

Tuesday - March 3, 1987 - 4:00 p.m.

## Regular Meeting

Present: Mayor W. Louis Bissette, 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 Rev. Tony Clarke-Sayer.

## APPROVAL OF THE MINUTES - FEBRUARY 17, 1987 AND FEBRUARY 24, 1987 MEETINGS

1. Consideration was given to the approval of the minutes of the February 17, 1987 and February 24, 1987 meetings.

Mayor Bissette announced the approval of the minutes as submitted.

## PROCLAMATION - MARCH 2-8, 1987 - "HI NEIGHBOR VOLLEYBALL WEEK"

2. Mayor Bissette read a proclamation proclaiming March 2-8, 1987 as "Hi Neighbor Volleyball Week" in the City of Asheville.

Mayor Bissette presented the proclamation to Ray Kisiah and Donnie Luke with the Asheville Volleyball Club.

## PROCLAMATION - MARCH, 1987 - "YOUTH ART MONTH"

3. Mayor Bissette read a proclamation proclaiming March, 1987 as "Youth Art Month" in the City of Asheville.

Mayor Bissette presented the proclamation to Gail Roberts, Art Teacher at Aycock School.

## PUBLIC HEARING - AUTHORIZING FILING OF GRANT AMENDMENT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED

4. A public hearing was held relative to the filing of a grant amendment with the Department of Transportation, United States of America, under the Urban Mass Transportation Act of 1964, as amended.

Mayor Bissette opened the public hearing at 4:25 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.

Carl Ownbey, with the Asheville Transit Authority, said in December, 1986 the Asheville Transit Authority accepted bids approved by grant NC-90-X046. The bids received were well over the budgeted amount but were comparable to bids received in recent years. This amendment will authorize the Mayor to file a grant amendment application to increase the capital

funding from \$962,000 to \$1,032,000. The federal share will be \$825,600. The state share will be \$103,200, and the local share \$103,200. This funding will allow the Asheville Transit Authority to purchase the radios and construct the parts room as originally proposed. A public hearing is required pursuant to UMTA regulations. He said this additional funding, if approved, will increase the capital funding from \$962,000 to \$1,032,000. The federal share will be \$825,600; the state share will be \$103,200, and the local share will be \$103,200.

Mayor Bisette closed the public hearing at 4:28 p.m.

**RESOLUTION NO. 87-37 - RESOLUTION AUTHORIZING THE FILING OF A GRANT AMENDMENT WITH THE NC DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED**

5. Carl Ownbey, with the Asheville Transit Authority, said this resolution would authorize the filing of the grant amendment for the federal share which would increase the federal funding from \$769,600 to \$825,600.

Upon motion of Councilman Boland, seconded by Councilman Price, Resolution No. 87-37 was unanimously adopted.

Complete text of Resolution No. 87-37 will be found in Resolution Book No. **16** at Page **287**.

**RESOLUTION NO. 87-38 - RESOLUTION AUTHORIZING THE FILING OF A GRANT AMENDMENT WITH THE NC DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL CAPITAL IMPROVEMENT FUNDS**

6. Carl Ownbey, with the Asheville Transit Authority, said this resolution would authorize the filing of a grant amendment for the state share funding which would be increased from \$96,200 to \$103,200.

Upon motion of Councilman Price, seconded by Councilman Boland, Resolution No. 87-38 was unanimously adopted.

Complete text of Resolution No. 87-38 will be found in Resolution Book No. **16** at Page **288**.

**ORDINANCE NO. 1633 - BUDGET ORDINANCE AMENDMENT INCREASING THE UMTA CAPITAL GRANT FUNDING**

7. Carl Ownbey, with the Asheville Transit Authority, said this budget amendment would increase the UMTA capital grant allocation by \$70,000.

Councilman Price moved for the adoption of Ordinance No. 1633. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1633 passed on first and final reading.

Complete text of Ordinance No. 1633 will be found in Ordinance Book No. **11** at Page **109**.

**PUBLIC HEARING - HEAD OF MONTFORD REDEVELOPMENT PLAN**

8. A public hearing was held relative to the Head of Montford Redevelopment Plan.

Mayor Bisette opened the public hearing at 4:34 p.m.

Mayor Bisette said the Asheville Planning and Zoning Commission certified the area to be a Blighted Redevelopment Area under N.C.G.S. 160A-500-526 on November 12, 1986. The plan was prepared by the Head of Montford Planning Committee and staff of the City Planning Department and Asheville Housing Authority. The plan was approved by the Asheville Housing Authority on January 13, 1987, and by the Asheville Planning and Zoning Commission on January 14, 1987. He said the cost of the entire Head of Montford Redevelopment Project is estimated at \$17,326,058.00. The City has committed \$688,000.00 in CDBG Funds to the project to date.

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

Julia Cogburn, with the Planning Department, said the redevelopment plan for the Head of Montford is the result of a two-year process which began with the Head of Montford Planning Forum, and the subsequent appropriation by

Council of Community Development Block Grant Funds for redevelopment in the area. She said the plan has been prepared by the Head of Montford Planning Committee, a Committee of 14 individuals, a representative cross-section of the broader Montford community, which has worked many hours in conjunction with City and Housing Authority officials to produce the plan. She said the plan contains overall goals as follows: 1) Preserving the neighborhood's distinctive diversity to changing and upgrading the image of the neighborhood; 2) encouraging limited commercial development in the Hill Street/Cherry Street area; 3) improving and expanding the housing stock of the neighborhood yet avoiding an exodus of low income people from the neighborhood; 4) preserving the neighborhood's distinctive historic character; 5) providing improved landscaping, lighting and other amenities; 6) upgrading infrastructure as required; and 7) eliminating litter and dumping, wreckless driving, noise pollution, and public criminal behavior that threaten the safety of community residents and diminish their quality of life. She said as authorized in the North Carolina General Statutes, the project area was certified by the Asheville Planning and Zoning Commission to be a blighted redevelopment area which was adopted and approved by the Housing Authority of the City of Asheville, and was recommended to Council for approval by the Planning and Zoning Commission.

Julia Cogburn said the area addressed in the plan is known as the Head of Montford or Hill Street/Cherry Street area, but is also "Census Tract 2" in Asheville's U. S. Census Program. She said it is an approximately 300 acre area located immediately north-west of the Asheville Central Business District, and is generally bounded by I-240 on the south, the French Broad River on the west, Riverside Cemetery, Birch Street and Chestnut Street on the north, and Broadway on the east. She highlighted the existing conditions in the area, including the topography, soils, structural housing conditions, street, sidewalk, water and sewer, and storm drainage conditions, social and economic indicators, existing zoning and land use, and a description of historic buildings in the area. She said according to a survey taken by the Building Inspections Division relative to the housing stock in the area, a total of 468 privately owned residential structures in "Census Tract No. 2," 33 or 7% are in standard condition, 336 or 71.8% are substandard, and 99 or 21.2% are considered severely substandard.

She said the proposed planned use for the redevelopment area includes neighborhood commercial areas, park and greenway areas, office institutional areas, and a light industrial area, and residential areas of varying densities. She said existing City and Housing Authority controls will be applied throughout the project. These controls include but are not limited to the Asheville Zoning Ordinance, group development and subdivision regulations, building codes, historic resources guidelines for the Montford Historic District, Department of Housing and Urban Development Secretary's Standards for rehabilitation of historic properties, and the Department of Interior Secretary's Standards for historic buildings and other applicable regulations. She said there are a few proposed zoning changes for the area in order to carry out the goals of the plan. She said most of the changes involve proposed rezonings, using existing districts under the City of Asheville Zoning Ordinance. She said it is further proposed that a new use district be created and added to the City of Asheville's Zoning Ordinance being Neighborhood Commercial District. She said it is also proposed that the boundaries of the local Montford Historic District be expanded to cover the entire redevelopment area with the exception of the Hillcrest Apartment area and the area west of 19-23 Highway. She said local Historic Resources Commission guidelines for the Montford community would apply within this expanded area.

She said the redevelopment plan consist of renewal activities including land acquisitions, relocation and demolition of structures on a very limited basis, infrastructure improvements, parks and greenway development, the encouragement of infill housing, selected multi-family and commercial development, and a heavy emphasis on restoration and rehabilitation of existing dwelling units. She said it is proposed that all water, sewer, storm drainage, and street and sidewalk inadequacies identified as existing conditions be addressed to correct all the inadequacies. She said it is also recommended that additional parkways be created along the French Broad River and Broadway, and that a new park be created with appropriate pathways, lighting, landscaping, and if feasible, a small lake be developed as part of the park. She said the plan proposes that a new housing development be encouraged in certain areas of the Head of Montford neighborhood. She said these areas would include Morrow Street, Jersey Street area, and an area at the southern portion of Flint Street. She said it also encourages the development of a neighborhood commercial facility at the southern most end of Montford Avenue, and that infill housing development be encouraged throughout the area. She said the plan provides for the acquisition of 262 parcels, and two parts of parcels to be acquired by the Housing Authority. She said the acquisition parcels were included because they were either vacant lots or Buncombe County tax lots, and are parcels that may need to be acquired in order to carry out the commercial, residential, or parkway development section of the plan. She said administration of the plan will be carried out by the Housing Authority as

the City's redevelopment agency.

Upon inquiry of Councilman Bratton, Julia Cogburn said churches in the area would not be exempt or excluded from the proposed plan. She said the Hill Street Baptist Church would be included in the redevelopment plan, and would be required to meet all guidelines.

Councilman Boland noted that the plan would maintain and enhance the integrity of the existing neighborhood.

Richard Will of Fletcher, North Carolina, requested a building/ownership survey of properties in the Montford area, particularly for investment purposes.

Tony Clarke-Sayre of 30 Blake Street, and Chairman of the Montford Planning Committee, spoke in support of the redevelopment plan. He said there are many properties in the Montford area that are going downhill due to the lack of resources to renovate. He said this plan also gives an opportunity to turn 55 acres of vacant land into creative multi-family properties. He requested Council's adoption and implementation of the proposed plan.

Jim Cairnes of 209 Cumberland Avenue, President of the Montford Community Club, urged Council's support in adoption of the plan. He said he felt the City's support in providing Community Development Block Grant funding will also attract private investments.

Scott Dedman, Community Educator at Pisgah Legal Services, 89 Montford Avenue, spoke in favor of the plan. He said he was pleased with the major efforts in the plan for housing rehabilitation for low income and elderly residents which is seriously needed in the neighborhood. He said he felt the proposed commercial neighborhood zone would be very helpful to area residents.

June Grant, Real Estate Agent, said the proposed rezoning of the property in the Montford area is "down" zoning. She questioned whether or not the residents would be compensated for property values lost in the "down" zoning. She asked if the normal procedures such as advertising, posting of properties, and public hearings would be held prior to the rezoning.

Mayor Bissette informed Ms. Grant that all normal proceedings would take place prior to the rezoning of the properties.

Dorothy Arrowood of 126 Vance Crescent Street asked if more of the \$17,000,000 allocated for street and sidewalk improvements during the bond issue would be used in the Montford area in proportion to other areas of the City. She said she objected to tax money being absorbed for an urban renewal area.

Chris Peterson requested a breakdown of funding for the proposed plan. He objected to housing corporations being involved in the redevelopment plan or taxpayers having to pay the \$17,000,000.

Julia Cogburn responded that funding principally would come from Community Development Block Grant, housing rehabilitation, and other grant funds, as well as private funding. She said there were no corporations involved in the redevelopment plan at this time.

Councilman Boland, responding to Mr. Peterson, said funding options for the project are still being explored. He said the City is not committing the \$17,000,000 for the project by adoption of this plan. He said that is only a projected cost of implementing the overall goals. He said, in his opinion, the plan is directed in a way to prevent dislocation of families or businesses. He said the plan would have to be administered in a gradual, reasonable manner.

Councilman Price, also responding to Mr. Peterson, said this plan is

similar to the East End/Valley Street and East Riverside Urban Redevelopment area. She said this particular area is the next target area for the use of Community Development Block Grant Funds where needs are the greatest based on Federal guidelines.

Councilman Price reaffirmed that the proposed plan would take many years to implement.

Councilman Michalove said he was uncomfortable with the plan at this time since members of Council have not had ample opportunity to review the entire plan. He questioned procedures for future amendments.

Larry Holt, Deputy Executive Director of the Asheville Housing Authority, said provisions are included in the plan setting out procedures for amendments or revisions. He said the procedures for these revisions would require approval from the neighborhood residents, the Housing Authority, and the Asheville City Council.

Councilman Michalove said he would like to postpone action on this plan for at least one week, and would recommend that the Chairman of the Montford Planning Committee, a representative of the School Board, the Planning and Zoning Commission, the Recreation Advisory Board, the Montford Recreation Center, and the Historic Resources Commission meet with several members of Council in order to have a clearer understanding of how each board or commission involved in the plan views the specifics of the plan. He also commented that, to date, the City or the Montford Community Club does not have a housing corporation and it was his understanding that it would take about one year to begin a housing corporation for this area.

After discussion, Councilman Michalove moved to continue the public hearing without further advertisement for two weeks, giving the Council an opportunity to establish a group to meet with Council and get a better understanding on the redevelopment plan. He further stated that the group should consist of appropriate board and commission members that would be needed to implement the plan. He further stated that amending the plan would be a complicated process, and Council should have a clear understanding before adoption of such a plan. He said when plans of this nature are adopted, citizens seem to get apprehensive that the City is making a commitment toward every specific goal in the plan. This motion was seconded by Councilman Price.

Vice-Mayor Frank said since this project would be a slow gradual process, questions will continue to arise for many years. She said she could not support the motion to delay any action for the Montford area.

Councilman Boland said he would like to see substantial progress made in the Montford area since the area needs attention as soon as possible.

At the request of Mayor Bisette, Larry Holt explained the procedures for revisions and amendments. He said specific goals would be decided on annually, depending on funds available. He said in order to amend or revise the plan, it would require citizen input and public hearings by the Housing Authority and City Council. He said the process to amend the plan is the same as to adopt the plan initially. He said the plan is long-term and there would probably be many changes before completion.

Councilman Tisdale said he did not feel further delays would be

helpful, and that Council should go ahead with the adoption of the plan and make amendments in the future.

Dorothy Arrowood, of 126 Vance Crescent, said historic districts such as the Montford Historic District causes many property owners not to repair or restore their homes because of burdensome restrictions.

Upon inquiry of Councilman Price, Mr. Holt said federal rehabilitation guidelines are particularly strict on exterior dwellings but not so much on interior.

Upon inquiry of Mayor Bisette, Corporation Counsel Slawter quoted from the North Carolina General Statutes procedures that are required in amending a redevelopment plan.

On a voice vote of 6-1, Councilman Michalove's motion to continue the public hearing for two weeks failed.

Councilman Michalove asked questions relative to the specifics of the plan, particularly on the procedures to amend the plan in the future. He said he felt this creates very poor public relations when Council adopts a plan and changes or amends the plan in future years. He said he had previously asked for a report about the success and/or failures of the

Montford Historic District and has not received that to date.

Councilman Tisdale moved that Council adjourn to executive session to discuss legal problems relative to the redevelopment plan. This motion was seconded by Vice-Mayor Frank and carried unanimously.

After reconvening, Mayor Bisette announced that there were some legal problems that need to be reviewed by the City Attorney and the Housing Authority attorney before the adoption of the plan.

Councilman Tisdale moved to continue the public hearing for two weeks without further advertisement, giving the attorneys an opportunity to study possible legal problems involving the language of the plan. This motion was seconded by Vice-Mayor Frank and carried unanimously.

**PUBLIC HEARING - AMENDING ARTICLE 13 OF CHAPTER 30 RELATIVE TO CREATING THE BILTMORE VILLAGE HISTORIC DISTRICT AND INCLUDING THE CHESTNUT-LIBERTY HISTORIC DISTRICT**

**ORDINANCE NO. 1634 - AN ORDINANCE AMENDING ARTICLE 13 OF CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO CREATE THE BILTMORE VILLAGE HISTORIC DISTRICT AND IN INCLUDE THE CHESTNUT-LIBERTY HISTORIC DISTRICT**

9. A public hearing relative to amending Article 13 of Chapter 30 of the Code of Ordinances of the City of Asheville to create the Biltmore Village Historic District and to include the Chestnut-Liberty Historic District continued.

Mayor Bisette said the City Council of the City of Asheville has decided to create an additional historic district for the City of Asheville. That district will be known as the Biltmore Village Historic District. The Montford Historic District is described and is regulated in Article 13 of Chapter 30 of the Code of Ordinances of the City of Asheville. The Chestnut-Liberty Historic District is described and is regulated in Article

14 of the Code of Ordinances. Since the provisions regulating the Districts should be identical, it would be more convenient to include all of the districts in the same Article of the Code of Ordinances of the City of Asheville. This public hearing was continued from the February 24, 1987 meeting.

Mayor Bisette reopened the public hearing at 7:02 p.m.

Verl Emrick, Director of Planning, presented a map showing the difference between the National Historic District and the proposed Local Historic District. He also presented a map showing the location of the properties requested to be excluded from the Local Historic District.

Councilman Michalove said he had visited the proposed Local Historic District area and felt there were inconsistencies by the Historic Resource Commission in dealing with historic areas. He pointed out on the map what he felt to be inconsistencies.

Councilman Boland agreed with Councilman Michalove that the area proposed should be amended to delete properties such as the Tops Service Station, and other areas to the west of Hendersonville Road because they have no historic significance.

Vice-Mayor Frank said these outlying parcels are contributing areas, and the issue is not so much as how they look today but how they may look tomorrow when they are recycled.

Ann Cross, of Orange Street, said she had previously requested that her property be removed from the Chestnut-Liberty Historic District, and would like to reaffirm her request. She said her property is located at 18 Orange Street, Ward 2, Sheet 4, Lot 112 1/2, and this property is located on a street two blocks long with other parcels excluded. She said her request should not upset the pattern of Orange Street. She also presented a letter from John Carroll Associates requesting that 50 Orange Street be removed from the Chestnut-Liberty Historic District.

June Grant said during consideration of the Chestnut-Liberty Historic District, Council excluded the Highland Hospital property. She said all property owners who do not wish to be in a historic district should be allowed to be excluded. She presented a letter from Pearlie Brank of 20 Claxton Place, and Molly Wiebenson of 18 Claxton Place who requested to be excluded from the Chestnut-Liberty Historic District. She said Council's constant actions on properties is placing a hardship on realtors in selling real estate.

Betty Lawrence of 142 Hillside Street spoke in support of the ordinance to create the Biltmore Village Historic District as recommended by the Historic Resources Commission.

Chris Peterson, of 218 East Chestnut Street, also requested that his property be excluded from the Chestnut-Liberty Historic District.

Dorothy Arrowood presented a request from Helen McDaris of Merrimon Place who requested to be excluded from the Chestnut-Liberty Historic District.

Mayor Bissette closed the public hearing at 7:20 p.m.

Mayor Bissette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety. He said any individual requesting a copy of the ordinance will be furnished one at no cost.

Vice-Mayor Frank moved for the adoption of Ordinance No. 1634. This motion was seconded by Councilman Bratton.

Councilman Michalove again stated that he did not think the boundaries in the proposed Biltmore Village Historic District were consistent. Councilman Boland agreed.

On a roll call vote of 5-2, Ordinance No. 1634 passed on first reading with Councilman Boland and Councilman Michalove voting "no".

Mayor Bissette said the second reading of Ordinance No. 1634 will be held at the March 10, 1987 meeting.

Bob Gray, property owner and merchant in the Biltmore Village area, spoke in support of the ordinance stating that there were varying opinions from all merchants in the Biltmore Village area. He said it was easy for the merchants to see the advantages of the same theme being carried throughout the village. He said it is his understanding that a committee would be formed with property owners in the Biltmore Village allowed to determine the destiny of the village.

## **APPROVAL OF THE CONSENT AGENDA**

10. Consideration was given to the approval of the 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.

### **RESOLUTION NO. 87-39**

**A. Consideration of a resolution adopting a policy for mutual assistance with other law enforcement agencies.**

**HIGHLIGHTS:** This resolution will authorize the Chief of

Police to enter into mutual assistance arrangements with other municipal and county law

enforcement agencies.

**FISCAL IMPACT:** None

**Resolution Book No. 16 page 289.**

**RESOLUTION NO. 87-40**

**B. Consideration of a Resolution of Intent to close George**

**Washington Carver Avenue, Haid Street, Gully Street, portions of Max Street, Knob Street and Grail Street and an unnamed alley and scheduling a public hearing for April 7, 1987.**

**HIGHLIGHTS:** A petition has been filed by The Housing

Authority of the City of Asheville requesting that certain streets and a public alley be permanently closed to public use. The streets and public alley are under the sole and exclusive authority and control of the City of Asheville and are not under the authority and control of the North Carolina Department of Transportation. The permanent closing of these streets and public alley would not be either detrimental to or contrary to the public interest or the property rights of any individual. By permanent closing of these streets and public alley, no individual owning property in the vicinity would be deprived of

ingress and egress to his property.

**Resolution Book 16 page 290**

**RESOLUTION NO. 87-41**

**C. Consideration of a resolution authorizing the City Manager to**

**execute on behalf of the City of Asheville a Ground Lease by and between the City of Asheville and Pack Plaza Associates Limited Partnership for the Parking/Retail Garage Complex of the Pack Plaza Redevelopment Project.**

**HIGHLIGHTS:** The City of Asheville received an offer from

Pack Plaza Associates Limited Partnership to lease the property underlying the proposed Parking/Retail Garage Complex of the Pack Plaza Redevelopment Project described in the Notice of Intent and in that agreement known as the Master Agreement dated August 15, 1984. The offer to lease the property was made upon certain terms and conditions set forth in the Ground Lease and included specifically the condition that Pack Plaza Associates Limited Partnership construct the Parking/Retail Garage Complex upon the property and maintain the Parking/Retail Garage Complex.

**FISCAL IMPACT:** The third amendment to the Master Agreement by

and between the City of Asheville and Pack Plaza Associates Limited Partnership provided that the City purchase the property underlying the Parking/Retail Garage Complex for \$150,000. In addition, it provided that the City would lease the property to Pack Plaza Associates Limited Partnership and require that the Partnership construct the Parking Garage on that property. The cost to construct the Parking Garage Complex is included in the Pack Plaza Redevelopment

Project budget.

**Resolution Book 16 Page 292**



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

**CLAIMS - BOBBY DYKES (SEWER) - DAN FREEMAN (WATER)**

10. The City Manager presented claims received from Bobby Dykes (Sewer) and Dan Freeman (Water).

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

**ADJOURNMENT**

Upon motion of Councilman Price, seconded by Councilman Tisdale, the meeting adjourned at 7:45 p.m.

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MAYOR CITY CLERK

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