gasoline/diesel fuel station and with related site work at the Asheville?Regional Airport.o65044?? o45o44 o1408Mayor Bissette said members of Council were previously furnished?copies of the resolution and it would not be read in its entirety unless?there was a specific request to do so.o65o44??o45o44 o1408Upon motion of Councilman Michalove, seconded by Councilman Price,?Resolution No. 86044-08129 was unanimously adopted.o65o44??o45o44 o1408Complete text of Resolution No. 86o44-o8129 will be found in Resolution?Book No. oE215oE0 at Page oE2444oE0.o65o44??oE2RESOLUTION NO. 86o44-o8130 o44-o81 RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO?EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE AN AGREEMENT OF FINAL COMPROMISE?SETTLEMENT AND RELEASE REGARDING THE WORKERS' COMPENSATION CLAIM OF HUBERT?oE3oE3C. ROGERS oE0oE1o65o44?o44L?o45o44 o140811. Consideration was given to a resolution authorizing the? Interim City Manager to execute on behalf of the City of Asheville an?agreement of final compromise settlement and release regarding the Workers'?Compensation Claim of Hubert C. Rogers. o65044?? 045044 01408 Mayor Bissette said on or about September 16, 1982, Hubert C.? Rogers suffered an injury to his back by accident while working on a?transmission on a fire truck. The transmission began to fall and upon?catching it, Mr. Rogers suffered an injury to his low back. This resolution?will authorize the Interim City Manager to execute an agreement of final?compromise settlement and release for payment to the employee, Hubert C.?Rogers. He said final settlement would be \$8,550.00. This amount is?budgeted for FY 1985o44-o8186 in the

Fire Department Budget.o65o44??o45o44 o1408Mayor Bissette said members of Council were previously furnished? copies of the resolution and it would not be read in its entirety unless?there was a specific request to do so.o65o44?? o45o44 o1408Upon motion of Councilman Price, seconded by Councilman Tisdale,?Resolution No. 86o44-o8130 was unanimously adopted.o65o44??o45o44 o1408Complete text of Resolution No. 86o44-o8130 will be found in Resolution?Book No. oE215oE0 at Page oE2445oE0 and oE2446oE0.o65o44??oE3oE3oE2APPROVAL OF SIGN PERMIT o44-o81 29 MONTFORD AVENUE oE0oE1o65o44??o45o44 o140812. Consideration was given to a motion approving a sign permit?for an identification sign at 29 Montford Avenue.o65o44??o45o44 o1408Mayor Bissette said Frank S. Smith has requested a sign permit to?erect an identification sign at 29 Montford Avenue. This sign requires?approval of City Council pursuant to the Zoning Ordinance in that the sign?will be situated closer than 600' of a limited access highway.o65o44??o45o44 o1408The Acting City Manager said the sign had also been approved by the?Historic Resources Commission.o65o44??o45o44 o1408Councilman Michalove moved to approve the sign permit for an?identification sign at 29 Montford Avenue. This motion was seconded by?Councilman Tisdale

and carried unanimously.o65o44??oE3oE3oE2APPROVAL OF CONSENT AGENDA oE0oE1o65o44??o45o44 o140813. Consideration was given to a motion approving the Consent?Agenda.o65044??045044 o1408Mayor Bissette said the following items are of a routine nature and? they have been previously reviewed by the members of the City Council. ?Therefore, by unanimous vote to approve these items, the City Council may,?pursuant to the procedures established in Ordinance No. 1008, adopt all of?the items with one motion without the full reading and/or separate motion?adopting each individual item. Upon the request of a citizen, a member of?the City Council, and/or a member of the City staff, any single item?scheduled for approval on the consent agenda may be considered separately.065044? ? 005 005 005 005065044?044L0E2A.0C5044 014010E30E2Resolution No. 86044-08131065044?01404? o1404oE1oE0Resolution of intent to close all of North Street, Short Pine Street, ?o1404Higgins Place and an unnamed alley and portions of Mountain Street, ?o1404Clemmons Street, Lincoln Street, Latta Street, and Sassafras Street and? o1404scheduling a public hearing for March 25, 1986.o65o44?o1404?o1404oE2HIGHLIGHTS:oC5o44 o1403oE0A petition has been filed by the Housing Authority?01413requesting that the following streets and alley be? o1413permanently closed to public use: North Street, Short?o1413Pine Street, Higgins Place, Unnamed Alley, portion of?o1413Mountain Street, portion of Clemmons Street, portion of?o1413Lincoln Street, portion of Latta Street, and portions of?01413Sassafras. Permanent closing of these streets and alley?01413would not be detrimental to or contrary to the public?o1413interest or the property rights of any individual.o65o44?o1413?o1413oE2Resolution Book 15 044-081 Page 447 and 448.0E0065044?014130F5044?0E2B.0E00C5044 01401Motion to schedule a public hearing for a site plan of the proposed?o1404Forest Plaza (office Condominiums and retail

complex) to be located at?o1404932 Hendersonville Road for March 11, 1986.o65o44?o1404?

o1404oE2HIGHLIGHTSoE0:oC5o44 o1403The Asheville Planning and Zoning Commission at a meeting?o1413held December 11, 1985, reviewed the site plan of the?o1413proposed Forest Plaza (office condominiums and retail? o1413complex) to be located at 932 Hendersonville Road. The?o1413site plan was prepared by John Reid, Architect, for Mr.?o1413George Morosani, Developer, and submitted in accordance?o1413 with the Group Development Section of the Asheville?01413Zoning Ordinance. After review and discussion, the?01413Commission voted to recommend approval of the site plan?o1413to City Council subject to the following conditions: 1)?o1413approval of curb cut on Hendersonville Road from the?o1413North Carolina Department of Transportation; and 2)?o1413compliance with the Erosion Control Ordinance.oF5o44??o45o44 o1403Upon motion of Viceo44-o81Mayor Frank, seconded by Councilman Michalove, the? Consent Agenda was unanimously approved. o65044?? oE2CLAIMS 044-081 MARGARET SILVERMAN (SEWER) 044-081 TERESA ISRAEL (FIRE) 044-081 HAROLD? oE3oE3oE2oE2BLANKENSHIP (STREETS) oE0oE1o65o44??o45o44 o1403The Acting City Manager presented claims received from Margaret?Silverman, Teresa Israel and Harold Blankenship.065044??045044 01403Mayor Bissette referred the claims to the Corporation Counsel for?investigation and recommendation.o65044?? 0E2RESOLUTION NO. 86044-08132 044-081 RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO?AN AGREEMENT WITH TRAFFIC SYSTEMS INTERNATIONAL LIMITED TO CONDUCT A PARKING?0E30E3FEASIBILITY STUDY FOR THE CENTRAL BUSINESS DISTRICT 0E00E1065044??045044 o140314. Consideration was given to a resolution authorizing the City?Manager to enter into an agreement with Traffic Systems International?Limited to conduct a parking feasibility study for the Central Business?District.o65o44?o44L? o45o44 o1403Winn Powell, with the Audit and Budget Department, said this resolution?would authorize the City Manager to enter into an agreement for Traffic?Systems International Limited to conduct a parking feasibility study for the?Central Business District. He said the City needs a parking feasibility?study to assist in planning for future development and growth in the?downtown area. He said proposals were solicited for the study, and the firm?of Traffic Systems International Limited submitted a proposal to conduct the?study for a cost not to exceed \$20,940.00. He said the City staff has?reviewed the proposal and recommended the contract be awarded to Traffic?Systems International Limited.o65o44??o45o44 o1403Upon motion of Viceo44-o81Mayor Frank, seconded by Councilman Michalove,? Resolution No. 86044-08132 was unanimously adopted.065044??045044 01403Complete text of Resolution No. 86044-08132 will be found in Resolution Book?No. oE215 at Page oE2449oE0.o65o44??oE2ORDINANCE NO. 1573 044-081 BUDGET ORDINANCE AMENDMENT TO PROVIDE FUNDING FOR THE?0E30E3RANKIN STREET PARKING GARAGE oE0oE1o65o44??o45o44 o140315. Consideration was given to a budget ordinance amendment to provide?funding in the amount of \$400,000.00 for land acquisition for the Rankin?Street Parking Garage.o65o44?? o45o44 o1403Bob Wurst, Director of Audit and

Budget, said the funding for the land?acquisition for the Rankin Street Parking Garage would come from general? revenue sharing funds.o65044??o45044 o1403Councilman Price moved for the adoption of Ordinance No. 1573. The?

motion was seconded by Viceo44-o81Mayor Frank.o65o44??o45o44 o1403On a roll call vote of 6o44-o810, Ordinance No. 1573 passed on first and final?reading.o65o44??o45o44 o1403Complete text of Ordinance No. 1573 will be found in Ordinance Book No.?oE210oE0 at Page oE2370oE0.o65o44??oE3oE3oE2RALPH BISHOP o44-o81 LOTTERY SALES IN THE CITY OF ASHEVILLE oE0oE1o65o44??o45o44 o1403Ralph Bishop again spoke to members of Council relative to the lottery?sales in the City of Asheville.o65044??oE3oE3oE2PRESENTATION OF CORRESPONDENCE RELATIVE TO THE CARMELITE PROPERTY oE0oE1o65o44??o45o44 o1403Thomas R. Bell, Jr., Attorney representing the Beverly Hill Homeowners? Association, presented the following correspondence relative to the project?proposed for the Carmelite property in Beverly Hills:065044??oC5044 014030BD0141B18 February, 1986?01404?01404?01404Asheville City Councilo65044?01404Post Office Box 7148065044? o1404Asheville, North Carolina 28807o65o44?o1404?o1404Re:o45o44 o1401Proposed construction on the Carmelite Monastery property o65044?01404?044Lo1404Dear Members of the Council:065044?014047his letter is to express my concern about the site plan for development?o1404on the Carmelite property which has been partially approved by you. As?o1404you know, I spoke before you on Tuesday, February 4. I appreciate your?o1404 attention, and I will not repeat the points I raised at that time.o65044?01404?01404What does concern me, and what prompts this letter, is that the Council?01404 is on the verge of approving a site plan which includes a multio44-081 story? o1404apartment complex, when this Council has never determined that this type?o1404construction would be appropriate for this property or for the?o1404surrounding neighborhood. This issue is completely different from the? o1404issue of what the current zoning for the property is and whether it is?o1404enforceable. The City Council has twice considered the appropriate use?o1404of this property consistent with the general welfare of the community:065044?01404?014041.0C5044 01402In 1963 the Council found that this property was appropriate for a? o1409monastery and mausoleum and specifically found that should this?o1409change, the property would be appropriately developed according to?o1409the highest adjacent use. This ordinance expressed the Council's? o1409feeling at that time that the current project would not be?o1409appropriate for this property.oF5o44??o45o44 o1403o45o44 o14042.oC5o44 o1402In 1979 this Council determined that the appropriate use for?o140Ethis property was Ro44-o811. Of course, the current project would?o140Enot be appropriate under Ro44-o811. oF5o44??o45o44 o1403o45o44 o14043.oC5o44 o1402It has been stated that the 1979 lawsuit settled the zoning?o140Equestion. That lawsuit provided that the property was?o140E"restored to the same zoning classification it had." In?o140Eaddition, the Superior Court made no effort to determine the?o140Eappropriate use of this property, of the surrounding? o140Eneighborhood, or of the City as

a whole. That is the?o140Eresponsibility of this Council.o91oF5o44??oC5o44 o1403The City of Asheville has no authority to zone except for purposes?01404outlined in North Carolina General Statutes 160A044-081381 and 160Ao44-o81383. ?o1404These sections require a comprehensive plan for districts which will,?o1404among other things, promote the health and general welfare of the?o1404community. On behalf of the Beverly Hills Homeowners, I urge this?o1404Council not to give final approval to a site plan for multio44-o81story?o1404apartment buildings on this property without first exercising its?01404responsibility to determine that such a use is consistent with a? o1404comprehensive plan promoting the purposes authorized by law.o65o44?o1404?o1404This letter is to urge the Council as a whole, and each member?o1404individually, to institute a petition for rezoning in accordance with? o1404Section 30o44-o8111o44-o811 of the Code of Ordinances of the City of Asheville. I?o1404believe an investigation will show that the character of this property?01404has not changed since 1979 and is currently appropriate for Ro44-o811 zoning.o65o44?o1404?o1404One reason the members of the Council are being urged to initiate such a?o1404petition is that Ordinance 30o44-o8111o44-o811 as now written would not allow any of? o1404the surrounding land owners to file such a petition.o65o44?o1404?o1404The City Council has in its file an opinion letter from the Institute of?o1404Government addressed to Verl Emrick stating that such a provision in the? o44Lo1404City Ordinance is unconstitutional. Based upon this, one of our members?01404will be filing a petition to rezone, and I urge you to consider this?01404petition on its merits. Again, I urge this Council to not grant final? o1404approval to a site plan prior to determining the appropriate zoning.o65o44?o1404?o1404o45o44 o1404o45o44 o1404o45o44 o1404o45o44 Sincerely yours, o65o44?o1404?o1404?o1404 Thomas R. Bell, Jr. o65o44?o1404? o1404pho65o44?o1404?o1404cc: Mary Lloyd Franko65o44?o1404 Wilhelmina B. Brattono65o44?o1404 Walter R. Boland, Phd.o65o44?o1404 Kenneth M. Michaloveo65o44?o1404 Norma T. Priceo65o44?o1404 George M. Tisdaleo65o44?o1404 Verl Emricko65o44?o1404 William F. Slawtero65o44?o1404 William C. MooreoF5o44?? oE3oE3oE2ADJOURNMENToE0oE1o65o44??o45o44 o1403Upon motion of Councilman Tisdale, seconded by Councilman Boland, the?meeting adjourned to executive session to discuss real estate and personnel.o65044??045044 o1403The meeting adjourned at 5:45 p.m.o65o44?????

044?044?044?044?044?044