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Tuesday - May 9, 1989 - 4:00 P.M.

Regular Meeting

Present: Mayor W. Louis Bisette, Presiding; Vice-Mayor Kenneth

M. Michalove; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Russell Martin and A. Robert York; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Deputy City Clerk Carol

Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Councilman Price.

APPROVAL OF MINUTES

Mayor Bisette announced the approval of the minutes of the May 2, 1989 meeting as submitted.

I. PROCLAMATIONS:

A. Proclamation - May 15 - 19, 1989 - "Law Enforcement Officers Week" and May 15, 1989 as "Peace Officers Memorial Day"

Mayor Bisette read the proclamation and presented a copy to Captain R. L. Carver with the Asheville Police Department.

B. Proclamation - May 9, 1989 - "Parks and Recreation Volunteer Recognition Day"

Mayor Bisette read the proclamation and presented a copy to Ray Kisiah, Director of Parks, Recreation and Public Facilities Department.

Mr. Kisiah recognized Dr. and Mrs. Lowell Orbison of the Asheville Tree/Greenway Commission as the "Outstanding Volunteer" for his effort in conducting a comprehensive survey of all trees within the City of Asheville from the curb line of the street to the front of each house.

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II. PUBLIC HEARINGS:

A. Public hearing relative to an ordinance amending Article

13 of Chapter 30 of the Code of Ordinance of the City of Asheville to create the Albemarle Park Historic District.

Ordinance No. 1762 - An Ordinance amending Article 13 of

Chapter 30 of the Code of Ordinances of the City of Asheville to create the Albemarle Park Historic District.

Mayor Bissette said the Asheville Planning and Zoning

Commission on April 5, 1989 reviewed the request of the Albemarle Park-Manor Grounds Association, through the Historic Resources Commission, that their area be designated a local historic district. The Commission voted to recommend approval of the designation and to exclude the property on Charlotte Street south of the Gatehouse zoned CG Commercial General.

Mayor Bissette opened the public hearing at 4:25 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.

Mayor Bissette said since the notice to the public

contained only properties in Albemarle Park and not the six (6) properties on Charlotte Street, that the Commission recommended not be included in the Historic District, Council could not at today's meeting include the six (6) properties in the ordinance for inclusion in the Historic District.

Doug Swaim, Director of the Historic Resources

Commission, gave a detailed historical background of Albemarle Park. He also presented slides of the area in consideration. He said there are 63 structures in Albemarle Park, 45 from the historical period. He said 71% of the structures were built before 1917.

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Mr. Swaim said the procedural process involved in

getting a favorable historic district designation was followed. He said the Planning and Zoning Commission recommended that the structures affronting on Charlotte Street south of the Gateway be excluded from the Albemarle Park Historic District. He said six (6) letters have been received in support of the district and one (1) against. He said a protest petition was also filed by R. L. Bailey, owner of property facing Charlotte Street. He said no objections have been received for the designation of the Albemarle Park excluding the six (6) properties affronting Charlotte Street.

Rich Matthews, of 12 The Circle in the Manor Grounds,

speaking as President of the Albemarle Park-Manor Grounds Homeowners Association, spoke in favor of the historic district designation. He requested that the original boundaries of the Park, which included the property affronting Charlotte Street, be included in the designation. He said the residents in the area do not object to the commercial establishments and design guidelines could be drawn up to enhance the area both for the residents and the commercial businesses. He said the guidelines would not be detrimental to the businesses.

The following individuals spoke in support of the

Albemarle Park Historic District and to include the six (6) properties  
affronting on Charlotte Street:

Frank Edwin - owner of property in Albemarle Park

Bernice Wolfe - Orchard Road

Lucille Barkley - Chipmunk Cottage

Jane Matthews - 12 The Circle

Carl Marvin - Itldo Cottage

Kate Matthews - Holly Hawk

Rob Pallin - Galax Cottage

Debra Bennett - Fox Hall - Cherokee Cottage - Fox Den

Tish Nelson

Jean Warner - President of Preservation Society and for

Max Haner - for Coalition of Neighborhoods

Mark Bennett - Fox Hall - Cherokee Cottage - Fox Den

Resident of Pine Tree Cottage

Resident of Alva Glen Cottage

Dr. Lowell Orbison - resident of North Asheville

Alan Shaw - Brownberry Cottage

Fred Warner - Raven's Nest

Renea Warner - Raven's Nest

June Grant - local relator

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The following individuals spoke against inclusion of the

six (6) properties affronting on Charlotte Street in the Albemarle Park  
Historic District. The reasons for not wanting the properties included in the  
district were the opposition to some level of control by the government and  
land use zoning of the area:

Jim Daniels - Owner of property affronting Charlotte

R. L. Bailey - Owner of property affronting Charlotte

John Powell, Attorney representing R. L. Bailey

Elizabeth Graham - 247 Charlotte Street

Ron Bailey - 247 Charlotte Street

Mike Moser, Chairman of the Planning and Zoning Commission, reiterated the positive recommendation of the Planning and Zoning Commission for the Albemarle Park Historic District and the recommendation to exclude the six (6) properties affronting on Charlotte Street. He said the vote of the Commission was 4-2.

Councilman Bratton said the residents and the owners of

the six (6) properties affronting on Charlotte Street should have been involved with the Historic Resources Commission process in obtaining this designation in an effort to decrease the tension among the individuals.

Upon inquiry of Councilman Price, Mr. Swaim said there

are no direct economic tax benefits for individuals in the historic district.

Mayor Bisette closed the public hearing at 6:25 p.m.

Mayor Bisette said copies of the ordinance were

previously furnished to members of Council and the ordinance would not be read in its entirety.

Councilman York moved for the adoption of Ordinance No.

1762. This motion was seconded by Councilman Bratton.

On a roll call vote of 7-0, Ordinance No. 1762 passed on first reading.

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Councilman Price moved that the six (6) properties

affronting on Charlotte Street that were recommended by the Planning and Zoning Commission to be excluded from the Albemarle Park Historic District be remanded to the Planning and Zoning Commission for further consideration and that the property owners of the six (6) parcels be included in the preparation of the design guidelines for the Albemarle Park Historic District. This motion was seconded by Councilman Frank and carried unanimously.

B. Public hearing relative to rezoning property at 371

North Louisiana Avenue from R-3 Residential District to CH Commercial Highway District for Mr. Emmett Ramsey.

Ordinance No. 1763 - An Ordinance amending the Zoning

Ordinance and Zoning Map to rezone a portion of a lot located on North Louisiana Avenue

Mayor Bisette said the Asheville Planning and Zoning

Commission on April 5, 1989, reviewed and recommended approval of rezoning a portion of Lot 86, Sheet 17, Ward 6, from R-3 Residential District to CH Commercial Highway District.

Mayor Bisette opened the public hearing at 6:30 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.

Don Sherrill, from the Planning Department, presented

the requested rezoning and Planning and Zoning Commission's recommendation. He said there was no opposition to the rezoning request.

Mr. Emmett Ramsey, petitioner, spoke in support of the rezoning.

Mayor Bissette closed the public hearing at 6:42 p.m.

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

Councilman Martin moved for the adoption of Ordinance No. 1763. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1763 passed on first reading.

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### III. OLD BUSINESS:

A. Ordinance No. 1760 - Second reading of an ordinance relative to annexation of an area known as the Woods Edge Apartments Area.

Mayor Bissette said pursuant to Part 3 of Article 4A of

Chapter 160A of the N. C. General Statutes, the City of Asheville has examined certain areas to determine if they qualify for annexation. By Resolution No. 87-99, adopted June 2, 1987, the City of Asheville identified the Woods Edge Apartments area as being under consideration for annexation. This ordinance passed on first reading on May 2, 1989.

Councilman Price left the meeting at 6:45 p.m., unexcused, to attend another meeting.

Mayor Bissette said the ordinance was previously read on first reading and would not be read in its entirety.

On a roll call vote of 7-0, Ordinance No. 1760 passed on second reading.

B. Ordinance No. 1761 - Second reading of an ordinance relative to annexation of an area known as the Skyland II Area.

Mayor Bissette said pursuant to Part 3 of Article 4A of

Chapter 160A of the N. C. General Statutes, the City of Asheville has examined certain areas to determine if they qualify for annexation. By Resolution No. 87-99, adopted June 2, 1987, the City of Asheville identified the Skyland II area as being under consideration for annexation. This ordinance was read on first reading on May 2, 1989.

Mayor Bissette said the ordinance was previously read on first reading and would not be read in its entirety.

Mrs. Flora Madison of Long Shoals Road spoke in opposition to the annexation.

On a roll call vote of 7-0, Ordinance No. 1761 passed on second reading.

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#### IV. NEW BUSINESS:

A. Ordinance No. 1764 - Ordinance amending Ordinance No.

1690 known as "An Ordinance for the levy and collection of business license taxes."

Mayor Bissette said North Carolina General Statutes,

Chapter 105, Section 53 addresses Peddlers, Itinerant Merchants, and flea market operators. Ordinance No. 1690 in its present form does not define these classes, or is vague in its description. The revision is consistent with North Carolina General Statutes. The ordinance also reaffirms the rates outlined in the

ordinance.

The City Manager said Ordinance No. 1690 changed the

Revenue Ordinance to reflect fees based on actual retail sales rather than fees on a categorical basis. He said the fees were to be phased in for a two (2) year period. He said this ordinance would reaffirm that change and a full rate of 50 cents per thousand would be included this year. He said this is a more equitable method of collecting the revenue for business license.

Vice-Mayor Michalove expressed concern about

adopting the ordinance without the input from businesses. He said he felt businesses should have been informed that this matter would be on the agenda with enough notice that they could respond if they so desired.

Councilman York moved for the adoption of Ordinance

No. 1764. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1764

passed on first reading.

V. CONSENT:

A. Resolution No. 89-57 - Resolution approving signatories for checks or drafts on official city depositories.

SUMMARY: This resolution will bring the City of Asheville in compliance with North Carolina General Statute 159-25.

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B. Scheduling public hearing relative to Community Development Objectives for FY 90 for May 23, 1989.

SUMMARY: This action will authorize submission of CDBG entitlement application for 1989-90.

Upon motion of Vice-Mayor Michalove, seconded by Councilman Martin, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

SIGN PERMIT - 45 CHARLOTTE STREET - AMOCO

Julia Cogburn, Planning Director, presented a sign permit request for a sign package for 45 Charlotte Street Amoco. She said the sign package requires approval of Council pursuant to the Zoning Ordinance in that the sign will be situated closer than 600' from the right-of-way of a limited access highway.

She said the sign package consist of: (1) 35' x 4'3/4" single faced canopy sign facing on Arlington Street; (2) 35' x 4'3/4" single faced canopy sign, to face I-240 - Total square footage for both canopy signs 177 square feet. The owner will install one (1) 47.58' x 2.5' wall sign replacement for a total of 118.95 square feet. Total square footage of proposed sign package is 296 square feet. Total square footage of existing signage is 96 square feet. Total square footage of proposed and existing signage is 392 square feet.

Councilman Bratton moved for the approval of the sign package for 45 Charlotte Street. This motion was seconded by Vice-Mayor Michalove and carried unanimously.

CLAIMS - JOHN KLEDIS (SEWER)

The City Manager presented a claim received from John Kledis.

Mayor Bisette referred the claim to the City Attorney for investigation and recommendation.

LAWSUIT - DIXIE CONSTRUCTORS INC. V. CITY OF ASHEVILLE

The City Manager said the city was served with a lawsuit on

May 4, 1989 involving Dixie Constructors, Inc. v. City of Asheville, et al. (Claim for balance due on contract and alleged delay damages.)

Mayor Bisette referred the lawsuit to the City Attorney for investigation and

recommendation.

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VII. ADJOURNMENT

Mayor Bissette adjourned the meeting at 7:05 p.m.

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MAYOR CITY CLERK

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