

Tuesday - April 30, 1985 - 4:00 p.m.

Regular Meeting

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

Absent: Councilman Norma T. Price.

INVOCATION

The invocation was given by Councilman Frank.

APPROVAL OF THE MINUTES - APRIL 23, 1985, MEETING

1. Approval of the minutes of the April 23, 1985, meeting.

Mayor McDevitt announced the approval of the minutes as submitted with the exception of some typographical changes.

PROCLAMATION - "NATIONAL PRAYER DAY" IN ASHEVILLE - MAY 2, 1985

2. Mayor McDevitt read a proclamation proclaiming May 2, 1985, as National Prayer Day in Asheville.

PROCLAMATION - "RESPECT FOR LAW WEEK" - MAY 1 - MAY 7, 1985

3. Mayor McDevitt proclaimed the week of May 1-7 as "Respect For Law Week" and May 3 as "Law Day" in Asheville.

RESOLUTION NO. 85-63 - RESOLUTION OF APPRECIATION TO DISTRICT COMMANDER ROBERT B. BRYSON

4. Consideration was given to a resolution of appreciation to District Commander Robert B. Bryson.

Mayor McDevitt said Robert B. Bryson has faithfully served the City of Asheville since 1952, being promoted to District Commander in 1982. Robert B. Bryson retired effective April 1, 1985, and the City Council, by this resolution, expresses its appreciation for his loyalty and dedication to the citizens of the City of Asheville.

Upon motion of Councilman Bisette, seconded by Councilman Boland, Resolution No. 85-63 was unanimously adopted.

Mayor McDevitt presented a copy of the Resolution to Robert R. Bryson. Complete text of Resolution No. 85-63 will be found in Resolution Book No. 15 at page 196.

RESOLUTION NO. 85-64 - RESOLUTION OF APPRECIATION TO COMPANY COMMANDER JACK E. WAITES

5. Consideration was given to a resolution of appreciation to Company Commander Jack E. Waites.

Mayor McDevitt said Jack E. Waites has faithfully served the City of Asheville since 1958, being promoted to Company Commander in 1977. Jack E. Waites retired effective April 1, 1985, and the City Council, by this resolution expresses its appreciation for his loyalty and dedication to the citizens of the City of Asheville.

Upon motion of Councilman Frank, seconded by Councilman Myers, Resolution 85-64 was unanimously adopted.

Mayor McDevitt presented a copy of the resolution to Jack E. Waites.

Complete text of Resolution No. 85-64 will be found in Resolution Book No. **15** at page **197**.

RESOLUTION NO. 85-65 - RESOLUTION OF APPRECIATION TO FIREFIGHTER III HUBERT C. ROGERS .

6. Consideration was given to a resolution of appreciation to Firefighter III Hubert C. Rogers.

Mayor McDevitt said Hubert C. Rogers has faithfully served the City of Asheville since 1958. Hubert C. Rogers retired effective April 1, 1985, and the City Council, by this resolution expresses its appreciation for his loyalty and dedication to the citizens of the City of Asheville.

Upon motion of Councilman Myers, seconded by Councilman Frank, Resolution 85-65 was unanimously adopted.

Mayor McDevitt presented a copy of the resolution to Hubert C. Rogers.

Complete text of Resolution No. 85-65 will be found in Resolution Book No. **15** at page **198**.

RESOLUTION NO. 85-66 - RESOLUTION OF APPRECIATION TO FIREFIGHTER III JAMES C. MESSER

7. Consideration was given to a resolution of appreciation to Firefighter III James C. Messer.

Mayor McDevitt said James C. Messer has faithfully served the City of Asheville since 1960. James C. Messer retired effective March 1, 1985, and the City Council, by this resolution expresses its appreciation for his loyalty and dedication to the citizens of the City of Asheville.

Upon motion of Councilman Boland, seconded by Councilman Bisette, Resolution 85-66 was unanimously adopted.

Complete text of Resolution No. 85-66 will be found in Resolution Book No. **15** at page **199**.

ORDINANCE NO. 1504 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING FOR THE CITY OF ASHEVILLE," AS AMENDED - PROPERTY LOCATED ON PERIMETER OF ASHEVILLE MALL

8. Consideration was given to the third reading of Ordinance No. 1504, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended.

Mayor McDevitt said the Planning and Zoning Commission reviewed the request at its regular meeting of February 6, 1985, and delayed action requesting the R. L. Coleman Company and the Kenilworth Forest Association to meet to attempt to reach some compromise on several issues which were producing an impass and report to the Commission on February 27, 1985. At the February 27, 1985, meeting, the Commission voted to approve a portion of the rezoning request. In addition, the Commission voted to provide additional R-3 buffers to assist in protecting the White Pine Drive areas. This ordinance passed on first reading on March 26, 1985, and on second reading on April 2, 1985.

Mayor McDevitt said this ordinance was presiously read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

Mayor McDevitt said the third reading of Ordinance No. 1504 was recalendared for April 16, at the request of R. L. Coleman Company and the Kenilworth Forest Association residents. At that time, both Mr. Coleman and the neighborhood association asked Council to delay action for two more weeks.

Mr. R. L. Coleman and the adjacent property owners, who are working to reach a compromise on certain elements on the rezoning, asked Council to postpone the third reading for two more weeks.

Upon motion of Councilman Boland, seconded by Councilman Frank, Council agreed to postpone the third reading of Ordinance No. 1504 until May 14.

ORDINANCE NO. 1512 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED - PROPERTY LOCATED AT 800 FAIRVIEW ROAD (RIVER RIDGE MARKET PLACE)

9. Consideration was given to the second reading of Ordinance No. 1512, an ordinance amending ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended.

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held March 13, 1985, considered the request of Bob Hughes and Associates that Ward 7, Sheet 51, Lot 1, be rezoned from LI Light Industrial District to CH Commercial Highway District. The property is located at 800 Fairview Road (River Ridge Market Place). After review and discussion, the Commission voted to recommend to City Council that Ward 7, Sheet 51, Lot 1, be rezoned from LI Light Industrial District to CH Commercial Highway District. This ordinance passed on first reading April 23.

Mayor McDevitt said this ordinance was previously read on first reading it would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1512 passed on second reading.

RESOLUTION NO. 85-67 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE AN AGREEMENT BY AND AMONG THE CITY OF ASHEVILLE, THE COUNTY OF BUNCOMBE, AND ASHEVILLE BUNCOMBE DEVELOPMENT CORPORATION

10. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville an agreement by and among the City of Asheville, the County of Buncombe, and Asheville Buncombe Development Corporation.

Mayor McDevitt said the City of Asheville, together with the County of Buncombe, wish to provide professional and management services necessary to achieve a comprehensive private investment recovery in the downtown Asheville area. The Asheville-Buncombe Development Corporation has agreed to oversee efforts in this regard. The City and County wish to provide funding to the Asheville-Buncombe Development Corporation in furtherance of said purposes. The City and County desire to enter into an Agreement with Asheville-Buncombe Development Corporation in order to facilitate achievement of said goals. Funding for this activity - not to exceed \$20,000/year - will be provided for in the City's annual budget process and will come from non-advalorem sources.

Mayor McDevitt said the Development Corporation, a non-profit organization consisting of private citizens and elected officials, would receive up to \$20,000 per year for three years to pay management and consultant services provided by the developer, Owen Kugel.

Mayor McDevitt said Mr. Kugel will attempt to attract \$5,000,000 in private investment in the downtown area in the next 12 months. He said if construction on some or all of those projects is not begun within that period, Mr. Kugel will refund any money paid to him by the Development Corporation.

Mayor McDevitt said the City or the Corporation can stop payment to Mr. Kugel and cancel the agreement at any time with 30 days notice.

Mayor McDevitt Vice-Mayor Bratton is serving as Vice-Chairman on the Asheville-Buncombe Development Corporation.

Upon motion of Councilman Boland, seconded by Councilman Frank, Resolution No. 85-67 was unanimously adopted.

Upon inquiry of Ralph Bishop relative to whether or not the agreement provides for acquiring property under eminent domain and the ownership of the Asheville-Buncombe Development Corporation, Mayor McDevitt said the Corporation is a non-profit corporation sponsored by the City and other agencies. He said property to be developed under the agreement will be property that is acquired by the Corporation.

Complete text of Resolution No. 85-67 will be found in Resolution Book **15** at page **200**.

CLAIMS - ROSE CINQUEMANI (SANITATION), LINDA GLASCO (STREETS), LUCRETIA MURPHY (STREETS)

The City Manager presented claims received from Rose Cinquemani, Linda Glasco, and Lucretia Murphy.

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

ADJOURNMNET

Upon motion of Councilman Myers, seconded by Councilman Bisette, the meeting adjourned at 4:33 p.m.

MAYOR CITY CLERK
