

Tuesday - December 3, 1985 - 4:00 p.m.

Organizational Meeting

OATHS OF OFFICE

Mayor Larry McDevitt introduced Judge C. Walter Allen, who administered the Oath of Office to the following:

Mayor W. Louis Bisette, Jr.

Mayor McDevitt presented the gavel to Mayor Bisette

Councilman Kenneth M. Michalove

Councilman Mary Lloyd Frank

Councilman Walter R. Boland

Councilman George M. Tisdale

Councilman Wilhelmina Bratton

Councilman Norma T. Price

The Mayor and members of Council introduced relatives in attendance and made brief remarks.

INVOCATION

The invocation was given by Rev. Arthur F. Fogerty.

RESOLUTION NO. 85-223 - RESOLUTION OF APPRECIATION TO GORDON MYERS

Mayor Bisette read a resolution of appreciation to Gordon Myers.

Upon motion of Councilman Boland, seconded by Councilman Frank, Resolution No. 85-223 was unanimously adopted.

Complete text of Resolution No. 85-223 will be found in Resolution Book No. **15** at page **348**.

Mayor Bisette presented a copy of the resolution and a plaque for Gordon Myers, to Mrs. Kay Myers in Gordon Myers' absence.

RESOLUTION NO. 85-222 - RESOLUTION OF APPRECIATION TO MAYOR LARRY MCDEVITT

Mayor Bisette read a resolution of appreciation to Mayor Larry McDevitt.

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 85-222 was unanimously adopted.

Complete text of Resolution No. 85-222 will be found in Resolution Book No. **15** at page **347**.

Mayor Bisette presented the resolution and a plaque to Mayor Larry McDevitt.

ELECTION OF VICE-MAYOR

Mayor Bisette said, as a matter of procedure, the election of the Vice-Mayor would be as follows: 1) That the vote be

taken in alphabetical order by voice vote; 2) that members of Council vote by name only for one candidate; 3) that in the event that three nominations are made, after the first vote, the nominee with the least number of votes be eliminated if the nominee did not receive a majority vote.

Councilman Price nominated Mary Lloyd Frank as Vice-Mayor of the City of Asheville.

Councilman Bratton nominated Councilman Bratton as Vice-Mayor for the City of Asheville.

Councilman Michalove moved that if the entire Council could not agree on one person for being Vice-Mayor, the term of Vice-Mayor be rotated, an equal number of months, in alphabetical order, for those who wish to serve as Vice-Mayor.

Not receiving a second for Councilman Michalove's motion, Mayor Bisette declared Councilman Michalove's motion dead for lack of a second.

On a roll call vote, Councilman Frank was elected as Vice-Mayor, the vote being as follows:

Councilman Boland voting for Councilman Frank;

Councilman Tisdale voting for Councilman Frank;

Councilman Price voting for Councilman Frank;

Councilman Bratton voting for Councilman Bratton;

Councilman Frank voting for Councilman Frank;

Councilman Michalove voting "No vote;"

Councilman Bisette voting for Councilman Bratton.

ADJOURNMENT

Mayor Bisette adjourned the organizational meeting and called for a brief recess before opening the regular meeting of the December 3, 1985, meeting.

Tuesday - December 3, 1985 - 5:00 p.m.

Regular Meeting

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

Absent: None

APPROVAL OF THE MINUTES - NOVEMBER 26, 1985 MEETING

1. Approval of the minutes of November 26, 1985 meeting.

Councilman Price moved that the minutes of the November 26, 1985, meeting be amended to include the "State of the City Address" delivered by Mayor McDevitt. This motion was seconded by Councilman Boland and carried unanimously.

PROPOSAL BY SOUTH EASTERN HISTORIC PROPERTIES, INC., FOR A REDEVELOPMENT PROJECT FOR THE WALL STREET AREA

2. A proposal by Southeastern Historic Properties, Inc., was presented for a redevelopment project for the Wall Street area.

Mayor Bissette said consideration of the resolution authorizing the execution of a Memorandum of Understanding with Southeastern to participate in the project would be on the agenda for December 10, 1985, since negotiations are still going on relative to the terms of the Memorandum of Understanding with Southeastern Historic Properties, Inc.

Bill Smith, President of Southeastern Historic Properties, Inc., presented the plans for a proposed \$8.4 million project to revitalize Wall Street in downtown. Mr. Smith described the proposals stating that plans are proposed for a three-phase development involving a parking deck, street improvement, and rehabilitation of 11 buildings, 10 of which Southeastern Historic Properties, Inc., presently owns. He said the developers have spent a lot of time on the development of the Wall Street Project, and he feels it is critical to the success of the revitalization of downtown.

Mr. Smith said the four-story, 350-space parking deck would be constructed on the west end of Wall Street with three access points and one exit. He said it would rise to the level of Battery Park Avenue. He said the rehabilitation would involve buildings on the south side of Wall Street and would include 22 apartments on the second floor level of the buildings, 40,000 square feet of retail space, 10,000 square feet of office space, and 30,000 square feet of space in the Public Service Building that would be used as an inn or as additional office space. He said the developers have worked closely with the existing tenants on Wall Street, and the tenants have a lot of interest in the proposed redevelopment.

Jim Glave, Architect for Southeastern Historic Properties, Inc., showed detailed maps of the proposed project and an aerial view. He said other improvements would include covering the asphalt street with paving brick or paving block, tree plantings, street lights, benches, and improved drainage, and creation of a green space behind the Lantzius Building. He said the project proposes that Wall Street would be closed to vehicular traffic during the normal business hours to increase pedestrian activity. He said in the future, if the closing of Wall Street proved to be unsuccessful, the project is flexible enough that Wall Street could be reopened. He said the developers had consulted with the State Historic Preservation Officer relative to restoring the facades on the Wall Street and Patton Avenue buildings. He said the facades would be put back to their original condition.

Ned Guttman, of 58 Beachwood Road, spoke in support of the proposed project. He requested that the developers consider a facade on the parking building on the Battery Park Avenue side to be consistent with the Post Office Building and the Grove Arcade Building. He also questioned whether a three-story parking building would be better than a four-story parking deck.

Upon inquiry of Ralph Bishop, Mayor Bissette said private and federal money would be used to develop the project, and imminent domain is a possibility on some parcels in the area.

Roy Burchfield, Manager of Penney's, said he was concerned about parking. He said the merchants in the area need parking badly. He said he was concerned about the closing of Wall Street because he felt this street is needed for the smooth flow of traffic in the downtown area. He suggested that Wall Street be open to vehicular traffic flowing one way. He said an additional hardship, by closing Wall Street, would be the congestion on College and Haywood Streets.

It was a consensus of Council, at the request of Councilman Michalove, that the City Manager receive traffic counts on Wall Street, Haywood Street, and Otis Street to determine the traffic flow in the area. He also requested that the City staff investigate the possibility of making Battery Park a two-way street.

Kathryn Grooms, merchant on Wall Street, questioned three entrances going into a parking deck with only one exit. She said she felt this would create a problem. She said she was also concerned about the closing of Wall Street. She invited the developers, Southeastern Historic Properties, to attend the next Wall Street Merchants Association meeting to discuss their proposed plans.

Gail Brady, merchant on Wall Street, said she was concerned that the redevelopment of the area would cause the rent to rise above what Asheville could support.

Bill Smith, President of Southeastern Historic Properties, Inc., answering some of the concerns of the area merchants, said the project would have the flexibility of opening or closing Wall Street. He said he would rely on the judgment of the architect relative to the facade on the parking deck facing Battery Park.

ORDINANCE NO. 1551- AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "THE GATE HOUSE" AT 265 CHARLOTTE STREET IN ASHEVILLE, NORTH CAROLINA, CURRENTLY OWNED BY MAPLE COVE, INC., AS HISTORIC PROPERTY

3. Consideration was given to the second reading of Ordinance No. 1551, an ordinance designating a building and property known as "The Gate House" at 265 Charlotte Street in Asheville, North Carolina, currently owned by Maple Cove, Inc., as historic property.

Mayor Bissette said the structure known as "The Gate House" was completed in 1899 as the entrance to the grounds of the Manor Inn, and remains an impressive Lodge of shingle, stucco, and timber with a rock tower. It also serves as a reminder of the architecture of early resort developments in Western North Carolina. 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.

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.

R. L. Bailey, President of Maple Cove, Inc., said he supported the findings of the Historic Resources Commission, and the ordinance would have his full support.

Ralph Bishop spoke in opposition to the adoption of the ordinance.

On a roll call vote of 7-0, Ordinance No. 1551 passed on second reading.

ORDINANCE NO. 1552 - AN ORDINANCE DESIGNATING A STREET KNOWN AS "NORTH MARKET STREET" AND AN ALLEY KNOWN AS "LANGREN ALLEY" IN ASHEVILLE, NORTH CAROLINA, CURRENTLY OWNED BY THE CITY OF ASHEVILLE, AS HISTORIC PROPERTY

4. Consideration was given to the second reading of Ordinance No. 1552, an ordinance designating a street known as "North Market Street" and an alley known as "Langren Alley" in Asheville, North Carolina, currently owned by the City of Asheville, as historic property.

Mayor Bissette said North Market Street is the last street in the City of Asheville having brick pavement, and Langren Alley is the last street in the City of Asheville having Belgian block pavement. These pavements figured prominently in the development of Asheville's thoroughfares. The Historic Resources Commission of Asheville and Buncombe County has demonstrated the historic significance of the street, 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.

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.

On a roll call vote of 7-0, Ordinance No. 1552 passed on second reading.

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

5. 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 complete 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.

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.

Verl Emrick, Director of Planning, said a letter has been received from Jerry Crowe, Attorney representing Matthew Elman, requesting that action on the ordinance be postponed until the process of completing foreclosure proceedings against the property is completed.

After discussion, Vice-Mayor Frank moved that the second reading of Ordinance No. 1553 be postponed until February 4, 1986. This motion was seconded by Councilman Tisdale and carried unanimously.

Max Hanger, Secretary of the Grove Park Sunset Citizens Association, said the Association members are concerned about the future use of the Manor. He requested that Council give this matter proper consideration.

ORDINANCE NO. 1554 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "THE GROVE ARCADE" ON BATTLE SQUARE IN ASHEVILLE, NORTH CAROLINA, CURRENTLY OWNED BY THE UNITED STATES OF AMERICA, AS HISTORIC PROPERTY

6. Consideration was given to the second reading of Ordinance No. 1554, an ordinance designating a building and property known as "The Grove Arcade" on Battle Square in Asheville, North Carolina, currently owned by the United States of America, as historic property.

Mayor Bissette said "The Grove Arcade" was designed by prominent architect Charles N. Parker and built for famous developer and entrepreneur Edwin W. Grove, known as the "Father of Twentieth Century in Asheville." The "Grove Arcade" is a grand and flamboyant building constructed of fine ornamental terra cotta and stone, and is finished inside and out with Tudoresque and medieval ornamentation. This building is also a rare example of an interior shopping arcade with covered pedestrian thoroughfares. 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.

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.

On a roll call vote of 7-0, Ordinance No. 1554 passed on second reading.

ORDINANCE NO. 1549 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED - PROPERTY LOCATED IN REDWOOD FOREST AND SHAWNEE TRAIL AREA (MR. TED MORRIS, AGENT)

7. Consideration was given to the third reading of Ordinance No. 1549, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended - property located in Redwood Forest and Shawnee Trail area (Mr. Ted Morris, Agent).

Mayor Bissette said the Asheville Planning and Zoning Commission, at a meeting held October 2, 1985, reviewed and approved the petition of the residents of the Redwood Forest Subdivision and Shawnee Trail to rezone their property from R-2 Residential District to R-1 Residential District. This ordinance passed on first reading at the November 19,

1985, meeting and on second reading at the November 26, 1985, meeting.

Mayor Bisette 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 7-0, Ordinance No. 1549 passed on third and final reading.

Complete text of Ordinance No. 1549 will be found in Ordinance Book No. **10** at page **327** and **328**.

SALE OF DISPOSAL PARCELS 4, 63, 75, AND 198 - EAST RIVERSIDE URBAN RENEWAL PROJECT - EAST END/VALLEY STREET COMMUNITY IMPROVEMENT AREA

8. Consideration was given to a motion approving the sale of disposal parcels 4, 63, 75 and 198 in the East Riverside Urban Renewal Project and the East End/Valley Street Community Improvement Area.

Mayor Bisette said the Housing Authority has tentatively accepted the following bids for certain disposal parcels in the East Riverside Urban Renewal Project and the East End/Valley Street Community Improvement Area.

Parcel Reuse Price Bid Redeveloper

4 Residential \$1,950.00 \$2,000.00 R & R Associates, Inc.

63 Residential 2,050.00 2,100.00 R & R Associates, Inc.

75 Residential 1,400.00 1,450.00 R & R Associates, Inc.

198 Residential 1,620.00 1,621.00 Randolph Evans & April Twitty

Lots 4, 63, and 75 of the East End/Valley Street Area are to be developed with single family homes for resale. The eventual purchasers of the completed homes will be able to obtain a Dollar-A-Lot subsidy. These lots are located on Martin Luther King Drive.

Lot 198 of East Riverside Urban Renewal Project is a residential lot sale for a single family structure under the Incentive Housing Program. This lot is located on South French Broad Avenue.

Councilman Price moved to accept the recommendations of the Housing Authority for the sale of disposal parcels 4, 63, 75 and 198 in the East Riverside Urban Renewal Project and East End/Valley Street Community Improvement Area. This motion was seconded by Councilman Boland and carried unanimously.

SCHEDULING PUBLIC HEARING - GROUP DEVELOPMENT REVIEW - BUCK COVE DEVELOPMENT - DECEMBER 17, 1985

9. Consideration was given to a motion to schedule a public hearing for a group development review - Buck Cove Development for December 17, 1985.

Mayor Bisette said the Asheville 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'.

Councilman Price moved to schedule a public hearing relative to the group development review for the Buck Cove Development for December 17, 1985. This motion was seconded by Councilman Michalove and carried unanimously.

SCHEDULING PUBLIC HEARING - EXTENDING PRESENT MORATORIUM IN THE HAW CREEK AREA FOR DECEMBER 17, 1985

10. Consideration was given to a motion scheduling a public hearing relative to extending the present moratorium in the Haw Creek Area for

December 17, 1985.

Mayor Bisette 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.

Councilman Michalove moved to schedule a public hearing relative to extending the present moratorium in the Haw Creek Area for December 17, 1985. This motion was seconded by Councilman Tisdale and carried unanimously.

SCHEDULING PUBLIC HEARING - AMENDING ZONING ORDINANCE BY CREATING A NEW R2-A RESIDENTIAL DISTRICT FOR DECEMBER 17, 1985

11. Consideration was given to a motion scheduling a public hearing relative to amending the Zoning Ordinance by creating an R2-A Residential District December 17, 1985.

Mayor Bisette 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.

Councilman Boland moved to schedule a public hearing relative to amending the Zoning Ordinance by creating a new R2-A Residential District for December 17, 1985. This motion was seconded by Councilman Price and carried unanimously.

COUNCILMAN MICHALOVE'S REQUEST FOR CURRENT STUDIES DEALING WITH ANNEXATION

At the request of Councilman Michalove, it was the consensus of Council that the City Manager present to members of Council current studies available through the Planning Department relative to annexation plans of the City of Asheville. It was requested that this information be presented to Council before January 1, 1986. It was also requested that the statement from the North Carolina League of Municipalities relative to annexation also be presented to members of Council.

CLAIMS - CAROLYN HOGAN (STREETS) - CLIFTON YOUNG (SEWER) - GWENDOLYN MILLER (STREETS) - MAE THOMAS (SANITATION)

The Acting City Manager presented claims received from Carolyn Hogan, Clifton Young, Gwendolyn Miller, and Mae Thomas.

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

RALPH BISHOP - LOTTARY SALES IN THE CITY OF ASHEVILLE

Ralph Bishop again spoke to members of Council relative to the lottery peddlers running wide open in the City of Asheville, and violating income tax laws.

ADJOURNMENT - EXECUTIVE SESSION

Councilman Price moved to adjourn the meeting to Executive Session to discuss real estate and personnel matters. This

motion was seconded by Councilman Boland and carried unanimously.

MAYOR CITY CLERK
