

get her to her medical appointments. If the Red Cross had the additional funding that this proposal would provide, they would be able to purchase additional vehicles which could provide transportation to medical appointments for my client and at least 1,700 others who have been provided transportation in Asheville in the past year from the Red Cross. Under the law, the City of Asheville, as a recipient of funds from the federal government under the Urban Mass Transportation Act, has a legal obligation towards my client and other handicapped and semio44-o81 ambulatory persons who are similarly situated. Her transportation is the City's responsibility. It is Federal law that elderly and handicapped persons have the same right as everyone else to utilize mass transportation facilities and services. The law requires that special efforts be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons, of mass transportation which they can effectively utilize, will be assured. Furthermore, it is federal law that no otherwise qualified handicapped individual shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be

subjected to discrimination under any program or activity receiving federal financial assistance. The courts have repeatedly held that this law requires, at the very least, "modest, affirmative steps" to accommodate the handicapped in public transportation. The regulations refer to the term "special efforts," and indicate that one way to meet those special efforts is to provide a minimum of 3.5% of the federal financial assistance under UMTA to a program for wheelchair users and semio44-o81 ambulatory handicapped persons. In my opinion, the funding that will be provided in this proposal is overdue, but it is certainly better for it to arrive late than never for my client and others similarly situated. As this funding is overdue, I request that you give consideration to providing additional funding for this program, and that there be expenditures above and beyond the 3.5% that would include advertising, publicity and outreach for persons, like my client, who may have given up hope that they could find access to transportation within the City of Asheville. I would remind the City Council that the 3.5% figure is described as a "minimum," and I would urge that the City seek to reach more persons with this proposal than are already in touch with either the American Red Cross or Pisgah Legal Services. Thank you.

F5 o44 o45 o44 o1408 Mayor Bissette closed the public hearing at 4:16 p.m.

E3 oE3 oE2 PUBLIC HEARING o44-o81 REZONING PROPERTY LOCATED ON NEW LEICESTER HIGHWAY oE0 oE1 o65 o44 oE2 ORDINANCE NO. 1572 o44-o81 AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED o44-o80 oE3 oE3 PROPERTY LOCATED ON LEICESTER HIGHWAY (MR. WAYNE HAWKINS PETITION) oE0 oE1 o65 o44 o45 o44 o14084. A public hearing was held relative to rezoning property located on New Leicester Highway. o65 o44 o45 o44 o1408 Mayor Bissette said the Asheville Planning and Zoning Commission at a meeting held January 8, 1986, considered the petition of Mr. Wayne Hawkins that portions of Lots 35 and 41, Sheet 36, Ward 12, and Lot 323, Sheet 20, Ward 6, be rezoned from Ro44-o813 Residential District to CS Commercial Service District. The property is located on the New Leicester Highway. After review and discussion, the Commission voted to recommend to City Council that Lot 323, Sheet 20, Ward 5, be rezoned from Ro44-o813 Residential District to CS Commercial Service District. Staff advised the Commission that Lots 35 and 41, Sheet 36, Ward 12 were already zoned Commercial Service in their entirety. o65 o44 o45 o44 o1408 Mayor Bissette opened the public hearing at 4:17 p.m. o65 o44 o45 o44 o1408 The Deputy City Clerk presented the notice to the public setting the time and date for the public hearing and the affidavit of publication. o65 o44 o45 o44 o1408 Verl Emrick, Director of Planning, said the Planning and Zoning Commission had reviewed the requested rezoning and recommended approval. He said this property ties in with property already zoned Commercial

Service. He said adjacent property owners had been notified of the requested rezoning and no one had opposed the rezoning. He said the proposed use of the property would be for a mini warehouse project. o65 o44 o45 o44 o1408 Kenneth Pankow, with Pankow Engineering Company, said he represents Public Storage, Inc. who has a contract on the property at the present time, and spoke in favor of the rezoning. o65 o44 o45 o44 o1408 Mayor Bissette closed the public hearing at 4:20 p.m. o65 o44 o45 o44 o1408 Mayor Bissette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety unless there was a specific request to do so. o65 o44 o45 o44 o1408 Councilman Boland moved for the adoption of Ordinance No. 1572. The motion was seconded by Councilman Tisdale. o65 o44 o45 o44 o1408 On a roll call vote of 6 o44-o810, Ordinance No. 1572 passed on oFB first reading. o65 o44 oE2 PUBLIC HEARING o44-o81 SITE PLAN OF CROWNPOINTE

MOBILE HOME PARK o44-o81 NORTH LOUISIANA?oE3oE3AVENUE oE0oE1o65o44??o45o44 o14085. A public hearing was held relative to a site plan of?Crownpointe Mobile Home Park, to be located on North Louisiana Avenue.o65o44??o45o44 o1408Mayor Bissette said the Asheville Planning and Zoning Commission at?a meeting held January 8, 1986, reviewed the site plan of Crownpointe Mobile?Home Park to be located on North Louisiana Avenue. The site plan was?prepared by Ray Anders, R.L.S., for Mr. Allen Moss, 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: 1) deletion of Lot #1?and provision of appropriate landscaping; 2) deletion of Lot #30 and?redesign of Lot #31; 3) that a planted buffer and a solid barrier of chain?link fence 6' high and slatted be provided on the western boundary as shown?at the entrance and lot lines on Lots #30 and #31; 4) redrawing of the plat?to include the "common area" and access from this mobile home park prior to?going to City Council; and 5) compliance with Erosion Control Ordinance.o65o44??o45o44 o1408Mayor Bissette opened the public hearing at 4:22 p.m.o65o44??o45o44 o1408The Deputy City Clerk presented the notice to the public setting?the time and date for the public hearing and the affidavit of publication.o65o44??o45o44 o1408Verl Emrick, Director of Planning, said the Planning and Zoning?Commission had reviewed the site plan and had recommended approval subject?to several conditions which have been met. He said the project complied?with all requirements of the Zoning Ordinance and is being constructed at?density level requirements for a mobile home park.o65o44??o45o44 o1408Upon inquiry of Councilman Price, Mr. Emrick said the project, even?though outside the City limits, had been reviewed in its entirety by the?Fire Marshall.o65o44??o45o44 o1408Mr. Emrick said, in the near future, it would be necessary to amend?o44Lthe Zoning Ordinance relative to mobile home parks to provide for larger lot?sizes and design of pads for mobile homes since they are constructing larger?mobile homes. He said this would also decrease the density ratio per acre.o65o44??o45o44 o1408Mayor Bissette closed the public hearing

at 4:27 p.m. o65o44??o45o44 o1408Councilman Price moved to approve the site plan of the Crownpointe?Mobile Home Park to be located on North Louisiana Avenue, subject to the?conditions outlined by the Planning and Zoning Commission. This motion was?seconded by Councilman Michalove and carried unanimously.o65o44??oE2PUBLIC HEARING o44-o81 SITE PLAN OF PROPOSED BARNARD GROVE APARTMENTS TO BE?oE3oE3LOCATED ON BARNARD AVENUE oE0oE1o65o44??o45o44 o14086. A public hearing was held relative to a site plan of the?proposed Barnard Grove Apartments to be located on Barnard Avenue.o65o44??o45o44 o1408Mayor Bissette said the Asheville Planning and Zoning Commission at?a meeting held January 8, 1986, reviewed the site plan of the proposed?Barnard Grove Apartments to be located on Barnard Avenue. The site plan was?prepared by James Samsel, Architect, for Mr. Kerry Kindsey, 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: 1)?documentation of access into the site; and 2) compliance with the Erosion?Control Ordinance. The Commission further recommended that parking on one?side only on Fenner Avenue be instituted as soon as possible.o65o44??o45o44 o1408Mayor Bissette opened the public hearing at 4:29 p.m.o65o44??o45o44 o1408The Deputy City Clerk presented the notice to the public setting?the time and date for the public hearing and the affidavit of publication.o65o44??o45o44 o1408Verl Emrick, Director of Planning, said the project would be in the?vicinity of UNCA, and was reviewed by the Planning and Zoning Commission at?it meeting held on January 8, 1986, and received a recommendation for?approval, subject to documentation of access into the site and compliance?with the Erosion Control Ordinance. He said Jack Westall, Attorney for the?developer, has delivered documentation that access would be available on?Barnard Avenue. He said plans had been submitted to the Engineering?Division for the erosion control plan. He said the project had been?approved by the Fire Marshall. He said the project would consist of 34?units and meets all requirements of the Zoning Ordinance.o65o44??o45o44 o1408He showed slides of the property in question. He said the?Commission had recommended that parking on one side only on Fenner Avenue be?instituted as soon as possible. He said the Traffic Engineer had reviewed?the site plan and the site visibility at the access point.o65o44??o45o44 o1408Jim Samsel, Architect for the project, said the units would be?rental units with 2 bedrooms.o65o44??o45o44 o1408Mrs. Grahams of Barnard Avenue spoke relative to the project,?stating that she was concerned about erosion control that is currently an?existing problem on Barnard Avenue, and the serious washo44-o81off problems this?project may cause. She said the project, as proposed, would cover most of?the land with buildings and parking, and not allow for drainage control.o65o44?o44L?o45o44 o1408Harold Garland, of 88 Fenner Avenue, spoke relative to the project,o65o44?stating that the area currently has water problems with volume and pressure,?and this project would add an

additional burden to the water problem, the?current problems with traffic, and would create a hazard for the?

neighborhood. He said a project such as this should be done in an orderly fashion. Jim Samsel said he had received assurance from the Water Department that the project, as proposed, would have sufficient water pressure. He said provisions are being made to control the erosion problems that currently exist and to control any storm drainage that this project would cause. He said the existing house on the property would be converted into 3 apartments and a new building would contain 7 units. Upon inquiry of Mayor Bisette, the Acting City Manager said if the project was approved, he intended to implement parking on one side of Fenner Avenue. Mayor Bisette closed the public hearing at 5:00 p.m. Vice Mayor Frank moved for the approval of the proposed Barnard Grove Apartments to be located on Barnard Avenue, subject to the conditions outlined by the Planning and Zoning Commission. This motion was seconded by Councilman Price and carried unanimously.

E3oE3oE2PUBLIC HEARING PROPOSED ASHEVILLE RETIREMENT CENTER HENDERSONVILLE ROAD

A public hearing was held relative to the site plan of the proposed Asheville Retirement Center to be located on Hendersonville Road. Mayor Bisette said the Asheville Planning and Zoning Commission at a meeting held January 8, 1986, reviewed the site plan of a proposed Asheville Retirement Center to be located on Hendersonville Road. The plan was prepared by Land Design, Inc., Charlotte, N. C., for Oxford Development Corporation, Charlotte, N. C., 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: 1) that the site plan be reviewed as a "Conditional Use" in the Residential District by the Board of Adjustment; 2) that the City Council grant a variance to permit .82 parking spaces per unit as shown on the plans, but that the developer be able to provide two spaces per unit if necessary; 3) that the nursing home site be marked off as a future phase of the project; and 4) compliance with the Erosion Control Ordinance. Mayor Bisette opened the public hearing at 5:02 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 the Planning and Zoning Commission had reviewed the site plan and recommended approval, subject to the conditions outlined by Mayor Bisette. He said, subsequently, the Board of Adjustments had reviewed the project and approved the conditional use for Oxford Development. He said the project would consist of 292 units in 3 phases. He said one of the conditions of the Planning and Zoning Commission is to permit .82 parking spaces per unit, however, there is enough room on the property to allow for 2 spaces per unit if necessary. He said

water would be provided for the complex from Sweeten Creek Road. However, a new line in the area is contemplated for the future. Larry Ford, Assistant Development Manager, for Oxford Development Corporation spoke in support of the project stating that the complex would consist of cottages, residential apartments, assisted living units, and a nursing home. He said residents would be furnished meals, housekeeping, laundry, transportation, and emergency medical care. He said he felt the project would enhance Asheville as a retirement area. He said construction is scheduled to start July 1. He said the complex would be used for individuals 65 and over. Mayor Bisette closed the public hearing at 5:19 p.m. Councilman Tisdale moved for the approval of the site plan of the proposed Asheville Retirement Center to be located on Hendersonville Road, subject to the conditions outlined by the Planning and Zoning Commission. This motion was seconded by Councilman Boland and carried unanimously.

E2ORDINANCE 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)

Consideration was given to the third reading of Ordinance No. 1570, an ordinance relative to amending the Zoning Ordinance to provide for 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, and on second reading on February 11, 1986. 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. Donna Cator, Chairperson for the Mayor's Employment of the Handicapped Committee, extended appreciation to members of Council for the adoption of this ordinance. Mr. Lawrence spoke in support of the ordinance, stating that he felt this particular ordinance would correct defects in a State law for handicapped parking. On a roll call vote of 6, Ordinance No. 1570 passed on third and final reading. Complete text of Ordinance No. 1570 will be found in Ordinance Book No. 210 at Page 2364, 365, and 2366. **E2RESOLUTION NO.**

86o44-o8128 o44-o81 RESOLUTION APPROVING THE SALE AND CONVEYANCE OF CERTAIN ADDITIONAL REAL PROPERTIES LOCATED IN THE PACK PLAZA REDEVELOPMENT AREA BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO PACK PLAZA ASSOCIATES LIMITED PARTNERSHIP 9. Consideration was given to a resolution approving the sale and conveyance of certain additional real properties located in the Pack Plaza Redevelopment Area by the Housing Authority of the City of Asheville to Pack Plaza Associates Limited Partnership. Mayor Bissette said the Housing Authority has acquired certain properties pursuant to the implementation of the Redevelopment Plan for the Pack Plaza Redevelopment Area. The Housing Authority held a

public hearing on February 11, 1986, and made certain findings, all pursuant to Sections 2 and 4 of 1979 Session Laws Ch. 317, in order to convey certain parcels in the Pack Plaza Redevelopment Area to a prospective developer. This resolution will authorize the sale and conveyance of those properties of the Pack Plaza Redevelopment Area under the terms and conditions set forth in the resolution of the Housing Authority of the City of Asheville. Verl Emrick, Director of Planning, said this would convey the final two parcels to the Pack Plaza Associates, Ltd. Partnership. Mayor Bissette said copies of the resolution were previously furnished to members of Council 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. 86o44-o8128 was unanimously adopted. Complete text of Resolution No. 86o44-o8128 will be found in Resolution Book No. 15 at Page 443. RESOLUTION NO. 86o44-o8129 o44-o81 RESOLUTION APPROVING CAPITAL IMPROVEMENTS AT THE ASHEVILLE REGIONAL AIRPORT 10. Consideration was given to a resolution approving capital improvements at the Asheville Regional Airport. Mayor Bissette said this resolution will approve the capital improvements made at the Asheville Regional Airport by the Asheville Regional Airport Authority since July 1, 1980, and approves the capital improvements in respect to an addition to the vehicle storage building, with a gasoline/diesel fuel station and with related site work at the Asheville Regional Airport. 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 Councilman Price, Resolution No. 86o44-o8129 was unanimously adopted. Complete text of Resolution No. 86o44-o8129 will be found in Resolution Book No. 15 at Page 444. RESOLUTION NO. 86o44-o8130 o44-o81 RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE AN AGREEMENT OF FINAL COMPROMISE SETTLEMENT AND RELEASE REGARDING THE WORKERS' COMPENSATION CLAIM OF HUBERT C. ROGERS. Consideration was given to a resolution authorizing the Interim City Manager to execute on behalf of the City of Asheville an agreement of final compromise settlement and release regarding the Workers' Compensation Claim of Hubert C. Rogers. Mayor Bissette said on or about September 16, 1982, Hubert C. Rogers suffered an injury to his back by accident while working on a transmission on a fire truck. The transmission began to fall and upon catching it, Mr. Rogers suffered an injury to his low back. This resolution will authorize the Interim City Manager to execute an agreement of final compromise settlement and release for payment to the employee, Hubert C. Rogers. He said final settlement would be \$8,550.00. This amount is budgeted for FY 1985o44-o8186 in the

Fire Department Budget. 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 Price, seconded by Councilman Tisdale, Resolution No. 86o44-o8130 was unanimously adopted. Complete text of Resolution No. 86o44-o8130 will be found in Resolution Book No. 15 at Page 445 and 446. APPROVAL OF SIGN PERMIT o44-o81 29 MONTFORD AVENUE 12. Consideration was given to a motion approving a sign permit for an identification sign at 29 Montford Avenue. Mayor Bissette said Frank S. Smith has requested a sign permit to erect an identification sign at 29 Montford Avenue. 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. The Acting City Manager said the sign had also been approved by the Historic Resources Commission. Councilman Michalove moved to approve the sign permit for an identification sign at 29 Montford Avenue. This motion was seconded by Councilman Tisdale

and carried unanimously. APPROVAL OF 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. 86-044-08131 Resolution of intent to close all of North Street, Short Pine Street, Higgins Place and an unnamed alley and portions of Mountain Street, Clemmons Street, Lincoln Street, Latta Street, and Sassafras Street and scheduling a public hearing for March 25, 1986.

HIGHLIGHTS: A petition has been filed by the Housing Authority requesting that the following streets and alley be permanently closed to public use: North Street, Short Pine Street, Higgins Place, Unnamed Alley, portion of Mountain Street, portion of Clemmons Street, portion of Lincoln Street, portion of Latta Street, and portions of Sassafras. Permanent closing of these streets and alley would not be detrimental to or contrary to the public interest or the property rights of any individual.

Resolution Book 15 Page 447 and 448. Motion to schedule a public hearing for a site plan of the proposed Forest Plaza (office Condominiums and retail

complex) to be located at 932 Hendersonville Road for March 11, 1986.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting held December 11, 1985, reviewed the site plan of the proposed Forest Plaza (office condominiums and retail complex) to be located at 932 Hendersonville Road. The site plan was prepared by John Reid, Architect, for Mr. George Morosani, 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) approval of curb cut on Hendersonville Road from the North Carolina Department of Transportation; and 2) compliance with the Erosion Control Ordinance.

Upon motion of Vice Mayor Frank, seconded by Councilman Michalove, the Consent Agenda was unanimously approved.

CLAIMS

MARGARET SILVERMAN (SEWER) TERESA ISRAEL (FIRE) HAROLD BLANKENSHIP (STREETS)

The Acting City Manager presented claims received from Margaret Silverman, Teresa Israel and Harold Blankenship.

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

RESOLUTION NO. 86-044-08132 RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TRAFFIC SYSTEMS INTERNATIONAL LIMITED TO CONDUCT A PARKING FEASIBILITY STUDY FOR THE CENTRAL BUSINESS DISTRICT

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

Upon motion of Vice Mayor Frank, seconded by Councilman Michalove, Resolution No. 86-044-08132 was unanimously adopted.

Complete text of Resolution No. 86-044-08132 will be found in Resolution Book No. 215 at Page 2449.

ORDINANCE NO. 1573 BUDGET ORDINANCE AMENDMENT TO PROVIDE FUNDING FOR THE RANKIN STREET PARKING GARAGE

Consideration was given to a budget ordinance amendment to provide funding in the amount of \$400,000.00 for land acquisition for the Rankin Street Parking Garage.

Bob Wurst, Director of Audit and

Budget, said the funding for the land acquisition for the Rankin Street Parking Garage would come from general revenue sharing funds.

Councilman Price moved for the adoption of Ordinance No. 1573. The

motion was seconded by Vice Mayor Frank. On a roll call vote of 6-1, Ordinance No. 1573 passed on first and final reading. Complete text of Ordinance No. 1573 will be found in Ordinance Book No. 210 at Page 2370. 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. PRESENTATION OF CORRESPONDENCE RELATIVE TO THE CARMELITE PROPERTY Thomas R. Bell, Jr., Attorney representing the Beverly Hill Homeowners Association, presented the following correspondence relative to the project proposed for the Carmelite property in Beverly Hills: February, 1986 Asheville City Council Post Office Box 7148 Asheville, North Carolina 28807 Re: Proposed construction on the Carmelite Monastery property Dear Members of the Council: This letter is to express my concern about the site plan for development on the Carmelite property which has been partially approved by you. As you know, I spoke before you on Tuesday, February 4. I appreciate your attention, and I will not repeat the points I raised at that time. What does concern me, and what prompts this letter, is that the Council is on the verge of approving a site plan which includes a multi-story apartment complex, when this Council has never determined that this type of construction would be appropriate for this property or for the surrounding neighborhood. This issue is completely different from the issue of what the current zoning for the property is and whether it is enforceable. The City Council has twice considered the appropriate use of this property consistent with the general welfare of the community. In 1963 the Council found that this property was appropriate for a monastery and mausoleum and specifically found that should this change, the property would be appropriately developed according to the highest adjacent use. This ordinance expressed the Council's feeling at that time that the current project would not be appropriate for this property. In 1979 this Council determined that the appropriate use for this property was R-11. Of course, the current project would not be appropriate under R-11. This property was Ro-11. It has been stated that the 1979 lawsuit settled the zoning question. That lawsuit provided that the property was "restored to the same zoning classification it had." In addition, the Superior Court made no effort to determine the appropriate use of this property, of the surrounding neighborhood, or of the City as

a whole. That is the responsibility of this Council. The City of Asheville has no authority to zone except for purposes outlined in North Carolina General Statutes 160A-1381 and 160A-1383. These sections require a comprehensive plan for districts which will, among other things, promote the health and general welfare of the community. On behalf of the Beverly Hills Homeowners, I urge this Council not to give final approval to a site plan for multi-story apartment buildings on this property without first exercising its responsibility to determine that such a use is consistent with a comprehensive plan promoting the purposes authorized by law. This letter is to urge the Council as a whole, and each member individually, to institute a petition for rezoning in accordance with Section 30-11 of the Code of Ordinances of the City of Asheville. I believe an investigation will show that the character of this property has not changed since 1979 and is currently appropriate for R-11 zoning. One reason the members of the Council are being urged to initiate such a petition is that Ordinance 30-11 as now written would not allow any of the surrounding land owners to file such a petition. The City Council has in its file an opinion letter from the Institute of Government addressed to Verl Emrick stating that such a provision in the City Ordinance is unconstitutional. Based upon this, one of our members will be filing a petition to rezone, and I urge you to consider this petition on its merits. Again, I urge this Council to not grant final approval to a site plan prior to determining the appropriate zoning. Sincerely yours, Thomas R. Bell, Jr. Mary Lloyd Franko Wilhelmina B. Bratton Walter R. Boland, Phd. Kenneth M. Michalove Norma T. Price George M. Tisdale Verl Emrick William F. Slawter William C. Moore Upon motion of Councilman Tisdale, seconded by Councilman Boland, the meeting adjourned to executive session to discuss real estate and personnel. The meeting adjourned at 5:45 p.m.

o65o44? MAYOR CITY CLERKo65o44?o8BoF5o44?o44?o44?o44?o44?
o44?o44?o44?o44?o44?o44?o44

?o44?o44?o44?o44?o44?o44?o44?o44?o44?o44?o44LoE7?
