

Tuesday - May 20, 1986 - 4:00 p.m.

## Regular Meeting

Present: Mayor W. Louis Bisette, Presiding; Vice-Mayor Mary Lloyd Frank; Councilmen Wilhelmina Bratton, Walter R. Boland; Kenneth M. Michalove, Norma T. Price, and George M. Tisdale; Corporation Counsel 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 Councilman Norma Price.

## APPROVAL OF THE MINUTES - MAY 13, 1986 MEETING

1. Consideration was given to the approval of the minutes of the May 13, 1986, meeting.

Mayor Bisette announced the approval of the minutes as submitted.

## ORDINANCE NO. 1584 - AN ORDINANCE AMENDING ORDINANCE NO. 1109, CODIFIED AS CHAPTER 14A OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

2. Consideration was given to an ordinance amending Ordinance No. 1109, Codified as Chapter 14A of the Code of Ordinances of the City of Asheville.

Mayor Bisette said the City of Asheville desires to be designated as a Certified Local Government for historic preservation purposes. The North Carolina State Department of Cultural Resources has determined that certain amendments should be made to City of Asheville Ordinance No. 1109, which creates the Historic Resources Commission of Asheville and Buncombe County in order that the City of Asheville may be designated as a Certified Local Government.

Verl Emrick, Director of Planning, said the amendments to the ordinance are minor and primarily include language to provide for archeological surveys when needed.

Sybil Bowers, with the Historic Resources Commission, said this amendment is also part of the City's application to be designated as a certified local government which will allow the City to apply for grants.

Councilman Boland moved for the adoption of Ordinance No. 1584. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1584 passed on first reading.

Councilman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1584. This motion was seconded by Councilman Michalove and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1584 passed on second reading.

Councilman Michalove moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1584. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1584 passed on third and final reading.

Complete text of Ordinance No. 1584 will be found in Ordinance Book No. **11** at page **13-16**.

## ORDINANCE NO. 1585 - AN ORDINANCE AMENDING CITY OF ASHEVILLE ORDINANCE NO. 1195, AS

**CODIFIED AS ARTICLE 13 OF CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE**

3. Consideration was given to an ordinance amending City of Asheville Ordinance No. 1195, as codified as Article 13 of Chapter 30 of the Code of Ordinances of the City of Asheville.

Mayor Bissette said the City of Asheville desires to be designated as a Certified Local Government for historic preservation purposes. The North Carolina State Department of Cultural Resources has determined that certain amendments should be made to City of Asheville Ordinance No. 1195 creating the Montford Historic District, in order that the City of Asheville may be designated as a Certified Local Government.

Vice-Mayor Frank moved for the adoption of Ordinance No. 1585. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1585 passed on first reading.

Councilman Michalove moved to suspend the rules and proceed to the second reading of Ordinance No. 1585. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1585 passed on second reading.

Councilman Michalove moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1585. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1585 passed on third and final reading.

Complete text of Ordinance No. 1585 will be found in Ordinance Book No. **11** at page **17 and 18**.

**ORDINANCE NO. 1553 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "THE MANOR" AT 265 CHARLOTTE STREET IN ASHEVILLE, NORTH CAROLINA, CURRENTLY OWNED BY TRANSCO FINANCIAL GROUP, LTD., AS HISTORIC PROPERTY**

4. Consideration was given to the second reading of Ordinance No. 1553, an ordinance designating a building and property known as "The Manor"

at 265 Charlotte Street in Asheville, North Carolina, currently owned by Transco Financial Group, Ltd., as historic property.

Mayor Bissette said "The Manor" was completed in 1899 as an "English Country Inn In America", and is a rare surviving example of the picturesque resort development so important to the history of the North Carolina mountains. 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. At the December 3, 1985 Council meeting, Council postponed the second reading of this ordinance until February 4, 1986 due to a pending process of completing foreclosure proceedings against the property. At the February 4, 1986 meeting, council continued the second reading until February 11, 1986. At the February 11, 1986, meeting the second reading was postponed until May 20, 1986.

Mayor Bissette 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.

Jim Coman, with the Historic Resources Commission spoke in support of adoption of the ordinance. He said he had been in contact with Bill Thomas, representative for Mr. Elman, present owner of the Manor. He said the Historic Resources Commission is willing to compromise on the adoption of the ordinance and to delete the interior portion for historic designation. He said he felt postponing of the readings of the ordinance is just a delaying action on the part of the present owner. He said Mr. Elman does not have an interest in restoring the building for historic purposes. He said

the Historic Resources Commission is concerned about demolition of the building, and the adoption of this ordinance would delay demolition for at least 180 days. He outlined what portions of the Manor Inn would be included in the historical designation.

After discussion, Councilman Michalove moved that Council consider the second reading of Ordinance No. 1553 today and that the legal staff and the Historic Resources Commission investigate the feasibility, and prepare appropriate language, to amend the ordinance to delete the interior portion of the Manor from historical designation prior to the third reading of the ordinance. This motion was seconded by Councilman Tisdale and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1553 passed on second reading.

Mayor Bissette said the proposed amendment to Ordinance No. 1553 should be forwarded to the property owner's attorney, Jerry Crowe.

### **RESOLUTION NO. 86-84 - RESOLUTION ESTABLISHING A POLICY FOR FUNDING OUTSIDE AGENCIES**

5. Consideration was given to a resolution establishing a policy for funding outside agencies.

Mayor Bissette said the City Council wishes to establish a policy for contribution to funding of outside agencies. Requests for contributions to the funding of outside agencies shall not be considered where the scope

of the benefit derived from the funding extends beyond the corporate limits of the City of Asheville including but not limited to the items of County responsibility identified in the Water Agreement dated October 29, 1981. The outside agencies specifically referred to in the Water Agreement shall not be funded by the City beyond the scope of the funding provided for in said agreement.

Mayor Bissette also noted that each year the City Council receives requests from many agencies for funding. He said, in his opinion, Council should establish a policy for such funding since tax payers in the City of Asheville were funding many agencies twice, as a City tax payer and a County tax payer.

Councilman Michalove noted that although he agreed with the concept of eliminating double taxation, he would prefer that Council consider various agency request on a year-to-year basis.

Mayor Bissette noted that this policy would not cover agencies that provide contract services.

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

Upon motion of Councilman Tisdale, seconded by Councilman Price, Resolution No. 86-84 was unanimously adopted.

Complete text of Resolution No. 86-84 will be found in Resolution Book No. 16 at page 36.

### **RESOLUTION NO. 86-85 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE AN AGREEMENT BY AND BETWEEN THE CITY OF ASHEVILLE AND THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TERMINATING A LEASE**

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 the Housing Authority of the City of Asheville terminating a lease.

Mayor Bissette said the property subject to this lease agreement is part of the Pack Plaza Redevelopment Project. In the City's agreement with the developer, the City agreed to cancel the unexpired term of the lease at the time the property was transferred to the developer. The property was transferred to the developer on May 8, 1986, and the lease will be terminated effective May 8, 1986. This resolution will authorize the Mayor to execute an agreement terminating

the lease.

Mayor Bissette 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 Michalove, Resolution No. 86-85 was unanimously adopted.

Complete text of Resolution No. 86-85 will be found in Resolution Book No. 16 at page 37-38.

### **APPROVAL OF SIGN PERMIT - 102 TUNNEL ROAD**

7. Consideration was given to a motion approving a sign permit for an identification sign at 102 Tunnel Road.

Mayor Bissette said Gary Lowe has requested a sign permit to erect an identification sign at 102 Tunnel Road advertising "Shoney's". 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 was continued from the May 13, 1986 meeting.

The City Manager said he had received a report from the Fire Department stating that if the proposed sign is located 10 feet from the property line, there would be no problem with the Asheville Fire Department servicing that area.

Verl Emrick, Director of Planning, said this sign would add 320 square feet to the total signage allowable at this location. He said with the addition of this sign, the total signage for Shoney's would be 470 square feet. He said this, within itself, would not be a conflict with the Sign Ordinance, however, any additional signage requested would have to be approved by the Board Adjustments.

Harold Johnson of 165 Cherokee Road strongly objected to any more billboard signs anywhere in the City of Asheville.

Susan Mayer, with Quality Forward, said she felt Council should stick to enforcing the Sign Ordinance, and not add clutter to Tunnel Road. She said advertising of various businesses could be done by logos on the interstate rather than by billboards.

Ralph Bishop spoke for the approval of the sign permit.

Doug Swain, representing a group of concerned citizens, spoke in opposition to the approval of the sign permit stating that Council should be careful in their consideration of sign permits and should stop the number of billboards going up in the City of Asheville.

David Quinn, also spoke in opposition to the sign permit stating that, in his opinion, the City of Asheville did not need another billboard on Tunnel Road.

Mack Robinson, with Naegele Outdoor Advertising Company, spoke in support of the sign permit, stating that outdoor advertising is primarily for small businesses. He said Naegele Outdoor Advertising Company has taken down five billboard faces in the City of Asheville during the past two months. He said restaurants are competitive and they need the additional signage.

Councilman Bratton said that over the past couple of years the City of Asheville has spent alot of money on economic development. She said she felt businesses need their advertising space.

Councilman Price, speaking in opposition to the approval of the sign permit, said she felt our community is for tourists and that the billboard would be additional clutter on Tunnel Road.

Councilman Boland said he agreed with Councilman Price. He said he felt our economy is based on tourism, and if we continue to clutter the City

of Asheville with billboards, tourism will decrease.

Councilman Tisdale spoke in support of the approval of the sign permit, stating that if the sign was proposed for across the street, approval from City Council would not be necessary. He said the sign in question only requires approval from City Council because it will be located closer than 600 feet of a limited access highway.

Vice-Mayor Frank said she felt there were too many signs on Tunnel Road.

Councilman Michalove spoke in support of the sign permit, stating that the City of Asheville needs businesses.

A discussion was held relative to strengthening the current sign ordinance.

Councilman Michalove moved to approve the sign permit requested at 102 Tunnel Road. This motion was seconded by Councilman Bratton and carried on a voice vote of 4-2, with Councilman Michalove, Councilman Bratton, Mayor Bisette, and Councilman Tisdale voting "aye" and Vice-Mayor Frank, Councilman Price, and Councilman Boland voting "no".

Leah Karpen spoke in opposition to the sign permit being approved.

Jane Bingham also spoke in opposition to the sign permit.

Frank Parton spoke in opposition to approval of the sign permit.

Councilman Michalove requested that the City Attorney review the current ordinance and the legality of amending the ordinance, stating that Council would not approve any off-premises signs that are within 600 feet of a limited access highway. He requested that a report be given back to Council on this matter within two weeks.

#### **RECONSIDERATION OF MOTION RELATIVE TO EMMA AIRPORT ASSOCIATES PROJECT - EXCUSING MAYOR FROM VOTE**

8. Mayor Bisette requested that the motion adopted on May 13, 1986, relative to approval of the Emma Airport Associates Project be reopened for consideration.

Councilman Tisdale moved that the motion relative to approval of the Emma Airport Associates Project be reopened for reconsideration. This motion was seconded by Councilman Michalove and carried unanimously.

Mayor Bisette requested that he be excused from participation and vote on this matter due to his law firm providing services for the developer.

Councilman Tisdale moved to excuse Mayor Bisette from participation and vote on the project for Emma Airport Associates. This motion was seconded by Councilman Michalove and carried unanimously.

Councilman Price moved to approve the site plan for the Emma Airport Associates. This motion was seconded by Councilman Boland and carried unanimously.

#### **SCHEDULING PUBLIC HEARING - UMTA OPERATING ASSISTANCE GRANT FUNDS**

9. Councilman Boland moved to schedule a public hearing relative to Urban Mass Transportation Act Operating Assistance Grant Funding for June 24, 1986. This motion was seconded by Councilman Price and carried unanimously.

#### **CLAIMS - KIM MEASE (WATER) - C. N. PENLAND (WATER) - MARGIE BINGHAM (WATER) - RONALD MILLER (SANITATION)**

The City Manager presented claims received from Kim Mease, C. N. Penland, Margie Bingham and Ronald Miller.

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

**COMMENTS BY NOLA KNUCKLES - MAGNOLIA AND FLINT STREET**

10. Nola Knuckles of 222 Flint Street complained that the streets, sidewalks, and water breaks were a problem in the Flint Street and Montford Avenue area.

Mayor Bissette explained that specific problems in that area should be reported to the City Manager and taken care of immediately. He also explained to Mrs. Knuckles that the City Council members are proposing a bond referendum to make major improvements in the City of Asheville which would include streets and sidewalks.

Mrs. Knuckles also requested a stop light at Magnolia and Flint Streets. She said that the playground in that area which attracts children warrants a stop light at this location.

**RALPH BISHOP - LOTTERY SALES IN THE CITY OF ASHEVILLE**

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

**ADJOURNMENT**

Upon motion of Councilman Boland, seconded by Councilman Tisdale, the meeting adjourned at 5:35 p.m.

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MAYOR CITY CLERK

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