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Tuesday - July 11, 1989 - 4:00 P.M.

Regular Meeting

Present: Vice-Mayor Kenneth M. Michalove, Presiding; Councilmen

Mary Lloyd Frank, Norma T. Price, Russell Martin and A. Robert York; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor W. Louis Bissette and Councilman Wilhelmina

Bratton

INVOCATION

The invocation was given by Councilman Martin.

APPROVAL OF MINUTES

Vice-Mayor Michalove moved for the approval of the minutes of the June 27, 1989 meeting as submitted.

I. PROCLAMATIONS:

II. PUBLIC HEARINGS:

III. OLD BUSINESS:

A. Ordinance No. 1770 - Third reading of an ordinance

directing the Director of Building Inspections to demolish and remove the dwelling known as 26 Mount Clare Avenue, Asheville, North Carolina.

Vice-Mayor Michalove said proceedings have heretofore

been instituted in accordance with the City of Asheville Housing Ordinance No. 1370, Section 8-29(B)(2), as

authorized by N.C. Gen. Stat. sec. 160A-443(2) and a condemnation hearing held on March 13, 1989. At said hearing, it was determined that the dwelling at 26 Mount Clare Avenue was unfit for human habitation. The owner(s) of this dwelling was given 10 days from receipt of the Order of Finding and Fact to either renovate or

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demolish the dwelling, and the owner(s) have not

complied with said Order in any respect and no improvements are underway or being made upon the property. This resolution will schedule a public hearing on this matter as required by N. C. Gen. Stat. sec. 160A-364. This ordinance was read on first and

second readings on June 27, 1989.

Vice-Mayor Michalove stated this ordinance was

previously read on first and second reading and will not be reread in its entirety.

On a roll call vote of 5-0, Ordinance No. 1770

passed on third and final reading.

Ordinance Book No. 11 Page No. 456 - 457

IV. NEW BUSINESS:

A. 2010 Quarterly Report and 2010 Update Project.

Mike Moser, Chairman of the Asheville Planning and

Zoning Commission, highlighted the quarterly report ending March 31, 1989 on the 2010 Plan. He outlined various departmental activities accomplished during this quarter. He said the 2010 plan continues to be a working document.

He said when the 2010 plan was implemented it was

decided that the plan would be updated every two (2) years. He said the plan is scheduled for updating this year and necessary amendments would be made to the plan. He said a committee would be formed consisting of two (2) members from the Planning and Zoning Commission; two (2) members from the City Council; and several members at large in the community with the Chairman of Planning and Zoning serving as Chairman of the committee. He said several public hearings would be held to receive citizen input and the committee would present recommended changes to the plan to members of Council. He said the public hearings are scheduled for

September 14, 21, and 28 at 7:00 p.m. in the Asheville Civic Center Banquet Room.

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He said an Awards Program is also scheduled for

September 12, 1989 in conjunction with the City Council meeting to recognize outstanding accomplishments to the plan.

Members of Council thanked Mike Moser for his continued efforts with the 2010 plan.

B. Resolution No. 89-87 - Resolution authorizing the City

Manager to execute a right-of-way agreement between Tour-O-Tell of Asheville, Inc., Mr. Wade Hall, President and the City of Asheville.

The City Manager said in order to improve Edgewood Road

and add a center left-turn lane to accommodate additional traffic from drive entrance being placed from Merrimon Square Development and Western Auto Store Development, additional right-of-way will be required on the Merrimon Square Development owned by Tour-O-Tell of Asheville, Inc., Mr. Wade Hall, President. The additional right-of-way will allow the turn lane to be placed and better line up the intersection, as well as

improve the turning radius of the intersection.

Vice-Mayor Michalove said members of Council were

furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman York, seconded by Councilman

Martin, Resolution No. 89-87 was unanimously adopted.

Resolution Book No. 17 Page No. 436

C. Resolution No. 89-88 - Resolution authorizing the City

Manager to execute a contract for construction of a concession stand, rest rooms, and ball field lighting at the park on Martin Luther King Boulevard.

The City Manager said an agreement has been

negotiated with H & M Constructors for contracted construction of a combination concession/toilet facility and with M.B. Haynes Electric Company for lighting of this building and the ballfield area for a park to be constructed on Martin Luther King Drive. He said after negotiations were completed the bids were basically within the budget for the park.

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Vice-Mayor Michalove said members of Council were

furnished copies of the resolution and it would not

be read in its entirety.

Upon motion of Councilman York, seconded by

Councilman Martin, Resolution No. 89-88 was

unanimously adopted.

Resolution Book No. 17 Page No. 437

D. Resolution No. 89-89 - Resolution authorizing the City

Manager to execute an agreement with Wood and Cort for architectural services for City Hall Renovations.

The City Manager said the City has been working

under an old contract with Wood and Cort for City Hall Renovations and now feels that a comprehensive updated contract is needed. He said a standard AIA contract would be executed with the exception that the percentage fee in the contract would be changed

to a lump sum amount with a not to exceed figure.

Vice-Mayor Michalove said members of Council were

furnished copies of the resolution and it would not

be read in its entirety.

Upon motion of Councilman Frank, seconded by

Councilman Price, Resolution No. 89-89 was
unanimously adopted.

Resolution Book No. 17 Page No. 438

V. CONSENT:

**A. Resolution No. 89-90 - Resolution clarifying the
authority of the City Manager to execute contracts on behalf of the City of Asheville.**

Vice-Mayor Michalove said this resolution will clarify

the authority of the City Manager to execute contracts for services, construction or repair work or for purchase of apparatus, supplies, materials and supplies up to the statutory limit required for formal bidding for construction or repair work under Chapter 143 of the

North Carolina General Statutes.

Resolution Book No. 17 Page No. 439

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B. Resolution No. 89-91 - Resolution requesting the North

Carolina Department of Transportation to remove certain streets in the Hansel Avenue Annexation Area from the State Street System and place them upon the City Street System effective June 29, 1989.

Vice-Mayor Michalove said this resolution will place the

State maintained streets in the Hansel Avenue Annexation Area on the City of Asheville Street System.

Resolution Book No. 17 Page No. 440

**C. Resolution No. 89-92 - Resolution appointing member to
the City of Asheville Police Officers and Firefighters Disability Review Board.**

Vice-Mayor Michalove said this resolution will appoint

Captain J. M. Coffey as a member of the Asheville Police Officers and Firefighters Disability Review Board to serve the unexpired term of Captain John Best, term expiring July 19, 1990, or until his successor is duly appointed and qualified.

Resolution Book No. 17 Page No. 441

**D. Scheduling of public hearing relative to zoning recently
annexed property on U. S. 19-23 known as Pawn World Gun Supply for July 25, 1989.**

Vice-Mayor Michalove said the Planning and Zoning

Commission has recommended that this property be zoned to Commercial Highway District.

E. Rescheduling of public hearing relative to rezoning

property at 391-393 Hendersonville Road for Buncombe**County Board of Education for July 18, 1989.**

Vice-Mayor Michalove said the Asheville Planning and

Zoning Commission on June 7, 1989, reviewed and recommended approval of rezoning Lot 52, Sheet 4, Ward 7, from R-3 Residential District and CS Commercial Service District to CH Commercial Highway District excepting that portion of Lot 52 lying 150 feet from the centerline of Vanderbilt Road and that

portion be rezoned from R-3 Residential District to R-1 Residential District. This public hearing was originally scheduled for July 11, 1989. However, due to problems in advertising the hearing will be

rescheduled for July 18, 1989.

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Upon motion of Councilman Frank, seconded by Councilman

Price, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:**Resolution No. 89-93 - Resolution appointing members to the****Asheville Area Civic Center Commission.**

Vice-Mayor Michalove read a resolution appointing Sharon Hulme, Jan Davis, and Diana Bilbrey to the Asheville Area Civic Center Commission.

Upon motion of Councilman Frank, seconded by Councilman York, Resolution no. 89-93 was unanimously adopted.

Resolution Book No. 17 Page No. 442**CLAIMS - ALVIN LEROY DAVIS (WATER) - FREDERICK McDERMOTT (WATER) - EDRA SIMS (WATER)**

The City Manager presented claims received from Alvin Leroy Davis, Frederick McDermott, and Edra Sims.

Vice-Mayor Michalove referred the claims to the City Attorney for investigation and recommendation.

LAWSUITS - MARY SULLIVAN V. CITY OF ASHEVILLE (FELL IN WATER METER)

The City Manager said the city was served with a lawsuit on July 5, 1989 involving Mary Sullivan v. City of Asheville regarding the plaintiff falling in a water meter when lid was flipped.

Vice-Mayor Michalove referred the lawsuit to the City Attorney for investigation and recommendation.

REPORT OF GROUP DEVELOPMENT ACTIONS BY THE PLANNING AND ZONING COMMISSION

Julia Cogburn, Director of Planning, introduced a new Senior Planner, Gerald Green who would be responsible for supervising the planning staff.

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Carol Albrice, from the Planning Department, 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 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

July 5, 1989.

**(1) Asheville-Buncombe Technical Community College - Addition
and Renovation of Education Building**

Carol Albrice said the Asheville Planning and Zoning Commission on July 5, 1989, reviewed and approved the site plan of the **Asheville-Buncombe Technical Community College - Addition**

and renovation of Education Building.

Council accepted the recommendation of the Planning and Zoning Commission relative to the Asheville-Buncombe Technical Community College - Addition and Renovation of

Education Building.

**(2) Asheville-Buncombe Technical Community College - Addition
and renovation of Birch Building**

Carol Albrice, from the Planning Department, said the Asheville Planning and Zoning Commission on July 5, 1989, reviewed and approved **the site plan for the Asheville-Buncombe Technical Community College - Addition and renovation of the**

Birch Building.

Council accepted the recommendation of the Planning and Zoning Commission relative to the Asheville-Buncombe Technical Community College - Addition and Renovation of Birch Building.

(3) Blue Ridge Industries - Expansion

Carol Albrice, from the Planning Department, said the Asheville Planning and Zoning Commission on July 5, 1989, reviewed and approved **the site plan of Blue Ridge Industries - Expansion** subject to 1) City Council granting a variance on the requirement for paving the parking lot; 2) Letter from Fire Department stating approval of fire protection for the project; and 3) Approval of erosion control plan by Planning Department prior to soil disturbance.

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After a brief discussion, Councilman Frank moved to schedule a public hearing on the site plan for Blue Ridge Industries - Expansion for July 25, 1989. This motion was seconded by Councilman Price and carried unanimously.

(4) 4-Unit Apartment North and Forsyth Streets - William R.

Lewis, Owner

Carol Albrice, from the Planning Department, said the Asheville Planning and Zoning Commission on July 5, 1989, reviewed and approved **the site plan for a 4-Unit Apartment North and Forsyth Streets - William R. Lewis, Owner**, subject to 1) Approval of an erosion control plan by the Planning Department prior to soil disturbance; 2)

Planning Director approval of a revised site plan depicting: a) a proposed buffer meeting the specifications of the buffer ordinance, and b) a functional parking arrangement that meets the standards of the ordinance.

After a brief discussion, Councilman Price moved to schedule a public hearing on the site plan for the 4-unit apartment North and Forsyth Streets - William R. Lewis, Owner for August 1, 1989. This motion was seconded by Councilman Frank and carried unanimously.

(5) Sweeten Creek Road Mini Storage - Moore Associates,

Architects, for George Morosani, Developer

Carol Albrice, from the Planning Department, said the Asheville Planning and Zoning Commission on July 5, 1989, reviewed and approved **the site plan for the Sweeten Creek Road Mini Storage - Moore Associates, Architects, for George Morosani, Developer** subject to 1) Board of Adjustment approval of the site plan subject to floodplain; 2) Approval by the Legal Department and the Water and Sewer Department of a sewer line easement for the public sewer line through the site; and 3) That a "No-Rise" floodplain certificate with supporting calculations be provided

to staff prior to submission to City Council.

Council accepted the recommendation of the Planning and Zoning Commission relative to the Sweeten Creek Road Mini Storage - Moore Associates, Architects, for George Morosani, Developer.

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(6) Grove Park Inn - Staff Housing - Rogers/Dameron

Associates, Architects, for Grove Park Inn

Carol Albrice, from the Planning Department, said the Asheville Planning and Zoning Commission on July 5, 1989, reviewed and approved **the site plan for Grove Park Inn - Staff Housing** subject to 1) Approval of an erosion control plan by the Planning Department prior to soil disturbance; 2) Approval by Planning Director of on-site lighting; and 3) Approval by Planning Director of on-site noise generating mechanical units.

After a brief discussion, Councilman Price moved to schedule a public hearing on the site plan for the Grove Park Inn - Staff Housing for August 1, 1989. This motion was seconded by Councilman Martin and carried unanimously.

Council requested that the Mayor write a letter to Grove Park Inn advising them of the public hearing date and to outline the concerns expressed by area citizens at the public hearing before the Planning and Zoning Commission, the three major concerns being noise, lighting, and erosion control.

STATUS REPORT REQUESTED ON LANDSCAPING AT WOODBERRY APARTMENTS

Councilman Price requested a status report on the landscaping at Woodberry Apartments.

VII. ADJOURNMENT.

Vice-Mayor Michalove adjourned the meeting at 5:00 p.m.

MAYOR CITY CLERK
