

Tuesday - October 30, 1984 - 4:00 p.m.

Regular Meeting

Present: Mayor Larry McDevitt, Presiding; Councilmen Mary Lloyd Frank, Norma T. Price, Gordon Myers, Walter R. Boland, and Louis Bisette; Corporation Counsel William F. Slawter; City Manager Neal Creighton; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Wilhelmina Bratton.

INVOCATION

The invocation was given by Councilman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of October 23, 1984 meeting.

Mayor McDevitt announced the approval of the minutes of the October 23, 1984, meeting as submitted.

PROCLAMATION - "UNC-A ATHLETIC MONTH" - NOVEMBER, 1984

Mayor McDevitt read a proclamation proclaiming the month of November, 1984, as "UNC-Asheville Athletic Month."

Mayor McDevitt presented the proclamation to Jerry Greene, Basketball Coach for UNC-A, and others in attendance.

RESOLUTION NO. 84-201 - RESOLUTION OF APPRECIATION TO CAPTAIN WILLIAM G. MITCHELL

2. Consideration was given to a resolution of appreciation to Captain William G. Mitchell.

Mayor McDevitt noted that Captain Mitchell was employed with the City of Asheville since 1958 in the Fire Department, and retired from his post as Captain on May 1, 1984.

Upon motion of Councilman Price, seconded by Councilman Myers, Resolution No. 84-201 was unanimously adopted.

Complete text of Resolution No. 84-201 will be found in Resolution Book No. 15 at page 70.

ORDINANCE NO. 1480 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED - PROPERTY IS LOCATED ON GREENHILL AVENUE (WEST ASHEVILLE MEDICAL CENTER PETITION)

3. Further consideration was given to an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville" as amended. (Rezoning property located on Greenhill Avenue, requested by the West Asheville Medical Center.)

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held October 3, 1984, considered the request of the West Asheville Medical Center that Ward 5, Sheet 19, Portion of Lot 12, be rezoned from R-3 Residential District to CH Commercial Highway District. The property is located on Greenhill Avenue. After review and discussion, the Commission voted to recommend to City Council that Ward 5, Sheet 19, Portion of Lot 12, be rezoned from R-3 Residential District to CH Commercial Highway District. This ordinance was considered on October 16, 1984, and action was postponed until October 30.

Verl Emrick, Director of Planning, said the ordinance had been amended to reflect Council's intention of adoption of the ordinance with buffering requirements.

Councilman Boland moved for the adoption of Ordinance No. 1480. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1480 passed on first reading.

Councilman Boland moved to suspend the rules and proceed to the second reading of Ordinance No. 1480. This motion was seconded by Councilman Myers and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1480 passed on second reading.

RESOLUTION NO. 84-202 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH ANSEL'S REFRIGERATION COMPANY FOR THE PURPOSE OF LEASING SPACE ON THE CITY'S RADIO TOWER AT PEACH KNOB

5. Consideration was given to a resolution authorizing the City Manager to sign an agreement with Ansel's Refrigeration Company for the purpose of leasing space on the City's radio tower at Peach Knob.

Mayor McDevitt said the City of Asheville owns and operates a two-way FM radio system. Ansel's Refrigeration Company desires to lease space from the City on part of its system at Peach Knob, for the purpose of establishing a radio communications network. The City of Asheville and Ansel's Refrigeration Company have mutually agreed to the conditions for such a lease.

This contract will generate approximately \$1,200.00 annually in revenue for the City. The City will provide electrical service for the transmitter at a cost of approximately \$8.00 per month.

Mayor McDevitt said members of Council were 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. 84-202 was unanimously adopted.

Complete text of Resolution No. 84-202 will be found in Resolution Book No. **15** at page **71**.

RESOLUTION NO. 84-203 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH FREDRICKSON MOTOR EXPRESS CORPORATION FOR THE PURPOSE OF LEASING SPACE ON THE CITY'S RADIO TOWER AT PEACH KNOB

6. Consideration was given to a resolution authorizing the City Manager to sign an agreement with Fredrickson Motor Express Corporation for the purpose of leasing space on the City's radio tower at Peach Knob.

Mayor McDevitt said the City of Asheville owns and operates a two-way FM radio system. Frederickson Motor Express Corporation desires to lease space from the City on part of its system at Peach Knob, for the purpose of establishing a radio communications network. The City of Asheville and Fredrickson Motor Express Corporation have mutually agreed to the conditions for such a lease.

This agreement will generate revenues for the City of Asheville in the amount of \$1,200.00 annually. It will cost approximately \$8.00 per month for electrical service.

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

Upon motion of Councilman Frank, seconded by Councilman Myers, Resolution No. 84-203 was unanimously adopted.

Complete text of Resolution No. 84-203 will be found in Resolution Book No. **15** at page **72**.

PRESENTATION BY KENILWORTH RESIDENTS ASSOCIATION

7. Mayor McDevitt said members of Council were furnished a copy of a "Kenilworth Report" by the Kenilworth Residents Association several months ago.

Augusta Young, President of the Kenilworth Residents Association, introduced Mr. Bill Moore, Past President of the Association, who presented Council with the official report of the Kenilworth Residents Association. He said this report is a result of a great deal of effort on the part of the residents of the Kenilworth area to deal with the community's progress and development in the future. He said the residents would like for Council to accept their support and use it for future guidance in dealing with Kenilworth matters. He also requested that a copy of the Kenilworth report be transmitted to the Planning and Zoning Commission requesting that they also use this as a guideline in dealing with Kenilworth area matters.

Mayor McDevitt thanked the Kenilworth Residents Association for their report. He said the report had been submitted to the staff for review and that a special work session of Council would be held to review the report in depth.

He said the Council work session would be held on December 13, 1984 at 5:30 p.m. in the Council Conference Room.

Upon inquiry of Mr. Moore, Mayor McDevitt said he felt members of Council could address individual concerns in the report after the work session by members of Council. He said he anticipated that Council should have some concrete answers by the first of the year.

ORDINANCE NO. 1479 - AN ORDINANCE AMENDING ORDINANCE NO. 1226 REGARDING DOG LICENSE TAX

8. Consideration was given to the second reading of Ordinance No. 1479, an ordinance amending Ordinance No. 1226 regarding dog license tax.

Mayor McDevitt said this ordinance will change the licensing schedule for registering dogs. He said the ordinance was read on first reading on October 23, 1984.

At the request of the Corporation Counsel, Councilman Price moved to amend Ordinance No. 1479 to include the following "provided, however, that the owner or keeper of each dog which becomes subject to registration on or after July 1 of each calendar year, shall be charged a registration fee which is one-half of the schedule." This motion was seconded by Councilman Bissette and carried unanimously.

Upon inquiry of a citizen, referring to spayed and unspayed animals, Corporation Counsel Slawter said the dog licensing tax is collected through the Property Tax Division and included on the form is a statement signed by the property owners stating that the information is true and correct.

Mayor McDevitt said he was concerned that the license schedule fee is too high and would result in more unlicensing of dogs.

Mayor McDevitt said it was his understanding that the Buncombe County Humane Society had researched the licensing schedules for dog registrations. He requested that the City Manager obtain that information from the Buncombe County Humane Society. He said he would like to know what communities the Buncombe County Humane Society reviewed, how the community registers dogs, and what licensing structure they have.

Mayor McDevitt 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.

On a roll call vote of 5-1, Ordinance No. 1479 passed on second reading, with Mayor McDevitt voting "no."

ORDINANCE NO. 1481 - AN ORDINANCE AMENDING CHAPTER 5 (ANIMALS AND FOWLS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

9. Consideration was given to an ordinance amending Chapter 5 (Animals and Fowls) of the Code of Ordinance of the City of Asheville.

Mayor McDevitt said this ordinance will provide regulations for keeping of animals and fowls in the City of Asheville. Public comments were received relative to this proposed ordinance on October 16, 1984.

It is anticipated that additional manpower will be required for the enforcement of this ordinance.

Mayor McDevitt noted the changes that had been made in the proposed ordinance since the public hearing date of October 16, 1984. He said Council's main objective in adoption of this ordinance is to address problems caused by certain animals in the City of Asheville.

A discussion was held relative to the qualifications for the animal control officers. Councilman Price requested that the Buncombe County Humane Society submit their suggestions for qualifications of an Animal Control Officer to the City Manager.

Councilman Boland requested that the Corporation Counsel determine the feasibility of including in the ordinance a provision that animals cannot be sold or given for medical experiments.

Mayor McDevitt said members of Council were furnished copies of the ordinance and it would not be read in its entirety.

Councilman Price moved for the adoption of Ordinance No. 1481. This motion was seconded by Councilman Boland.

On a roll call vote of 6-0, Ordinance No. 1481 passed on first reading.

Councilman Boland also requested that the Corporation Counsel consider including in the ordinance a provision relative to cruelty to animals.

SALE OF DISPOSAL PARCEL NO. 38 - DISPOSAL PARCEL NO. 174

10. Consideration was given to a motion approving the sale of Disposal Parcel No. 38 in the East End/Valley Street Community Improvement Area and Disposal Parcel No. 174 in the East Riverside Renewal Project.

Mayor McDevitt said the Housing Authority has tentatively accepted the following bids for Disposal Parcel No. 38 in the East End/Valley Street Community Improvement Area and Disposal Parcel No. 174 in the East Riverside Renewal Project:

Reuse Price Bid Redeveloper

East End/Valley St./ 300.00 300.00 Tommie & Elizabeth White

Residential

East Riverside/ 2,200.00 2,200.00 Ketery Woods

Residential

Lot 38 is located at the intersection of Martin Luther King, Jr. Drive and South Charlotte Street. It is a residential lot sale to an adjacent property owner to provide additional parking space for a proposed nursery.

Lot 174 is a residential lot sale for a single-family structure under the Incentive Housing Program and is located on Congress Street.

Councilman Boland moved to approve the sale of Disposal Parcel Nos. 38 and 174 as recommended by the Housing Authority. This motion was seconded by Councilman Frank and carried unanimously.

BIDS - BULK SODIUM CHLORIDE (ROCK SALT) FOR SNOW AND ICE CONTROL

11. Consideration was given for bulk sodium chloride (rock salt) for snow and ice control.

Mayor McDevitt said sealed bids were received for a term purchase contract to furnish the City's requirements for bulk sodium chloride for snow and ice control for the Winter of 1984-85. Five bids were received. Recommendation was to award the bid to the low bidder, Domtar Industries, Inc., Sifto Salt Division for an estimated contract amount of \$21,300. Purchases will be made as required.

The funds for this project are currently budgeted in the Public Works Department operating budget.

The City Clerk presented the Bid Summary Sheet which included:

Bidder Bid

Domtar Industries, Inc. \$21,300.00

International Salt Company \$21,540.00

Morton Salt Company \$22,230.00

Diamond Crystal \$25,440.00

Cargill Salt Company \$28,860.00

Councilman Frank moved to approve the bid of Domtar Industries, Inc., Sifto Salt Division for bulk sodium chloride (rock salt) for snow and ice control for the Winter of 1984-85. This motion was seconded by Councilman Price and carried unanimously.

SCHEDULING PUBLIC HEARING - AMENDING ZONING ORDINANCE RELATIVE TO KENNELS

12. Councilman Price moved to schedule a public hearing relative to amending the Zoning Ordinance to provide the definition of kennels to the ordinance and prohibiting kennels in all residential zones within the jurisdiction of the ordinance for November 13, 1984. This motion was seconded by Councilman Bisette and carried unanimously.

RESOLUTION NO. 84-204 - RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ASHEVILLE TO EXECUTE AN AGREEMENT AMENDING THE LEASE SIGNED BETWEEN THE CITY OF ASHEVILLE AND BRUCE C. JONES AND WIFE, MARTHA G. JONES

13. Consideration was given to a resolution authorizing the Mayor on behalf of the City of Asheville to execute an agreement amending the lease signed between the City of Asheville and Bruce C. Jones and wife, Martha G. Jones.

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

City Attorney, William Slawter read the resolution stating that the City of Asheville executed an agreement with Bruce and Martha Jones for the lease of a parking lot on property owned by the Jones at the corner of Eagle Street and Biltmore Avenue. The parcel within this parking lot is located as part of the Pack Plaza Redevelopment Plan. The City of Asheville has contracted the Housing Authority of the City of Asheville to implement the Pack Plaza Redevelopment Plan by acquisition of those parcels within the redevelopment plan. The City of Asheville desires to further the acquisition process of this parcel by amending the lease agreement with Bruce and Martha Jones. He said this resolution will authorize the Mayor to sign an amendment to the lease agreement for the property located at the intersection of Biltmore Avenue and Eagle Street to provide that either party may terminate the lease upon ten days notice.

Upon motion of Councilman Frank, seconded by Councilman Boland, Resolution No. 84-204 was unanimously adopted.

Complete text of Resolution No. 84-204 will be found in Resolution Book No. **15** at page **73**.

RESOLUTION NO. 84-205 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE CITY OF ASHEVILLE, THE COUNTY OF BUNCOMBE, AND THE BUNCOMBE COUNTY BOARD OF TAX SUPERVISION FOR THE PURPOSE OF TRANSFERRING THE ASSETS OF THE BOARD TO BUNCOMBE COUNTY

13. Consideration was given to a resolution authorizing the Mayor to sign an agreement between the City of Asheville, the County of Buncombe, and the Buncombe County Board of Tax Supervision for the purpose of transferring the assets of the Board to Buncombe County.

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

Corporation Counsel Slawter read the resolution stating that the Buncombe County Board of Tax Supervision is the owner of various properties and assets held in connection with, pertaining to or derived from taxes or assessments due the City, the County, or political subdivisions thereof. He said Chapter 1279 of the 1981 North Carolina Session Laws dissolved the Buncombe County Board of Tax Supervision effective November 6, 1984. He said the County of Buncombe has agreed to carry out the responsibilities of said Board. He said it is necessary to transfer the assets of said Board and all records pertaining thereto for purposes of securing the records of said Board and otherwise carrying out the responsibilities as the same relates to the collection of taxes and such other actions as previously granted to the Board. He said this resolution would authorize the Mayor to sign an agreement between the City of Asheville, the County of Buncombe, and the Buncombe County Board of Tax Supervision for the purpose of transferring assets of the Board to Buncombe County.

Upon motion of Councilman Price, seconded by Councilman Boland, Resolution No. 84-205 was unanimously adopted.

Complete text of Resolution No. 84-205 will be found in Resolution Book No. **15** at page **74**.

RESOLUTION NO. 84-206 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT FOR FIRE PROTECTION SERVICES WITH THE VETERANS ADMINISTRATION MEDICAL CENTER AT OTEEN

14. Consideration was given to a resolution authorizing the Mayor to sign a contract for fire protection services with the Veterans Administration Medical Center at Oteen.

Mayor McDevitt read the resolution stating that this would authorize him to sign an agreement with the Veterans Administration Medical Center to provide fire protection services to the VA Hospital through December 31, 1984.

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 84-206 was unanimously adopted.

Complete text of Resolution No. 84-206 will be found in Resolution Book No. **15** at page **75**.

CLAIMS - COMMERCIAL CARRIERS (POLICE) - MATTHEW MILLER (SANITATION)

The City Clerk presented claims received from Commercial Carriers (Police) and Matthew Miller (Sanitation).

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

RALPH BISHOP - OPPOSITION TO CONSULTANT CONTRACT FOR PRODUCTIVITY

Ralph Bishop spoke to members of Council in opposition to a consultant contract for a productivity report.

ADJOURNMENT TO EXECUTIVE SESSION

Councilman Boland moved to adjourn to Executive Session to discuss a legal matter. This motion was seconded by Councilman Bisette and carried unanimously.

MAYOR CITY CLERK
