

Tuesday - July 30, 1985 - 4:00

p.m.

Regular Meeting

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

Absent: Mayor Larry McDevitt

INVOCATION

The invocation was given by Councilman Walter Boland.

APPROVAL OF THE MINUTES - JULY 23, 1985 MEETING

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

Corporation Counsel Slawter requested that Exhibits A-EE, including a letter from Attorney Scott Jarvis containing articles from the Professional Medical Journal relative to H. R. Kuykendall's illness, be included in the minutes of the July 23, 1985 meeting.

Councilman Bissette moved to approve the minutes of the July 23, 1985 meeting incorporating the exhibits requested by Corporation Counsel Slawter.

This motion was seconded by Councilman Frank and carried unanimously.

PROCLAMATION - AUGUST 2-9, 1985 - "ASHEVILLE SWIM-ACROSS WEEK".

2. Vice-Mayor Bratton read a proclamation proclaiming August 2-9, 1985 as "Asheville Swim-Across Week".

Vice-Mayor Bratton presented the proclamation to Mary Ritter, Director of Community Services for the American Red Cross, John Teeter, President and Chairman of the Swim-Across Committee, and John Miall.

ORDINANCE 1526 - AN ORDINANCE AMENDING SECTION 28-81.3 OF ARTICLE IV, SPEED REGULATIONS, CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

3. Consideration was given to the third reading of Ordinance

1526, an

ordinance amending Section 28-81.3 of Article IV, Speed Regulations, of Chapter 28 of the Code of Ordinances of the City of Asheville.

Vice-Mayor Bratton said the Traffic Engineering Division of the Public Works Department has received a request from the Ballantree Homeowners Association to establish a 25 mile per hour speed limit on all streets within the Ballantree Development. The streets affected by this proposed ordinance are: 1) Ballantree Drive (between Sweeten Creek Road and Elmwood Lane; 2) Braddock Way; 3) Campbell Circle; 4) Aspen Way; 5) Gardenwood Drive; 6) Gardenwood Lane; and 7) Elmwood Lane. This ordinance was read on first reading at the June 16, 1985 meeting and on second reading on July 23, 1985.

Vice-Mayor Bratton 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 6-0, Ordinance No. 1526 passed on third and final reading.

Complete text of Ordinance No. 1526 will be found in Ordinance Book No.

10 at Page **287** and **288**.

RESOLUTION NO. 85-125 - RESOLUTION AUTHORIZING CITY MANAGER TO SIGN RELEASES IN CONNECTION WITH INSURANCE SETTLEMENTS TO BE PAID TO THE CITY

4. Consideration was given to a resolution authorizing the City Manager to sign releases in connection with insurance settlements to be paid to the City.

Vice-Mayor Bratton said this resolution would authorize the City Manager to sign releases required by insurance companies in connection with settlement payments to be paid by the insurance companies to the City.

Vice-Mayor Bratton 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. 85-125 was unanimously adopted.

Complete text of Resolution No. 85-125 will be found in Resolution

Book No. **15** at page **268**.

RESOLUTION NO. 85-126 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS

WITH THOMPSON-GORDON-SHOOK ENGINEERS, INC. FOR THE REPLACEMENT/REHABILITATION

OF THE HAZEL MILL ROAD BRIDGE, MURDOCK AVENUE BRIDGE AND THOMPSON STREET BRIDGE

5. Consideration was given to a resolution authorizing the Mayor to execute agreements with Thompson-Gordon-Shook Engineers, Inc. for the replacement/rehabilitation of the Hazel Mill Road Bridge, Murdock Avenue Bridge and Thompson Street Bridge.

Vice-Mayor Bratton said this resolution will approve acceptance of engineering proposals submitted by Thompson-Gordon-Shook Engineers, Inc. for design of replacement/rehabilitation bridges on Thompson Street, Murdock Avenue and Hazel Mill Road. The amount quoted was \$99,900.00 for all three (3) bridges. The high quote received was for \$200,000.00 and the low quote was for \$20,000.00. Thompson-Gordon-Shook Engineers, Inc. were in the middle price range but their experience in the Federal Aid Bridge Replacement Program was the highest of any other proposal received. Funds in the amount of \$618,824.05 remain in the bridge program which is uncommitted at present. The City will receive 80% reimbursement of the committed funds through the Federal Aid Off System Bridge Program. The proposed price of \$99,900.00 will have sufficient funds available and will also receive 80% reimbursement through the Federal Aid Off System Bridge Program.

Vice-Mayor Bratton 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 Price,

Resolution No. 85-126 was unanimously adopted.

Complete text of Resolution No. 85-126 will be found in Resolution Book No. **15** at Page **269**.

RESOLUTION NO. 85-127 - RESOLUTION AUTHORIZING THE VICE-MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A FEDERAL AVIATION GRANT AGREEMENT, PROJECT NO. 3-37-0005-05.

6. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville a Federal Aviation Grant Agreement, Project No. 3-37-0005-05.

Vice-Mayor Bratton said the Federal Aviation Administration has offered a grant agreement dated July 15, 1985 to the Asheville Regional Airport Authority in the amount of Five Hundred Thirty-Five Thousand Four Hundred Sixty-Three and no/100 dollars (\$535,463.00). The City of Asheville and the County of Buncombe are sponsors of the agreement. The FAA requires each sponsor to execute said grant agreement. The grant agreement provides for constructing an emergency access road; overlay general aviation apron (37,340 s.y.) and two taxiways (300' x 50' each); expand general aviation apron (7,320 s.y.).

Vice-Mayor Bratton 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 Bisette, Resolution No. 85-127 was unanimously adopted.

Complete text of Resolution No. 85-127 will be found in Resolution Book No. **15** at Page **270**.

APPROVAL OF THE CONSENT AGENDA

7. Consideration was given to a motion approving the consent agenda.

Vice-Mayor Bratton 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.

A. Schedule a public hearing relative to rezoning property located on Sweeten Creek Road at Old West Chapel Road for August 13, 1985.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting held July 10, 1985, considered the petition of Mr. Eugene M.

Carr, Jr. that Ward 7, Sheet 55, Lot 7 be rezoned from R-5 Residential District to CS Commercial Service District. The property is located on Sweeten Creek Road at Old West Chapel Road. After review and discussion, the Commission voted to recommend to City Council that Ward 7, Sheet 55, Lot 7 be rezoned from R-5 Residential District to CS Commercial Service District.

FISCAL IMPACT: None

B. Schedule a public hearing relative to rezoning property located at 105 Buchanan Avenue for August 13, 1985.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting held July 10, 1985, considered the petition of Dr. E.B.

Crosby, Asheville Hand Center, that Ward 1, Sheet 8, Lot 70, be rezoned from R-3 Residential District to OI Office Institutional District. The property is located at 105 Buchanan Avenue. After review and discussion, the Commission voted to recommend to City Council that Ward 1, Sheet 8, Lot 70, be rezoned from R-3 Residential District to OI Office Institutional District.

FISCAL IMPACT: None

C. Schedule a public hearing relative to rezoning property located behind Ace
Applicance on Knight Place for August 13, 1985.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting
held July 10, 1985, considered the petition of Mr. Wayne
Smith of Ace Applicance that Ward 5, Sheet 6, Lot 99-1/4, be
rezoned from R-3 Residential District to CS Commercial
Service District. The property is located behind Ace
Applicance on Knight Place. After review and discussion, the
Commission voted to recommend to City Council
that Ward 5,
Sheet 6, Lot 99-1/4 and Lot 99 be rezoned from R-3
Residential District to CS Commercial Service District.

FISCAL IMPACT: None

Upon motion of Councilman Price, seconded by Councilman Myers, the
consent agenda was unanimously approved.

**RESOLUTION NO. 85-128 - RESOLUTION AUTHORIZING THE VICE-MAYOR TO EXECUTE THE
NECESSARY DOCUMENTS FOR EQUIPMENT - PURCHASE AND SECURITY AGREEMENT FOR THE
NEW
TELEPHONE SYSTEM BY AND BETWEEN THE CITY OF ASHEVILLE AND SOVRAN LEASING
CORPORATION**

8. Consideration was given to a resolution authorizing the Vice-Mayor
to execute the necessary documents for an equipment-purchase and security
agreement for the new telephone system by and between the City of Asheville and
Sovran Leasing Corporation.

Vice-Mayor Bratton said this resolution would award the contract for
an equipment-purchase and security agreement for the new telephone system for
the City of Asheville to Sovran Leasing Corporation.

Upon motion of Councilman Boland, seconded by Councilman Price,
Resolution No. 85-128 was unanimously adopted.

Complete text of Resolution No. 85-128 will be found in Resolution
Book No. **15** at Page **271**.

**RESOLUTION NO. 85-129 - RESOLUTION DIRECTING CITY CLERK TO ADVERTISE AN OFFER
FOR THE PURCHASE OF CITY-OWNED PROPERTY ON HAYWOOD ROAD KNOWN AS THE OLD
WEST
ASHEVILLE FIRE STATION**

9. Consideration was given to a resolution directing the City Clerk
to advertise an offer for the purchase of City-owned property on Haywood Road
known as the Old West Asheville Fire Station.

Vice-Mayor Bratton said this resolution would authorize the City Clerk
to advertise a notice of the offer received from Gary Newlin and Don R.
Cloninger to purchase the property owned by the City of Asheville located on
Haywood Road and known as the Old West Asheville Fire Station.

Upon motion of Councilman Myers, seconded by Councilman Frank,
Resolution No. 25-129 was unanimously adopted.

Complete text of Resolution No. 85-129 will be found in Resolution
Book No. **15** at Page **272**.

CLAIMS - FRED NEWTON (SEWER) - WILL RUSSELL HOUSE OF FASHION (SEWER)

The City Manager presented claims received from Fred Newton and Will
Russell, House of Fashion.

Vice-Mayor Bratton referred the claims to the Corporation Counsel for
investigation and recommendation.

**LAWSUITS - VIRGINIA M. TATE AND SUZANNE TATE MORROW VERSUS BOARD OF ADJUSTMENT
(APPEAL FROM BOARD OF ADJUSTMENT DECISION)**

The City Manager said the City was served with a summons in connection
with a lawsuit involving Virginia M. Tate and Suzanne Tate Morrow versus Board
of Adjustments regarding an appeal from the Board of Adjustments decision.

Vice-Mayor Bratton referred the summons to the Corporation Counsel for
investigation and recommendation.

REQUEST OF COUNCILMAN PRICE - RESOLUTION RELATIVE TO BELE CHERE - AUGUST 6,1985

Councilman Price requested that a resolution of appreciation to the participants of Bele Chere 1985 be on the agenda for August 6, 1985.

REPORT RELATIVE TO CITY COUNCIL CABLEVISION COMMISSION - DELAYED

Councilman Bissette said the report relative to the City Council
