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Tuesday - October 31, 1989 - 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 A. 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 Councilman Price.

APPROVAL OF MINUTES

Mayor Bisette announced the approval of the minutes of the October 24, 1989 meeting as submitted.

I. PROCLAMATIONS:

A. Proclamation - "Employ A Vet Week"

November 6 - 11, 1989

Mayor Bisette read the proclamation and presented a copy to Charles Erwin from the Employment Security Commission.

B. Proclamation - "Great American Smokeout Day" -

November 16, 1989

Mayor Bisette read the proclamation and presented a copy to Robbie Hambright with the American Cancer Society.

C. Proclamation - "Meals on Wheels Month" -

November, 1989

Mayor Bisette read the proclamation and presented a copy to Ann Flynn, Executive Director of Meals on Wheels.

D. Resolution No. 89-153 - Resolution recognizing Paul

Crouch, recent retiree of the City of Asheville.

Mayor Bissette read the resolution stating that Paul

Crouch has been employed with the City of Asheville since March, 1957. He was a Firefighter III in the Fire Department prior to his disability retirement.

Upon motion of Vice-Mayor Michalove, seconded by

Councilman York, Resolution No. 89-153 was unanimously adopted.

Mayor Bissette presented the resolution to Paul Crouch.

Resolution Book No. 18 Page No. 9

II. PUBLIC HEARINGS:

A. Public hearing relative to group development review -

K-Mart Plaza on Tunnel Road - Addition of Pizza Hut Take-Out.

At the request of Mayor Bissette, Councilman Frank moved

to excuse Mayor Bissette from vote and participation relative to the K-Mart Plaza Group Development review due to a conflict of interest. This motion was seconded by Vice-Mayor Michalove and carried unanimously.

Vice-Mayor Michalove said the Asheville Planning and

Zoning Commission on October 4, 1989, reviewed and approved the site plan subject to the following contingencies: 1) Approval of erosion control plan by the Planning Department prior to soil disturbance; 2) Compliance with required setbacks; and 3) City Council granting a parking variance if needed.

Vice-Mayor Michalove opened the public hearing at

4:45 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.

Gerald Green, from the Planning Department, reviewed the

recommendation of the Planning and Zoning Commission and showed a video of the property to be used by the developer for the addition of a Pizza Hut - Take Out facility.

Vice-Mayor Michalove closed the public hearing at

4:53 p.m.

Councilman Bratton moved for the approval of the group

development plan for K-Mart Plaza on Tunnel Road for the addition of a Pizza Hut Take-Out as recommended by the Planning and Zoning Commission. This motion was seconded by Councilman York and carried unanimously.

B. Public hearing relative to group development review -

Asheville-Buncombe Technical Community College - Addition and renovation of Learning Resource Center.

Mayor Bissette said the Asheville Planning and Zoning

Commission on October 4, 1989, reviewed and recommended approval of the site plan subject to the following contingencies: 1) Approval by the Planning Director of an agreement to construct a facility to provide adequate water supply for fire protection prior to issuance of a building permit; and 2) Staff review of application for building permit for conformance of those drawings with approved drawings.

Mayor Bissette opened the public hearing at 4:55 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.

Gerald Green, from the Planning Department, reviewed the

recommendation of the Planning and Zoning Commission and showed a video of the property to be used by Asheville-Buncombe Technical Community College for the Addition and renovation of the Learning Resource Center.

Harvey Haynes from the Asheville-Buncombe Technical

Community College said they will be working with the neighbors on Haith Drive to reduce the lighting in the parking areas and continued buffering for the residents.

Mayor Bissette closed the public hearing at 5:02 p.m.

Councilman Bratton moved for the approval of the group

development plan for the Asheville-Buncombe Technical Community College - Addition and renovation of the Learning Resource Center as recommended by the Planning and Zoning Commission. This motion was seconded by Councilman Martin and carried unanimously.

C. Public hearing relative to establishment of Albemarle

Park Historic District.

Mayor Bissette said the Asheville Planning and Zoning

Commission on September 27, 1989, again reviewed the request of the Albemarle Park- Manor Grounds Association, through the Historic Resources Commission, that their area be designated a local historic district. The Commission again voted to recommend approval of the designation and to exclude the property on Charlotte Street south of the Gatehouse zoned CG Commercial

General.

Mayor Bissette opened the public hearing at 5:05 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.

The City Attorney reported that protest petitions have

been received relating to the inclusion of six lots on

Charlotte Street in the Albemarle Park Historic District. He said the petitions were received on October 25, 1989 and were in proper form. He said the protest petitions are signed by owners of in excess of twenty percent (20%) of the property owners in the area which requires a 3/4 affirmative vote of all members of Council before a Historic District can be applied to the six properties in question. He read the names on the protest petitions.

Mayor Bissette requested that the protest petitions be made a part of the minutes.

Kent R. Newell, Director of the Historic Resources

Commission of Asheville-Buncombe County, said this public hearing is a joint hearing by the Asheville City Council and the Asheville-Buncombe Historic Resources Commission.

Mr. Newell said at the request of the Albemarle Park-

Manor Inn Association, the Historic Resources Commission initiated the designation of the Albemarle Park as an Historic District. As proposed, the boundaries were delineated based on the original development as proposed by Samuel Parsons, a landscape architect of national prominence.

He said a formal request was made in January, with

the support from the State Historic Preservation Office. The designation report was approved by the State in early February. The first Planning and Zoning Commission hearing was held in April followed by a presentation before the City Council

in May.

He said at the City Council hearing, the issue was

remanded back to the Planning and Zoning Commission to address the issue of six properties located along Charlotte Street and later, it was remanded

for the entire district.

He said discussion began in July to develop a

compromise. In early August, the Albemarle Park-Manor Inn Association proposed a change to the district boundaries to exclude two of the six

properties in question.

He said since being remanded from City Council, the

Asheville Planning and Zoning Commission has tabled consideration and recommendation of the issue on three separate occasions. On September 27th, at a special session, the Commission voted 4-3 to

exclude the six contested properties.

He said the Planning Department staff and the

Albemarle Park-Manor Inn Association are appealing the Asheville Planning and Zoning Commission's recommendation.

Mayor Bisette said since members of Council have heard

this matter on several occasions speakers for a group would be limited to six (6) minutes and individual speakers would be limited to three (3) minutes.

The following individuals spoke in support of the

establishment of the Albemarle Park Historic District with the inclusion of the six (6) properties on

Charlotte Street:

Richard Matthews - President of the Albemarle Park

Homeowners Association - showed slides of the six (6) properties on Charlotte Street.

He said he felt the signatures of

Mrs. Frue and McElduff on the protest petition should be declared invalid because of the way it was worded. He also questioned the legality of Buncombe County signing the protest petition.

Betty Lawrence - Historic Resources Commission member

Jeanette Warner - Smith Cottage - also read letter from

Herman Von-Treskow from Grove Park Inn

Max Haner - President of Grove Park/Sunset

Association

Jean Warner - President of Preservation Society

Doug Campbell - Historic Resources Commissioner

Kate Matthews - Holly Hock Cottage

Martha Fullington- State Representative - Historic

Preservation

Barbara Field - President of American Institute of

Architects

Marjorie Gerokos -

Marilyn Marvin - It'll Do Cottage

Bernie Wolfe - Orchard Road

Shirley Ann McCulloch -

Frank Erwin - Wake Robin Cottage

Van Gibbs - Pine Tree Cottage

Kathy Gibbs - Pine Tree Cottage

Mark Bennett - Fox Hall - also read letter from

owner of Wild Field Cottage

John Ledgerton - Architect - also read letter from

owner of 150 Cherokee

Spencer Chapman - Board of Directors - Grove Park

Inn/Sunset Association - also read letter of Gerald A. Snow

John Broadbooks - 6 Northwood Road - Historic Resources

Commissioner - President of N. C. Chapter of Landscape Architects

Lenni Sitnick - 90 Getrude Place

Jane Rawl Bingham -

Jim Samsel - Dogwood Cottage

Jane Gianvito - Monzanita Cottage - also read letter

from Martha Nelson (Chestnut Hill)

Susan Roderick -

The following individuals spoke in opposition to including the six (6) lots facing on Charlotte Street in the Albemarle Park Historic District:

Jim Daniels - owner of property included in the six (6)

properties facing Charlotte Street

Albert Sneed - Attorney

Ralph Bishop

Ann Cross - Realtor - also read letter from Wade Thomas

Bob Lawrence, Jr.

R. L. Bailey - owner of property included in the six (6)

properties facing Charlotte Street

June Grant - Historic Resources Commission member

John Carroll - Realtor

Mayor Bissette closed the public hearing at 6:51 p.m.

Mayor Bissette said the first reading of the ordinance relative to establishing the Albemarle Park Historic District will

be

considered at the meeting of November 7, 1989.

III. OLD BUSINESS:

A. Ordinance No. 1796 - Third reading of an ordinance

amending the zoning of property located at 1897

Hendersonville Road and presently identified as a portion of Lot 12 of Sheet 110 of Ward 7 of the Buncombe County Tax Maps.

Mayor Bissette said the Asheville Planning and Zoning

Commission on September 6, 1989, reviewed and recommended approval of zoning a portion of Lot 12, Sheet 110, Ward 7, from R-2 Residential District to CH

Commercial Highway District.

Mayor Bissette said the ordinance was previously

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

On a roll call vote of 7-0, Ordinance No. 1796

passed on third reading.

Ordinance Book No. 12 Page No. 2

B. Ordinance No. 1795 - Third reading of an ordinance

amending the zoning of property located partially along Wood Avenue and presently identified as portions of Lots 1, 2, 3, and 93 of Sheet 13 of Ward 7 of the Buncombe County Tax Maps.

Mayor Bissette said the Asheville Planning and Zoning

Commission on September 6, 1989, reviewed and recommended approval of zoning a portion of Lots 1 and 93, Sheet 7, Ward 13, from HI Heavy Industrial District to LI Light Industrial District, and a portion of Lots 2 and 3, Sheet 7, Ward 13, from R-3 Residential District

to LI Light Industrial District.

Mayor Bissette said the ordinance was previously

read on first and second reading and it will not be

reread in its entirety.

On a roll call vote of 7-0, Ordinance No. 1795

passed on third reading.

Ordinance Book No. 12 Page No. 1

IV. NEW BUSINESS:

A. Ordinance No. 1799 - Budget Ordinance amendment for

purchase and installation of standby electrical generators for White Fawn and Mt. Royal Radio Communications Buildings.

Mayor Bissette said the total amount of funds needed to complete the project is still \$25,000.00.

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

Councilman Frank moved for the adoption of Ordinance No. 1799. This motion was seconded by Vice-Mayor Michalove.

On a roll call vote of 7-0, Ordinance No. 1799 passed on first and final reading.

Ordinance Book No. 12 Page No. 5

B. Ordinance No. 1800 - Budget Ordinance amendment to appropriate funds for Victims Assistance Program

Mayor Bissette said the City has been notified of a

grant award of \$45,000 from the Governor's Crime Commission. The grant requires a local match of \$24,230. The Budget Amendment will appropriate the grant funds and local match in the Budget. The Housing Authority will administer the project.

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

Councilman Price moved for the adoption of Ordinance No. 1799. This motion was seconded by Councilman York.

On a roll call vote of 7-0, Ordinance No. 1800 passed on first and final reading.

Ordinance Book No. 12 Page No. 6

V. CONSENT:

A. Resolution No. 89-154 - Resolution authorizing the Mayor

to execute easement in favor of the Carolina Power and Light Company - off Windswept Drive.

Mayor Bissette said the Carolina Power and Light Company

has requested a right-of-way easement from the City of Asheville for the purpose of updating existing electrical power

lines.

Resolution Book No. 18 Page No. 10

B. Scheduling of public hearing relative to rezoning

property on Cherry Street for Ken Pitts for

November 14, 1989.

Mayor Bissette said the Asheville Planning and Zoning

Commission on October 4, 1989, voted to recommend to City Council that Ward 3, Sheet 2, Lots 271 and 272, be rezoned from R-4 Residential District to CBD Central Business District. Petitioners had requested rezoning from R-4 Residential District to CH Commercial Highway

District.

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Frank, the consent agenda was unanimously

approved.

VI. OTHER BUSINESS:

CLAIMS - MICHAEL SHOUBE (WATER PRODUCTION) - A. L.

HENDERSON (WATER) - MRS. PAUL SUTTON (WATER) - MRS. ISAACS (PARKS) - CORNERSTONE PRINTERS (STREETS) - DENNIS CASSIDY (SANITATION) - TIM DEWEESE (TRAFFIC ENGINEERING) - RONNIE LAMBERT (WATER)

Claims were presented from Michael Shoupe, A. L.

Henderson, Mrs. Paul Sutton, Mrs. Isaacs, Cornerstone Printers, Dennis Cassidy, Tim DeWeese, and Ronnie Lambert.

Mayor Bissette referred the claims to the City Attorney

for investigation and recommendation.

MOTION RELATIVE TO DELAY OF HENDERSONVILLE ROAD PROJECT

Resolution No. 89-155 - Resolution endorsing the early

completion of the Hendersonville Road widening Project

Councilman Price moved that a resolution be adopted to

be forwarded to the North Carolina Department of Transportation expressing Council's concern over the possible delay of the Hendersonville Road project. This motion was seconded by Councilman Martin and carried unanimously.

Resolution Book No. 18 Page 11

SIGN ORDINANCE WORKSHOP - NOVEMBER 1, 1989 - 7:30 a.m.

Mayor Bissette announced that the Council will hold a

sign ordinance workshop on November 1, 1989 at 7:30 a.m. and that the first reading of the ordinance will be at the November 7, 1989 meeting.

VII. ADJOURNMENT.

Mayor Bissette adjourned the meeting at 7:00 p.m.

MAYOR CITY CLERK
