

Tuesday - December 10, 1985 - 4:00 p.m.

Regular Meeting

Present: Mayor Louis Bissette, Presiding; Vice-Mayor Mary Lloyd Frank; Councilmen Norma T. Price; Kenneth M. Michalove; Walter R. Boland; George M. Tisdale; and Wilhelmina Bratton; Corporation Counsel William F. Slawter; Acting City Manager William F. Wolcott, Jr and Deputy City Clerk Carol Hensley.

Absent: None

APPROVAL OF THE MINUTES - DECEMBER 3, 1985 MEETING

1. Approval of the minutes of the December 3, 1985 meeting.

Councilman Michalove requested that the minutes be amended to

include the following verbatim statement relative to the election of the Vice-Mayor:

"Mayor and fellow Council members, the election of the Vice-Mayor is our first official act as the team that has been elected to serve all the residents of the City of Asheville for the next two years. To me, the Vice-Mayor election is insignificant compared to the issues that lie ahead. While I would not expect us to agree on every issue that lies in the future, I feel that the most important aspect of this issue is to start as a team, undivided."

Therefore, I cannot, in good conscience vote for Mrs. Bratton or Mrs. Frank. Not because they are not qualified, but because it perpetuates division.

My recommendation is that if we cannot agree on one amongst us to assume these responsibilities that we can all agree on, in the absence of that, the responsibilities of Vice-Mayor should be rotated for equal months, in alphabetical order, among those that want the responsibility.

Simply put, on this issue, united we stand, divided we fail."

Councilman Tisdale requested that the minutes be amended to reflect that he seconded Councilman Price's motion to nominate Mary Lloyd Frank as Vice-Mayor of the City of Asheville.

Mayor Bissette announced the approval of the minutes as amended.

PRESENDATION OF AWARD - IOLA BYERS - NORTH CAROLINA RECREATION AND PARKS SOCIETY

2. Ray Kisiah, Director of Parks and Recreation, introduced Mr. Rick Bennett, representing the North Carolina Recreation and Parks Society, who presented Iola Byers, with an award and plaque from the North Carolina Recreation and Parks Society as an outstanding recreation leader.

Mr. Kisiah said Mrs. Byers had been employed with the City of Asheville for over twenty-two years as a Director of the Burton Street

Center.

RECOGNITION OF STUDENTS FROM UNC-A

Mayor Bissette recognized students attending the Council meeting from UNC-A, during a special project in a news writing class at UNC-A.

PUBLIC HEARING - AMENDING THE ZONING ORDINANCE FOR RIDGE LAW AMENDMENTS

ORDINANCE NO. 1558 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE BY ADDING A NEW SECTION 30-3-18 ENTITLED "PROTECTED MOUNTAIN RIDGES"

3. A public hearing was held relative to amending the Zoning Ordinance relative to Ridge Law amendments.

Mayor Bissette said at the regular meeting of the Asheville Planning and Zoning Commission held on November 13, 1985, the Commission recommended to Council the adoption of an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Asheville to expand the coverage of the Mountain Ridge Protection Act of 1983 to prohibit tall buildings on all ridges 500 feet above the adjacent valley floor.

Julia Cogburn, with the Planning Department, outlined the amendments to the Code of Ordinances stating that this amendment would expand the coverage of the Mountain Ridge Protection Act of 1983, as amended, in the City of Asheville and the extraterritorial planning jurisdiction of the City to further regulate the construction of tall buildings or structures on mountain ridges. She said this would restrict tall buildings or structures with a vertical height of more than 40 feet. She said this ordinance would eliminate the 3,000 foot elevation requirement in North Carolina General Statutes Section 113A-206 (6) in defining and protecting mountain ridges. She said a protective mountain ridge would be defined as all mountain ridges whose elevation is 500 or more feet above the elevation of an adjacent valley floor.

Councilman Boland said that he felt there were many issues relative to mountain ridges that were not covered by this ordinance, and in his opinion, Council should deal with these issues.

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

Mayor Bissette said members of Council were previously furnished copies of the ordinance, and it would not be read in its entirety unless there was a specific request to do so.

Councilman Boland moved for the adoption of Ordinance No. 1558. This motion was seconded by Councilman Michalove.

Councilman Boland said it was his hope that the "Alternatives for Asheville" Committee would be addressing issues involving mountain ridges.

Upon inquiry of Mayor Bissette, Julia Cogburn said the State of North Carolina, Department of Natural Resources and Community Development, would be reviewing and finalizing a map to submit prior to March, 1986. She said the State would also be looking at whether or not to include Beaucatcher Mountain as a protected mountain ridge.

On a roll call vote of 7-0, Ordinance No. 1558 passed on second reading.

ORDINANCE NO. 1551 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "THE GATE HOUSE" AT 265 CHARLOTTE STREET IN ASHEVILLE, NORTH CAROLINA, CURRENTLY OWNED BY MAPLE COVE, INC. AS HISTORIC PROPERTY

4. Consideration was given to the third reading of Ordinance No. 1551, an ordinance designating a building and property known as "The Gate House" at 265 Charlotte Street in Asheville, North Carolina, currently owned by Maple Cove, Inc. as historic property.

Mayor Bissette said the structure known as "The Gate House" was completed in 1899 as the entrance to the grounds of the Manor Inn, and remains an impressive Lodge of shingle, stucco, and timber with a rock tower. It also serves as a reminder of the architecture of early resort developments in Western North Carolina. The Historic Resources Commission of Asheville and Buncombe County has demonstrated the historic significance of the building, and the Division of Archives and History of North Carolina Department of Cultural Resources has endorsed the findings of the Commission. This ordinance passed on first reading on November 26, 1985 and on second reading on December 3, 1985.

Mayor Bissette said this ordinance was previously read on first and second reading, and it would not be reread in its entirety unless there was a specific request to do so.

Upon inquiry of Ralph Bishop, Mayor Bissette said the property would remain historic property as long as City Council wants it to remain that designation. He said this ordinance would not prohibit demolition of the building.

On a roll call vote of 7-0, Ordinance No. 1551 passed on third and final reading.

Complete text of Ordinance No. 1551 will be found in Ordinance Book No. **10** at Page **330** and **331**.

ORDINANCE NO. 1552 - AN ORDINANCE DESIGNATING A STREET KNOWN AS "NORTH MARKET STREET" AND AN ALLEY KNOWN AS "LANGREN ALLEY" IN ASHEVILLE, NORTH CAROLINA, AND CURRENTLY OWNED BY THE CITY OF ASHEVILLE, AS HISTORIC PROPERTY

5. Consideration was given to the third reading of Ordinance No. 1552, an ordinance designating a street known as "North Market Street" and an alley known as "Langren Alley" in Asheville, North Carolina, and currently owned by the City of Asheville, as historic property.

Mayor Bissette said North Market Street is the last street in the City of Asheville having brick pavement, and Langren Alley is the last Street in the City of Asheville having Belgian block pavement. These pavements figured prominently in the development of Asheville's thoroughfares. The Historic Resources Commission of Asheville and Buncombe County has demonstrated the historic significance of the building, and the Division of Archives and History of North Carolina Department of Cultural Resources has endorsed the findings of the Commission. This ordinance passed on first reading on November 26, 1985 and on second reading on

December 3, 1985.

Mayor Bissette said this ordinance was previously read on first and second reading, and it would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1552 passed on third and final reading.

Complete text of Ordinance No. 1552 will be found in Ordinance Book No. **10** at Page **332** and **333**.

ORDINANCE NO. 1554 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "GROVE ARCADE" ON BATTLE SQUARE IN ASHEVILLE, NORTH CAROLINA, CURRENTLY OWNED BY THE UNITED STATES OF AMERICA, AS HISTORIC PROPERTY

6. Consideration was given to the third reading or Ordinance No. 1554, an ordinance designating a building and property known as "Grove Arcade" on Battle Square in Asheville, North Carolina, currently owned by the United States of America, as historic property.

Mayor Bissette said "The Grove Arcade" was designed by prominent architect Charles N. Parker and built for famous developer and entrepreneur Edwin W. Grove, known as the "Father of Twentieth Century in Asheville". "The Grove Arcade" is a grand and flamboyant building constructed of fine ornamental terra cotta and stone, and is finished inside and out with Tudoresque and medieval ornamentation. This building is also a rare example of an interior shopping arcade with covered pedestrian thoroughfares. The Historic Resources Commission of Asheville and Buncombe County has demonstrated the historic significance of the building, and the Division of Archives and History of North Carolina Department of Cultural Resources has endorsed the findings of the Commission. This ordinance passed on first reading on November 26, 1985, and on second reading on December 3, 1985.

Mayor Bissette said this ordinance was previously read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1554 passed on third and final reading.

Complete text of Ordinance No. 1554 will be found in Ordinance Book No. **10 at Page 337 and 338.**

RESOLUTION NO. 85-224 - RESOLUTION AUTHORIZING THE SALE OF PROPERTY ACQUIRED BY THE COUNTY OF BUNCOMBE PURSUANT TO TAX FORECLOSURE

7. Consideration was given to a resolution authorizing the sale of property acquired by the County of Buncombe pursuant to tax foreclosure.

Mayor Bissette said the City and County entered into an Agreement November 5, 1984, to set forth the responsibilities of the City and County with regard to the prior responsibilities of the Buncombe County Board of Tax Supervision. This resolution authorizes the sale of tax lots by the County of Buncombe at a price not less than the current tax valuations. These tax lots are owned jointly by the City and the County, and they are land that have been foreclosed upon for failure to pay taxes. The County,

for itself and as agent for the City, is undertaking to sell these lots, and our agreement with them requires that they have City approval prior to selling any of the lots within the City limits. He said revenue to the City would be approximately 50% of the current tax valuations of the lots sold.

Mayor Bissette said members of Council were previously furnished copies of the resolution, and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Vice-Mayor Frank, seconded by Councilman Price, Resolution No. 85-224 was unanimously adopted.

Complete text of Resolution No. 85-224 will be found in Resolution Book No. **15 at Page 349-365.**

RESOLUTION NO. 85-225 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACT FOR STATE SENIOR CITIZEN CENTER FUNDS

7. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a contract for State Senior Citizen Center Funds.

Mayor Bissette said the North Carolina Department of Human Resources, Division of Aging, has a program whereby grants are available for acquisition or renovation of Senior Citizen Centers. The City has demonstrated its concern for its senior citizens by developing and operating the Senior Opportunity Center. The Parks, Recreation and Public Facilities Department and the Buncombe County Energy Commission have developed plans for a Solar Sun Space to be added on to the Senior Opportunity Center and has obtained funds for this purpose totaling \$15,000. This resolution will authorize the Mayor to enter into an agreement between the City and Land-of-Sky Regional Council for use of these funds. He said of the total grant (\$28,500), 53% will be furnished by the Federal and State (\$15,000) and 47% will be furnished by the City. The 47% provided by the City will come from labor by the Park Maintenance Division (\$8,500) and from the Alternative Energy Commission (\$5,000).

Ray Kisiah, Director of Parks and Recreation, said this would provide for a solar sun space to be added to the Senior Opportunity Center.

Mayor Bissette said this resolution was previously presented to members of Council and would not be read in its entirety unless there was a specific request to do so.

Upon motion of Vice-Mayor Frank, seconded by Councilman Price, Resolution No. 85-225 was unanimously adopted.

Complete text of Resolution No. 85-225 will be found in Resolution Book No. **15 at Page 366.**

APPROVAL OF SIGN PERMIT - 800 FAIRVIEW ROAD - KENTUCKY FRIED CHICKEN

8. Consideration was given to a motion approving a sign permit for an identification sign at 800 Fairview Road.

Mayor Bissette said Kentucky Fried Chicken has requested a sign permit to erect an identification sign at 800 Fairview Road advertising

"Kentucky Fried Chicken". This sign requires approval of City Council pursuant to the zoning ordinance in that the sign will be situated closer than 600' of a limited access highway. This sign permit was considered at the November 19, 1985 meeting and action was postponed until November 26, 1985. On November 26, 1985, at the request of the owners, action was postponed until December 10, 1985.

Verl Emrick, Director of Planning, said the sign permit meets all the requirements of the Zoning Ordinance. However, this sign permit requires approval of City Council pursuant to the Zoning Ordinance in that the sign will be situated closer than 600' of a limited access highway.

Harold Jackson, representing Kentucky Fried Chicken, spoke in support of the approval of the sign permit. He said it was very important for the sign to be visible from the interstate.

Councilman Price expressed concern about "cluttering" the area with signs in and around the shopping center.

Councilman Michalove said the sign permit would be within the maximum height of 40 feet, and in his opinion, businesses need to advertise. He said Council could, in the future, place limitations on signs in shopping centers.

Councilman Michalove moved for the approval of the sign permit at 800 Fairview Road for Kentucky Fried Chicken. This motion was seconded by Councilman Tisdale.

Councilman Boland requested that the City staff present to members of Council existing material on billboard sign ordinances.

Mayor Bissette read the following letter from Quality Forward:

December 10, 1985

Mayor W. Louis Bissette, Jr.

City of Asheville

P. O. Box 7148

Asheville, N. C. 28807

Dear Lou:

Concerning the placement of signs for River Ridge Colonel Sanders Restaurant, I would like to state that this area is located adjacent to an I-240 beautification project that we plan to implement in Spring, 1986.

For this reason we are very interested in keeping signage on I-240 to a minimum and placing emphasis on landscaping and other improvements. We suggest a sign listing all tourist-related businesses be placed on the highway at that exit. Information signs are called "Logo" signs because they use identifying logos for each business (as you have seen in Virginia).

Our plan is to plant trees in the median strip from the beginning of I-240 to Chunns Cove. This tree planting, combined with the landscaping already completed by the Department of

Transportation, will welcome visitors and improve the environment of East Asheville. We planned this in response to concerns voiced about the entrances to Asheville. We are in the process of planting at all the entrances into the City.

Thank you for considering limitation of signs along I-240.

Sincerely,

Susan Mayer

Executive Director

enc.: Letter to Marie Colton concerning "Logo" signs

Councilman Price said she felt shopping centers need "Logo" signs to identify all businesses in a shopping center.

Mayor Bissette said he was also concerned about the signs cluttering the entrances to the City, however, he realized the importance of businesses needing to advertise.

Barry Olen and Keith Thompson, spoke relative to Council's need to study the sign restrictions in the City of Asheville.

On a voice vote, Councilman Michalove's motion passed on a 4-3 vote, with Vice-Mayor Frank, Councilman Price, and Councilman Boland voting "no".

RESOLUTION NO. 85-226 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF ASHEVILLE AND SUNBELT HISTORIC PROPERTIES LIMITED PARTNERSHIP FOR A REDEVELOPMENT PROJECT IN THE WALL STREET AREA

9. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville a Memorandum of Understanding by and between the City of Asheville and Sunbelt Historic Properties Limited Partnership for a Redevelopment Project in the Wall Street Area.

Mayor Bissette said Sunbelt Historic Properties Limited Partnership desires to undertake a redevelopment project for the Wall Street area. The City desires to enable parking improvements for the project area and to provide for certain street and site improvements in connection with the project. Sunbelt Historic Properties Limited Partnership and the City have agreed to the terms and conditions of a MOU setting forth the responsibilities of each party with respect to the redevelopment project.

Bill Smith, President of Southeastern Historic Properties, and developer of the project being Sunbelt Historic Properties Limited Partnership, explained the proposal for the redevelopment of Wall Street. He said the proposal involves 8.4 million in construction cost and that an additional \$900,000 for street improvements, lighting, paving, tree plantings and other improvements associated with the parking deck. He said the four-story deck will be built with 350 spaces, but will be designed to accommodate additional levels in the future, if necessary. He said the deck will be built on the west end of Wall Street, with three access points and one exit.

Mayor Bissette summarized the contents of the Memorandum of Understanding. He said the Memorandum of Understanding is a result of at least two years of negotiations.

Mayor Bissette explained the financing for the Wall Street proposal.

Councilman Tisdale commended the developer for their plans, but said he was uncomfortable with some of the financial aspects of the parking garage and would be casting a negative vote.

Councilman Boland said he had reservations about some of the details of the project; however, he was pleased that the project is progressing. He said even if the proposal was not accepted, the City of Asheville would still have to provide parking and street improvements in the area with or without the project.

Councilman Price agreed with comments made by Councilman Boland.

Councilman Frank said studies have shown the Wall Street area is vital to downtown revitalization.

Councilman Michalove said he felt the project is needed for downtown revitalization.

Upon inquiry of Ralph Bishop, Mayor Bissette noted that the Asheville City Council believes the project is in conformance with all related State laws.

Barry Olen, property owner on Wall Street, said he had mixed feelings relative to the project. He expressed concern that the changes will result in some of the tenants on Wall Street losing their businesses or not being able to afford higher rents. He also said he was concerned about the developer's proposal to close Wall Street to vehicular traffic during business hours, a plan the merchants say will result in less business and less accessibility to other parts of the downtown.

Mayor Bissette said the issue of closing or opening Wall Street is not addressed in the Memorandum of Understanding and is still open for discussion.

Katherine Grooms, a tenant on Wall Street, also spoke relative to her concerns about the rents being raised and the closing of Wall Street.

Tom Stietler, spoke relative to the project, stating that he was enthused about the new parking garage being downtown.

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

Upon motion of Councilman Bratton, seconded by Councilman Michalove, Resolution No. 85-226 passed on a vote 6-1, with Councilman Tisdale voting "no".

Complete text of Resolution No. 85-226 will be found in Resolution Book No. **15** at Page **367** and **368**.

RESOLUTION NO. 85-227 - RESOLUTION REQUESTING THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO CONSIDER AND TO ADOPT A RESOLUTION OF INTENT TO ISSUE URBAN REDEVELOPMENT BONDS IN AN AMOUNT NOT TO EXCEED TEN MILLION DOLLARS FOR THE WALL STREET AREA PROJECT

10. Consideration was given to a resolution requesting the Housing Authority of the City of Asheville to consider and to adopt a resolution of intent to issue Urban Redevelopment Bonds in an amount not to exceed Ten Million Dollars for the Wall Street Area Project.

Mayor Bissette said Sunbelt Historic Properties Limited Partnership ("Sunbelt") has negotiated a Memorandum of Understanding with the City which provides for Sunbelt to undertake a redevelopment project in the Wall Street area. Sunbelt desires to fund a portion of the total cost of the project by the issuance of urban redevelopment bonds as authorized in Article 22 of Chapter 160A of the North Carolina General Statutes. Sunbelt shall assign its rights under the MOU to Wall Street Limited Partnership, whose name shall be used in the issuance of the bonds. The City Council desires the Housing Authority, acting as a redevelopment commission pursuant to Article 22 of Chapter 160A of the North Carolina General Statutes, to issue the redevelopment bonds to fund a portion of the costs for this project.

Upon motion of Councilman Boland, seconded by Councilman Frank, Resolution No. 85-227 passed on a voice vote of 6-1, with Councilman Tisdale "no".

Complete text of Resolution No. 85-227 will be found in Resolution Book **15** at Page **369** and **370**.

MOTION RELATIVE TO USE OF UDAG LOAN REPAYMENTS TO FUND DOWNTOWN PROJECT

11. Consideration was given to a motion relative to use of UDAG loan repayments to fund downtown project.

Mayor Bissette said this motion will direct the City Manager to identify and earmark specific UDAG repayments to be

used to fund downtown redevelopment, and that a budget ordinance be submitted to Council appropriating said repayments to the Rankin Street Parking Garage and the Wall Street Redevelopment Project.

Councilman Michalove moved that, based on the funding commitments that have been made with regard to UDAG loan repayment funds, including the commitment today for the Wall Street Project, the Asheville City Council herewith places a moratorium on the use of these funds for any other projects until such time as the projects committed to are completed, reduced in scope, or eliminated from further consideration, to the extent that such funds are permitted by the Federal government to be used for these purposes. He said this motion would also direct the City Manager to prepare a budget amendment appropriating the repayments to the Rankin Street Parking Garage and the Wall Street Redevelopment Project. This motion was seconded by Councilman Bratton and carried on a voice vote of 6-1, with Councilman Tisdale voting "no".

COMMENDATION OF ZACK ALLEN RELATIVE TO ARTICLE IN ASHEVILLE CITIZEN TIMES ON HISTORY OF RIVERSIDE CEMETERY

Councilman Tisdale commended Zack Allen, with the Asheville Citizen Times, on the fine article he wrote relative to the history of the Riverside Cemetery.

CLAIMS - ANN JOYCE (METER READER) - THE MARKET PLACE (WATER) - MARY RIDDLE (STREETS) - LOUIS MONGIOVI (METER READER) - MEL GADDY (SANITATION) - OLIVIA BLAIR (SEWER)

The City Manager presented claims received from Ann Joyce (Meter Reader) - The Market Place (Water) - Mary Riddle (Streets) - Louis Mongiovi (Meter Reader) - Mel Gaddy (Sanitation) and Olivia Blair (Sewer).

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

LAWSUIT - HARRY BRUMMER

The City Manager said a lawsuit naming the Board of Adjustments of the City of Asheville as a defendant was filed on November 27, 1985, involving Harry Brummer (prayer for damages for breach of contract and interference of defendant and request for injunction and mandamus to issue a building permit).

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

RESOLUTION NO. 85-228 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO SIGN AN AGREEMENT WITH SIGHT AND SOUND, INC. FOR PROFESSIONAL SERVICES FOR ALTERNATIVES FOR ASHEVILLE COMMITTEE

Consideration was given to a resolution authorizing the Mayor of the City of Asheville to sign an agreement with Sight and Sound, Inc. for professional services for Alternatives for Asheville Committee.

Verl Emrick, Director of Planning, said this contract would allow Sight and Sound, Inc. to do a video production for presentation to the public relative to information from the Alternatives for Asheville Committee. He said the cost of the video production would be \$2,200.

Upon motion of Councilman Price, seconded by Councilman Boland, Resolution No. 85-228 was unanimously adopted.

Complete text of Resolution No. 85-228 will be found in Resolution Book No. 15 at Page 371.

LETTER OF APPRECIATION TO JUDGE C. WALTER ALLEN

Councilman Price requested that a Letter of Appreciation be sent to Judge C. Walter Allen, signed by all Council members, expressing their appreciation for his participation in the swearing in ceremonies on December 3, 1985.

RALPH BISHOP - LOTTERY SALES IN THE CITY OF ASHEVILLE

Ralph Bishop again spoke to members of Council relative to the lottery sales in the City of Asheville.

ADJOURNMENT TO WORK SESSION AND EXECUTIVE SESSION

Councilman Tisdale moved to adjourn the meeting to a work session and executive session. This motion was seconded by Councilman Price and carried unanimously.

MAYOR CITY CLERK
