

Tuesday - November 4, 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

The invocation was given by Councilman Bratton.

## APPROVAL OF THE MINUTES - OCTOBER 28, 1986 MEETING

1. Consideration was given to the approval of the minutes of the October 28, 1986, meeting.

Mayor Bisette announced the approval of the minutes as submitted.

## PROCLAMATION - ALZHEIMER'S DISEASE AWARENESS MONTH - NOVEMBER, 1986

2. Mayor Bisette read a proclamation proclaiming the Month of November, 1986, as "Alzheimer's Disease Awareness Month".

Mayor Bisette said the annual banquet for the Alzheimer's Disease Organization would be held on Thursday evening. He said due to other commitments, however, he would not be able to attend but that Vice-Mayor Frank would attend the banquet and deliver the proclamation to the Organization at that time.

## PROCLAMATION - MAYORS' D-DAY IN THE WAR ON DRUGS - NOVEMBER 18, 1986

2a. Mayor Bisette read a proclamation proclaiming November 18, 1986 as "Mayors' D-Day in the War on Drugs".

## PUBLIC HEARING - SITE PLAN OF PHASE II OF TIMBERS CONDOMINIUMS

3. A public hearing was held relative to the site plan of Phase II of the Timbers Condominiums to be located on Beaverdam Road.

Mayor Bisette said the Asheville Planning and Zoning Commission at a meeting held August 6, 1986, reviewed a site plan of Phase II of Timbers Condominiums to be located on Beaverdam Road. The plan was prepared by Traber Associates, Architect, for North Asheville Condominiums Enterprises, 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 the project subject to: 1) a minimum of 25' setback be maintained at any point; 2) provision of buffering in accordance with Ordinance 1592 on the south and east abutting the R-1 District; and 3) compliance with the Erosion Control Ordinance.

Mayor Bisette said he had a conflict in voting on this issue since his firm represents North Asheville Condominium Enterprises, Inc., and requested that Council excuse him from voting on the matter.

Councilman Tisdale moved to excuse the Mayor from voting on the site plan of Phase II of the Timbers Condominiums. This motion was seconded by Councilman Price and carried unanimously.

Vice-Mayor Frank took over the chair.

Vice-Mayor Frank opened the public hearing at 4:20 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 as Mayor Bisette had indicated, the site plan for Phase II of the Timbers Condominiums was reviewed by the Planning and Zoning Commission at their August meeting. He said the second phase of the project will contain 16 additional units. He said Phase I had contained 68 units, and the total project would include 86 units.

Mr. Emrick said after the Planning and Zoning Commission had reviewed the drawings, Mr. Traber had submitted new drawings which showed modifications to include buffering and a 25' setback that had been required by the Commission. He said the Engineering Division is handling the final submission of plans for Erosion Control, and that all parking requirements for both phases of the project had been met.

Mr. Emrick said the Council should include in their motion to approve the project the three (3) conditions recommended by the Planning and Zoning Commission.

Upon inquiry of Councilman Price, Mr. Emrick said the buffering for the residential areas is contained in the 25' setback requirements.

Vice-Mayor Frank closed the public hearing at 4:22 p.m.

Councilman Boland moved to approve the site plan of Phase II of the Timbers Condominiums subject to the recommendations made by the Planning and Zoning Commission. This motion was seconded by Councilman Tisdale and carried unanimously.

Mayor Bisette resumed the chair.

**ORDINANCE NO. 1613, AN ORDINANCE AMENDING ORDINANCE NO. 322, BEING THE ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE (HILLSIDES)**

4. Consideration was given to the third reading of Ordinance No. 1613, an ordinance amending Ordinance No. 322, being the Zoning Ordinance of the Code of Ordinances of the City of Asheville (Hillsides).

Mayor Bisette said the Asheville Planning and Zoning Commission at a meeting held September 10, 1986, reviewed and recommended approval of the Mountain/Slope Standards subject to clarification that it only pertains to land over 2,220 feet. This ordinance was read and passed on first reading on October 14, 1986, and passed second reading October 28, 1986.

Mayor Bisette said members of Council were previously furnished copies of the ordinance and it would not be reread in its entirety unless there was a specific request to do so.

Corporation Counsel William F. Slawter presented the following two new sections to be included in the ordinance for Council's consideration.

"Section 2(b) - Residential development which does not meet all of the above standards shall remain governed by Section 30-7-1 (B) of the Code of Ordinances."

"Section 8 - Applicability

This article shall not apply to permit holders having valid building or zoning permits on the effective date of this Article nor to the issuance of building or zoning permits for repair or rehabilitation of existing structures, nor to those parties who have filed application for building or zoning permits on or before

the effective date of this Article."

Councilman Price moved to amend the ordinance as read by the Corporation Counsel. This motion was seconded by Councilman Tisdale and carried unanimously.

On a roll call vote of 7-0, Ordinance 1613 passed on third and final reading, as amended.

Complete text of Ordinance No. 1613 will be found in Ordinance Book No. **11** at page **81-89**.

**RESOLUTION NO. 86-205 - RESOLUTION ESTABLISHING A FLEXIBLE BENEFITS PLAN FOR THE EMPLOYEES OF THE CITY OF ASHEVILLE**

5. Consideration was given to a resolution establishing a flexible benefits plan for the employees of the City of Asheville.

Mayor Bissette said a flexible benefits plan would provide employees with an opportunity to make pre-tax deductions from their weekly or bi-weekly pay and to use these funds during the course of the year to be reimbursed for eligible employee benefits.

City Manager, Doug Bean, said the program is a no-cost benefit the City can provide to its employees to allow them to put pre-tax money into an account to pay for eligible expenses under the plan. He said it would take two (2) months to educate the employees about the program, and that he would like to begin the program on January 1, 1987.

Mayor Bissette said this program is of no cost to the City other than the administration of the plan, and it would provide the employees with a significant benefit. He said we would need to provide information and education to the employees so they will realize the benefits of the plan and be able to take advantage of it.

Mayor Bissette said copies of this resolution were previously distributed to members of City Council and the resolution would not be read unless there was a specific request to do so.

Upon motion of Vice-Mayor Frank, seconded by Councilman Michalove, Resolution No. 86-205 was unanimously adopted.

Complete text of Resolution 86-205 will be found in Resolution Book No. **16** at Page **284**.

**AMENDMENT TO SITE PLAN - APARTMENT COMPLEX - BARNARD AND FENNER AVENUES**

6. Consideration was given to the amendment to the site plan of an apartment complex to be located on Barnard and Fenner Avenues.

Mr. Verl Emrick, Director of Planning, said this is a request by the Architect, Jim Samsel, to amend the site plan of the project for the addition of 1 unit. He said that Council had previously approved the site plan for this project in June. He said the Architect proposes that the existing building contain 2 units, and that the new building contain 6 units rather than 5. He said the complex is 13 units short of what is allowed under the Zoning Ordinance for the R-3 Residential District.

Mr. Emrick said, it was his opinion, he has the authority to grant this change since it is less than 500,000 square feet without coming to Council for approval. However, he said because there had been opposition and concern expressed during the initial approval of the project, he felt it best to bring the request before Council so that everyone would know exactly what is going on.

Upon inquiry of Councilman Price, Mr. Samsel said the existing building would contain 2 units and the new building would contain 6 units, and the total project was going from 7 units to 8 units.

Councilman Tisdale said that he owns property adjoining the project and there had been some concerns about parking

problems, both on Maney Avenue and Fenner Avenue, as new duplexes and apartments continue to be built in the area.

Upon inquiry of Councilman Tisdale, Mr. Samsel said the building would be built on the southwest side of the existing building, and that the excavation done in the last week or so was for a parking lot. He said the project originally had 7 units, 4 of which are going to be attached to the existing building, but they had decided it would be more cost effective to take the existing house and make it into 2 units, and build a new 6-unit building.

Upon inquiry of Councilman Tisdale, Mr. Emrick said the Zoning Ordinance requires 2 parking spaces per unit.

Upon inquiry of Councilman Price, Mr. Samsel said 17 parking spaces are being provided.

In response to Councilman Tisdale, Mr. Samsel said there is an additional lot that could be used for parking during the next phase, and once that phase is built, there would be more flexibility in parking in that the driveways are wide enough to accommodate additional parking during extreme circumstances. He said at the initial hearing for the project, parking on one side of the street on Fenner Avenue had been agreed to, but had not been done. He said at a small cost, some additional improvements to Fenner Avenue could be made to improve the street for the residents.

Upon inquiry of Councilman Tisdale, Mr. Emrick said no Council action was required to permit parking only on one side of the street on Fenner Avenue.

Mr. Harold Garland, resident of 88 Fenner Avenue, said Council had originally approved 7 units for this project, which he had accepted, even though he had been opposed to it. He said he felt another unit should not be added to the project, because of the potential of additional traffic to the narrow, crowded street. He said he did not think residents of Fenner Avenue knew about the proposed change or they would have been present today to oppose the change.

Upon inquiry of Mayor Bissette relative to whether or not there was any requirement that a notice to the public be published, Corporation Counsel William F. Slawter said a notice to the public would be required only if the change was of such a significance that it would be considered a new site plan, and that would depend to a large extent, as to what constitutes "minor" changes.

Mr. Emrick responded that, in his opinion, the amendment was "minor" in nature.

Councilman Michalove suggested that the matter be postponed for one week to give the neighborhood an opportunity to respond to the proposed change.

Upon inquiry of Councilman Michalove relative to the status of construction, Mr. Samsel said the owner had already made arrangements for contractor to be on the site.

There was a discussion among Council members relative to approving only the 6-unit building, and the concerns about parking and traffic problems on Fenner Avenue.

City Manager, Doug Bean, said he would have a report for Council next week relative to the placement of "no parking" signs on one side of the street on Fenner Avenue.

Upon inquiry of Councilman Tisdale, Mr. Samsel said there was not a question about the adequacy of water for the units, but whether or not there was sufficient water pressure for fire protection. He said sprinklers would be installed in the units, and the pressure was sufficient for the operation of the sprinklers to provide fire protection.

Councilman Price moved to approve the site plan, as amended, to allow one (1) additional unit. This motion was seconded by Councilman Boland.

Councilman Bratton and Councilman Tisdale said they could not support the motion because they felt the property owners should have been notified.

On a voice vote of 4-3, the site plan, as amended, was approved with Councilman Bratton, Councilman Tisdale, and Councilman Michalove voting "no".

Mayor Bissette noted this was an administrative matter and only a slight change which was within the realm of the Planning Director's authority to make the decision. However, he said, because of past concerns he understood why Mr. Emrick wanted to bring this matter before the City Council.

Councilman Boland said the City had sponsored a conference several years ago trying to straighten out some of the problems in dealing with developers to simplify and quicken the process the developers go through, and to let them know in a clear fashion what they have to do and where they have to go, hopefully through a one-stop process.

Mayor Bissette said the City Manager has been working for some time to establish a one-stop permitting system, and that the process will be in place on December 1, 1986. He said the system had been developed through a conference with representatives from the Home Builders Association and the Board of Realtors. He said he felt this would be a good thing for the City and the developers, and requested that the City Manager give Council a briefing on how the process would work.

City Manager Doug Bean said one phase of the program, the Technical Review Committee, was already in place and operating. He said the Committee meets every week. He said City staff is in the process of putting a package together on the one-stop process, and he will be giving this information to Council in the near future.

### **REPORT BY CITY MANAGER - WEST ASHEVILLE COMMUNITY CENTER**

7. City Manager Doug Bean said there have been concerns at the Community Center about the proposal to move out the bookmobile and possibly replacing the use of that facility with recreational use. He said his proposal for the facility is as follows: 1) to not move the library out, but explore either a joint effort with the County to expand the building or explore ways to jointly use that facility for the library and the City; 2) to go ahead with cosmetic changes to the recreation center such as painting, replacement of light fixtures, and kitchen equipment; and 3) to go ahead and move the fence back to provide enough parking for the facility.

The City Manager said we could go ahead now with the parking and cosmetic changes. However, he said it was his understanding that Councilman Tisdale wanted to talk to the Intergovernmental Relations Committee about the possibility of the County's participation, since the library is a County function and the facility belongs to the City.

The City Manager said he would have a budget amendment at next week's meeting for Council's consideration on the capital improvements to the West Asheville Community Center.

Councilman Tisdale said he did not realize until a recent meeting that the County was not paying any rent for the use of the center. He said the library had one of the highest usages in the County and that the community center also has a high volume of usage. He said the community's concern is for more meeting space, and he was pleased with the interest the community expressed.

Councilman Price said she felt the problem is still being perceived that the City is going to take over the library space, regardless of the comments, which continue to be favor of the library. In talking with the Librarian, she said she was told that there was total support from all of the library staff and that the bookmobile did not need to be there, and the space could be better utilized.

Councilman Tisdale said that the new Librarian for the County, Mr. Douglas F. Perry, had attended the meeting, and it was his understanding that Mr. Perry would be contacting the City Manager about some additional floor space on the upper level.

### **DR. OGLESBY PROPERTY - BATTERY PARK AVENUE**

8. Mr. Eugene W. Ellison, Attorney for Dr. Oglesby, said he and Dr. Oglesby had been dealing with Southeastern Developers for some time. He said he wanted to make Council aware that they have not stopped negotiating with

Southeastern. He said he had been out of town last week when someone from Southeastern had tried to contact him, and after contact with the City Manager's office, someone from the City Manager's office had contacted his client, Dr. Oglesby. He said negotiations on the matter had not been closed and he believes some conclusions will be reached within the next couple of weeks.

**CLAIMS - ANN DEMETRIS (FIRE) - MARY FRANCES PICKENS (STREETS) - MARY KINCAID - (SANITATION)**

9. The City Manager presented claims received from Ann Demetris (Fire), Mary Frances Pickens (Streets), and Mary Kincaid (Sanitation).

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

**RALPH BISHOP - LOTTERY SALES IN THE CITY OF ASHEVILLE**

10. Ralph Bishop again spoke to members of Council relative to lottery sales in the City of Asheville, and the City Manager's duty to enforce the lottery laws.

**ADJOURNMENT**

Upon motion of Councilman Price, seconded by Councilman Tisdale, the meeting adjourned at 5:05 p.m.

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MAYOR CITY CLERK

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