

Tuesday - December 17, 1985 - 4:00 p.m.

## Regular Meeting

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

Absent: None

## INVOCATION

The invocation was given by Councilman Tisdale.

## APPROVAL OF THE MINUTES - DECEMBER 10, 1985 MEETING

1. Approval of the minutes of the December 10, 1985 meeting.

Mayor Bissette noted that the minutes should be amended to include that Corporation Counsel William F. Slawter was absent for the December 10, 1985, meeting, and that Patsy Brison was Acting Corporation Counsel at the meeting.

Mayor Bissette announced the approval of the minutes as amended.

## PUBLIC HEARING - REDEVELOPMENT PLAN AMENDMENT FOR THE WOODBERRY APARTMENTS

2. A public hearing was held relative to a redevelopment plan amendment for the Woodberry Apartments.

Mayor Bissette opened the public hearing at 4:10 p.m.

The Deputy City Clerk presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Mayor Bissette said the proposed amendment would add provisions to the plan for the issuance of urban development bonds for the making of loans to redevelopers to finance the acquisition and construction of residential units within the East End/Valley Street Redevelopment area.

Larry Holt, Deputy Executive Director of the Housing Authority of the City of Asheville, said this would be the first amendment to the East End/Valley Street Community Redevelopment Plan, approved by the Asheville City Council May 27, 1978. He said under the North Carolina General Statutes the Housing Authority is enabled to issue redevelopment bonds for land and construction of housing. He said bonds would be issued for the construction of an apartment complex consisting of 164 units on Alexander Drive. He said all proceeds from the bonds would be available to Poff Construction Company for construction of the apartment complex. He said in exchange for the tax exempt bonds, the owners of the complex would set aside 20% of the units for low and moderate income families.

Upon inquiry of Councilman Tisdale, Mr. Holt said there would be no expense to the City of Asheville for issuing the redevelopment bonds.

Upon inquiry of Ralph Bishop, it was noted that no additional costs would be imposed upon the City for water, sewer, or street improvements.

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

## RESOLUTION NO. 85-229 - RESOLUTION ADOPTING AND APPROVING AMENDMENT NO. 1 TO THE EAST END/VALLEY STREET COMMUNITY IMPROVEMENT REDEVELOPMENT PLAN

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

Upon motion of Councilman Price, seconded by Councilman Boland, Resolution No. 85-229 was unanimously adopted.

Complete text of Resolution No. 85-229 will be found in Resolution Book No. **15** at page **402** and **403**.

**RESOLUTION NO. 85-230 - RESOLUTION APPROVING THE ISSUANCE BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE OF URBAN DEVELOPMENT BONDS IN A PRINCIPLE AMOUNT NOT TO EXCEED SIX MILLION DOLLARS**

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. 85-230 was unanimously adopted.

Complete text of Resolution No. 85-230 will be found in Resolution Book No. **15** at page **404** and **405**.

**PUBLIC HEARING - GROUP DEVELOPMENT REVIEW - BUCK COVE DEVELOPMENT**

3. A public hearing was held relative to a group development review for the Buck Cove Development.

Mayor Bissette said the Planning and Zoning Commission, at a meeting held November 13, 1985, reviewed the site plan of the proposed Buck Cove Development (Townhouses) to be located on Old Chunn's Cove Road. The site plan was prepared by Dobson Engineering and Associates for Mr. Larry Buckner, Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the site plan to City Council subject to the following conditions: 1) that the street be constructed to an average grade of 15% and a maximum grade of 20%; 2) that the project comply with the Erosion Control Ordinance and that the final plans be shown with 2' contours instead of 5'.

Mayor Bissette opened the public hearing at 4:20 p.m.

The Deputy City Clerk presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said due to technical problems, it would be his recommendation that Council continue the public hearing until January 7, 1986.

Councilman Tisdale moved to continue the public hearing relative to the Group Development Review for the Buck Cove Development until January 7, 1986, without further advertisement. This motion was seconded by Councilman Boland and carried unanimously.

**PUBLIC HEARING - AMENDING THE ZONING ORDINANCE - CREATING A NEW R2-A RESIDENTIAL DISTRICT OR AMENDING THE EXISTING R-2 RESIDENTIAL DISTRICT**

4. A public hearing was held relative to amending the Zoning Ordinance by creating a new R2-A Residential District or amending the existing R-2 Residential District.

Mayor Bissette said the Planning and Zoning Commission, at a meeting held November 6, 1985, considered the request of the Haw Creek Community Association, Inc., that the Zoning Ordinance be amended by creating a new R2-A Residential District. After discussion, the Commission voted to recommend to City Council that the request be denied and that the alternate recommendation of staff to amend the current R-2 Residential District be denied. The Haw Creek Community Association, Inc., has requested that Council hold a public hearing relative to this request.

Mayor Bissette opened the public hearing at 4:25 p.m.

The Deputy City Clerk presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said after several months of discussion by the Planning and Zoning Commission relative to the creation of a new zoning district to be R2-A, or a modification of the existing R-2 Low Density Residential District, and after talking with the Alternatives for Asheville Committee, the Commission recommended that no change be made in the existing Zoning Ordinance just to regulate the Haw Creek Valley. He said the Haw Creek Valley is presently zoned R-2, which would allow 10 units per acre. He said the Haw Creek Community Association, Inc., has requested that Council amend the Zoning Ordinance to create a new district, R2-A, or to amend the existing R-2 district to provide for four units per acre in order to protect the character of their neighborhood.

Mr. Emrick said in the very near future, Council would be dealing with growth patterns and balanced property rights for all the City, through the Alternatives for Asheville Committee's recommendations.

Mr. Emrick showed members of Council and the audience a chart showing a trend toward multi-family units in Asheville. He said Council had several alternatives, including the extension of the existing moratorium in the Haw Creek Valley for multi-family dwellings. He said Council has the option of approving the proposal from the Haw Creek Community Association to create an R2-A district, which would allow four units per acre; or modifying the existing R-2 Low Density Residential District to include six units per acre. He said changing the existing 10 units per acre to six units per acre would not have an adverse effect on the growth pattern in the Haw Creek area.

Upon inquiry of Councilman Bratton, Mr. Emrick said the Planning and Zoning Commission felt that an amendment to the Zoning Ordinance at this time would be a "stop gap" approach to the Alternatives for Asheville Comprehensive Plan currently being researched and developed.

Councilman Boland said he felt there was a big separation of allowable units per acre between the R-1 District and the R-2 District. He said the Alternatives for Asheville Committee is currently considering "clustering" of units in the City of Asheville, and Council should await their recommendations.

Ed Dyson, representing the Haw Creek Community Association, Inc., said the area residents are having problems with the restrictions in the R-2 and R-1 Residential Districts. He said large complexes have an impact on neighborhoods. He said their recommendation would be to reduce the density to four units per acre, which would allow for orderly growth without a large impact. He said the present infrastructure of Haw Creek could be addressed with this type of orderly growth. He said the Haw Creek area has winding narrow roads, water and sewer problems, and the proposed sewer line of 15" will not be adequate to alleviate the problems the citizens are having in the Haw Creek area. He said the association would like for Council to amend the Zoning Ordinance to include four units per acre, but could live with six units per acre. He also requested that Council amend the Group Development portion of the Zoning Ordinance to provide that Council review all developments in excess of two units. He also requested that members of Council contact the Buncombe County Commissioners to request that they extend their zoning jurisdiction to cover the entire valley of Haw Creek.

Bill Tennant, of Haw Creek, said the area residents would like to keep the Haw Creek area a basic residential area.

John Barnett, of Haw Creek, also spoke relative to controlled growth in the Haw Creek area.

Frank Martin, of Haw Creek, said area developers take advantage of legal "loopholes" with the current Group Development regulations. He requested that members of Council extend the current moratorium to prohibit developers from taking advantage of the area before the enforcement and adoption of a new Comprehensive Plan.

Mayor Bissette closed the public hearing at 5:10 p.m.

**ORDINANCE NO. 1559 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED**

**(WORDING AMENDMENT - SECTION 30-5-3 - R-2 LOW DENSITY RESIDENTIAL DISTRICT)**

Councilman Price moved to approve Ordinance No. 1559 amending the development standards under Section 30-5-3(C) development standards to allow for six units as a maximum density dwelling units per acre. This motion was seconded by Councilman Boland.

Councilmen Michalove, Bratton, and Tisdale expressed concerns relative to amending the Zoning Ordinance for the R-2 Low Density District in that it would affect all R-2 zones in the City, even though studies have not been made to determine if the new density requirements are appropriate for all those areas. It was noted that there was a big spread between the R-2 zoning and the R-6 zoning for density dwelling units per acre.

Councilman Tisdale commended the Haw Creek Community Association for trying to keep the character of their neighborhood. He said he could support the density level requirement of four units per acre.

Mayor Bissette said he did not feel that changing the requirement of 10 units to six units would adversely affect the City of Asheville.

Councilman Michalove said he felt the Buncombe County Board of Commissioners should pursue extending the extra territorial zoning jurisdiction to cover the entire Haw Creek area.

On a roll call vote of 4-3, Ordinance No. 1559 passed on first reading, with Councilmen Tisdale, Bratton, and Michalove voting "No."

**ORDINANCE NO. 1560 - AN ORDINANCE AMENDING ORDINANCE NO. 1530 EXTENDING THE MORATORIUM LIMITING DEVELOPMENT IN THE HAW CREEK AREA**

6. A public hearing was held relative to extending the present moratorium in the Haw Creek area.

Mayor Bissette said on August 20, 1985, Council adopted Ordinance No. 1530 imposing a moratorium on property in the Haw Creek Area for the issuance of any zoning or building permits and consideration of any request for group development review by the Planning and Zoning Commission. This moratorium expires on January 1, 1986, and a request has been received for Council to consider extending the moratorium for an additional ninety (90) days.

Mayor Bissette opened the public hearing at 5:17 p.m.

The Deputy City Clerk presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Frank Martin, of Haw Creek, supported the continuation of the present moratorium in the Haw Creek area.

Mr. Wickman, of Haw Creek, requested that the City staff look into the curb situation on Beverly Road.

Mayor Bissette closed the public hearing at 5:23 p.m.

Councilman Michalove moved for the adoption of Ordinance No. 1560. This motion was seconded by Councilman Tisdale.

On a roll call vote of 7-0, Ordinance No. 1560 passed on first reading.

Councilman Bratton moved to suspend the rules and proceed to the second reading of Ordinance No. 1560. This motion was seconded by Councilman Michalove and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1560 passed on second reading.

Councilman Michalove moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1560. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1560 passed on third and final reading.

Complete text of Ordinance No. 1560 will be found in Ordinance Book No. **10** at page **348** and **349**.

**ORDINANCE NO. 1561 - BUDGET ORDINANCE AMENDMENT ESTABLISHING BUDGET FOR HARVEST HOUSE AND SENIOR OPPORTUNITY CENTER FEDERAL GRANTS**

6. Consideration was given to a budget ordinance amendment establishing a budget for federal grants at the Harvest House and Senior Opportunity Center.

Mayor Bisette said this budget ordinance will establish a budget to administer federal grants received from the Senior Citizen Fund for Harvest House Senior Center and Senior Opportunity Center. A total of \$9,000 was received for Harvest House deck construction and equipment purchases and a total of \$15,000 was received for the construction of the Senior Opportunity Center's solar space. There will be a total cost of \$24,000 to make improvements to the existing facilities at these locations.

Councilman Tisdale moved for the adoption of Ordinance No. 1561. This motion was seconded by Vice-Mayor Frank.

On a roll call vote of 7-0, Ordinance No. 1561 passed on first and final reading.

Complete text of Ordinance No. 1561 will be found in Ordinance Book No. **10** at page **350** and **351**.

**ORDINANCE NO. 1562 - BUDGET ORDINANCE AMENDMENT FOR SOUTH PACK SQUARE STREESCAPE IMPROVEMENTS**

7. Consideration was given to a budget ordinance amendment for South Pack Square Streetscape Improvements.

Mayor Bisette said this budget amendment will appropriate funds for South Pack Square Streetscape costs overruns. There will be a cost of \$28,000 available from CDBG contingency which contains a balance of \$56,955.

Marvin Vierra, with the Community Development Department, said the South Pack Square Streetscape Project has encountered a problem with soil compaction that has resulted in a cost overrun and a delay in the completion of the project. He said this appropriation will allow for the correction to the soil problem and allow paving and landscaping to continue with amendments to the plan.

Upon inquiry of Ralph Bishop, it was noted that federal funds were being used for the South Pack Square Streetscape Project.

Councilman Price moved for the adoption of Ordinance No. 1562. This motion was seconded by Vice-Mayor Frank.

On a roll call vote of 7-0, Ordinance No. 1562 passed on first and final reading.

Complete text of Ordinance No. 1562 will be found in Ordinance Book No. **10** at page **352** and **353**.

**AUTHORIZATION FOR BONUS TO BE PAID TO RETIRED MEMBERS AND SURVIVORS OF THE ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND**

8. Consideration was given to a motion relative to City Council authorizing that a bonus be paid to the retired members and survivors of the Asheville Policemen's Pension and Disability Fund as of December 17, 1985.

Mayor Bisette said this motion will approve distribution of a one-time bonus to retirees/survivors of the Policemen's Pension and Disability Fund.

Councilman Bratton moved that City Council authorize a bonus to be paid to the retired members and survivors of the Asheville Policemen's Pension and Disability Fund as of December 17, 1985, according to an approved formula. This

motion was seconded by Councilman Tisdale and carried unanimously.

**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"**

9. Consideration was given to the second and third reading of Ordinance No. 1558, an ordinance amending Chapter 30 of the Code of Ordinance 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.

Mayor Bissette said at the regular meeting of the 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. This ordinance passed on first reading at the December 10, 1985, meeting.

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

Vice-Mayor Frank moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1558. This motion was seconded by Councilman Boland and carried unanimously.

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

Complete text of Ordinance No. 1558 will be found in Ordinance Book No. **10** at page **343, 344, and 345**.

**RESOLUTION NO. 85-231 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT ON BEHALF OF THE CITY OF ASHEVILLE WITH TERRY BROTHERS CONSTRUCTION COMPANY, INC., FOR THE PROJECT KNOWN AS BUSBEE VIEW ROAD/SWEETEN CREEK ROAD EIGHT INCH SEWER LINE CONTRACT NUMBER E-027/W-011.85**

10. Consideration was given to a resolution authorizing the Mayor to sign a contract on behalf of the City of Asheville with Terry Brothers Construction Company, Inc., for the project known as Busbee View Road/Sweeten Creek Road Eight Inch Sewer Line Contract Number E-027/W-011.85.

Mayor Bissette said bids were solicited for the project known as the Busbee View Road/Sweeten Creek Road Eight Inch Sewer Line. The project includes the installation of approximately 1875 linear feet of eight inch (8") diameter sewer pipe, ten (10) manholes and associated appurtenances. Terry Brothers Construction Company, Inc., of Leicester, North Carolina was the lowest responsible bidder. Total cost for this project is \$36,515.20. This is budgeted in the Capital Construction (33) Fund.

Upon motion of Councilman Price, seconded by Councilman Michalove, Resolution No. 85-231 was unanimously adopted.

Complete text of Resolution No. 85-231 will be found in Resolution Book No. **15** at page **406**.

**SCHEDULING PUBLIC HEARING - AMENDMENT TO GROUP DEVELOPMENT SECTION OF THE ZONING ORDINANCE FOR JANUARY 7, 1986**

Councilman Price moved that a public hearing be scheduled relative to amending the Zoning Ordinance, Group Development Section, Article 6, for

January 7, 1986. This motion was seconded by Councilman Michalove and carried unanimously.

**EXTENSION OF OPTION FOR SALE OF PROPERTY TO WESTERN NORTH CAROLINA AGRICULTURAL CENTER AT THE AIRPORT**

Councilman Tisdale moved that the option previously granted to the State of North Carolina with regard to the sale or

lease of fifty (50) acres of land adjoining the Western North Carolina Agricultural Center be extended through the 31st day of January, 1986. This motion was seconded by Councilman Price and carried unanimously.

**RESOLUTION NO. 85-232 - RESOLUTION EXTENDING A SALES AGREEMENT FOR THE SALE OF APPROXIMATELY 16.4 ACRES OF CITY-OWNED PROPERTY LOCATED EAST OF THE INTERSECTION OF FANNING BRIDGE AND AIRPORT ROAD TO AMERICAN DIECASTING ENGINEERING, INC., (RONAL WHEELS)**

Mayor Bissette read a resolution authorizing the execution of an agreement extending through March 31, 1986, the offer to purchase a 16.4 acre tract of land by Ronal Wheels.

Upon motion of Councilman Bratton, seconded by Councilman Tisdale, Resolution No. 85-232 was unanimously adopted.

Complete text of Resolution No. 85-232 will be found in Resolution Book No. **15** at page **407**.

**RESOLUTION NO. 85-233 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A REDEVELOPMENT STUDY CONTRACT WITH THE FIRM OF BUTLER ASSOCIATES, P.A.**

Mayor Bissette read a resolution which would authorize a contract with Butler Associates, P.A., in the amount of \$1,709.25 to conduct a portion of the studies in the downtown relative to designation of redevelopment project areas.

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 85-233 was unanimously adopted.

Complete text of Resolution No. 85-233 will be found in Resolution Book No. **15** at page **408**.

**CLAIMS - A. A. HILL (SANITATION) - TIMOTHY GALLAGHER (WATER) - MARGARET BURGIN (WATER) - FUTON DESIGNS (WATER/STREETS)**

The Acting City Manager presented claims received from A. A. Hill, Timothy Gallagher, Margaret Burgin and Futon Designs.

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

**RALPH BISHOP - SEEKING REDRESS TO MEMBERS OF COUNCIL - LOTTERY PEDDLERS**

Ralph Bishop again spoke to members of Council relative to his difficulty in seeking redress from members of Council, and relative to lottery sales in the City of Asheville.

**PRESENTATION BY ASHEVILLE CABLEVISION**

Mr. Michael McPhee, Vice President of Operations for Daniels and Associates, Inc., presented a presentation to the Asheville City Council relative to improvements being made by Asheville Cablevision to its subscribers. He said these improvements are results of a letter from the City of Asheville, dated October 22, 1985.

The verbatim presentation is attached as part of these minutes.

**ADJOURNMENT**

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

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MAYOR CITY CLERK

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