

Tuesday - November 6, 1984 - 4:00 p.m.

Regular Meeting

Present: Mayor Larry McDevitt, Presiding; Vice-Mayor Wilhelmina Bratton; 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: None.

INVOCATION

The invocation was given by Mayor Larry McDevitt.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 30, 1984 meeting.

Mayor McDevitt announced the approval of the minutes of the October 30, 1984, meeting with the correction of one typographical error on page 246, changing the word "support" to "report."

PROCLAMATION - "YOUTH APPRECIATION WEEK" - NOVEMBER 4 - 10, 1984

2. Mayor McDevitt read a proclamation proclaiming the week of November 4-10, 1984, as "Youth Appreciation Week."

Mayor McDevitt presented the proclamation to Tim Hensley, with the Asheville Buncombe Youth Council.

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

3. Consideration was given to the third reading of Ordinance No. 1479 - An ordinance amending Ordinance No. 1226 regarding Dog License Tax.

Mayor McDevitt said this ordinance will change the licensing tax schedule for registering dogs. This ordinance was read on first reading on October 23, 1984, and second reading on October 30, 1984. This action will increase the Dog License revenue by approximately \$12,000.

On a roll call vote of 5-2, Ordinance No. 1479 passed on third and final reading, with Mayor McDevitt and Vice-Mayor Bratton voting "No."

Complete text of Ordinance No. 1479 will be found in Ordinance Book No. 10 at page 230.

ORDINANCE NO. 1480 - 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 (WEST ASHEVILLE MEDICAL CENTER PETITION))

4. Consideration was given to a third reading of Ordinance No. 1480, 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. This ordinance was read on first and second reading on October 30, 1984.

Mayor McDevitt 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.

On a roll call vote of 7-0, Ordinance No. 1480 passed on third and final reading.

Complete text of Ordinance No. 1480 will be found in Ordinance Book No. 10 at page 231.

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

5. 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 the proposed ordinance on October 16, 1984. This ordinance was read on first reading on October 30, 1984. It is anticipated that additional manpower will be required for the enforcement of this ordinance.

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.

Councilman Price moved to amend Section 5-2 (8) of Ordinance No. 1481 to read as follows: "Kennel - any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats. A kennel shall constitute the keeping of the seven (7) or more dogs or cats on the same premises without a current written permit issued pursuant to Chapter 5, Article 5, Section 5-9 of the Code of Ordinances." This motion was seconded by Councilman Frank and carried unanimously.

In response to Councilmembers, Corporation Counsel Slawter said he had checked with the Buncombe County Animal Shelter, and not only do they themselves not sell animals or dispose of them for experimental purposes, they are not aware of any use such as that being made by people who redeem any animals from the Pound in the normal course of activities. They do not specifically have any limiting provisions anymore than they limit a child who comes in and redeems a puppy. They do have a policy that they would not allow redemption of animals if they knew they were going to be used for experimental purposes.

Upon inquiry of a citizen, Mayor McDevitt said the provisions for kennels in residential areas would be dealt with during a public hearing on November 13, 1984.

On a roll call vote of 7-0, Ordinance No. 1481 passed on second reading, as amended.

SCHEDULING PUBLIC HEARING - PACK PLAZA REDEVELOPMENT PROJECT

6. Councilman Price moved to schedule a public hearing relative to the site plan of the proposed Pack Plaza Redevelopment Project for November 27, 1984.

This motion was seconded by Councilman Myers and carried unanimously.

RESOLUTION NO. 84-207 - RESOLUTION AUTHORIZING THE CITY MANAGER TO HAVE THE AUTHORITY TO ANNUALLY RENEW A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF ASHEVILLE AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

PERTAINING TO SNOW AND ICE CONTROL ON CERTAIN STATE SYSTEM STREETS

Consideration was given to a resolution authorizing the City Manager to have the authority to annually renew a Memorandum of Understanding by and between the City of Asheville and the North Carolina Department of Transportation pertaining to snow and ice control on certain State System streets.

Mayor McDevitt read the resolution, stating that Resolution No. 80-192 authorizing the City Manager to execute a Memorandum of Understanding between the City of Asheville and the North Carolina Department of Transportation as to which State System streets the City would assume responsibility for snow and ice control and the methods by which the North Carolina Department of Transportation would reimburse the City for materials used in performing snow and ice control on the specific streets. The Memorandum of Understanding provided that it is renewable by mutual agreement between the City of Asheville and the North Carolina Department of Transportation on an annual basis. Resolution No. 80-192 did not authorize the City Manager to execute annual renewals of Memorandums of Understanding. This resolution will authorize the City Manager to determine on an annual basis whether the Memorandum of Understanding between the City of Asheville and North Carolina Department of Transportation for the City to perform snow and ice control on certain State System streets, and it will authorize him to execute the appropriate documents to renew the Memorandum of Understanding.

Upon motion of Councilman Frank, seconded by Councilman Boland, Resolution No. 84-207 was unanimously adopted.

Complete text of Resolution No. 84-207 will be found in Resolution Book No. 15 at page 76.

REMOVAL OF POLITICAL SIGNS

Councilman Price requested that all political signs be removed as soon as possible.

CITY COUNCIL WORK SESSION - NOVEMBER 8, 1984, - 5:30 P.M.

Mayor McDevitt announced that there would be a City Council work session on November 8, 1984, at 5:30 p.m.

CLAIMS - JEREMY AIKEN (REID CENTER) - MRS. CHIRGOTIS (NORTH ASHEVILLE COMMUNITY CENTER) - JOAN PRESSLEY (SEWER) - BEVERLY RUSSELL (WATER) - CARLOS SMITH (SHILOH CENTER)

The City Manager presented claims received from Jeremy Aiken, Mrs. Chirgotis, Joan Pressley, Beverly Russell, and Carlos Smith.

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

LAWSUITS - CLAYTON W. LEWIS AND JAMES WHITWORTH

The City Manager said the City was served with summonses in connection with lawsuits involving Clayton W. Lewis and James Whitworth.

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

RALPH BISHOP - ADDRESS TO COUNCILMEMBERS

Ralph Bishop spoke to Council relative to his right to address members of Council.

ADJOURNMENT

Upon motion of Councilman Myers, seconded by Councilman Frank, the meeting adjourned at 4:30 p.m.

MAYOR CITY CLERK
