

Tuesday - February 24, 1987 - 4:00 p.m.

Regular Meeting

Present: Mayor W. Louis Bisette, 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

Councilman Michalove introduced Major Taylor of the Salvation Army, who gave the invocation.

APPROVAL OF THE MINUTES - FEBRUARY 17, 1987 MEETING

1. Consideration was given to the approval of the minutes of the February 17, 1987, meeting.

Mayor Bisette said the minutes of the February 17, 1987, meeting were previously distributed to members of Council. He said questions had arisen from Oakley residents relative to their individual comments not being included in the minutes as it relates to the approval of the Mountain View Condominiums on Oteora Blvd. He said the Deputy City Clerk had been requested to summarize the individual comments made at that particular meeting, and the minutes would be considered at the March 3, 1987, meeting.

INTRODUCTION OF BOB YOUNG - SENATOR TERRY SANFORD'S OFFICE

Mayor Bisette introduced Bob Young, Representative from Senator Terry Sanford's office.

Mr. Young said Senator Sanford is pleased to locate his regional office in Asheville, which would be the contact office for 25 counties. He said this office would hear individual personal matters, as well as issues affecting the citizens of Western North Carolina and the surrounding counties. He said his office is willing to assist whenever possible on legislative issues. He said the office will be located in the main level of the Grove Arcade Building.

PROCLAMATION - FEBRUARY 22-28, 1987 - "NATIONAL RETAIL BAKERS WEEK"

2. Mayor Bisette read a proclamation proclaiming the week of February 22-28, 1987, as "National Retail Bakers Week."

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

PUBLIC HEARING - CREATION OF BILTMORE VILLAGE HISTORIC DISTRICT AND AMENDMENT TO ARTICLE 13, CHAPTER 30 OF THE CODE OF ORDINANCES TO INCLUDE THE CHESTNUT-

LIBERTY HISTORIC DISTRICT

3. A public hearing was held relative to amending Article 13, Chapter 30 of the Code of Ordinances of the City of Asheville to create the Biltmore Village Historic District and to include the Chestnut-Liberty Historic District.

Mayor Bisette said the City Council of the City of Asheville has decided to create an additional historic district for the City of Asheville. That district will be known as the Biltmore Village Historic District. The Montford Historic District is described and is regulated in Article 13 of Chapter 30 of the Code of Ordinances of the City of Asheville. The Chestnut-Liberty Historic District is described and is regulated in Article 14 of the Code of Ordinances. Since the provisions regulating the districts should be identical, it would be more convenient to include all of the districts in the same Article of the Code of Ordinances of the City of Asheville.

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

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 Asheville Planning and Zoning Commission had reviewed the recommendation of the Historic Resources Commission that Biltmore Village be included as a historic district.

Carolyn Humphries, Interim Executive Director of the Historic Resources Commission, presented the proposal that Biltmore Village be established as a historic district. She said this was the oldest planned community in Asheville, being established in 1890. She said this area is frequented by visitors and tourists, and with the direct help of the property owners in the area, this area could continue as a historic district. She said the majority of the property is currently on the National Historic Register, and more than one-half of the property owners in the area had signed a petition requesting that the area be designated as historical. She said two letters had been received from Tops Petroleum, west side of All Souls Crescent, and George Cecil, north side of Vanderbilt Road, requesting that their property be excluded from the boundaries proposed for the historic district. She said the Historic Resources Commission does not recommend that these properties be excluded. By the use of a map, Mrs. Humphries showed the areas requested to be excluded.

Robert C. Brady, of the Biltmore Manor Nursing Home, endorsed the proposed historic district, but questioned the proposed boundaries to be included in the historic district. He said he felt the area should be grossly expanded to take in additional areas or the small businesses on the perimeter should be allowed to be excluded.

Tom Steitler, Chairman of the Historic Resources Commission, spoke in favor of the ordinance. He introduced members of the Historic Resources Commission in attendance at the meeting.

Bob Gray, property owner and merchant in the Biltmore Village area, John Simmons Shop, said the Biltmore Village Merchants Association had met today and strong opinions, pro and con, were expressed. He said the merchants would like to know the mechanics of the ordinance as to what would be involved in the creation of the historic district. He said the merchants would like to see the area improved without intrusions. He said he felt a committee made up of area businessmen to review any requests, for or against a change in the Biltmore Village, would be a workable approach. He said the merchants would not be in favor of the ordinance if the area could not be changed for individual businesses relative to landscaping plans, acceptable signage or continued improvements. He said the Merchants Association and the property owners in the area would be opposed to unreasonable rules and regulations.

Carolyn Humphries, responding to Mr. Gray, said guidelines would be drawn up by community leaders. She said public hearings were held in the Biltmore Village in 1983 and during the fall of 1986 relative to the designation of the Biltmore Village as a historic district. She said guidelines from the Department of Interior would be used in dealing with any proposed changes in the area.

Mayor Bissette indicated that it would be a good idea for the Historic Resources Commission to meet with the Biltmore Village Merchants Association to again go over the proposed ordinance.

Richard Grant, representing property occupied by the U.S. Post Office, said they did not receive notice of the proposed historic district until two days ago. He requested that this property be excluded since there is no historical significance in the land or the building and is on the edge of the proposed district.

Ralph Bishop spoke in opposition to the proposed ordinance.

Chip Gould, Case and Company of Hendersonville, requested that the Biltmore Gulf Station in the triangle be excluded. He said it would be very difficult to restore a service station into historical property.

Ward Hendon, Attorney representing Biltmore Dairy Farms, requested that the area owned by Biltmore Dairy Farms, being the entrance to Biltmore Forest, formerly Lot 44, Sheet 2, currently part of Lot 86, Sheet 3, be excluded from the proposed district.

June Grant said she would request that anyone who would like to be excluded from a historic district be allowed to be removed.

Jim Coleman, County staff on the Historic Resources Commission, spoke in favor of the proposed ordinance. He said the commercial service area in the Biltmore Village is viable for the historic district. He said the Historic Resources Commission needs to be allowed to say whether or not the removal of a commercial building would affect a historic district. He said he felt some sort of control, reasonably exercised, would be warranted.

After discussion, Councilman Michalove moved to continue the public hearing for one week without further advertisement giving members of Council an opportunity to look at the actual boundaries as proposed and the parcels that were requested to be excluded. This motion was seconded by Councilman Boland and carried unanimously.

PUBLIC HEARING - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO BEAVER LAKE CAB COMPANY

RESOLUTION NO. 87-32 - RESOLUTION AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO BEAVER LAKE CAB COMPANY

4. A public hearing was held relative to the issuance of a Certificate of Public Convenience and Necessity to Beaver Lake Cab Company.

Mayor Bisette said the City Manager will be authorized to issue a Certificate of Public Convenience and Necessity to Beaver Lake Cab Company pursuant to Section 27-34 of the Code of Ordinances of the City of Asheville

upon proof of financial responsibility in accordance with N.C. Gen. Stat. Sec. 20-280 for the operation of three (3) additional cabs. On February 10, 1987, this public hearing was continued until February 24, 1987, without further advertisement.

Mayor Bisette opened the public hearing at 5:10 p.m.

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 as Council requested, an investigation was made of the history of zoning violations at the proposed location on Mt. Clare and Woodrow Avenue where the operation of the Taxicab Company is proposed. He said it was determined that a zoning violation was in operation at Mt. Clare and Woodrow Avenue, and that a letter was sent to Mr. Paul Davis on February 20, asking him to abate the zoning violation. He said it is his understanding that the taxicab operation has been moved to a site on Merrimon Avenue that is correctly zoned for a taxicab operation. He said no part of the taxicab operation can be conducted in a residential area or at the initial location on Mt. Clare and Woodrow Avenue. He said the Mt. Clare and Woodrow Avenue site, owned by Mr. Paul Davis, is established as a public facility and could only be used as a lot for storage of law enforcement agency vehicles and not as a commercial garage.

Cecil Jackson, Attorney representing Paul Davis, said the zoning violation had been abated, and the taxicab operation moved to a qualified location at 853½ Merrimon Avenue behind the Grace Restaurant. He said ample parking would be provided at this location with room for six taxicabs. He said Paul Davis had appeared before Council in September, 1986, requesting a Certificate of Public Convenience and Necessity for 12 taxicabs. He said at that time, affidavits from 10 persons were presented expressing a need for additional taxicabs in the City of Asheville. He said Mr. Davis desires to add three more cabs to his operation.

Susan Peterson, of 44 Woodrow Avenue, said she would be opposed to any commercial use at the Mt. Clare and Woodrow Avenue site, and would like to be assured that this site would not be used for the operation or maintenance of Paul Davis' taxicab company.

Gene Ellison, Attorney, said he was sure Mr. Davis would follow Council's decision on this particular request.

A discussion was held as to the location Mr. Davis would use for maintenance on his taxicabs.

Corporation Counsel Slawter said Mr. Davis would be unable to service his taxicabs at the Mt. Clare and Woodrow Avenue location.

Mayor Bissette reaffirmed Corporation Counsel Slawter's statement that Mr. Davis could not service his taxicabs at the Mt. Clare and Woodrow location; however, he said, Mr. Davis has the right to appeal that decision to the Board of Adjustments and to the Court systems.

Mayor Bissette closed the public hearing at 5:37 p.m.

Councilman Tisdale moved to approve Resolution No. 87-32 authorizing the issuance of a Certificate of Public Convenience and Necessity to Beaver Lake Cab Company for the operation of three additional taxicabs from 853½

Merrimon Avenue or any other location which complies with the Asheville Zoning Ordinance. This motion was seconded by Councilman Michalove and carried unanimously.

Complete text of Resolution No. 87-32 will be found in Resolution Book No. 16 at page 282.

APPROVAL OF THE CONSENT AGENDA

5. Consideration was given to a motion approving the 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. 87-33

A. Resolution authorizing the Mayor to execute on behalf of the City of Asheville a Memorandum of Agreement for Community Development activities in the Montford Historic District.

HIGHLIGHTS: Funding for the Hill Street/Cherry Street (Montford) Community

Redevelopment project includes Community Development Block Grant

funds from the U.S. Department of Housing and Urban Development. The Montford Community is located within a Historic District which is listed in the National Register of Historic Places. As a result, activities undertaken in this district are subject to consultation by the State Historic Preservation under Section 106 of the National Historic Preservation Act of 1966. The Memorandum of Agreement identifies the mitigation and review requirements necessary prior to implementation of the Community Development

activities proposed in the Montford neighborhood.

FISCAL IMPACT: Any cost will be borne by existing Community Development

Administration and Historic Resources Commission operating

funds.

Complete text of Resolution No. 87-33 will be found in Resolution Book No. 16 at page 283.

RESOLUTION NO. 87-34

B. Resolution authorizing the Purchasing Director to dispose of two (2) water storage tanks by sealed bids.

HIGHLIGHTS: The Water and Sewer Services Department has declared as surplus

two (2) 30,000 gallon steel water storage tanks. The Director of the Water and Sewer Services Department has requested that these

tanks be disposed of.

FISCAL IMPACT: Sale should produce approximately \$7,000 to \$10,000 in

revenues.

Complete text of Resolution No. 87-34 will be found in Resolution Book No. **16** at page **284**.

C. Motion to schedule a public hearing relative to a resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended for March 31, 1987.

HIGHLIGHTS: This resolution will authorize the Mayor to file an application

with the U. S. Dept. of Transportation to aid in financing the operating assistance of the Asheville Transit Authority pursuant to Sec. 9 of the Urban Mass Transportation Act of 1964. The project will be for the period of July 1, 1987, through June 30,

1988.

FISCAL IMPACT: The estimated net project cost is \$1,216,827.00. Federal share

is estimated at \$608,413. The City of Asheville's share is

estimated at \$608,414.00.

RESOLUTION NO. 87-35

D. Resolution appointing a member to the Asheville-Buncombe Community Relations Council.

HIGHLIGHTS: This resolution will appoint Edward R. Schell, 12 Linden Avenue,

Asheville, N.C., 28801, as a member of the Asheville-Buncombe Community Relations Council for a term of three (3) years, term

expiring December 31, 1989.

Complete text of Resolution No. 87-35 will be found in Resolution Book No. **16** at page **285**.

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

MOTION REMANDING THE SITE PLAN OF THE SUNSET POINTE CONDOMINIUMS TO THE PLANNING AND ZONING COMMISSION

6. Vice-Mayor Frank moved to remand the group development plan of the Sunset Pointe Condominiums to the Planning and Zoning Commission for further review and recommendation. This motion was seconded by Councilman

Price and carried unanimously.

RESOLUTION NO. 87-36 - RESOLUTION APPOINTING MEMBER TO THE BOARD OF EXAMINERS OF MOTION PICTURE OPERATORS (WILLIAM P. SUDDERTH)

7. Consideration was given to a resolution appointing William P. Sudderth to the Board of Examiners of Motion Picture Operators for a two year term, term expiring July 1, 1989.

Upon motion of Councilman Price, seconded by Councilman Michalove, Resolution No. 87-36 was unanimously adopted.

Complete text of Resolution No. 87-36 will be found in Resolution Book No. **16** at page **286**.

RALPH BISHOP - COMMENTS RELATIVE TO LOTTERY SALES IN THE CITY OF ASHEVILLE

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

CLAIMS - ALFREDA COOK (WATER) - PAUL SAUZA (WATER) - KEVIN HORRELL (SEWER) - ELLEN FORD (STREETS)

The City Manager presented claims received from Alfreda Cook, Paul Sauza, Kevin Horrell, and Ellen Ford.

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

ANNOUNCEMENT OF CHARLES PENNEY - ASSISTANT CITY MANAGER

City Manager Doug Bean announced the appointment of Charles Penney as Asheville's new Assistant City Manager.

Mr. Bean said Mr. Penney is currently serving as Assistant City Manager for the City of Kinston, N.C., and that he will assume his duties in Asheville some time in April.

ADJOURNMENT

Upon motion of Councilman Boland, seconded by Councilman Tisdale, the meeting adjourned at 5:50 p.m.

Mayor City Clerk
