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Tuesday - January 23, 1989 - 4:00 P.M.

Regular Meeting

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

William O. Moore; Councilmen Wilhelmina Bratton, Eugene W. Ellison, William W. Estes, Mary Lloyd Frank, and Norma T. Price; City Attorney 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 Vice Mayor Moore.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes of the January 16, 1990 meeting as submitted.

I. PROCLAMATIONS:

II. PUBLIC HEARINGS:

A. Public hearing relative to closing a portion of Rosewood Avenue.

Mayor Michalove said a petition was received requesting

that an unopened portion of Rosewood Avenue be closed. This unopened remnant of Rosewood Avenue occurred when adjoining property was re-subdivided and the developers of the subdivision redesigned the street system. The closing has been reviewed by the Technical Review Committee and found to have no effects upon water or sewer utilities or any other uses advantageous to the City.

Mayor Michalove opened the public hearing at 4:04 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 Manager said the petitioner is responsible for

posting the required notices at the portion of the street to be closed, also for other legal notices to adjacent property owners, and for presenting an affidavit stating that all required legal notification has been made. He said notification to all adjacent property owners has not been made and requested that the Council continue the public hearing for two weeks.

Vice Mayor Moore moved to continue the public hearing, without further advertisement, until February 6, 1990. This motion was seconded by Councilman Price and carried unanimously.

B. Continuation of a public hearing relative to adoption of an ordinance directing the Director of Building Inspections to demolish the dwelling located at 224 Flint Street.

Mayor Michalove said this ordinance will direct the

Director of Building Inspections to demolish the structures located at 224 Flint Street, Asheville, North Carolina, and in so doing, comply with the provisions of the City of Asheville Housing Code.

City Attorney William F. Slawter said property owner was

sent notices by certified mail; however, he said, we have not received a certificate back from the Postal Service that the notice has been received. Therefore, he requested that Council continue the public hearing four weeks to allow sufficient time for legal publication.

Councilman Frank moved to continue the public hearing,

until February 20, 1990. This motion was seconded by Councilman Ellison and carried unanimously.

C. Continuation of a public hearing relative to adoption of an ordinance directing the Director of Building Inspections to demolish the dwellings located at 36, 38, and 40 Cumberland Avenue.

Mayor Michalove said this ordinance will direct the

Director of Building Inspections to demolish the structure located at 36, 38, and 40 Cumberland Avenue, Asheville, North Carolina, and in so doing, comply with the provisions of the City of Asheville Housing Code.

City Attorney William F. Slawter said property owner was

sent notices by certified mail; however, he said, we have not received a certificate back from the Postal Service that the notice has been received. Therefore, he requested that Council continue the public hearing four weeks to allow sufficient time for legal publication.

Councilman Frank moved to continue the public hearing,

until February 20, 1990. This motion was seconded by Councilman Ellison and carried unanimously.

D. Ordinance No. 1815 - Continuation of a public hearing relative to the adoption of an ordinance directing the Director of Building Inspections to demolish the dwelling located at 10 Birch Street.

Mayor Michalove said this ordinance will direct the

Director of Building Inspections to demolish the structure located at 10 Birch Street, Asheville, North Carolina, and in so doing, comply with the provisions of the City of Asheville Housing Code. Mayor Michalove said this public hearing was continued at the January 16, 1990 meeting.

Fire Chief John Rukavina said posting of the property,

notice to the property owner, and all other legal notices have been carried out. He said the demolition process on this dwelling began last summer, and presented a video showing the actual condition of the house.

Mayor Michalove closed the public hearing at 4:16 p.m.

Councilman Estes moved for the adoption of Ordinance No.

1813. This motion was seconded by Councilman Ellison.

On a roll call vote of 7-0, Ordinance No. 1815 passed on first reading.

Councilman Ellison moved to suspend the rules and

proceed to the second reading of Ordinance No. 1813. This motion was seconded by Vice Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1815 passed on second reading.

Councilman Price moved to suspend the rules and proceed

to the second reading of Ordinance No. 1813. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1815 passed on third and final reading.

Ordinance Book 12, Pages 68 and 69

III. OLD BUSINESS:

A. Ordinance No. 1812 - Second reading of an Ordinance

relative to amending Chapter 30 of the Code of Ordinance of the City of Asheville to include self service storage facilities as permitted uses and conditional uses.

Mayor Michalove said the proposed ordinance amendment

defines self-service storage facilities, identifies districts in which they are permitted, and establishes standards for their development. This ordinance was

read on first reading on January 16, 1990.

Gerald Green of the Planning Department presented the

following revisions in the proposed ordinance for the Council's consideration.

1. In the definition, a correction has been made to

limit the size of the individual stalls or lockers to 800 square feet.

2. The wording of Item 7 of the requirements for the

construction of self-service storage facilities as conditional uses in the CH Commercial Highway District.

Mr. Green said this wording change provides for the

required landscaping strip located at the front of the self-service storage facility development to be 20 feet wide unless the self-service storage facility is not visible from the front property line due to the construction of a building or other permanent structure between the self-service storage facility and the front property line. In this case, the landscaped strip shall be 10 feet in width.

3. The second sentence of this section to read: "The

Centerline of this screening shall be placed a maximum of 60 feet in front of the first row of storage buildings". (The underlined words are the actual changes.)

Mr. Green said this wording would clearly indicate that the landscaping strip is to be located, between the street and the self-service storage facility when the facility is the only development on the property. When another building or other permanent structure is located between the street and the self-service storage facility, this wording would assure that the landscaping strip is located between the building and the self-storage facility. Thus, the landscaping strip would serve as a buffer between the self-service storage facility and the building(s) at the front of the property.

Councilman Price suggested that the third amendment be

clarified by rewording and presented for Council's consideration prior to the final reading of the ordinance at next week's meeting.

Mayor Michalove said this ordinance was previously read

and will not be reread in its entirety.

On a roll call vote of 7-0, Ordinance No. 1812 passed on

second reading.

IV. NEW BUSINESS:

A. Ordinance No. 1816 - Ordinance amending Section 28-81.4

and Section 28-81.7 of Article IV, Speed Regulations (lowering speed limits on Midland Drive and a portion of Sweeten Creek Road (U.S. 25A))

Mayor Michalove said adoption of this ordinance will

lower the existing 35 mph speed limit on Midland Drive to 30 mph and will lower the existing 50 mph speed limit on a portion of Sweeten Creek Road to 45 mph.

Mayor Michalove said a copy of this ordinance was

previously distributed to members of Council, and the ordinance would not be read in its entirety unless there was a specific request to do so.

Councilman Ellison requested that the City Manager

furnish the Council with a copy of traffic studies and any other criteria used to justify a recommendation to lower speed limits when future requests are presented to the City Council.

Upon inquiry of Vice Mayor Moore, the City Manager said

when a street is being monitored and vehicles are consistently exceeding the posted speed limit, this information is passed on to the Police Chief so enforcement measures can be taken.

Councilman Frank moved for the adoption of Ordinance No.

1814. This motion was seconded by Vice Mayor Moore.

On a roll call vote of 7-0, Ordinance No. 1816 passed on first reading.

B. Ordinance No. 1817 - Budget ordinance amendment appropriating funds for Sign Survey.

Mayor Michalove said Ordinance 1801 (12-4-89) requires

staff to accomplish a complete sign survey in the zoning jurisdiction of the City. In order to complete this task funding will need to be provided by Council.

Councilman Ellison requested that the City Manager

furnish the Council with a report on the cost of the

sign survey project for the first 30 days.

By use of a map, Verl Emrick of the Planning Department

pointed out the districts for the survey work - District #1 is North, #2 is East, #3 is South of the Swannanoa River, #4 is West of the French Broad River, and #5 is the Central Business area. He said training of personnel would be done in the Charlotte Street area.

Mayor Michalove said a copy of this ordinance was

previously distributed to members of Council, and the ordinance would not be read in its entirety unless there was a specific request to do so.

Councilman Bratton moved for the adoption of Ordinance

No. 1815. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, ordinance No. 1817 passed on

first and final reading.

Ordinance Book 12, Page 71

V. CONSENT:

A. Schedule public hearing relative to request to rezone

property on Piedmont Avenue for February 20, 1990 -

Thompson.

SUMMARY: The Asheville Planning and Zoning Commission

on January 3, 1990, reviewed and recommended approval of rezoning Ward 9, Sheet 6, Lots 41 from R-3 Residential District to CH Commercial

Highway.

B. Schedule public hearing relative to request to rezone

property on Haywood Road for February 20, 1990 - Smith.

SUMMARY: The Asheville Planning and Zoning Commission

on January 3, 1990, reviewed and recommended approval of rezoning Ward 6, Sheet 9, Lots 19-3/4 and 20 from R-3 Residential District to CS

Commercial Service.

C. Resolution No. 90-13 - Resolution appointing members to the Economic Development Partnership.

SUMMARY: This resolution will appoint Kenneth M.

Michalove and William G. Moore as members of

the Economic Development Partnership.

Resolution Book 18, Page 72

D. Resolution No. 90-14 - Resolution appointing member to the Asheville Transit Authority.

SUMMARY: This resolution will appoint Myra N. Grant as

a member of the Asheville Transit Authority.

Resolution Book 18, Page 73

VI. OTHER BUSINESS:

A. Downtown Parking Validation System - Report by City

Manager

The City Manager said approximately one year ago the

Council adopted a new motor vehicle tax ordinance, which invalidated the City Sticker Program. However, since it was Council's desire not to abruptly end the program, a \$5 coupon was issued to permit free parking in the city garages. He said the issuance of the \$5 coupon has been evaluated, and since the motor vehicle tax is now billed and collected on the tax bill generated by the County, the City has no way of recognizing who has or has not paid the tax.

In addition, he said, it cost the city over \$8,000 last year to redeem 700+ coupons. He said because it costs more to administer than it benefits the public, he could not recommend that Council continue the program.

The City Manager said the public can obtain free parking

through the downtown validation parking programs sponsored by merchants in the downtown area. He said so far this program has been very successful.

Upon inquiry of Council, the City Manager said any old

coupons which had been used were still valid.

B. Claims - Mr & Mrs. Roy Williams (Water) - James Stafford

(Water) - Walter Schooler (Police) - Florence Reed

(Water)

The City Manager presented claims received from Mr. and

Mrs. Roy Williams, James Stafford, Walter Schooler, and Florence Reed.

Mayor Michalove referred the claims to the City Attorney

for investigation and recommendation.

VII. ADJOURNMENT

Mayor Michalove adjourned the meeting at 4:52 p.m.
