

Tuesday - August 20, 1985 - 4:00 p.m.

## Regular Meeting

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

Absent: Councilman Walter Boland.

## INVOCATION

The invocation was given by Mayor McDevitt.

## APPROVAL OF THE MINUTES - AUGUST 13, 1985 MEETING

1. Approval of the minutes of the August 13, 1985 meeting.

Mayor McDevitt announced the approval of the minutes as submitted.

## PROCLAMATION - AUGUST 26, 1985 - "WOMEN'S EQUALITY DAY"

2. Mayor McDevitt read a proclamation proclaiming August 26, 1985 as

"Women's Equality Day".

Mayor McDevitt presented the proclamation to Sandra T. Wisniewski, Regional Coordinator for the Council on the Status of Women, Mrs. James, Mrs. Ruth Brandon, Julie Cogburn, and Florence Ryan.

Sandra Wisniewski invited all members of Council to the "Women's Equality Day" celebration on Monday, August 26, 1985 from 12:00 noon until 1:00 p.m. on the City/County Plaza.

## PUBLIC HEARING - EXTENDING MORATORIUM - HAW CREEK AREA

### ORDINANCE No. 1530 - AN ORDINANCE AMENDING ORDINANCE NO. 1519 EXTENDING THE MORATORIUM LIMITING DEVELOPMENT IN THE HAW CREEK AREA

3. A public hearing was held relative to extending the present moratorium in the Haw Creek area.

Mayor McDevitt opened the public hearing at 4:12 p.m.

The City Clerk presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission

has been studying the problem of overtaxed sewer lines, streets and other parts of the infrastructure in the Haw Creek community in an effort to recommend a plan for future development in the area. He said the Alternatives for Asheville Committee is examining the potential for additional development and will make a recommendation as part of a comprehensive plan for the City. He said, in that regard, the Planning

and Zoning Commission had recommended that the current moratorium be extended until

a state moratorium on additional sewer hookups in a portion of the Haw Creek area expires on January 1, 1986. He said

the Planning and Zoning Commission would be having a work session with the Haw Creek Homeowners Association on August 21, 1985 relative to long-range planning for the Haw Creek area.

Roy Smucker, 6 Oak Drive, spoke in support of extending the moratorium in the Haw Creek area. He said the original reasons for imposing the moratorium are still valid.

Ed Dyson, with the Haw Creek Homeowners Association, said the members of the Association have worked to correct many problems in the Haw Creek area relative

to traffic, sewer, roads, etc. He said their main interest is in future develop-

ments and protection of the neighborhood. He said the majority of the residents in Haw Creek feel that the current zoning ordinance is too restrictive or too vulnerable for their area. He said after working with the Planning and Zoning Commission, the Homeowner's Association has presented a plan for a R-2A Zoning Classification. He said the Association has checked with the State and other cities relative to a new zoning designation. He said the State has assured them that there would be no problems in a new zoning district and this would not create spot zoning. He said the City of Asheville needs to develop a means of protecting neighborhoods. He said the Alternatives for Asheville Committee would be presenting a plan, but there was no assurance that the plan will be acted upon. He said the residents of Haw Creek are in favor of an extension of the present moratorium for sixty to ninety days, but felt that Council should act on establishing an additional zoning district for Haw Creek. He said the residents would be opposed to extending the moratorium until January 1, 1986 since there would be a new City Council elected in November and those members would have to be re-educated about the problems in Haw Creek.

Upon inquiry of Mayor McDevitt, Corporation Counsel Slawter said members of Council could consider zoning amendments during the time the moratorium is in effect.

Councilman Bissette also noted that Council could rescind the moratorium at any time if problems were worked out prior to January 1, 1986.

Councilman Price requested that the Planning staff give members of Council an official status report on Haw Creek improvements in sixty days, or by the middle of October, 1985.

Mayor McDevitt closed the public hearing at 4:33 p.m.

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

Councilman Bissette moved for the adoption of Ordinance No. 1530. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1530 passed on first reading.

Councilman Frank moved to suspend the rules and proceed to the second reading of Ordinance No. 1530. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1530 passed on second reading.

Councilman Frank moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1530. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1530 passed on third and final reading.

Complete text of Ordinance No. 1530 will be found in Ordinance Book No. 10 at page 294 and 295.

**ORDINANCE NO. 1528 - AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED -**

**PROPERTY LOCATED ON**

**SWEETEN CREEK ROAD AT OLD WEST CHAPEL (EUGENE CARR PETITION)**

4. Consideration was given to the second reading of Ordinance No. 1528, an ordinance amending Ordinance No. 322 known as "An ordinance providing for the zoning of the City of Asheville," as amended - property located on Sweeten Creek Road and Old West Chapel Road (Eugene Carr petition).

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.

Mayor McDevitt said 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. This ordinance was read on first reading on August 13, 1985.

On a roll call vote of 6-0, Ordinance No. 1528 passed on second reading.

**ORDINANCE NO. 1529 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," PROPERTY LOCATED AT 105 BUCHANAN ROAD (DR. E.B. CROSBY PETITION)**

5. Consideration was given to the second reading of Ordinance No. 1529, an ordinance amending Ordinance No. 322 known as "An ordinance providing for the zoning of the City of Asheville," as amended - property located at 105 Buchanan Road

(Dr. E. B. Crosby petition).

Mayor McDevitt said 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 Road. 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. This ordinance was read on first reading on August 13, 1985.

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

On a roll call vote of 6-0, Ordinance No. 1529 passed on second reading.

**ORDINANCE NO. 1531 - AN ORDINANCE AMENDING SECTION 28-81.3, 28-82 AND 28-82.1 OF ARTICLE IV, SPEED REGULATIONS, OF CHAPTER 28 OF THE CODE OF ORDINANCES FOR THE CITY OF ASHEVILLE (SPEED LIMIT ON SOUTH FRENCH BROAD)**

6. Consideration was given to an ordinance amending Section 28-81.3, 28-82 and 28-82.1 of Article IV, speed regulations, of Chapter 28 of the Code of Ordinances of the City of Asheville.

Mayor McDevitt said a petition has been submitted by the Aston Towers Tenants Association to set the speed on South French Broad Avenue, between Hilliard Avenue and Choctaw Street at 25 m.p.h. This petition is supported by the YWCA and Asheville Junior High School, and has also been endorsed by a resolution from the Asheville Housing Authority. The Traffic Engineering Division also recommends that the speed limit on South French Broad, between Timothy Street and Phifer Street, be set at 20 m.p.h. during designated school hours.

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

entirety.

Councilman Frank moved for the adoption of Ordinance No. 1531. This motion was seconded by Councilman Price.

On a roll call vote of 6-0, Ordinance No. 1531 passed on first reading.

**ORDINANCE NO. 1532 - AN ORDINANCE AMENDING SECTION 28-81.6 of ARTICLE IV, SPEED REGULATIONS, OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE (RICEVILLE ROAD)**

7. Consideration was given to an ordinance amending Section 28-81.6 of Article IV, speed regulations, of Chapter 28 of the Code Ordinances of the City of Asheville.

Mayor McDevitt said Riceville Road (SR 2002) had an established speed limit of 45 m.p.h. upon annexation by the City. This action will establish a Municipal Ordinance declaring the 45 m.p.h. speed limit and request a concurring ordinance by the Department of Transportation for this portion of Riceville Road.

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

Councilman Bisette moved for the adoption of Ordinance No. 1532. This motion was seconded by Councilman Price.

On a roll call vote of 6-0, Ordinance No. 1532 passed on first reading.

**ORDINANCE NO. 1533 - BUDGET ORDINANCE AMENDMENT TO SHIFT FUNDING FOR A STAFF POSITION AT THE CHAMBER OF COMMERCE FROM THE GENERAL FUND TO CBDG**

8. Consideration was given to a budget ordinance amendment to shift funding for a staff position at the Chamber of Commerce from the General fund to CBDG.

Mayor McDevitt said this appropriation will be used to fund one staff position at the Chamber of Commerce. Total funds shifted will be \$19,616.

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

Vice-Mayor Bratton moved for the adoption of Ordinance No. 1533. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1533 passed on first and final reading.

Complete text of Ordinance No. 1533 will be found in Ordinance Book No. 10

at page 300.

**RESOLUTION NO. 85-141 - RESOLUTION ACCEPTING THE HIGH BID AND AUTHORIZING THE SALE OF CITY OF ASHEVILLE PROPERTY, KNOWN AS THE OLD WEST ASHEVILLE FIRE STATION**

9. Consideration was given to a resolution accepting the high bid and authorizing the sale of City of Asheville property known as the Old West Asheville Fire Station.

Mayor McDevitt said the City of Asheville, by Resolution No. 85-129 adopted

July 30, 1985, authorized the City Clerk to advertise the sale of property located on Haywood Road, and known as the Old West Asheville Fire Station. Gary Newlin and Don R. Cloninger submitted the highest bid in the sum of \$44,000,

plus the addi-

tional costs of advertising the offer and appraisal of the property. This resolu-

tion will authorize the acceptance of the high bid and authorize the sale of said property.

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. 85-141 was unanimously adopted.

Complete text of Resolution No. 85-141 will be found in Resolution Book

No. **15** at page **285**.

### **APPROVAL OF THE CONSENT AGENDA**

10. Consideration of a motion approving the consent agenda.

#### **Resolution No. 85-142**

A. Resolution authorizing the Mayor to execute and file the "Standard

Assurances" for transit assistance grants with the U. S. Depart-

ment of Transportation.

**HIGHLIGHTS:** UMTA regulations require that applicants provide a

one-time assurance of basic project assurances for

transit assistance grants. The City of Asheville is

an applicant for transit assistance grants and is

therefore required to submit the "Standard Assur-

ances" to the U. S. Department of Transportation.

This resolution will authorize the Mayor to execute

and file the required "Standard Assurances."

**FISCAL IMPACT:** None

**Resolution Book 15 at page 286.**

#### **Resolution No. 85-143**

B. Resolution authorizing the City Manager to execute on behalf

of the City of Asheville a lease by and between the City of

Asheville and the Opportunity Corporation of Madison and

Buncombe County Headstart Program for a portion of Reid Mem-

orial Recreation Center.

**HIGHLIGHTS:** This lease agreement between the City of Asheville and the Opportunity Corporation of Madison and Buncombe County for rental of one (1) room in the Reid Memorial Center will be for a Head Start Program.

**FISCAL IMPACT:** Rent of \$150.00 per month - \$1,800.00 annually will be used as revenue for the Parks, Recreation and Public Facilities Department to cover expenses incurred for this service.

**Resolution Book No. 15 at page 287.**

**Resolution No. 85-144**

C. Resolution authorizing the City Manager to execute a Conciliation Agreement by and between the City of Asheville and the Equal Employment Opportunity Commission.

**HIGHLIGHTS:** The City of Asheville has received a "Letter of Violation" from the Equal Employment Opportunity Commission, hereinafter referred to as "EEOC", with regard to an investigation made at the Asheville Police Department under the Age Discrimination in Employment Act. Section 7(b) of the Age Discrimination in Employment Act requires that, before instituting any action, the EEOC shall attempt to eliminate the discriminatory practice or practices alleged, and to effect voluntary compliance with the requirements of the Act through informal methods of conciliation. The EEOC and the City of Asheville have agreed upon the terms and conditions of a

Conciliation Agreement with regard to those discrimination practice or practices alleged in the "Letter of Violation".

FISCAL IMPACT: None

**Resolution Book 15 at page 288.**

D. Scheduling a public hearing relative to rezoning property located on Craven Street (Mr. Douglas Clark Petition) for September 10, 1985.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting held June 5, 1985, considered the petition of Mr. Douglas Clark, Agent for United Chemical Company, Inc., that Ward 6, Sheet 2, Lot 96 and a portion of Lot 45, be rezoned from R-3 Residential District to LI Light Industrial District. The property is located at Craven Street, Waynesville Avenue and Ridgeway Avenue. After review and discussion, the Commission voted to recommend to City Council that Ward 6, Sheet 2, Portions of Lots 96 and 45, be rezoned from R-3 Residential District to LI Light Industrial District, and that adequate buffering be provided.

FISCAL IMPACT: None

E. Scheduling public hearing relative to rezoning property located off Hendersonville Road for September 10, 1985.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting held July 24, 1985, considered the petition of Mr. William Burgin and Mr. Winston Pulliam that Ward 7, Sheet 60, portion of Lot 55, be rezoned from R-2 Residential District to R-3 Residential

District. The property is located off Henderson-ville Road. After review and discussion, the Commission voted to recommend to City Council that Ward 7, Sheet 60, portion of Lot 55, be rezoned from R-2 Residential District to R-3 Residential District.

FISCAL IMPACT: None

Upon motion of Councilman Myers, seconded by Councilman Bissette, the Consent Agenda was unanimously approved.

### **SCHEDULING PUBLIC HEARING RELATIVE TO AMENDING CIVIL SERVICE RULE 17 (J)**

Councilman Bissette moved to schedule a public hearing relative to amending Civil Service Rule 17(J) for September 10, 1985, and requesting the Asheville Civil Service Board to amend Civil Service Rule 17(J) of the Civil Service Rules and Regulations to provide for an additional holiday for members of the classified service of the City of Asheville. Said holiday shall be in recognition of

Dr. Martin Luther King, Jr.'s birthday. This motion was seconded by Vice-Mayor Bratton and carried unanimously.

### **RESOLUTION NO. 85-145 - RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ASHEVILLE TO EXECUTE THE NECESSARY DOCUMENTS TO ACQUIRE THE REAL PROPERTY, RIGHT-**

### **OF-WAYS AND CONSTRUCTION EASEMENTS REQUIRED FOR THE REPLACEMENT OF THE ARCO ROAD BRIDGE**

Consideration was given to a resolution authorizing the Mayor on behalf of the City of Asheville to execute the necessary documents to acquire the real property, right-of-ways and construction easements required for the replacement of the Arco Road Bridge.

Mayor McDevitt said the replacement of the Arco Road Bridge is an authorized project through the Federal Aid Off-System Program. Replacement of the bridge will require the acquisition of certain real property, right-of-ways and construction easements. He said it is in the best interests of the City of Asheville to acquire said property interests for its use in the replacement of the Arco Road Bridge. He said this resolution would authorize the Mayor to execute the necessary documents for the acquisition of the real property required for the replacement of the Arco Road Bridge.

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 Price, seconded by Councilman Myers, Resolution No. 85-145 was unanimously adopted.

Complete text of Resolution No. 85-145 will be found in Resolution Book

No. **15** at page **289**.

**CLAIMS - KIM ELLIS (WATER) - JOANN FREDERICKSON (WATER) - ROBERT MOSSER (PARKS**



**AND RECREATION) - OVERHEAD DOOR COMPANY (SANITATION) - SARAH WHEELER (WATER)**

The City Manager presented claims received from Kim Ellis, Joann Frederickson, Robert Mosser, Overhead Door Company and Sarah Wheeler.

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

**LAWSUITS - RAYMOND WATKINS VS. CITY OF ASHEVILLE (DAMAGE TO PERSON AND PROPERTY -**

**WATER LINE)**

The City Manager said the City was served with a summons in connection with a lawsuit involving Raymond Watkins vs. City of Asheville relative to damage to person and property due to alleged negligence and maintenance of a water line.

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

**ANNOUNCEMENT OF CITY MANAGER'S RESIGNATION**

3 August 1985

Dear Mayor McDevitt,

The purpose of this letter is to inform you and the City Council that as of 1 October 1985, I am resigning from my position as City Manager of Asheville. My reasons for resignation are strictly personal ones, and are not related to my relationship to you, the City Council, or my duties as City Manager. In fact, I have thoroughly enjoyed my association with you and the other six members of the City Council.

I have never met or worked with more dedicated and competent public officials than you and your six colleagues. Asheville is, indeed, fortunate to have such fine leaders. I have also enjoyed working with the almost 900 employees of this city. By and large, they are highly motivated and qualified. Asheville, Buncombe County, and Western North Carolina are, indeed, the best places to live and work that I have encountered anywhere in the world.

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