

//3//

® Tuesday - February 16, 1988 - 4:00 P.M.

Regular Meeting

Present: Mayor W. Louis Bissette, Presiding; Vice-Mayor Kenneth

M. Michalove; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Russell Martin, and Walter Boland; 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 Martin.

Approval of minutes of February 9, 1988 meeting.

Mayor Bissette announced the approval of the minutes of the February 9, 1988 meeting as submitted.

®I. PROCLAMATIONS:

® A. Proclamation - "Big Brothers and Sisters Appreciation Week" - February 21 - 27, 1988.

Mayor Bissette proclaimed February 21 - 27, 1988 as "Big

Brothers and Sisters Appreciation Week." He said a copy would be forwarded to Steve Kirkland with the Association.

®II. PUBLIC HEARINGS:

® A. Public hearing relative to Westgate Shopping Center Expansion.

Mayor Bissette said the Asheville Planning and

Zoning Commission at a meeting on January 13, 1988, reviewed and approved the site plan of the Westgate Shopping Center Expansion subject to the following conditions: 1) Proper dedication of Cliff Street;

2) Provision of minimum 6' wide planted buffer on

the west side of Cliff Street between Cliff Street and the parking area and that planted islands a minimum of 6' wide be installed on the east side of Cliff Street on approximately 120' centers.

3) Compliance with sign ordinance and primary sign be a maximum width of 30" for each post;

4) Inclusion of right-of-way trees on Patton Avenue; and 5) Compliance with Erosion Control Ordinance.

Mayor Bisette opened the public hearing at 4:17

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 one of the

conditions of the Planning and Zoning Commission is the proper dedication of Cliff Street. He said it is his understanding that an agreement has not been reached among the property owners for the proper dedication of Cliff Street. He said Council may want to consider continuing the public hearing until an agreement is reached.

Jack Stevens, Attorney for George Coggins, property

owner, said Mr. Coggins does not want to delay the developer of the project, however an agreement has not been reached among the different owners of property surrounding Cliff Street and a proper dedication can not take place until all parties agree. He said it is Mr. Coggins intention to reach an agreement in order that dedication can take place as soon as possible.

Sy Stanley, Property Manager for Westgate

Corporation requested that Council consider the approval of the project contingent upon the dedication being resolved.

The architect for the project discussed the traffic

flow pattern proposed for the new development.

After discussion, Councilman Price moved to continue

the public hearing for one week without further advertisement. This motion was seconded by

Councilman Martin and carried unanimously.

® **B. Public hearing relative to Carolebrook Apartments.**

Mayor Bisette said the Asheville Planning and Zoning

Commission at a meeting on January 13, 1988, reviewed and approved the site plan of Carolebrook Apartments subject to the following conditions: 1) Compliance with Sedimentation and Erosion Control; 2) A formal resolution of the Hendricks Heights driveway matter; 3) The City of Asheville's Traffic Division looking at doing whatever they can on the right-of-way currently held to increase the sight distance down Middlebrook Road (provide sight triangle to NCDOT standards); 4) The developer providing some additional landscaping at the dumpster site to more adequately screen the adjacent residential structure across the street. 5) Developer provide bus shelter in close proximity to Middlebrook Road; 6) Developer endeavor to protect trees and vegetation currently shown on landscaping plan during formulation of formal plans and since plans are schematic and preliminary that final plans be submitted for staff review; and 7) Staff review of final design

plans for sign.

Mayor Bisette opened the public hearing at 4:30

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 project

would be constructed at the intersection of Old Haw Creek Road and Middlebrook Road. He said the complex will occupy about 16 acres and consist of 200 units in 10 buildings. He said the property is zoned R-3 Residential District and meets the density requirements of the Zoning Ordinance. He said the parking requirements will be met with the developer providing 400 parking spaces.

The architect for the project detailed the design,

landscaping, and buffering proposed for the project. He said all requirements for erosion and sedimentation would be complied with and the developer would be providing a bus shelter within the complex. He said they would be using a "packer type system" rather than dumpsters.

Upon inquiry of Vice-Mayor Michalove, the developer

said the project is ready to go as far as financing is concerned.

Mr. Emrick said for some time now the residents in

the area have been concerned about the problems at the intersection of Old Haw Creek Road and Middlebrook and this issue was discussed at the Planning and Zoning Commission meeting. He said the City has previously purchased right-of-way to improve this intersection and the estimated cost for improvements at the intersection is \$52,000. He said it was indicated at the Planning and Zoning Commission meeting that the developer would be willing to fund the improvements to the intersection up to 50 percent (50%) of the cost.

Mayor Bissette closed the public hearing at 4:50

p.m.

Councilman Price moved to approve the site plan of

the Carolebrook Apartments subject to the conditions outlined by the Planning and Zoning Commission and further that the City and the developer jointly fund improvements to Old Haw Creek Road and Middlebrook on a 50/50 basis. This motion was seconded by Vice-

Mayor Michalove and carried unanimously.

®III. OLD BUSINESS:

®IV. NEW BUSINESS:

® A. Resolution No. 88-28 - Resolution authorizing the City

Manager to execute all necessary easement agreements with private property owners for the purposes of constructing and/or maintaining sanitary and storm sewer systems.

Mayor Bissette said this resolution will give the

City Manager authority to execute easements with private property owners for the purpose of maintaining, repairing, or

replacing the sanitary
and storm sewer systems of the City of Asheville.

Upon motion of Councilman Boland, seconded by
Councilman Bratton, Resolution No. 88-28 was
unanimously adopted.

Resolution Book No. 17 Page No. 87

® B. Resolution No. 88-29 - Resolution authorizing the City

**Manager to execute an agreement between the City of Asheville and Pappas Telecasting of the Carolinas, Inc.,
a Nevada Corporation.**

Mayor Bissette said Pappas Telecasting of the

Carolinas, Inc. and the City have previously entered into an agreement for the purpose of leasing tower space at the
White Fawn Reservoir

site to WHNS-TV. Pappas has requested that they be allowed to continue operating at the White Fawn site for an
additional period of time, and, further, to expand their usage of City facilities to eventually moving their equipment
currently located at White Fawn Reservoir to the Governor's Western Residence

site.

The City Manager explained the lease payments

involved with the agreement between the City of Asheville and Pappas Telecasting of the Carolinas,

Inc.

Upon motion of Councilman Frank, seconded by

Councilman Price, Resolution No. 88-29 was

unanimously adopted.

Resolution Book No. 17 Page No. 88

®V. CONSENT:

® A. Resolution No. 88-30 - Resolution of intent to close

**the twenty (20) foot public street or alley described in Deed Book 781, at page 227, Buncombe County Registry,
and calling a public hearing for March 22,**

1988.

SUMMARY: Christ Fellowship Church, owners of Tax

Lots 247 and 11, Sheet 14, Ward 5, adjoining a twenty (20) foot street or public alley, filed a written petition and
request with the City Council that the street or public alley be permanently closed to public use.

Resolution Book No. 17 Page No. 89-90

® B. Scheduling of public hearing relative to rezoning

property located at 11 State Street for March 8, 1988.

SUMMARY: The Asheville Planning and Zoning

Commission at a meeting held January 13, 1988, considered the petition of Mr. John White that Ward 5, Sheet 11, Lot 72, be rezoned from R-3 Residential District to CS Commercial Service District. The property is a vacant lot located at 11 State Street. After review and

discussion, the Commission voted to recommend that the petition be denied and that the property remain as it is now zoned. The petitioner has appealed the recommendation of the Planning and Zoning Commission and requested that a public hearing be scheduled relative to the

rezoning.

® C. Scheduling of public hearing relative to West Terrace

Center for March 8, 1988.

SUMMARY: The Asheville Planning and Zoning Commission

at a meeting on February 3, 1988, reviewed and approved the site plan of West Terrace Center,

Phase II, subject to the following conditions:

1) Compliance with Sedimentation and Erosion

Control Ordinance;

2) Submission of utility letters from Water

and Sewer Department and MSD;

3) Clarify if streets are public or private

in order to determine need to close streets;

4) Clarification of 20' buffer on eastern

property line to meet city standards; and

5) Submission of sign package in accordance

with Zoning Ordinance.

Upon motion of Councilman Frank, seconded by Councilman

Martin, the consent agenda was unanimously approved.

®OTHER BUSINESS:

®CLAIMS - GARY CALDWELL (WATER) - KARA HAGAN (WATER) - MILLIS HAMILTON (FIRE) - KENNETH HENSLEY (WATER) - METROPOLITAN SEWERAGE DISTRICT (WATER) - ALFRED

HAMMOND (WATER) - JULIE KICA (WATER)

The City Manager presented claims received from Gary Caldwell, Kara Hagan, Millis Hamilton, Kenneth Hensley, Metropolitan Sewerage District, Alfred Hammond, and Julie Kica.

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

®LAWSUIT - ROBERT GEORGE LOPEZ V. JERRY WARNER SNOWDEN VS. THE CITY OF ASHEVILLE (AUTOMOBILE ACCIDENT)

The City Manager said the city was served with a lawsuit on February 9, 1988 relative to Robert George Lopez v. Jerry Warner Snowden vs. the City of Asheville regarding an automobile accident.

Mayor Bissette referred the lawsuit to the Corporation

Counsel for investigation and recommendation.

®REPORT OF SIGN COMMISSION

Mayor Bissette said a report was given during the Pre-Council work session from the Chairman and Vice-Chairman of the Asheville Sign Commission. He said the Sign Commission is moving ahead on the review of the sign ordinance. He said the City Manager would also be giving a report on sign enforcement in the near future.

®RECOMMENDATION FOR DOWNTOWN PARKING GARAGE RATES

Mayor Bissette said during the Pre-Council work session the Downtown Commission presented members of Council with recommendations for parking garage rates in the downtown area.

®LUNCHEON FOR VOLUNTEERS THAT SERVE ON BOARDS AND COMMISSIONS

Mayor Bissette said an appreciation luncheon is scheduled for March 1, 1988 for volunteers who serve on various boards and commissions.

®RALPH BISHOP - LOTTERY SALES - RIGHT TO SEEK REDRESS

Ralph Bishop again spoke to members of Council relative to his right to seek redress in the Council meetings and the lottery sales in the City of Asheville.

®ADJOURNMENT:

Upon motion, the meeting adjourned at 5:15 p.m.

MAYOR CITY CLERK
