

Tuesday - April 8, 1997 - 5:00 p.m.

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Councilman Skalski gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING THE WEEK OF APRIL 6-12, 1997, AS "BUILDING SAFETY WEEK"

Mayor Martin read a proclamation proclaiming the week of April 6-12, 1997, as "Building Safety Week" in the City of Asheville. He presented the proclamation to Fire Chief John Rukavina who briefed the Council on some activities taking place during the week.

II. CONSENT:

Resolutions & Motions:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 25, 1997; THE UNIFIED DEVELOPMENT PUBLIC HEARINGS ON MARCH 26, 1997, AND MARCH 27, 1997; AND THE WORKSESSION HELD ON APRIL 1, 1997

B. RESOLUTION NO. 97-43 - RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE COMMUNITY FOUNDATION OF WNC FOR THE CONTINUED STABILIZATION OF HOPKINS CHAPEL

Summary: The Historic Resources Commission ("HRC") requests approval of a \$3,000 grant application to the Community Foundation for permanent structural stabilization of Hopkins Chapel.

The HRC and the Preservation Society of Asheville and Buncombe County are working with the members of Hopkins Chapel AME Zion Church to restore the church. A few months ago Hopkins Chapel was in serious jeopardy of collapse. HRC applied for and received a grant from the National Trust for Historic Preservation to develop and implement an emergency stabilization plan for Hopkins Chapel. A mild winter and temporary shoring saved the church from eminent collapse.

A structural analysis of the building is now complete. The Church, the Preservation Society of Asheville & Buncombe County, and HRC have raised \$80,000 for this project. However, the total costs for the structural work and material restoration is over \$400,000. Fund raising activities are ongoing.

Only a few structures of historic significance to the African-American community remain. Changes in the social, political, and economic areas resulted in the destruction of some area landmarks. If this continues to happen, future generations may suffer from a lack of identity that comes from not seeing

tangible evidence of one's roots. Hopkins Chapel's rich history and central position in the African- -2-

American community is essential to understanding and keeping alive the heritage of African-Americans.

Staff recommends approval of the grant application to the Community Foundation for permanent structural stabilization of Hopkins Chapel.

RESOLUTION BOOK NO. 24 - PAGE 40

C. MOTION SETTING A PUBLIC HEARING ON APRIL 22, 1997, TO REZONE A PORTION OF 2169 HENDERSONVILLE ROAD FROM R-2 LOW DENSITY DISTRICT TO HI HEAVY INDUSTRIAL DISTRICT

Mayor Martin said that members of Council have been previously furnished with copies of the resolutions on the Resolutions & Motions Consent Agenda and they will not be read.

Councilman Worley moved for the adoption of the Resolutions & Motions Consent Agenda. This motion was seconded by Councilman Cloninger and carried unanimously.

ORDINANCES

A. ORDINANCE NO. 2352 - BUDGET AMENDMENT FOR AUDIO VISUAL DESIGN SERVICES TO RENOVATE THE COUNCIL CHAMBER IN THE CITY HALL BUILDING

Summary: This budget amendment, in the amount of \$20,000, is for \$20,000 for audio-visual design services to renovate the Council Chamber in City Hall.

ORDINANCE BOOK NO. 16 - PAGE 165

B. ORDINANCE NO. 2353 - BUDGET AMENDMENT TO ESTABLISH FUNDING FOR PHASE V OF THE ASHEVILLE URBAN TRAIL

Summary: This budget amendment, in the amount of \$27,700, is for Phase V of the Urban Trail. During the Phase V of the Urban Trail, from October 1996 - September 1997, the Committee plans to install a bronze plaque, several pink granite markers, various art objects and bricks along the Trail.

ORDINANCE BOOK NO. 16 - PAGE 167

Mayor Martin said that members of Council have been previously furnished with copies of the ordinances on the Ordinance Consent Agenda and they will not be read.

Vice-Mayor Field moved for the adoption of the Ordinance Consent Agenda. This motion was seconded by Councilman Skalski.

On a roll call vote of 7-0, the Ordinance Consent Agenda passed on its first reading.

III. PUBLIC HEARINGS:

IV. UNFINISHED BUSINESS:

-3-

V. NEW BUSINESS:

A. RESOLUTION NO. 97-44 - RESOLUTION AUTHORIZING THE EXCHANGE OF CITY OWNED LAND LOCATED ON EDGE HILL ROAD FOR LAND OWNED BY CHARLES MARTIN LOCATED ON CURVE STREET

Mr. Ed Vess, Coordinator of Field Services, said that Disposal Parcel 10.3, PIN 9648.07-58-1294 is a residential lot owned by the City on Edge Hill Avenue valued at \$11,200. It is located one block from a lot previously purchased by Mr. Charles Martin at a price of \$9,000 to build a house. After the purchase was made it was discovered that the lot is not buildable without the expenditure of a considerable amount of money because of the retention basin on the property. The City's Public Works department recommends reacquiring the Martin lot in order to leave the retention basin in place to control the storm drainage. An exchange of property will satisfy Mr. Martin's need for a buildable lot and the City's need to control storm drainage in the area of Curve Street and Alexander Drive.

On March 25, 1997, the City Council directed the City Clerk to publish notice of the intent of the City Council to authorize the exchange of Disposal Parcel 10.3 for the real property owned by Charles Martin located on Curve Street. The notice was published in the Asheville Citizen-Times on March 28, 1997. No response was received. Therefore, the conveyance of Disposal Parcel 10.3 in exchange for the Martin lot on Curve Street should be approved.

Approval of the resolution will authorize conveyance of Disposal Parcel 10.3 in exchange for the Martin property on Curve Street.

Mayor Martin said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Cloninger moved for the adoption of Resolution No. 97-44. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 24 - PAGE 41

VI. OTHER BUSINESS:

A. GROUP DEVELOPMENT

On May 7, 1991, City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission ("Commission") relative to group developments at the next scheduled regular meeting of the City Council. In accordance with this procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. The following action was taken by the Commission on April 2, 1997:

Arbor Terrace of Asheville to be located at the corner of Rathfarnham and Sweeten Creek Road

Ms. Erin McLoughlin, Urban Planner, said that this is consideration of a proposal for a 63 unit assisted living facility.

The proposal is for a two story, 63 unit assisted living facility to be located on the corner of Sweeten Creek and Rathfarnham Roads. -4-

The parcel is zoned CG (commercial general). The project meets all zoning, parking, and landscaping requirements. Letters of approval have been received from water, fire and MSD.

Staff has received a few comments in opposition to this group development.

The City Planning and Development staff recommends approval of the group development with no conditions.

At their April 2, 1997, meeting, the Planning and Zoning Commission voted unanimously to recommend approval the group development with no conditions.

Upon inquiry of Vice-Mayor Field concerning potential traffic problems, Ms. McLoughlin said that there will be, at the most, 10 staff and since the average age of the residents is 83 years old, they anticipate most visitation to occur on Sundays.

Council accepted the report of the Planning and Zoning Commission with the above condition, thereby approving the project by taking no action.

B. HAW CREEK GREENWAY

Councilman Cloninger asked, and it was the consensus of Council, that staff contact the Trust for Public Land to see how they can assist the City in the Haw Creek area pilot project and how much they would charge for that assistance.

Ms. Erin McLoughlin, Urban Planner, said that they are currently assisting some in the Haw Creek area, however, she would be happy to discuss this issue with them and report back to Council.

C. CLAIMS

The following claims were received by the City of Asheville during the week of March 14-April 3, 1997: Peggy Sloan (Water), Tia Moorman (Streets), Jeff Dunlap (Streets), Floyd Stone (Streets), Lillian Godfrey (Sanitation), Dennis Higgins (Streets) and Bell South (Water).

These claims have been referred to Asheville Claims Corporation for investigation.

D. UDO DISCUSSION

City Council discussed the items listed for further discussion from their April 3, 1997, Unified Development Ordinance meeting. It was agreed that only those recommendations for which there were desired changes or questions would be on the list again for further discussion and possible vote at the next scheduled UDO meeting.

VII. ADJOURNMENT:

At 6:00 p.m., Councilman Hay moved to adjourn the meeting. This motion was seconded by Councilman Worley and carried unanimously.

CITY CLERK MAYOR -5-

Tuesday - April 8, 1997 - 6:00 p.m.

Continuation of Unified Development Ordinance Meeting on Text
from April 3, 1997

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman James J. Skalski; Councilman Thomas G. Sellers; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

Mayor Martin reconvened the meeting on the text of the UDO at 6:00 p.m.

The audience consisted of Ms. Margaret Williams from the Mountain Xpress; Ms. Lori Boling from the Council of Independent Business Owners; Mr. Paul Clark from the Asheville Citizen-Times; Mr. S. Douglas Spell, Assistant City Manager; and Mr. F. Mark Combs, Director of Public Works.

Mr. H.K. Edgerton and Mr. Jim Barrett entered later but left without speaking.

City Council discussed changes that might be desired by individual members of Council and which had not appeared on the Planning & Zoning Commission's recommended changes or the recommendations of staff. It was agreed that only those recommendations for which there were desired changes or questions would be on the list for further discussion and possible vote at the next scheduled UDO meeting. There was no comment from the public.

At 8:07 p.m., Councilman Skalski moved to continue this meeting until 5:00 p.m. on Thursday, April 10, 1997, in the Banquet Room of the Asheville Civic Center. This motion was seconded by Councilman Worley and carried unanimously.

CITY CLERK MAYOR
