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Tuesday - December 13, 1988 - 4:00 P.M.

Regular Meeting

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

M. Michalove; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Russell Martin, and Arthur Robert York; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City

Manager/City Clerk William F. Wolcott, Jr.

Absent:

INVOCATION

The invocation was given by Mayor Bisette.

APPROVAL OF MINUTES - DECEMBER 6, 1988 MEETING

Mayor Bisette announced the approval of the minutes of the December 6, 1988 meeting as submitted.

Councilman Frank requested that the minutes show that she and Mayor Bisette were attending the National League of Cities - Congress of Cities Conference in Boston, Mass. during last week's Council meeting.

I. PROCLAMATIONS:

A. Oath of office for Arthur Robert York as Councilman

Mayor Bisette said Councilman Walter Boland

resigned as Councilman of the City of Asheville effective October 26, 1988. Arthur Robert York has been selected by the City Council to serve the unexpired term of Councilman Boland.

Judge Earl Fowler administered the Oath of Office as

Councilman to Arthur Robert York.

B. Resolution No. 88-179 - Resolution of appreciation to

Councilman Walter R. Boland

Mayor Bisette said Walter R. Boland resigned his

office of Councilman on October 26, 1988. This resolution will express the City of Asheville's appreciation to Councilman Boland for his service to

the City.

Upon motion of Councilman Price, seconded by

Councilman Frank, Resolution No. 88-179 was

unanimously adopted.

Mayor Bissette presented the resolution to

Councilman Walter Boland along with his name plate, a plaque, and a picture.

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II. PUBLIC HEARINGS:

A. Public hearing relative to the implementation of zoning

in the Montford area in accordance with the "Head of Montford Redevelopment Plan".

Ordinance No. 1742 - An Ordinance amending Ordinance No.

322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended (Wording Amendment -

Section 30-5-16. NC Neighborhood Commercial District)

Mayor Bissette said the Asheville Planning and

Zoning Commission on November 2, 1988, considered the following recommendations from staff:

1) Amend the Asheville Zoning Ordinance by adding a new Sec. 30-5-16. NC Neighborhood Commercial District. (Copy of proposed ordinance attached.)

2) Rezoning certain lots in the Montford Area on Ward 3, Sheets 2, 10, 11, 13 and 16.

The Commission voted unanimously to recommend to City Council that the Asheville Zoning Ordinance be amended by adding a new NC Neighborhood Commercial District and that the existing zoning in Montford remain.

Mayor Bissette opened the public hearing at

4:24 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, from the Planning Department, said the

recommendations were derived from the adoption of the Montford Redevelopment Plan in March, 1987. He said the recommendations are in two parts, the creation of the NC Neighborhood Commercial District and the rezoning of commercial areas on Broadway, Cherry Street facing Interstate 240, and the commercial district at the "head" of Montford near the Montford Bridge to Neighborhood Commercial. He said the zoning also calls for a change in the industrial zone to LI Light Industrial along Riverside Drive at the westernmost portion of the redevelopment area. He said the purpose of the proposed rezoning is to stop encroachment of "high intensity" businesses and encourage neighborhood type shops and services designed specifically to serve residents of the community.

By the use of maps, Mr. Emrick showed the boundaries

of the Montford Redevelopment Plan along with the current and proposed zoning of the area.

Mr. Emrick said the Planning and Zoning Commission

recommended the creation of the Neighborhood Commercial District but recommended that the property proposed to

be rezoned remain as it is presently zoned.

Mr. Emrick said the creation of the NC Neighborhood

Commercial District would be applicable to all areas of the City. He outlined the purpose, the types of uses, and the development standards of the proposed new zone.

At the request of Council, Mr. Emrick showed the

boundaries of the Montford Redevelopment Plan and outlined the plan's purpose. He said it is an urban renewal type area and the Housing Authority, serving as the Redevelopment Commission, can purchase the property in the area and sell it for rehabilitation for economic growth and stability.

Mr. Emrick said the City Clerk's office had received

a protest petition in opposition to the rezoning which would require a 3/4's affirmative vote from Council before the property could be rezoned.

Mike Moser, Chairman of the Planning and Zoning

Commission, said the Commission likes the Montford concept and supported the creation of the NC Neighborhood Commercial District. He said it was felt that the Montford Redevelopment Plan has not had time to be implemented and the zoning should

remain as it is now zoned for the present time.

Mr. Vance Cline, representing Southern Bell

Telephone, said his company has a service center in the area and he spoke in opposition to the rezoning of the property. He said if the service center had to move it would probably be moved to the county either west or south in order to connect to interstates. He said the rezoning would downgrade the property and the tax base in the area.

Douglas R. Bebbler, President of the Asheville Board

of Realtors, read a proclamation of the Board stating that it is the opinion of the Asheville Board of Realtors that such down-zoning of the area is not in the best interest of the residents and business owners of that area due to the fact that it would adversely effect the use of the area, lower the property value and also eventually result in destruction of business. He said they are of the opinion that this would be detrimental to individual property rights, by the taking of property without just compensation.

Bob Lawrence, Lawrence Equipment Company, 265

Broadway, spoke in opposition to the rezoning and requested that Council leave the property as it is currently zoned. He said the rezoning would down-zone the area and reduce property values.

Bert Stanford, with Jowers-Stanford Company,

183 Broadway, requested that Council accept the recommendation of the Planning and Zoning Commission. He said some of the businesses in the area are not neighborhood oriented.

June Grant, a local realtor, spoke in opposition to

the rezoning and requested that Council leave the property as it is presently zoned. She also spoke in opposition to the rezoning of property along Riverside Drive. She said the City needs some junk yards for individuals to get parts for their cars.

Elizabeth Graham, a resident of the Montford area

for 12 years, spoke in opposition to the rezoning. She said the businesses in the area did not have an opportunity to have input into the Montford Redevelopment Plan. She said when they tried to voice their opinions during the Montford meetings they were told "their comments were not welcome."

Larry Denny suggested that the Redevelopment

Commission for the Montford Redevelopment Plan get greater involvement from the residents and

businesses. He spoke in support of the NC Neighborhood Commercial District but stated that the district should not apply to the Montford area.

Mike Plemmons from the Council of Independent

Business Owners said the public has been given notice of this hearing and requested that Council vote on the issue at today's meeting.

Mr. Eury, from Asheville Auto Parts, spoke in

opposition to the proposed industrial zone for the junk yard area. He said wrecked/junk car yards are needed in the City of Asheville for many reasons.

Tony Clarke-Sayre, Chairman of the Montford Advisory

Council, which helped to establish the Montford Redevelopment Plan, said the Council had requested that Council not make a decision on the zoning at today's meeting in order to give the Council an opportunity to research the concerns expressed by the businesses in the area. He said the residents in the Montford area feel that the zoning change would help preserve the residential quality of the neighborhood while allowing businesses to enhance the community. He said the change to light industrial would be a step toward phasing out heavy industry and encourage lighter industry and manufacturing along what they hope will be a revitalized riverfront.

Shirley Dozier, owner of several lots on Montford

Avenue and Short Street across from Randolph School, said they had objected to their property being downzoned three years ago to residential but Council rezoned it anyway. She said the property should be put back to CBD. She said the Housing Authority personnel has been harassing her tenants about buying their property. She said she did not want any more Housing Authority representatives on her property upsetting her elderly tenants.

Jackie Benning, a 32 year resident of Montford, said

Council should consider this issue very carefully.

Bob Ray, Jr., 65 Flint Street, Carpet Services, Inc.

spoke in opposition to the rezoning stating that this would downzone the property and lower property values. He said this would be a direct loss to the businesses in the area. He said the businesses in the area were not contacted for input into the Montford Redevelopment Plan. He requested that Council leave the property as it is now zoned and that Council take action on the issue at

today's meeting.

Tony Clarke-Sayre said the Montford Advisory Council

probably did not involve the businesses in the area as they should have. He said he would not object to Council not taking action on the proposed rezoning. He said the Montford Advisory Council would involve the businesses in future

meeting if they are receptive to the idea.

Vice-Mayor Michalove moved for the adoption of

Ordinance No. 1742, creating the NC Neighborhood Commercial District. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1742

passed on first reading.

After discussion, Councilman Price moved to postpone

action on the proposed rezoning until January 17, 1989 giving the Montford Advisory Council an opportunity to talk with the businesses in the area; further that the Planning and Zoning Commission convene a meeting of the neighborhood group to review the Montford Redevelopment Plan in detail. The motion died for the lack of a second.

After further discussion, Councilman Price moved to

accept the recommendation of the Planning and Zoning Commission to leave the property as it is currently zoned and that the matter be referred back to the Planning and Zoning Commission for further consideration. This motion was seconded by

Councilman Bratton and carried unanimously.

III. OLD BUSINESS:

A. Ordinance No. 1741 - Second reading of an ordinance of

the City of Asheville ("Grantor") authorizing the transfer of a cable television franchise from American Cable TV Investors to United Artists Holdings, Inc.

Mayor Bisette said this ordinance will approve and

consent to the transfer and assignment of the franchise to Daniels & Associates, Inc. and/or its affiliates which are controlled by United Artists Communications, Inc. This ordinance passed on first

reading on December 6, 1988.

Mayor Bisette said questions had been raised

relative to the ordinance which can be answered

prior to the third reading of the ordinance.

On a roll call vote of 7-0, Ordinance No. 1741

passed on second reading.

B. Quarterly report on the 2010 Asheville City Plan.

Mike Moser, Chairman of the Planning and Zoning

Commission, outlined the quarterly report of the 2010 Asheville City Plan. He said he is very proud to be a part of such a valid, productive, successful

plan.

IV. NEW BUSINESS:

A. Bids for automobiles and trucks for City of Asheville.

Mayor Bissette said a recommendation has been received

for the award of Bid Request No. 341-89 to Matthews Ford Inc., Asheville, North Carolina, for bid items A, B, D, E, H, I, J, for a total amount of \$227,273.00, and to Carolina Truck and Body Company, Inc., Asheville, North Carolina, for bid items C, (base bid) F, and K for a total amount of \$42,667.25.

Grand total, Bid Items A-K, as recommended - \$269,940.25.

Bid tabulations are on file in the Office of the City

Clerk.

The City Manager said the bids were reviewed and

approved by the Vehicle Utilization Committee.

Councilman Martin moved to accept the bids as

recommended. This motion was seconded by Councilman Price and carried unanimously.

B. Resolution No. 88-180 - Resolution authorizing the City

Manager to execute on behalf of the City of Asheville a contract and any change orders within the budgeted amount with APAC Carolina, Inc. for the project known as

Street and Sidewalk Improvements Contract No. 3.

Mayor Bissette said this resolution will authorize

the City Manager to execute the contracts with APAC Carolina, Inc. for the projects to be completed the project known as Street and Sidewalk Improvements Contract #3. The citizens of Asheville approved a bond referendum to establish funds for the

replacement and repair of streets and sidewalks

which are in need of replacement.

The City Manager gave members of Council a list of

streets involved in Contract No. 3.

Upon motion of Councilman Frank, seconded by

Councilman Price, Resolution No. 88-180 was unanimously adopted.

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C. Resolution No. 88-181 - Resolution authorizing the City

Manager to execute an agreement with Land-of-Sky Regional Council to provide technical support concerning

the proposed Stormwater Management Program.

Mayor Bissette said this resolution is for the

execution of an agreement between the City of Asheville and the Land-of-Sky Regional Council to provide technical support to City staff in coordinating with the Citizen Advisory Committee and Public meetings concerning the proposed Stormwater

Management Program.

The City Manager said the contract amount would not exceed \$5,000.

Upon motion of Councilman Martin, seconded by

Councilman York, Resolution No. 88-181 was unanimously adopted.

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D. Motion to approve Amendment No. 1 to the Agreement for

CH2M Hill to furnish engineering services to the City of Asheville for the storm drainage improvement project.

Mayor Bissette said On January 12, 1988, City Council

authorized the City Manager to execute an agreement with CH2M Hill, Southeast, Inc., for engineering services for a drainage study. The purpose of this amendment is to inform the public through a Public Relations Campaign about the condition of the storm drainage system and the proposed method of addressing those concerns.

The City Manager said the contract amount would not exceed \$18,637.

Councilman Martin moved to authorize the City

Manager to execute Amendment No. 1 to the Agreement for CH2M Hill. This motion was seconded by

Councilman York and carried unanimously.

E. Resolution No. 88-182 - Resolution authorizing the Mayor

to sign a lease for property owned by the City of

Asheville and known as the Pack Place Project.

Mayor Bissette said the City of Asheville has

received an offer from Pack Place Education, Arts & Science Center, Inc. to lease the property known as the Old Pack Memorial Library Building, the property on which the former Plaza Theatre was located and other certain property adjacent thereto. Under the terms of the lease, the Pack Place Education, Arts & Science Center, Inc. will renovate the Old Pack Memorial Library Building and will construct upon all of Lot A and portions of Lots B and D a new museum and theatre building to be known as "Pack

Place".

Upon motion of Councilman Bratton, seconded by Councilman Frank, Resolution No. 88-182 was unanimously adopted.

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V. CONSENT:

A. Motion to cancel Council meetings of December 27, 1988 and January 3, 1989.

Councilman Price moved to cancel the Council meetings of December 27, 1988 and January 3, 1989 due to the holidays. This motion was seconded by Councilman Frank and carried unanimously.

VI. OTHER BUSINESS:

CLAIMS - MAC WRIGHTENBERRY (SEWER) - STEVE MAYNARD (WATER) - BOBBY PEEK (WATER)

The City Manager presented claims received from Mac Wrightenberry, Steve Maynard and Bobby Peek. Mayor Bissette referred the claims to the Corporation Counsel for investigation and recommendation.

REPORT OF GROUP DEVELOPMENT ACTIONS BY THE PLANNING AND ZONING

COMMISSION

Patty Tallerday, Acting Director of Planning, said the City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. She said in accordance with the new procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. She said the following action was taken by the Planning and Zoning Commission at their meeting on December 7, 1988.

(1) INN AT THE RIDGE - HOUSING FOR THE ELDERLY - LOCATED ON RICEVILLE ROAD

Ms. Tallerday said the Asheville Planning and Zoning Commission on December 7, 1988, reviewed and recommended approval of the group development plans of **the Inn at the Ridge - Housing for the Elderly, located on Riceville Road** subject to the

following conditions:

- a) NCDOT approval of the project entrance off Riceville Road,
- b) City Attorney approval of a document suitable for recording which provides an access easement to the proposed off-site parking area.

c) City Planning Department approval of landscape plan

revisions showing note on the landscape plan that trees outside the "woods line" shall remain, and

d) City Council approval of a subdivision plat including the project parcel.

Council accepted the recommendation of the Planning and Zoning Commission relative to the Inn at the Ridge-Housing for the Elderly, located on Riceville Road.

(2) TAPS RV PARK - LOCATED ON U.S. 70, EAST (ADJACENT TO POSEIDON RESTAURANT)

Ms. Tallerday said the Asheville Planning and Zoning Commission on December 7, 1988, reviewed and recommended approval of the group development plans of **the Taps RV Park to be located on U. S. 70, East (Adjacent to Poseidon Restaurant)**, subject to the following conditions:

- a) A variance being granted by City Council which reduces the front setback to 10 feet.
- b) City Attorney approval of an executed access easement or lease providing access between Highway 70 and the site.
- c) Engineering Department approval of an erosion control plan.
- d) Planning Director approval of any structure or office to be located on the premises for registration of guest if found to be necessary, and
- e) City approval of any proposed subdivision.

After discussion, Councilman Price moved to schedule a public hearing on the group development plan for January 10, 1989. This motion was seconded by Vice-Mayor Michalove and carried unanimously.

\$8.4 MILLION IN BOND SALES

The City Manager said \$8.4 million in bonds were sold today at an interest rate of 7.0891. He said there were nine (9) bidders which shows a great interest in the City of Asheville.

RESOLUTION NO. 88-183 - RESOLUTION APPOINTING MEMBER TO THE DRUG TASK FORCE (ANN VON BROCK)

Vice-Mayor Michalove moved for the adoption of a resolution appointing Ann Von Brock to the Drug Task Force. This motion

was seconded by Councilman Price and carried unanimously.

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DRUG TASK FORCE MEETING - DECEMBER 12, 1988

Councilman Martin said he had attended the Drug Task Force and they seem to making very productive progress.

VII. ADJOURNMENT

Mayor Bissette adjourned the meeting at 6:40 p.m.

MAYOR CITY CLERK
