

Tuesday - December 23, 1986 - 4:00 p.m.

Regular Meeting

Present: Mayor W. Louis Bisette, Presiding; Vice-Mayor Mary Lloyd

Frank; Councilmen Walter R. Boland; Kenneth M. Michalove, Norma T. Price, and

George M. Tisdale; Corporation Counsel William F. Slawter; City Manager Douglas

O. Bean; and City Clerk William F. Wolcott, Jr.

Absent: Councilmen Wilhelmina Bratton

INVOCATION

The invocation was given by Councilman Ken Michalove.

APPROVAL OF MINUTES - DECEMBER 16, 1986 MEETING

1. Consideration was given to the approval of the minutes of the December 16, 1986, meeting.

Mayor Bisette announced the approval of the minutes as submitted.

PUBLIC HEARING - REZONING PROPERTY LOCATED ON CAMPGROUND ROAD (R. S. CRAIG, PETITIONER

ORDINANCE NO. 1621 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, PETITION FOR MR. R. S. CRAIG, PROPERTY LOCATED ON U.S. 70, EAST AT CAMPGROUND ROAD

2. A public hearing was held relative to rezoning property located on Campground Road for R. S. Craig, Petitioner.

Mayor Bisette said on August 19, 1986, City Council requested the Planning and Zoning Commission to consider rezoning Ward 8, Sheet 31, Lot 16, from R-2 Residential District to CH Commercial Highway District. The Commission reviewed this request at their October 8, 1986, meeting. After review and discussion, the Commission voted to recommend to City Council that Ward 8, Sheet 31, Lot 16, be rezoned from R-2 Residential District to R-4 Residential District with applicable buffering.

Mayor Bissette opened the public hearing at 4:10 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 Planning and Zoning Commission had reviewed and discussed the rezoning of Ward 8, Sheet 31, Lot 16 and still felt that it was too intense to zone the property commercial highway district. He said the commission did recommend to Council that the property be rezoned from R-2 Residential District to R-4 Residential District was applicable buffering. He said this zone would allow uses other than residential such as professional offices, beauty shops, etc. He said it is his understanding that the petitioner is proposing a greenhouse for the property. He said a greenhouse would be allowable under the R-4 Residential District.

Mr. Emrick said the Commission also recommended that if Council approves the rezoning that the motion for the rezoning also include a recommendation to the North Carolina Department of Transportation that no directive access be given to U.S. 70.

Lee Tawery, representing the petitioner, said the R-4 Residential District or any other district would not be conducive to any retail use of the property. He said, in his opinion, the property is designed for high traffic use since it borders Tunnel Road. He said he had contacted all property owners adjoining the property and none have objections. He said they would not support the rezoning or oppose it. He said he did not feel the property would be best used except under a commercial zone.

After discussion, Mayor Bissette closed the public hearing at 4:21 p.m.

Mayor Bissette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety. He said any individual desiring a copy of the ordinance would be furnished a copy.

Councilman Tisdale moved for the adoption of Ordinance No. 1621 with

applicable buffering and a recommendation to the North Carolina Department of Transportation that no direct access be given to U.S. 70. This motion was seconded by Councilman Boland.

Upon inquiry of Councilman Michalove, Mr. Towery said the Craigs, present owners of the property, and he felt the R-4 Residential District would be of no use to the owners.

Councilman Michalove said in his opinion it might be worthwhile not to rezone the property at the present time but to consider rezoning of this property in the overall comprehensive rezoning plan that is proposed.

Mayor Bissette and Councilman Tisdale said they felt the R-4 Residential District zone would make the property more marketable.

Councilmembers asked that Mr. Towery to have the Craigs respond in writing by a letter to Mayor Bissette said to whether or not they want the property rezoned to R-4 Residential District before the second reading of the ordinance.

On a roll call vote of 5-0, Ordinance No. 1621 passed on first reading with Councilman Michalove voting "no".

RESOLUTION NO. 86-230 - RESOLUTION AUTHORIZING THE SALE OF PROPERTY OWNED BY THE CITY OF ASHEVILLE AND THE COUNTY OF BUNCOMBE AND KNOWN AS THE FEE SIMPLE TITLE TO THE LAND LEASED FOR WESTGATE SHOPPING CENTER

3. Consideration was given to a resolution authorizing the sale of property owned by the City of Asheville and the County of Buncombe, and known as the fee simple title to the land leased for Westgate Shopping Center.

Mayor Bissette said Resolution No. 86-227 was adopted December 9, 1986, authorizing the City Clerk to advertise the sale of the property known as the fee simple title to the land leased for Westgate Shopping Center. This property is owned jointly with the County of Buncombe, and the County also authorized advertisement of the property for sale. No upset bids has been made

for the property.

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

He said any one desiring a copy of the resolution would be furnished one.

Upon motion of Councilman Michalove, seconded by Councilman Tisdale, Resolution No. 86-230 was unanimously adopted.

Complete text of Resolution No. 86-230 will be found in Resolution Book No. **16** at page **234** and **235**.

RESOLUTION NO. 86-231 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENCROACHMENT AGREEMENT WITH MARTIN E. HARE AND WIFE, BARBARA S. HARE

4. Consideration was given to a resolution the Mayor to execute an encroachment agreement with Martin E. Hare and wife, Barbara S. Hare.

Mayor Bisette said Martin E. Hare and wife, Barbara S. Hare are the owners of property located at the southeastern intersection of Wilbar Street and Coxe Avenue. There is a commercial building located upon said property which encroaches upon the right-of-way of the City of Asheville on Wilbar Street. This encroachment was due to a mistake on the part of the Hares at the time of construction of the building and was unintentional. This resolution will authorize the Mayor to execute an agreement authorizing the encroachment of the building on the right-of-way of Wilbar Street.

Mayor Bisette said members of Council were previously furnished copies of the resolution and it would not be read in its entirety. He said any individual requesting a copy of the resolution would be furnished one.

Upon motion of Vice-Mayor Frank, seconded by Councilman Price, Resolution No. 86-231 was unanimously adopted.

Complete text of Resolution No. 86-231 will be found in Resolution Book No. **16** at page **246**.

SCHEDULING PUBLIC HEARING - SITE PLAN OF BILTMORE PARKWAY CENTRE TO BE LOCATED ON HENDERSONVILLE ROAD

5. Consideration was given relative to a site plan of Biltmore

Parkway Centre to be located on Hendersonville Road for January 13, 1987.

Mayor Bissette said the Asheville Planning and Zoning Commission at a meeting held December 10, 1986, reviewed a site plan of Biltmore Parkway Centre to be located on Hendersonville Road. The site plan was prepared by Danie Johnson, Architect, for Biltmore Centre Limited Partnership, Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to approve the project subject to: 1) provision of a 20' buffer on the north boundary line; 2) approval of signage package; 3) compliance with Tree Ordinance; 4) approval of curb cut by N.C. Department of Transportation; and 5) reapply for grading permit and compliance with Erosion Control Ordinance.

Councilman Boland moved to schedule a public hearing relative to a site plan of Biltmore Parkway Centre to be located on Hendersonville Road for January 13, 1987. This motion was seconded by Councilman Price and carried unanimously.

REPORTS REQUESTED BY COUNCILMAN TISDALE - CITY AUTOMOBILES TAKEN HOME BY EMPLOYEES - CORRECTION MADE OF MOTOR VEHICLES STICKER FEE

6. Councilman Tisdale said he would like a report on the number of City automobiles taken home by City employees and would like a report for the past five years of the collections status of motor vehicles sticker fee.

RESOLUTION NO. 86 - 232 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE AN AMENDMENT TO THE MASTER AGREEMENT BY AND AMONG THE CITY OF ASHEVILLE, THE COUNTY OF BUNCOMBE AND SCHNEIDER NINE, INC.

7. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville an amendment to the master agreement by and among the City of Asheville, the County of Buncombe, and Schneider Nine, Inc.

Mayor Bissette said the City of Asheville, the County of Buncombe, and Schneider Nine, Inc., whose interest has been assigned to Pack Plaza Associates, Limited Partnership (entered into an agreement known as the master agreement that is August 15, 1984). He said this resolution would clarify and amend certain provisions of that master agreement. He said the resolution will authorize him to accept, on behalf of the City of Asheville, deeds conveying properties in the Pack Plaza Redevelopment Project to the City of Asheville, being the Old Pack Memorial Library property.

Upon motion of Councilman Price, seconded by Councilman Boland, Resolution No. 86-232 was unanimously adopted.

Complete text of Resolution No. 86-232 will be found in Resolution Book No. 16 at page 247.

RESOLUTION NO. 86-233 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A LEASE AGREEMENT BY AND BETWEEN PACK PLAZA ASSOCIATES

LIMITED PARTNERSHIP AND THE CITY OF ASHEVILLE

8. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville a lease agreement by and between Pack Plaza Associates Limited Partnership and the City of Asheville.

Mayor Bissette said this resolution would authorize him to execute on behalf of the City of Asheville, a lease agreement by and between the City of Asheville and Pack Plaza Associates, Limited Partnership for the use of those buildings known as the "Old Pack Memorial Library" and "Roth Theatre Buildings" for the Pack Plaza Redevelopment Project.

Upon motion of Councilman Michalove, seconded by Councilman Boland, Resolution No. 86-233 was unanimously adopted.

Complete text of Resolution No. 86-233 will be found in Resolution Book No. 16 at page 247.

**CLAIMS - LAWRENCE TRONBLY (STREETS) - DOROTHY LOWE (POLICE) - BARNEY FENNEY
(INSPECTIONS) - KINETH STEPHENS (POLICE)**

9. The City Manager presented claims received from Lawrence Tronbly,
Dorothy Lowe, Barney Fenney, and Kineth Stephens.

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

ADJOURNMENT

Upon motion of Councilman Price, seconded by Councilman Boland, the
meeting adjourned at 4:50 p.m.

Mayor City Clerk
