

Tuesday, February 11, 1986 - 4:00 p.m.

Regular Meeting

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

Absent: Councilman George Tisdale (attending meeting at the Institute of Government in Chapel Hill)

INVOCATION

The invocation was given by Vice-Mayor Mary Lloyd Frank.

APPROVAL OF THE MINUTES - FEBRUARY 4, 1986 MEETING

1. Consideration was given to the approval of the minutes of the February 4, 1986 meeting.

Mayor Bissette announced the approval of the minutes as submitted.

PUBLIC HEARING - SITE PLAN OF 60-66 HAYWOOD STREET

2. A public hearing was held relative to the site plan of 60-66 Haywood Street.

Mayor Bissette said 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.

Mayor Bissette opened the public hearing at 4:11 p.m.

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

Verl Emrick, Director of Planning, said this site plan would involve the Jared's and Eagles Building on Haywood Street. He said 13 residential units were planned for the upper level of the building and 3 retail shops proposed for the lower level. He said City Assets Corporation, Developer, would also have an office in this building. He said the Planning and Zoning Commission had recommended approval of the site plan.

Jim Samsel, Architect for the project, stated that the developers are ready to begin the project and are waiting final approval of the site plan by Council. He said the rental rates for the apartment units have not been established. He said the project would cost approximately \$750,000, all funding would be from private sources.

Upon inquiry of Ralph Bishop, Mayor Bissette said the reason for Council reviewing the project was that all projects consisting of 3 or more

apartments require approval of Council.

Mayor Bissette closed the public hearing at 4:20 p.m.

Councilman Michalove moved for the approval of the site plan of 60-66 Haywood Street. This motion was seconded by Councilman Price and carried unanimously.

ORDINANCE NO. 1570 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN

ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (HANDICAPPED OFF-STREET PARKING REQUIREMENTS)

3. Consideration was given to the second reading of Ordinance No. 1570, an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended (handicapped off-street parking requirements).

Mayor Bisette said this wording amendment will provide a requirement for handicapped off-street parking. This ordinance passed on first reading on February 4, 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.

Donna Cator, Chairperson for the Mayor's Committee on Employment of the Handicapped, thanked members of Council for their consideration of the Handicapped Parking Ordinance.

On a roll call vote of 6-0, Ordinance No. 1570 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

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 Bisette 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.

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

Jerry Crow, Attorney, representing the lender of funds to restore "The Manor", said a recent venture toward restoring "The Manor" did not work out and foreclosure proceedings were instituted. He said a Deed of Record would be filed tomorrow, naming Matthew Ellam, Trustee for a Canadian group as the owner. He said he did not feel that the ordinance designating "The Manor" as historic property would be of benefit or encourage the owners to utilize the best use of the property and asked that Council table the second reading of the ordinance until a later date. He said he felt this ordinance would put a burden on the property owners, as far as seeking approval to do any restoration or anything to the property. He said, in fact, it may impede such restoration.

Upon inquiry of Councilman Price, Mr. Crow said he was aware of the Conservation Overlay Ordinance and felt that this ordinance would also be burdensome to the owners of the property. He requested at least a 90-day delay on the second reading of the ordinance.

Upon inquiry of Council, the Corporation Counsel said the rules and regulations adopted by City Council allows them to continue or table action on a motion for 100 days.

Councilman Price questioned whether or not the neighborhood residents or the Historic Resources Commission had been made aware of the request for the delay of the second reading of the ordinance. It was noted that no contact had

been made with the neighborhood or the Historic Resources Commission relative to the request for the delay.

After discussion, Councilman Price moved to continue the second reading of Ordinance No. 1553 until May 20, 1986. This motion was seconded by Councilman Boland and carried unanimously.

Upon inquiry of Councilman Boland, Mr. Crow said to his knowledge the property owners did not intent to demolish the building.

At the request of Councilman Michalove, Council requested that the City Manager contact the Historic Resources Commission and the Grove Park Sunset Citizens Association and advise them of the action taken by City Council on this particular ordinance. It was also requested that a report be given to members of Council by the Inspections Division on the condition of the building on May 20, 1986.

RESOLUTION NO. 86-21 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE FAIR HOUSING COMMISSION

5. Consideration was given to a resolution appointing members to the Asheville Fair Housing Commission.

Mayor Bissette said pursuant to Ordinance No. 1539 adopted on October 15, 1985, this resolution will appoint seven (7) members to the Asheville Fair Housing Commission as follows:

Betty Jo Sullivan

James M. Pressley

Gladys P. Forney

Dwight B. Mullen, Chairman

Dennis Kinney

Doug Bebbber

Tom West

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

Upon motion of Councilman Boland, seconded by Councilman Price, Resolution No. 86-21 was unanimously adopted.

Complete text of Resolution No. 86-21 will be found in Resolution Book No. 15 at Page 434.

ORDINANCE NO. 1571 - BUDGET ORDINANCE AMENDMENT TO ESTABLISH \$45,000 FOR THE CITY OF ASHEVILLE STORM WATER MODELING PROJECT

6. Consideration was given to a budget ordinance amendment to establish \$45,000 for the City of Asheville Storm Water Modeling Project.

Bob Wurst, Director of Audit and Budget, said it is a practice of the City of Asheville to appropriate funds anticipated from grants in the budget. He said this budget amendment would appropriate the local share of \$30,000 for the Storm Water Modeling Project and \$15,000 for contingency.

Councilman Price moved for the adoption of Ordinance No. 1571. This motion was seconded by Councilman Boland.

On a roll call vote of 6-0, Ordinance No. 1571 passed on first and final reading.

Complete text of Ordinance No. 1571 will be found in Ordinance Book No. **10** at Page **367**.

RESOLUTION NO. 86-22 - RESOLUTION TO ACCEPT THE OCTOBER 21, 1985, PROPOSAL BY THE UNITED STATES GEOLOGICAL SURVEY FOR A FOUR YEAR, TWO STREAM QUALITY AND STORM-WATER MODELING STUDY AND TO AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF ASHEVILLE BY AND BETWEEN THE CITY OF ASHEVILLE AND THE UNITED STATES GEOLOGICAL SURVEY OF THE DEPARTMENT OF INTERIOR FOR SAID STUDY

7. Consideration was given to a resolution to accept the October 21, 1985, proposal by the United States Geological Survey for a four year, two stream quality and storm-water modeling study and to authorize the Mayor to execute an agreement on behalf of the City of Asheville by and between the City of Asheville and the United States Geological Survey of the Department of Interior for said study.

Mayor Bisette said the Asheville City Council has decided that the proposed four year, two stream quality and storm-water modeling study is needed to evaluate existing storm drainage problems and to develop methods of correction and prevention. The proposed \$286,000 study is subsidized by a fifty percent (50%) Federal Grant and supported by other State and Local Agencies resulting in a total City of Asheville commitment of \$30,000. The proposal is flexible and allows for the expansion of the study to include other streams should additional funding or other grants or participation become available during the course of the four year study. He said funds have been approved in the amount of \$45,000 for this grant.

Tom Tarrant, City Engineer, spoke in support of the resolution, stating that the US Geological Survey is very interested in working with property in the mountains and felt this was a very beneficial project.

Councilman Boland said he felt this project would also cover the City of Asheville in case of emergencies during the interim period of four years.

Councilman Price noted that the Land-of-Sky Regional Council had contributed greatly to the study done on storm water drainage in the past year.

Mayor Bisette said members of Council were previously furnished copies of the resolution and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Councilman Boland, seconded by Councilman Frank, Resolution No. 86-22 was unanimously adopted.

Complete text of Resolution No. 86-22 will be found in Resolution Book No. **15** at Page **435**.

RESOLUTION NO. 86-23 - RESOLUTION REGARDING EMPLOYEE USE OF VEHICLES OWNED BY THE CITY OF ASHEVILLE, NORTH CAROLINA

8. Consideration was given to a resolution regarding employee use of vehicles owned by the City of Asheville, North Carolina.

Mayor Bisette said the 1985 Tax Act enacted by the United States Congress repeals various sections of the Tax Reform Act of 1984, concerning personal use of employer-provided vehicles. The federal legislation defines an employee's personal use of an employer-furnished vehicle as a taxable fringe benefit and includes commuting to and from work within the term "personal use". The City provides certain municipal vehicles to its employees for use in municipal business, including commuting to and from work for employees who are "on call". Pursuant to state law (N. C. Gen. Stat. sec. 14-247), the City of Asheville prohibits its employees from using municipal vehicles for any personal purposes whatsoever.

Mayor Bisette said members of Council were previously furnished copies of the resolution and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Vice-Mayor Frank, seconded by Councilman Boland, Resolution No. 86-23 was unanimously adopted.

Complete text of Resolution No. 86-23 will be found in Resolution Book No. **15** at Page **436, 437** and **438**.

RESOLUTION NO. 86-24 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO MAKE APPLICATION FOR A COMPUTER ENRICHMENT PROGRAM

9. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to make application for a Computer Enrichment Program.

Mayor Bissette said the State of North Carolina has established a grant program known as Community-Based Alternatives through the North Carolina Department of Human Resources, and has made funds available for Community-Based Alternative programs in Buncombe County. State funds in the amount of \$5,500 is available to provide an enrichment program in three neighborhoods with local match in the amount of \$4,170 to be provided by the

City through in-kind staff services and departmental supplies in place at the centers. This resolution will authorize the Mayor to make application in the amount of \$5,500 to the N. C. Department of Human Resources for a Computer Enrichment Program at the William C. Reid Memorial, Montford, and Stephens-Lee Recreation Centers.

Mayor Bissette said members of Council were previously furnished copies of the resolution and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Councilman Michalove, seconded by Vice-Mayor Frank, Resolution No. 86-24 was unanimously adopted.

Complete text of Resolution No. 86-24 will be found in Resolution Book No. **15** at Page **439**.

RESOLUTION NO. 86-25 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF CONDUIT AND WIRING FOR TRAFFIC SIGNAL AND FIRE ALARM SERVICE ON BILTMORE AVENUE

10. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for the installation of conduit and wiring for traffic signal and fire alarm service on Biltmore Avenue.

Mayor Bissette said this resolution will authorize the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for the installation of a three (3") inch underground conduit and wiring for traffic signal and fire alarm service. He said funding for this work has been approved and is available as a part of the South Pack Square Streetscape Project.

Mayor Bissette said members of Council were previously furnished copies of the resolution and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Vice-Mayor Frank, seconded by Councilman Price, Resolution No. 86-25 was unanimously adopted.

Complete text of Resolution No. 86-25 will be found in Resolution Book No. **15** at Page **440**.

RESOLUTION NO. 86-26 - RESOLUTION AUTHORIZING FREE PARKING AT METERED PARKING SPACES ON FEBRUARY 28, MARCH 1 AND MARCH 2, 1986 FOR THE SOUTHERN CONFERENCE BASKETBALL TOURNAMENT

11. Consideration was given to a resolution authorizing free parking at metered parking spaces on February 28, March 1 and March 2, 1986 for the Southern Conference Basketball Tournament.

The Acting City Manager read the resolution.

Upon motion of Councilman Michalove, seconded by Vice-Mayor Frank, Resolution No. 86-26 was unanimously adopted.

Complete text of Resolution No. 86-26 will be found in Resolution Book No. **15** at Page **441**.

RESOLUTION NO. 86-27 - RESOLUTION AUTHORIZING THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO MAKE APPLICATION FOR A BEAUTIFICATION GRANT FOR BINGHAM HEIGHTS, DEAVERVIEW, LEE-WALKER HEIGHTS, PISGAH VIEW AND KLONDYKE APARTMENTS

12. Consideration was given to a resolution authorizing the Housing Authority of the City of Asheville to make application for a beautification grant for Bingham Heights, Deaverview, Lee-Walker Heights, Pisgah View and Klondyke Apartments.

Johnny Hayes, with the Housing Authority, said the State of North Carolina Department of Crime Control and Public Safety through the Governors Crime Commission, has announced the potential availability of funds up to \$50,000 for selected juvenile justice and delinquency prevention projects. He said the Housing Authority of the City of Asheville sees the need to provide the families of youthful offenders and at-risk youth with programs that will enhance the family and deter juvenile delinquency. He said this resolution will authorize the Executive Director of the Housing Authority of the City of Asheville to submit an application in the amount of \$49,284.44 to the Governors Crime Commission for the beautification programs.

Mayor Bissette said members of Council were previously furnished copies of this resolution and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Councilman Price, seconded by Vice-Mayor Frank, Resolution No. 86-27 was unanimously adopted.

Complete text of Resolution No. 86-27 will be found in Resolution Book No. **15** at Page **442**.

CLAIMS - MRS. ROBERT ADAMS (WATER) - CLARENCE BRADLEY (SANITATION)

The Acting City Manager presented claims received from Mrs. Robert Adams and Clarence Bradley.

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

RALPH BISHOP - LOTTERY SALES IN THE CITY OF ASHEVILLE

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

PROCLAMATION - FEBRUARY 16-22, 1986 - "NATIONAL RETAIL BAKERS WEEK"

Mayor Bissette read a proclamation proclaiming February 16-22, 1986, as "National Retail Bakers Week".

Mayor Bissette presented the proclamation to Dotson Wright with Rollin Pin Bakery.

Mr. Wright then presented members of Council with a cake decorated with the inscription of the City seal and the City Hall Building.

ADJOURNMENT

Upon motion of Councilman Boland, seconded by Councilman Michalove,
the meeting adjourned to executive session to discuss personnel.

The meeting adjourned at 5:10 p.m.

MAYOR CITY CLERK
