

Tuesday - May 27, 1986 - 4:00 p.m.

Regular Meeting

Present: Mayor W. Louis Bisette, Presiding; Vice-Mayor Mary Lloyd Frank; Councilmen Wilhelmina Bratton, Walter R. Boland; Kenneth M. Michalove, Norma T. Price, and George M. Tisdale; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Vice-Mayor Frank introduced Reverend J. Walter Hill, with the Rock Hill Missionary Baptist Church, who gave the invocation.

APPROVAL OF THE MINUTES - MAY 20, 1986 MEETING

1. Consideration was given to the approval of the minutes of the May 20, 1986, meeting.

Mayor Bisette announced the approval of the minutes as submitted.

PROCLAMATION - MONTH OF JUNE 1986 - "RAPE PREVENTION MONTH"

2. Mayor Bisette read a proclamation proclaiming the month of June, 1986 as "Rape Prevention Month".

Mayor Bisette presented the proclamation to Cassandra Pavone, Director of the Rape Crisis Center of Asheville.

PROCLAMATION - WEEK BEGINNING JUNE 1, 1986 - "NATIONAL SAFE BOATING WEEK"

2a. Mayor Bisette proclaimed the week beginning June 1, 1986 as "National Safe Boating Week".

PUBLIC HEARING - SITE PLAN - PINECLIFF CONDOMINIUMS

3. A public hearing was held relative to a site plan of the proposed Pinecliff Condominiums to be located on State Road 2243.

Mayor Bisette said the Asheville Planning and Zoning Commission at a meeting held April 9, 1986 reviewed the site plan of the proposed Pinecliff Condominiums to be located on State Road 2243. The site plan was prepared by Larry Traber, Architect, for Piney Mountain Associates, Inc., 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 Phase I (Units A thru J and the recreational facilities), subject to: 1) satisfactory easement for developer to tie into sewer line; 2) satisfactory easement to protect City's 16" water line; and 3) compliance with the Erosion Control Ordinance.

Mayor Bisette opened the public hearing at 4:09 p.m.

The City Clerk presented the Notice to the Public, setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, by the use of a map, outlined the area of the proposed project. He said the Planning and Zoning Commission had approved Phase 1 of the proposed project which would consist of 36 units. He said at present there is no recorded easement for the water line and the project does not have access to sewer facilities. He said it is his understanding that the developer has several options relative to obtaining access to sewer lines. He said the developers are negotiating an easement with an adjoining property owner to pump the sewer over a hill to drop into a

20" line going into a 36" line but to his knowledge the easement has not been executed.

Mike Robinson, representing the developer, spoke in support of the project outlining the details of the proposed project. He said the developer proposes to leave as many trees as possible. He requested approval of the project contingent upon the developer obtaining an easement for the sewer facilities.

Jane Hildebran, of 338 Chunn's Cove Road, questioned whether or not the sewer line right-of-way would be from Haw Creek Road through the property line on which the project is proposed.

Mr. Robinson responded to Mrs. Hildebran that the developer is securing a 13' right-of-way for the underground sewerline.

Mayor Bissette closed the public hearing at 4:22 p.m.

After discussion, Councilman Tisdale moved to approve the site plan of the proposed Pinecliff Condominiums subject to 1) satisfactory easement for developer to tie into sewer line; 2) satisfactory easement to protect City's 16" waterline; and 3) compliance with the Erosion Control Ordinance. This motion was seconded by Councilman Bratton and carried unanimously.

PUBLIC HEARING - SITE PLAN - APARTMENT COMPLEX ON ST. DUNSTAN'S ROAD

4. A public hearing was held relative to the site plan of the proposed apartment complex to be located on St. Dunstan's Road.

Mayor Bissette said the Asheville Planning and Zoning Commission at a meeting held April 9, 1986, reviewed the site plan of the proposed apartment complex to be located on St. Dunstan's Road. The site plan was prepared by Gray Engineering, Greenville, South Carolina, for Wade Cooper, Developer, and submitted in accordance with the Group Development section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend denial of the site plan to City Council.

Mayor Bissette opened the public hearing at 4:25 p.m.

The City Clerk presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the proposed project would consist of 6 units on an one-half acre. He said the Planning and Zoning Board was concerned about the access to the property, and had received a petition on April 8th from George Saenger, attorney for adjoining property owners.

George Saenger, attorney representing the adjacent property owners, spoke in opposition to the proposed development stating that this project would be inconsistent with the present neighborhood.

The following individuals spoke in opposition to the proposed project stating that the proposed site is unstable and therefore unsuitable for construction of any type; area residents have experienced unacceptably low level of water pressure and are concerned that this development will compound the problem; the proposed development is not in character with the neighborhood; the proposed site is located at the top of a small wooded cove that served as a buffer strip between St. Dunstan's Road and St. Dunstan's Circle and development of this buffer area would greatly detract from the aesthetics of the community; development and subsequent paving of the proposed site will cause serious erosion problems; the parking lot and associated access roads to the proposed site lie between two dangerous curves on St. Dunstan's Road; and the absence of sidewalks, narrow width of St. Dunstan's Road and the added traffic generated from the proposed development pose a threat to children who play near the site; added traffic on Roebing Circle will aggravate a dust problem that is already severe; and much of the area that has been backfilled has a slope that approaches 40% and it is inconceivable that a 6-family dwelling is being considered on such a steep embankment.

Rick Crawford, 172 St. Dunstan's Road

Linda Crawford, 172 St. Dunstan's Road

Rose Marie Mintern, St. Dunstan's Road

C. L. Lackey, 5 St. Dunstan's Road

Bill Bechtold, 25 St. Dunstan's Circle

Wade Cooper, representing the developer, spoke in support of the proposed project and answered questions from members of Council. He said the project would be built to coordinate with the neighborhood.

Ruel Austin, of 93 St. Dunstan's Circle, also spoke in opposition to the project due to water pressure and children playing in the neighborhood.

Mayor Bisette closed the public hearing at 5:00 p.m.

After discussion, Councilman Price moved to accept the recommendation of the Planning and Zoning Commission to deny the site plan of the proposed apartment complex to be located on St. Dunstan's Road. This motion was seconded by Councilman Bratton and carried unanimously.

PUBLIC HEARING - ADDITION TO PEPPERTREE VACATION CLUB - GREAT SMOKIES HILTON

5. A public hearing was held relative to the site plan of the proposed addition to Peppertree Vacation Club on the grounds of the Great Smokies Hilton.

Mayor Bisette requested that he be excused from participation and vote on this particular project due to his law firm representing the developer.

Councilman Price moved to excuse Mayor Bisette from participation and vote on the issue relative to the proposed addition to Peppertree Vacation Club on the grounds of the Great Smokies Hilton. This motion was seconded by Councilman Tisdale and carried unanimously.

Vice-Mayor Frank said the Asheville Planning and Zoning Commission at a meeting held April 9, 1986, reviewed the site plan of a proposed addition to Peppertree Vacation Club on the grounds of the Great Smokies Hilton. The site plan was submitted by Mr. C. Wayne Kinser, Owner, Great Smokies Hilton, 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 subject to compliance with the Erosion Control Ordinance.

Vice-Mayor Frank opened the public hearing at 5:04 p.m.

Verl Emrick, Director of Planning, said the proposed addition would be two additional buildings consisting of eight units. He said all utility connections would be connected to existing utilities. He said all staff and departments have reviewed the plan and recommended approval.

Vice-Mayor Frank closed the public hearing at 5:07 p.m.

Councilman Bratton moved for the approval of the site plan of the proposed addition to Peppertree Vacation Club on the grounds of the Great Smokies Hilton. This motion was seconded by Councilman Boland and carried unanimously.

PUBLIC HEARING - COMMUNITY DEVELOPMENT STATEMENT OF OBJECTIVES

6. A public hearing was held relative to the Community Development's Statement of Objectives and projected use of funds for 1986-87.

Mayor Bisette said this public hearing will be to obtain citizen views on 1986-87 Community Development program

objectives and is a legal requirement in obtaining Community Development Block Grant Funds.

Mayor Bissette opened the public hearing at 5:08 p.m.

The City Clerk presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Marvin Vierra, with the Community Development Department, said the City anticipates receiving \$890,000 in Community Development Block Grant Funds for fiscal year 1986-87. He outlined the proposed final statement of Community Development objectives and projected use of the funds.

Tony Clark-Sayer, Chairman of the Montford Planning Committee, thanked members of Council for the past support and funding for the Montford area and commended Mr. Vierra for holding hearings in the area relative to the proposed use of the Community Development Block Grant Funds. He requested that the Council proceed cautiously with the use of the Community Development Block Grant Funds requesting that any additional funds that are currently uncommitted and that are in contingency for this year's budget as well as the 1986-87 budget be used for the Montford area. He questioned the use of the Community Development Block Grant Funds for the Rankin Street Parking Garage and also the amount allocated for contingency.

Barry Master, Executive Director of Pisgah Legal Services of 89 Montford Avenue, said he represented the low income and elderly residents in the Montford area. He reiterated comments made by Tony Clark Sayer stating that

the residences in the Montford area will be lost if something is not done to help fund the rehabilitation of these residences. He said the primary purpose of the Community Development Block Grant Funds are for low and moderate income neighborhoods and any monies spent in the Montford area would be well spent.

Jim Cairnes, of 209 Cumberland Avenue, also spoke in support of additional funding from Community Development Block Grant Funds for the Montford area.

Sean Devereax requested that additional funds be earmarked for the Montford area.

Upon inquiry of Council, Marvin Vierra said funding for the Community Development Block Grant is included in the President's budget for fiscal year 1987 at the 1986 level. He said contingency balances are only used by authority of Council. He said all funds are committed except for contingency funds.

Ernie Thurston, of 19 Panola St., member of the Montford Community Club, requested that as much money as possible go into the Montford area.

Councilman Boland said, in his opinion, Council should allot planning time to discuss leveraging of public and private money for the Montford area.

A discussion was held relative to the Montford area residents using the Neighborhood Housing Services.

Councilman Michalove requested that the Montford area residents use organizational input from the Housing Authority before Council acts upon appropriations for the Montford area. He said the Housing Authority and agencies were established by ordinance and state law and should be used. He read the responsibilities of the Housing Authority in the interest of moving ahead in the Montford community. He said he felt a meeting was needed between the Montford Community Club, the Housing Authority, and the City Manager.

Councilman Boland agreed with Councilman Michalove's concept of the use of the Housing Authority for the Montford area.

Councilman Tisdale said he was very much interested in the Montford area since the residences in Montford are not historical but are in terrible condition.

Mayor Bisette closed the public hearing at 6:00 p.m.

RESOLUTION NO. 86-86 - RESOLUTION AUTHORIZING SUBMISSION OF A FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT FUNDS - 1986-87

Mayor Bisette said the resolution was previously presented 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 Frank, seconded by Councilman Tisdale, Resolution No. 86-86 was unanimously adopted.

Complete text of Resolution No. 86-86 will be found in Resolution Book No. 16 at page 39.

ORDINANCE NO. 1553 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "THE MANOR" AT 265 CHARLOTTE STREET IN ASHEVILLE, NORTH CAROLINA, CURRENTLY OWNED BY TRANSCO FINANCIAL GROUP, LIMITED AS HISTORICAL PROPERTY

7. Consideration was given to the third reading of Ordinance No. 1553, an ordinance designating a building and property known as "The Manor" at 265 Charlotte Street in Asheville, North Carolina, currently owned by Transco Financial Group, Limited as historical property.

Mayor Bisette said "The Manor" was completed in 1899 as an "English Country Inn in America", and is a rare surviving example of the picturesque resort development so important to the history of the North Carolina mountains. The Historic Resources Commission of Asheville and Buncombe County has demonstrated the historic significance of the building, and the Division of Archives and History of North Carolina Department of Cultural Resources has endorsed the findings of the Commission. This ordinance passed on first reading on November 26, 1985, and on second reading on March 30, 1986

Mayor Bisette said this ordinance was previously read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

Corporation Counsel Slawter said at the request of Council the ordinance had been amended to delete the interior portion of "The Manor" as historic property. He read Section 2 as proposed to be amended stating that the Historic Resources Commission shall have no jurisdiction over the interior arrangement of "The Manor".

Councilman Price moved to amend Ordinance No. 1553, Section 2, to add the sentence "the Commission shall have no jurisdiction over interior arrangement". This motion was seconded by Councilman Michalove and carried unanimously.

Corporation Counsel Slawter said he had received a letter from Jerry Crow, Attorney representing the owner of "The Manor", requesting that the third reading of the ordinance be postponed until the second Tuesday in June. He said the letter assured that neither he nor the prospective purchasers have any intention of razing "The Manor" prior to the third reading date of the ordinance.

Councilman Tisdale moved to postpone the third reading of Ordinance No. 1553 until June 10th as requested by Attorney Jerry Crow. This motion was seconded by Councilman Michalove.

A discussion was held relative to the concern that "The Manor" could be demolished at any time prior to the third reading of this ordinance.

Jim Coleman, with the Historic Resources Commission, requested that Council continue with the third reading of the ordinance at today's meeting because the property owner is going to continue to fight for the property not to be designated as historic property.

James Fowle, with the Historic Preservation Society, spoke in support of the ordinance. He said the preservation of historic property is consistent with Council's policy to preserve downtown and other areas of the City.

Councilman Michalove moved that Council recess into Executive Session to discuss this matter. This motion was seconded by Vice-Mayor Frank and carried unanimously.

After reconvening, Councilman Tisdale withdrew his motion to postpone the third reading of Ordinance No. 1553 until June 10, 1986 and moved to defer the third reading until June 3, 1986. This motion was seconded by Councilman Michalove and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

8. Consideration of a motion approving the consent agenda.

NOTE: 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.

Resolution No. 86-87

A. Resolution authorizing the City Manager to sign an agreement for loss prevention services with Poinsett Self-Insurance Sales and Service.

HIGHLIGHTS: The City of Asheville is a self-insured municipal

employer for purposes of workers' compensation, pursuant to the Workers' Compensation Act of the State of North Carolina. In order to secure re-insurance for the City's program of workers' compensation as required by law, the City must retain the services of an outside consultant for safety and loss prevention services. This resolution will authorize the City Manager to execute an agreement between the City and Poinsett

Self-Insurance Sales and Services.

FISCAL IMPACT: Annual sum of \$7,500.00. Budgeted in FY 85-86 budget.

Resolution Book 16 - page 40.

B. Motion to schedule a public hearing relative to the 1986-87 Budget

for June 17, 1986.

C. Motions to schedule a public hearing for a site plan of Sunset Pointe

Condominiums to be located on Town Mountain Road for June 17, 1986.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a

meeting held May 14, 1986, reviewed the site plan of Sunset Pointe Condominiums to be located on Town Mountain Road. The site plan was submitted by Freeman, Wells, and Major, Architects, Greenville, S.C. for W.R. Martin Corporation, Developer, in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the project subject to: 1) extension of 6" water line 200' north toward existing apartments and addition of one fire hydrant; and 2)

compliance with Erosion Control Ordinance.

Upon motion of Councilman Michalove, seconded by Councilman Price, the consent agenda was unanimously approved.

RESOLUTION NO. 86-88 - RESOLUTION RE-APPOINTING MEMBERS TO THE ASHEVILLE AREA CIVIC CENTER COMMISSION (GORDON GREENWOOD - DAVID BROWN - JOE WEBSTER)

Consideration was given to a resolution reappointing David L. Brown, Gordon Greenwood, and Joe L. Webster to the Asheville Area Civic Center Commission to serve a three year term, term expiring June 30, 1989.

Upon motion of Councilman Michalove, seconded by Vice-Mayor Frank, Resolution No. 86-88 was unanimously adopted.

Complete text of Resolution No. 86-88 will be found in Resolution Book No. 16 at page 14.

CLAIMS - GEORGE SIMMONS (PARKS)

The City Manager presented a claim received from George Simmons.

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

RALPH BISHOP - LOTTERY SALES IN THE CITY OF ASHEVILLE

Ralph Bishop again spoke to members of Council relative to lottery sales in the City of Asheville.

ADJOURNMENTS

Upon motion of Councilman Boland, seconded by Councilman Tisdale, the meeting adjourned at 6:30 p.m.

Mayor City Clerk
