

Tuesday - August 12, 1986 - 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 Councilman Walter Boland.

APPROVAL OF THE MINUTES - AUGUST 5, 1986 MEETING

1. Consideration was given to the approval of the minutes of the August 5, 1986 meeting.

Mayor Bissette announced the approval of the minutes as submitted.

RECOGNITION OF LARRY FISHER, DIRECTOR OF FINANCE AND FINANCE DEPARTMENT STAFF - "CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING"

2. Mayor Bissette recognized Larry Fisher, Director of Finance; Charlotte Tell, City Accountant; and Ken Turbyfill from the Finance Department, for their efforts in the City of Asheville, for the seventh consecutive year, qualifying for a "Certificate of Achievement for Excellence in Financial Reporting" for the fiscal year ending June 30, 1985. He said this award is from the Government Finance Officers Association. He said the Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by government and its management. He presented Larry Fisher, Finance Director, with an "Award of Financial Reporting Achievement".

REPORT RELATIVE TO SIGNS - AUGUST 19, 1986

2a. Mayor Bissette said the Asheville Planning and Zoning Commission at its August 6, 1986 meeting took action relative to signs on limited access highways. He said the City Council members have not received the report from Planning and Zoning Commission and expects the report to be given at next week's meeting, at which time the Council will make a decision relative to Planning and Zoning's recommendation.

PUBLIC HEARING - SITE PLAN OF PROPOSED PUBLIC STORAGE FACILITY - LEICESTER HIGHWAY

3. Mayor Bissette noted that the public hearing relative to the site plan of the proposed public storage facility to be located on Leicester Highway would not be held at the request of the developer.

PUBLIC HEARING - CREATION OF THE CHESTNUT-LIBERTY STREET AREA AS LOCAL HISTORIC DISTRICT

4. A public hearing was held relative to consideration of an ordinance amending Chapter 30 of the Code of Ordinances of the City of Asheville to create The Chestnut-Liberty Street Area as a local historic district.

Mayor Bissette opened the public hearing at 4:16 p.m.

Mayor Bissette said this ordinance would designate the Chestnut-Liberty Street neighborhood as a local historic district. Certificates of Appropriateness would be required by a property owner before any exterior rehabilitation or

new construction can take place. At the June 11, 1986 Planning and Zoning meeting, the Commission did not take action on this designation; therefore, the public hearing will be opened and will be continued until July 15, 1986. At the July 15, 1986 meeting, the public hearing was continued until August 12, 1986.

The 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 Historic Resources Commission submitted a recommendation to the Planning and Zoning Commission relative to the creation of The Chestnut-Liberty Street Area as a local historic district. He said several work sessions were held and neighborhood residents made various suggestions relative to the creation of the historic district. He said several formal letters had been received requesting that their property be deleted from the proposed local historic district. He said the Planning and Zoning Commission recommended that the boundaries designated by the Historic Resources Commission not be established as a local historic district.

Tom Steitler, Chairman of the Historic Resources Commission, said the Commission started taking action on this district in February of 1985, designating the boundaries from a historic and architectural standpoint. He spoke in favor of the designation of the area as a local historic district.

Sybil Bowers, Executive Director of the Historic Resources Commission, showed members of Council a slide show on the boundaries of the proposed district and the type of activities that could happen in a historic district. She outlined particular properties in the Chestnut-Liberty Street area that are historic in nature. She said the Chestnut-Liberty Street area is a compact historic district with historic houses, pavement patterns, and tree lined streets. She said a local historic designation is a legal mechanism to control an area in order to preserve its historic and architectural status. She said if the area is not designated, then significant historic properties would not be preserved.

The following individuals made comments for and against the proposal by the Historic Resources Commission to designate the Chestnut-Liberty area as a local historic district:

Tim Warner, 87 N. Liberty Street, spoke in favor of the designation of the Chestnut-Liberty Street area as a local historic district. He presented a map showing the property owners for the designation and those that made no comment. He noted that the Chestnut-Liberty Street is presently on the National Historic Register.

Jean Warner of 87 N. Liberty Street spoke in favor of the designation.

Marion Gebhardt of 81 N. Liberty Street spoke in favor of the designation.

John Hayes of 70 N. Liberty Street spoke in favor of the designation.

Ralph Adams of 75 Madison Avenue spoke in favor of the designation.

Ann Cross of 18 Orange Street spoke in opposition to the designation of the Chestnut-Liberty Street area as a local historic district. She said she was opposed to government control of private property.

Paul Michalove of 147 Chestnut Street spoke in opposition to the designation stating that, economically, the area will suffer if designated as a local historic district.

Evelyn Wyatt of Pearson Drive spoke in favor of designating the area as a local historic district. She said the Montford area has improved since its designation as a local historic district.

Mildred Williams of 60 N. Liberty Street spoke in opposition to the designation stating that she did not feel the government should control private property.

Betty Lawrence spoke in favor of the designation of the Chestnut-Liberty Street area as a local historic district.

John Sorrells of 201 E. Chestnut Street spoke in opposition to the designation.

Upon inquiry of Mr. Sorrells, it was noted that investment tax credits are available for rental and commercial property owners in an area that is designated by the National Historic Register.

Walter Batts of 104 N. Liberty Street spoke in opposition to the designation.

Rev. Allen Bragwell, Pastor of Christ Fellowship Church of 163 Chestnut Street spoke in opposition to the designation.

Margaret Burgin of 143 Merrimon Avenue spoke in opposition to the designation.

Tony Clarke-Sayer spoke in support of the designation by the Historic Resources Commission of the Chestnut-Liberty Street area as a local historic district as well as other areas of the City.

Allen White of 167 Chestnut Street spoke in opposition to the designation.

Doug Swaim, of the Montford Area, spoke in support of designating areas as local historic districts.

Ned Guttman of 58 Beechwood Road also spoke in support of designating areas as local historic districts.

Margaret Bridgett of 173 E. Chestnut Street spoke in favor of the designation.

Marjanovic Zzyuko of 90 N. Liberty Street spoke in opposition of the designation.

Robert Bunn of Claxton Street spoke in opposition to the designation.

Bill Duckworth, Realtor, spoke in opposition to the designation.

Mike Summey, an investor, spoke in opposition to the designation.

Judge Frank Parker of 79 S. Liberty Street spoke in opposition to the designation.

Sarah Upchurch of 78 Rosewood Avenue spoke in support of the designation of local historic districts.

Dorothy Arrowood, owner of property at 104 Central Avenue, spoke in opposition to the designation.

Jack Ingle of 104½ Central Avenue spoke in opposition to the designation.

Mary Jane Hooper of 102 Shady Oak Drive spoke in opposition to the designation.

Mike Coxe of 189 Town Mountain Road speaking as a member of the Historic Resources Commission, spoke in favor of the local historic district.

Allen Roberts of 265 Pearson Drive spoke in favor of local historic districts.

Carolyn Humphries, Interim Executive Director of the Historic Resources Commission commented relative to the creation of the Chestnut-Liberty Street area as a local historic district.

Mrs. James McCarthy, speaking for her sister who lives at the corner of Liberty and Orange Street, spoke in favor of the designation.

Sybil Bowers, Executive Director of the Historic Resources Commission, said local historic district designations help to keep up property values and does not allow neighbors to infringe on other property owners' rights.

Several letters were presented in support of the designation from Mary Carter, David Brook, Robert Duncan, Louise Bisenger, and Kay Johnson.

Mayor Bisette closed the public hearing at 7:00 p.m.

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

Councilman Price moved to remand the Chestnut-Liberty Street area local historic district to the Historic Resources Commission to reconsider its proposal and to return with alternate plans that include a smaller area

and different boundaries. This motion was seconded by Councilman Boland.

After discussion, Mayor Bisette noted that by taking no action on this particular ordinance, Council would not be passing the ordinance and the Historic Resources Commission would, from an architectural and historic viewpoint, look at all the boundaries and present to members of Council a viable district that meets the guidelines but also is acceptable to the majority of the people. He said prior to a public hearing on a new boundary designation there would be an legal ad notifying the date and time of the hearing.

Councilman Boland suggested that a forum be organized to allow developers, homeowners, preservationist, government officials, and others involved in historic preservation to discuss the whole issue of preservation very seriously. He said other areas of the City, such as Biltmore Village and a large portion of the downtown, are being considered for historic district designation and many of the questions and comments at today's meeting are likely to be heard again with each new hearing on designations. He said he felt a round table discussion could answer a lot of these questions and it could be the beginning of a stratagy plan for historic preservation throughout the City.

Councilman Michalove said he was skeptical of the Council taking any action on the present ordinance and requested that Council not remand the matter to the Historic Resources Commission, but let Council members decide on what it actually desires to do with the property designation within the next week.

Councilman Michalove suggested that the next public hearing relative to the Chestnut-Liberty Street area be held at the Asheville Civic Center.

After discussion, Councilman Price's motion carried unanimously.

RESOLUTION NO. 86-150 - RESOLUTION RECOGNIZING FRIENDSHIP FORCE OF WESTERN NORTH CAROLINA AND VISITORS FROM SHIZUOKA, JAPAN

5. Consideration was given to a resolution recognizing Friendship Force of Western North Carolina and visitors from Shizuoka, Japan.

Mayor Bisette read the resolution recognizing Friendship Force of Western North Carolina for hosting ambassadors from Shizuoka, Japan from August 9-21, 1986 and extending to the visitors all best wishes for an enriching and successful visit.

Mayor Bisette presented the resolution to Mrs. Chihoko Maeda, Exchange Director, and Doug Micheals with Friendship Force of Western North Carolina.

Upon Motion of Vice-Mayor Frank, seconded by Councilman Price, Resolution No. 86-150 was unanimously adopted.

Complete text of Resolution No. 86-150 will be found in Resolution Book No. **16** at Page **121**.

ORDINANCE NO. 1600 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" - PETITION OF MR. BOBBY BARBOUR - 1616 PATTON AVENUE

6. Consideration was given to an ordinance relative to a request to rezone property located at 1616 Patton Avenue from R-2 Residential District to CH Commercial Highway District.

Mayor Bissette said the Asheville Planning and Zoning Commission at a meeting held June 11, 1986, considered the petition of Mr. Bobby Barbour that a portion of Lot 1, Sheet 24, Ward 5, be rezoned from R-2 Residential District to CH Commercial Highway District. The property is located at 1616 Patton Avenue. After review and discussion, the Commission voted to recommend that the petition be denied and that a portion of Lot 1, Sheet 24, Ward 5, be rezoned from CH to R-2 Residential District to provide a buffer on the eastern property line of Lot 1. However, the petitioner has appealed Planning & Zoning Commission's decision and has asked that a public hearing be scheduled so the rezoning matter can be heard before Council. This public hearing was scheduled at the July 15, 1986 Council Meeting. A public hearing was held August 5, 1986 and the first reading of the ordinance was postponed until August 12, 1986.

Mayor Bissette said the Corporation Counsel has prepared an

ordinance with more precise and exact boundaries and a plat showing the rezoning of the properties.

Verl Emrick, Director of Planning, said the protest petition originally filed by the Malvern Hills Homeowners Association does not meet the 20 percent requirement of the Zoning Ordinance and therefore is not valid.

Councilman Price moved for the adoption of Ordinance 1600 as presented by the Corporation Counsel. This motion was seconded by Councilman Tisdale.

On a roll call vote of 7-0, Ordinance No. 1600 passed on first reading.

ORDINANCE NO. 1596 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED AND REPEAL OF SECTIONS OF ORDINANCE NO. 1046 (PROPERTY LOCATED ON U.S. 70-E ADJACENT TO BELL SCHOOL)

7. Consideration was given to the third reading of Ordinance No. 1596, an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended and repeal of sections of Ordinance No. 1046 (Property Located On U.S. 70-E Adjacent to Bell School.)

Mayor Bissette said the Asheville Planning and Zoning Commission at a meeting held June 11, 1986, considered the petition of Attorney Jack Westall for Mr. Frank Kasey that Ward 8, Sheet 31, portion of Lot 201, be rezoned from R-2 Residential District to CH Commercial Highway District. The petition also requested the repeal of Ordinance #1046 requiring a 50' green belt and that the 50' green belt be zoned "R-2". The property is located on U.S. 70-E adjacent to Bell School. After review and discussion, the Commission voted to recommend that the petition be denied. However, the petitioner has appealed Planning and Zoning Commission's decision and has asked that a public hearing be scheduled so the rezoning matter can be heard before Council. This ordinance passed first reading at the July 29, 1986 meeting with an amendment to provide a 15" green belt and that the 15' green belt area remain zoned R-2 Residential District.

Mayor Bissette 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.

Mayor Bissette said he had been notified by the attorney for the Buncombe County Board of Education, Jim Williams, that all agreements had been complied with between the Buncombe County Board of Education and the property owner, Mr. Frank Kasey.

On a roll call vote of 7-0, Ordinance No. 1596 passed on third and final reading.

Complete text of Ordinance No. 1596 will be found in Ordinance Book No. 11 at page 37.

APPROVAL OF THE CONSENT AGENDA

8. Consideration was given to a motion approving the consent agenda.

Mayor Bisette 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. 86-151

A. Consideration of a resolution authorizing the City Manager to sign

an agreement extending fire protection services to the Veteran's Administration Medical Center at Oteen through September 30, 1987.

HIGHLIGHTS: This resolution will authorize the City Manager to execute an agreement extending fire protection services to the Veteran's Administration Medical Center at Oteen for the period October 1, 1986 through September 30, 1987.

FISCAL IMPACT: Revenue for 1986-1987 will be \$174,835.18 which represents an increase of \$12,416.09 from the 1985-1986 contract.

Resolution Book No. 16 Page 122

Resolution No. 86-152

B. Consideration of a resolution appointing member to the Tourism

Development Authority.

HIGHLIGHTS: This resolution will appoint Mrs. Barbara McEwan, as a member of the Tourism Development Authority for a term of three years, term expiring August 30, 1989 or until her successor has been duly appointed and qualified.

FISCAL IMPACT: None

Resolution Book No. 16 Page 123

Resolution No. 86-153

C. Consideration of a resolution appointing members to the

Asheville-Buncombe Historic Resources Commission.

HIGHLIGHTS: This resolution will reappoint Carroll Hughes and Johnny Baxter to the Asheville-Buncombe Historic Resources Commission for a three year term, term expiring July 1, 1989 or until their successor has

been duly appointed and qualified.

FISCAL IMPACT: None

Resolution Book No. 16 Page 124

Resolution No. 86-154

D. Consideration of a resolution appointing members to the Asheville

Tree Commission.

HIGHLIGHTS: This resolution will appoint members to fill four

(4) vacancies on the Tree Commission. Dr. J. Lowell Orbison and Mr. Claude B. Haynes, Jr. were reappointed to the Asheville Tree Commission for a three year term, term expiring August 1, 1989. Mr. Jerry Snow and Ms. Julia Hall were appointed to the Asheville Tree Commission for a three year

term, term expiring August 1, 1989.,

FISCAL IMPACT: None

Resolution Book No. 16 Page 125

E. Consideration of a motion to schedule a public hearing relative to

an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended - property known as The Black Forest Restaurant located on U.S. 25 for September 9, 1986.

HIGHLIGHTS: The Asheville Planning and Zoning Commission on

July 9, 1986, reviewed and recommended that the Black Forest Restaurant property, which became a part of the City of Asheville in 1983 as a non-contiguous, or "Satellite" annexation area, be

zoned CH Commercial Highway District.

FISCAL IMPACT: None

F. Consideration of a motion to schedule a public hearing relative to

an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended - property known as The Poseidon Restaurant located on Tunnel Road for September 9, 1986.

HIGHLIGHTS: The Asheville Planning and Zoning Commission on

July 9, 1986, reviewed and recommended that the Poseidon Restaurant property, which became a part of the City of Asheville in 1983 as a non-contiguous, or "satellite" annexation area, be

zoned CH Commercial Highway District.

FISCAL IMPACT: None

G. Consideration of a motion to schedule a public hearing relative to

an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended - property known as The Ramada Inn-West located on U.S. 19-23 for

September 9, 1986.

HIGHLIGHTS: The Asheville Planning and Zoning Commission on

July 9, 1986, reviewed and recommended that the Ramada Inn - West property, which became a part of the City of Asheville in 1984 as a non-contiguous, or "satellite" annexation area, be zoned CH

Commercial Highway District.

FISCAL IMPACT: None

H. Consideration of a motion to schedule a public hearing relative to

an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended - property known as The Coachlite Restaurant near intersection of Long Shoals Road and Ledbetter Road for September 9, 1986.

HIGHLIGHTS: The Asheville Planning and Zoning Commission on

July 9, 1986, reviewed and recommended that the Coachlite Restaurant property, which became a part of the City of Asheville in April, 1986, as a non-contiguous, or "satellite" annexation area, be

zoned CH Commercial Highway District.

FISCAL IMPACT: None

Upon motion of Vice-Mayor Frank, seconded by Councilman Boland, the Consent Agenda was unanimously adopted.

REPORT RELATIVE TO THE WOODBERRY APARTMENT COMPLEX

9. The City Manager said the contractor and the developer for the Woodberry Apartment Complex have complied with all requirements of the Soil Erosion Control Ordinance.

CLAIMS - WHEELS AND BRAKES (WATER) -KATHY CUNNINGHAM (SEWER)

10. The City Manager presented claims received from Wheels and Brakes and Kathy Cunningham.

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

ADJOURNMENT

Upon motion of Councilman Tisdale, seconded by Councilman Boland, the meeting adjourned at 7:50 p.m.

MAYOR CITY CLERK
