

Tuesday - January 14, 1986 - 4:00 p.m.

Regular Meeting

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

Absent: None

INVOCATION

The invocation was given by Mayor Bisette.

APPROVAL OF THE MINUTES - JANUARY 7, 1986 MEETING

1. Mayor Bisette noted that the minutes should be amended to correct a typing error on Page 342, paragraph 8. The word "response" should be "responsive."

Mayor Bisette announced the approval of the minutes as amended.

MAYOR BISSETTE - RECOGNITION OF ERIC ARTHUR

2. Mayor Bisette recognized Eric Arthur, Boy Scout, attending the Council meeting as part of his work toward a citizenship merit badge.

ORDINANCE NO. 1563 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (WORDING AMENDMENT - ARTICLE 2., DEFINITIONS, SECTION 30-2-1. GENERAL., ARTICLE 6, SECTION 30-6-1. GROUP DEVELOPMENT/PLANNED UNIT DEVELOPMENTS)

3. Consideration was given to the second reading of Ordinance No. 1563, "an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended (Wording Amendment - Article 2., Definitions, Section 30-2-1. General., Article 6, Section 30-6-1. Group Development/Planned Unit Developments.)

Mayor Bisette said this ordinance will amend the Zoning Ordinance to provide that any mobile home park, camper-trailer park, or any multi-family residential building or structure containing three (3) or more individual units will require approval pursuant to Group Developments/Planned Unit Developments. This ordinance passed on first reading on January 7, 1986.

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

On a roll call vote 7-0, Ordinance No. 1563 passed on second reading.

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)

4. Consideration was given to the third reading of 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.)

Mayor Bissette said the Asheville 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. This ordinance passed on first reading on December 17, 1985, and on second reading on January 7, 1986, amending the R-2 density dwelling units per acre to six (6).

Lee Towery, 17 Alpine Way, spoke in opposition to the proposed zoning. He requested that City Council delay the third reading of the ordinance until such time as the City can re-write the entire Zoning Ordinance so that it will be uniform throughout the entire City.

Mr. David West spoke in opposition to the proposed zoning. He said the proposed zoning had not been recommended by the Planning and Zoning Commission and that several matters should be taken into consideration by City Council before the ordinance was adopted. He said the proposed zoning would have an adverse affect on the City through loss of revenues and population. He requested that Council table the ordinance.

Councilman Price said she hopes any action the Council takes does not conflict with any directions the Alternatives for Asheville would be looking at. She said Council has had to address problems in Haw Creek not affecting other areas of the City. She said Council's action is a reaction to a moratorium placed on Haw Creek area by the State.

Councilman Bratton said she had voted against the proposed ordinance on first and second reading. She said she would vote against the ordinance again today because she felt the City needs to complete the comprehensive plan for the whole City.

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 5-2, Ordinance No. 1559 passed on third and final reading, with Councilman Bratton and Councilman Michalove voting "no."

Complete text of Ordinance No. 1559 will be found in Ordinance Book **10** at Pages **346** and **347**.

ORDINANCE NO. 1565 - BUDGET ORDINANCE AMENDMENT TO PROVIDE FUNDING FOR URBAN DESIGN WORKSHOP

5. Consideration was given to a budget ordinance amendment to provide funding for Urban Design Workshop.

Mayor Bissette said this budget ordinance amendment will provide funding in the amount of \$24,996 for services for Urban Design Workshop. One half of funding is provided by local participation.

Verl Emrick, Director of Planning said \$12,500 will be provided by the City as local participation and this will be matched by \$12,500 from the private sector.

Karen Fields, Executive Director of Asheville-Buncombe Discovery, said workshops, which will be sponsored by the City of Asheville, AshevilleBuncombe Discovery, and Downtown Developers will be held during the months of January and February. She said this project will also call for meetings with Biltmore Village merchants and West Asheville merchants to encourage development in those areas.

Councilman Boland moved for the adoption of Ordinance 1565. This motion was seconded by Councilman Michalove.

On a roll call vote of 7-0, Ordinance No. 1565 passed first and final reading.

Complete text of Ordinance No. 1565 will be found in Ordinance Book **10** at Page **356**.

RESOLUTION NO. 86-3 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE AN AGREEMENT BY AND BETWEEN THE CITY OF ASHEVILLE AND HAYES, SEAY, MATTERN AND MATTERN FOR THE ASHEVILLE URBAN DESIGN WORKSHOP PROJECT

6. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville an agreement by and between the City of Asheville and Hayes, Seay, Mattern and Mattern for the Asheville Urban Design Workshop Project.

Mayor Bisette said this resolution will authorize an agreement with Hayes, Seay, Mattern and Mattern to facilitate a series of workshops which will result in a graphic urban design plan for the downtown area. Total cost of contract - \$25,000 City: \$12,500 and Private Sector: \$12,500

Verl Emrick, Director of Planning, said the workshop will be lead by Architect Timm Jamieson of Roanoke, Virginia; Urban Designer Chad Floyd of Centerbrook Essex, Connecticut; and Lester Collins, former Dean of Landscape Architect at Harvard University.

Mr. Emrick said the purpose of this project is to create an urban plan for Asheville, and will requires the cooperation of the public and private sector.

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

Upon motion of Vice-Mayor Frank, seconded by Councilman Price, Resolution No. 86-3 was unanimously adopted.

Complete text of Resolution 86-3 will be found in Resolution Book **15** at Page **411**.

RESOLUTION NO. 86-4 - RESOLUTION APPROVING TRANSFER OF NORTH CAROLINA HOUSING FINANCE AGENCY HOME IMPROVEMENT LOAN COMMITMENTS TO THE CITY OF LUMBERTON, NORTH CAROLINA

7. Consideration was given to a resolution approving transfer of North Carolina Housing Finance Agency Home Improvement Loan Commitments to the City of Lumberton, North Carolina.

Mayor Bisette said this resolution will approve a reduction of a loan commitment from \$240,000 to \$140,000 by transferring \$100,000 to the City of Lumberton. The City of Lumberton will reimburse the City of Asheville \$3,000 for a debt reserve and \$18,360 interest subsidy which was previously paid from Community Development Block Grant funds.

Marvin Vierra, Director of Community Development, said that \$140,000 would be left for loans through the agency, and this action would not put any rehabilitation efforts in jeopardy. He said since April of 1983, only two persons out of 50 applicants, were able to qualify under the stringent guidelines now imposed for these loans. He said the Housing Finance Agency's intent is to help low income people with housing rehabilitation, but to qualify, you must be in the mid-income category.

Mr. Vierra answered general questions from members of Council concerning restrictions and how the funds are released by the State.

Upon motion of Councilman Tisdale, seconded by Councilman Michalove, Resolution No. 86-4 was unanimously adopted.

Complete text of Resolution No. 86-4 will be found in Resolution No. **15** at Page **412**.

RESOLUTION NO. 86-5 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-

BUNCOMBE WATER AUTHORITY.

8. Consideration was given to a resolution appointing a member to the Asheville-Buncombe Water Authority.

Mayor Bissette said this resolution will appoint Norma Price to fill the unexpired term of Gordon Myers, whose term expires December 31, 1986.

Upon inquiry of Councilman Price, Corporation Counsel Slawter said that it would be a conflict of interest for her to vote on this matter.

Upon motion of Vice-Mayor Frank, seconded by Councilman Michalove, Resolution No. 86-5 was adopted with Councilman Price abstaining.

Complete text of Resolution No. 86-5 will be found in Resolution Book **15** at Page **413**.

RESOLUTION NO. 86-6 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE/BUNCOMBE WATER AUTHORITY

8a. Consideration was given to a resolution appointing member to the Asheville/Buncombe Water Authority.

Mayor Bissette said this resolution will appoint Richard A. Wood for a term of 3 years, term to expire December 31, 1988.

Mayor Bissette said John Powell had indicated that he was not interested in being reappointed due to other commitments.

Upon motion of Councilman Price, seconded by Councilman Michalove, Resolution No. 86-6 was unanimously adopted.

Complete text of Resolution No. 86-6 will be found in Resolution Book **15** at Page **414**.

RESOLUTION NO. 86-7 - RESOLUTION APPOINTING MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT

8b. Consideration was given to a resolution appointing a member to the Metropolitan Sewerage District.

Mayor Bissette said this resolution will reappoint Walter Boggs as a member to the Metropolitan Sewerage District Board for a term of 3 years, term to expire January 19, 1989.

Councilman Price said she felt Mr. Boggs' continued service on this Board would be in the best interest of the City since the City has just signed a consolidation agreement with MSD.

Councilman Tisdale said he had talked with Roy Robinson and was told that Mr. Boggs has been a devoted member to the Metropolitan Sewerage District Board. The Board encourages City Council to reappoint Mr. Boggs, and he supports the reappointment.

Upon motion of Councilman Bratton, seconded by Councilman Michalove, Resolution No. 86-7 was unanimously adopted.

Complete text of Resolution No. 86-7 will be found in Resolution Book **15** at Page **415**.

MOTION - CONSENT AGENDA

Mayor Bissette said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, pursuant to the procedures established in Ordinance No. 1008, adopt all of the items with one motion without the full reading

and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Motion scheduling a public hearing relative to the site plan of the

proposed Eagle's Crest Retirement Center and The Forrest Apartments to be located on the Carmelite Monastery site on Fairway Drive for

February 4, 1986.

HIGHLIGHTS: The Planning and Zoning Commission at a meeting held December

11, 1985, reviewed the site plan of the proposed Eagle's Crest Retirement Center and The Forrest Apartments to be located on the Carmelite Monastery site on Fairway Drive. The site plan was prepared by Jan Wiegman, Architect, for the M.B. Corporation of Raleigh, N. C., Developer, and submitted in accordance with the Group Development Section of the Zoning Ordinance. After review and discussion, the Commission voted to accept the Staff Report and approve the project subject to the following conditions:

1. That parking for Eagle Crest be no less than one space per unit;

2. That the plans prior to going to City Council be submitted showing a relocation of the tennis courts.

3. That the Department of Public Works approve the specifications and design of street requested for dedication or that portion thereof; and

4. Compliance with Erosion Control Ordinance.

The Commission further recommended that City Council consider officially closing Carmelite Drive.

B. Motion scheduling a public hearing relative to amending the Zoning

Ordinance to provide for handicapped off-street parking requirements

for February 4, 1986.

C. Motion scheduling a public hearing relative to the site plan of

60-66 Haywood Street for February 11, 1986.

HIGHLIGHTS: The Planning and Zoning Commission at a meeting held December

11, 1985, reviewed the site plan of 60-66 Haywood Street showing adaptive reuse of two buildings for residential and retail purposes. The site plan was prepared by James Samsel, Architect, for City Assets Corporation, 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.

Upon motion of Councilman Tisdale, seconded by Councilman Michalove, the Consent Agenda was unanimously adopted.

CLAIMS - DOUG MICHAELS (SANITATION), MARY SANTUCCI (FIRE DEPARTMENT), JOHN HOLT (SEWER), ANN CARVER (STREETS), WILLIAM IRBY, SR. (SANITATION), AND HAZEL CARLAND (WATER)

9. The City Manager presented claims received from Doug Michaels (Sanitation), Mary Santucci (Fire Department), John Holt (Sewer), and Carver (Streets), William Irby, Sr. (Sanitation), and Hazel Carland (Water).

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

LAWSUITS - ELIZABETH WITSON V. CITY OF ASHEVILLE, AND WYAND F. DOERNER, III

10. The City Manager said the City WAS served on January 6, 1986, with the following lawsuits in which the City is a defendant: - Elizabeth Witson/same, and Syand F. Doerner, III/same.

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

RALPH BISHOP - REMARKS ON CABLEVISION REPORT

11. Ralph Bishop said he felt that Council had received a real snow job when they heard the report on cablevision last week. He said that he would side with Councilman Boland and agree that Asheville Cablevision has violated their franchise. He said he hopes the Council will continue to look into the possibility of getting another cable company in Asheville.

BILL BARLEY - 68 FAIRWAY DRIVE

12. Bill Barley, 68 Fairway Drive, said he appreciated Councilman Price's consideration. He said that the residents of Beverly Hills would be prepared to state their case when the Carmelite matter comes before the City Council on February 4, 1986.

ADJOURNMENT - EXECUTIVE SESSION

Councilman Price moved that Council adjourn to executive session to discuss real estate and personnel matters. This motion was seconded by Vice-Mayor Frank and carried unanimously. The meeting adjourned to executive session at 5:03 p.m.

MAYOR CITY CLERK
