

Tuesday - November 26, 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, Walter R. Boland, and Louis Bisette; Corporation Counsel William F. Slawter; Acting City Manager William F. Wolcott, Jr., and Deputy City Clerk Carol Hensley.

Absent: None

INVOCATION

The invocation was given by Mayor Larry McDevitt.

APPROVAL OF THE MINUTES - NOVEMBER 19, 1985 MEETING

1. Approval of the minutes of November 19, 1985 meeting.

Mayor McDevitt announced the approval of the minutes as submitted.

DESIGNATION OF HISTORIC PROPERTIES/JOINT MEETING/ASHEVILLE-BUNCOMBE COUNTY HISTORIC RESOURCES COMMISSION

Mayor McDevitt opened a joint meeting with The Historic Resources Commission of Asheville and Buncombe County and the Asheville City Council to consider the designation of buildings and properties as historic property.

PUBLIC HEARING - DESIGNATION OF "THE GATE HOUSE" AT 265 CHARLOTTE STREET - HISTORIC PROPERTY

ORDINANCE NO. 1551 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "THE GATE HOUSE" AT 265 CHARLOTTE STREET IN ASHEVILLE, NORTH CAROLINA, CURRENTLY OWNED BY MAPLE COVE, INC., AS HISTORIC PROPERTY

2. A public hearing was held relative to the adoption of an ordinance designating "The Gate House" at 265 Charlotte Street as historic property.

Mayor McDevitt said the structure known as "The Gate House" was completed in 1899 as the entrance to the grounds of the Manor Inn, and remains an impressive Lodge of shingle, stucco, and timber with a rock tower. It also serves as a reminder of the architecture of early resort developments in Western North Carolina. The Asheville-Buncombe County Historic Resources Commission has demonstrated the historic significance of the building, and the Division of Archives and History, North Carolina

Department of Cultural Resources has endorsed the findings of the Commission.

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

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

Mr. Coleman, with the Historic Resources Commission, said this designation was extremely important to the City of Asheville, and the neighborhood is dependent upon keeping the character of the buildings.

R. L. Bailey, owner of the Gate House, said he did not fully understand the restrictions imposed upon the property when it is designated historic property. He said the property is currently on the National Register as historic property. He said he could not speak in favor or in opposition to the ordinance at this time. However, he said he would review the restrictions and voice his opinion before the third reading of the ordinance.

Mayor McDevitt closed the public hearing at 4:15 p.m.

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. 1551. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1551 passed on first reading.

PUBLIC HEARING - DESIGNATING "FIRST BLOCK OF NORTH MARKET AND LANGREN ALLEY" AS HISTORIC PROPERTY

ORDINANCE NO. 1552 - AN ORDINANCE DESIGNATING A STREET KNOWN AS "NORTH MARKET STREET" AND AN ALLEY KNOWN AS "LANGREN ALLEY" IN ASHEVILLE, NORTH CAROLINA, AND CURRENTLY OWNED BY THE CITY OF ASHEVILLE, AS HISTORIC PROPERTY

3. A public hearing was held relative to the adoption of an ordinance designating "a street known as North Market Street" and "an alley known as Langren Alley" as historic property.

Mayor McDevitt said North Market Street is the last street in the City of Asheville having brick pavement, and Langren Alley is the last street in the City of Asheville having Belgian block pavement. These pavements figured prominently in the development of Asheville's thoroughfares. The Asheville-

Buncombe County Historic Resources Commission of has demonstrated the historic significance of the streets, and the Division of Archives and History of North Carolina Department of Cultural Resources has endorsed the findings of the Commission.

Mayor McDevitt opened the public hearing at 4:16 p.m.

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

Mr. Coleman, with the Asheville-Buncombe County Historic Resources Commission, said the owners of the street, which would be the City of Asheville, would be responsible for keeping and maintaining the streets in their present condition.

Mayor McDevitt closed the public hearing at 4:20 p.m.

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. 1552. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1552 passed on first reading.

PUBLIC HEARING - DESIGNATION OF "THE MANOR INN" AT 265 CHARLOTTE STREET AS HISTORIC PROPERTY

ORDINANCE NO. 1553 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "THE MANOR INN" AT 265 CHARLOTTE STREET IN ASHEVILLE, NORTH CAROLINA, CURRENTLY OWNED BY TRANSCO FINANCIAL GROUP, LTD., AS HISTORIC PROPERTY

4. A public hearing was held relative to adoption of an ordinance designating "The Manor Inn" at 265 Charlotte Street as historic property.

Mayor McDevitt said "The Manor" was completed in 1899 as an "English Country Inn in America," and is a rare surviving example of the picturesque resort development so important to the history of the North Carolina mountains. The Asheville-Buncombe County Historic Resources Commission has demonstrated the historic significance of the building, and the Division of Archives and History of North Carolina Department of Cultural Resources has endorsed the findings of the Commission.

Mayor McDevitt opened the public hearing at 4:21 p.m.

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

Mr. Coleman, with the Asheville-Buncombe County Historic Resources Commission, said The Manor Inn is the centerpiece of the neighborhood, and it is important to keep its historic character.

Mr. Bill Thomas, representing Matthew Ellman, said foreclosure proceedings have been instituted for the property known as The Manor at 265 Charlotte Street, and the proceedings should be concluded by Friday,

December 20, 1985, if not before. He said Mr. Ellman is represented locally by Attorney Jerry Crow. He said Mr. Ellman is interested in protecting his exposure of the building. He said after the foreclosure proceedings are complete, title to the The Manor would be in Mr. Ellman's name. He said

Mr. Ellman has mixed feelings about the historic designation but would be conferring with local officials relative to this designation. He said Mr. Ellman would take no position, at the present time, relative to the historic designation; however, he is interested in how many restrictions would be imposed upon the

property.

Councilman Price asked Mr. Thomas to confer with the Planning Director relative to the historic designation. She said the historic property designation allows utilization of the City's "historic overlay" zoning by allowing a use for it that is not normally allowable. She said The Manor Inn is located in an R2 zone, and technically, cannot be used as an inn in that zone. However, the historic overlay zone would allow property to be used for the purpose for which it was originally built, regardless of the zone.

Mayor McDevitt closed the public hearing at 4:28 p.m.

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

Councilman Price moved for the adoption of Ordinance No. 1553. This motion was

seconded by Councilman Bissette.

On a roll call vote of 7-0, Ordinance No. 1553 passed on first reading.

PUBLIC HEARING - DESIGNATION OF "THE GROVE ARCADE BUILDING" ON BATTLE SQUARE  
AS HISTORIC PROPERTY

ORDINANCE NO. 1554 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS  
"THE GROVE ARCADE ON BATTLE SQUARE IN ASHEVILLE, NORTH CAROLINA, CURRENTLY  
OWNED BY THE UNITED STATES OF AMERICA, AS HISTORIC PROPERTY

5. A public hearing was held relative to the adoption of an ordinance  
designating "The Grove Arcade Building" on Battle Square as historic property.

Mayor McDevitt said "The Grove Arcade" was designed by prominent architect  
Charles N. Parker and built for famous developer and entrepreneur Edwin W.  
Grove, known as the "Father of Twentieth Century in Asheville." "The Grove  
Arcade" is a grand and flamboyant building constructed of fine ornamental terra  
cotta and stone, and is finished inside and out with Tudoresque and medieval  
ornamentation. This building is also a rare example of an interior shopping  
arcade with covered pedestrian thoroughfares. The Asheville-Buncombe County  
Historic Resources Commission has demonstrated the historic significance of the  
building, and the Division of Archives and History of North Carolina Department  
of Cultural Resources has endorsed the findings of the Commission.

Mr. Coleman, with the Asheville-Buncombe Historic Resources Commission, said he  
had received a letter from V. C. Motley, with the General Service  
Administration in Atlanta, stating they have no objections to the historic  
designation.

A discussion was held, instituted by Councilman Price, relative to restricting  
the interior of the building.

Mayor McDevitt closed the public hearing at 4:34 p.m.

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

Councilman Boland moved for the adoption of Ordinance No. 1554. This motion was  
seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1554 passed on first reading.

Mayor McDevitt thanked members of the Asheville-Buncombe County Historic  
Resources Commission for their time and efforts on the Asheville-

Buncombe County Historic Resources Commission. He also thanked Carolyn  
Humphries, staff liaison with the Historic Resources Commission, for her time  
and efforts.

ADJOURNMENT - JOINT MEETING - ASHEVILLE CITY COUNCIL/ASHEVILLE-BUNCOMBE COUNTY  
HISTORIC RESOURCES COMMISSION

Mayor McDevitt adjourned the joint meeting of the Asheville-Buncombe County  
Historic Resources Commission and continued with the regular meeting of the  
Asheville City Council.

PUBLIC HEARING - DESIGNATING ADDITIONAL HOLIDAY FOR CITY EMPLOYEES - MEMORIAL  
DAY

RESOLUTION NO. 85-211 - RESOLUTION APPROVING THE REVISION OF RULE 17(J) OF THE CIVIL SERVICE RULES AND REGULATIONS

6. A public hearing was held relative to designating an additional holiday for City employees - Memorial Day.

Mayor McDevitt said during a recent classification and compensation study conducted by Cresap, McCormick, and Paget, it was recommended that an additional holiday be designated for City employees which will bring the City up to the average number of holidays offered by surveyed organizations. A public hearing is required pursuant to the Civil Service Law.

Mayor McDevitt opened the public hearing at 4:37 p.m.

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

There being no comments relative to the designation of Memorial Day as a holiday for City employees, Mayor McDevitt closed the public hearing at 4:39 p.m.

Mayor McDevitt said members of Council were previously 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. 85-211 was unanimously adopted.

Complete text of Resolution No. 85-211 will be found in Resolution Book No. 15 at page 365.

ORDINANCE NO. 1555 - BUDGET ORDINANCE AMENDMENT FOR THE REPLACEMENT OF AN ANIMAL CONTROL TRUCK

7. Consideration was given a budget ordinance amendment for the replacement of an animal control truck.

Mayor McDevitt said this action will fund replacement of an animal control truck damaged in an accident. The truck was a 1978 model and not worth repairs. Funding in the amount of \$9,110 will be provided from Revenue Sharing contingency.

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. 1555. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1555 passed on first and final reading.

Complete text of Ordinance No. 1555 will be found in Ordinance Book No. 10 at page 339.

ORDINANCE NO. 1556 - BUDGET ORDINANCE AMENDMENT FOR LOT CLEARING PROGRAM

8. Consideration was given to a budget ordinance amendment for a lot clearing program.

Mayor McDevitt said this amendment will provide funds for a vacant lot clearing program. Funding for equipment of \$17,500 will be provided from the General

Revenue Sharing Contingency Fund which will leave a balance of \$143,209. Funding for operating costs of \$32,500 will be provided from General Fund Contingency which will leave a balance of \$261,684.

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. 1556. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1556 passed on first and final reading.

Complete text of Ordinance No. 1556 will be found in Ordinance Book No. 10 at page 340.

ORDINANCE NO. 1546 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED - PROPERTY LOCATED ON CRAVEN STREET (MR. LAWRENCE LYNCH PETITION)

9. Consideration was given to the third reading of Ordinance No. 1546, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended - property located on Craven Street (Mr. Lawrence Lynch petition).

Mayor McDevitt said the Asheville Planning and Zoning Commission, at a meeting held September 11, 1985, considered the petition of Mr. Lawrence Lynch that Ward 6, Sheet 1, Lot 91, be rezoned from R-3 Residential District to CS Commercial Service District. The property is located at Georgia Avenue and Craven Street. After review and discussion, the Commission voted to recommend to City Council that a portion of Lot 91, Sheet 1, Ward 6, be rezoned from R-3 Residential District to CS Commercial Service District. This ordinance passed on first reading on October 29, and on second reading on November 19, 1985.

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. 1546 passed on third and final reading.

Complete text of Ordinance No. 1546 will be found in Ordinance Book No. 10 at page 322 and 323.

ORDINANCE NO. 1548 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED - PROPERTY LOCATED ON CLAIRMONT AVENUE (MR. TIM WILSON PETITION)

10. Consideration was given to the second reading of Ordinance No. 1548, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended - property located on Clairmont Avenue (Mr. Tim Wilson Petition).

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held October 2, 1985, considered the petition of Mr. Tim Wilson that Ward 9, Sheet 6, Lot 35, be rezoned from R-3 Residential District to CH Commercial Highway District. The property is located at #4 Clairmont Avenue. After review and discussion, the Commission voted to recommend to City Council that Lot 35 and 34, Sheet 6, Ward 9, be rezoned from R-3 Residential District to CH

Commercial Highway District. This ordinance passed on first reading at the November 19, 1985, meeting with an amendment to leave a 10' buffer on Lot 35 to remain zoned R-3 Residential District.

Mayor McDevitt requested that he be excused from voting on the ordinance relative to rezoning property on Clairmont Avenue since his law firm represents the proposed purchaser of the property.

Councilman Price moved to excuse Mayor McDevitt from voting on Ordinance No. 1548. This motion was seconded by Councilman Myers and carried unanimously.

Mayor McDevitt noted that the ordinance had been amended prior to first reading to read as follows: "Ward 9, Sheet 6, all of Lot 34, and all of Lot 35 except a 10' strip along Clairmont Avenue on the southern boundary of Lot 35, which shall remain zoned R-3 Residential District.

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 6-0, Ordinance No. 1548 passed on second reading.

Councilman Boland moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1548. This motion was seconded by Councilman Frank and carried on a voice vote of 5-1, with Councilman Bisette voting "No."

On a roll call vote of 6-0, Ordinance No. 1548 passed on third and final reading.

Complete text of Ordinance No. 1548 will be found in Ordinance Book No. 10 at page 325 and 326.

ORDINANCE NO. 1549 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED - PROPERTY LOCATED IN REDWOOD FOREST AND SHAWNEE TRAIL AREA (MR. TED MORRIS, AGENT)

11. Consideration was given to the second reading of Ordinance No. 1549, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended - property located in Redwood Forest and Shawnee Trail area (Mr. Ted Morris, Agent).

Mayor McDevitt said the Asheville Planning and Zoning Commission, at a meeting held October 2, 1985, reviewed and approved the petition of the residents of the Redwood Forest Subdivision and Shawnee trail to rezone their property from R-2 Residential District to R-1 Residential District. This ordinance passed on first reading at the November 19, 1985, meeting.

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.

Jane Clark, of Redwood Forest, spoke in support of the rezoning ordinance.

On a roll call vote of 7-0, Ordinance No. 1549 passed on second reading.

ACTION RELATIVE TO PHASE THREE OF THE HAZELWOOD SUBDIVISION - NORTH LOUISIANA AVENUE

12. Consideration was given to a motion relative to Phase Three of the Hazelwood Subdivision to be located on North Louisiana Avenue.

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held October 2, 1985 approved the final plat of Phase Three of the Hazelwood Subdivision to be located on North Louisiana Avenue. This plat was prepared by S.V. Griffith, R.L.S. for Frank McGahren and Walter Weiss, Developers, and submitted in accordance with Ordinance No. 424, as amended. The Commission approved the preliminary plat subject to compliance with the Erosion Control Ordinance. At the November 19, 1985 meeting a public hearing was held relative to this matter and action was delayed until November 26, 1985.

Verl Emrick, Director of Planning, said Walter Weiss, Developer, had installed a fire hydrant on Brickyard Road which would be within 120' of Phase Three of the Hazelwood Subdivision. He said the Fire Marshall had said this fire hydrant would be adequate protection for this portion of the subdivision.

Councilman Boland moved to approve Phase Three of the Hazelwood Subdivision to be located on North Louisiana Avenue. This motion was seconded by Councilman Price and carried unanimously.

Members of Council requested that the City staff review the possibility of including fire code requirements and other applicable codes to subdivisions and group developments in the City's zoning jurisdiction.

Souls Crescent, and Biltmore Plaza support the festival and have indicated their concurrence for the temporary barricading of these streets by signing a petition to the City Council.

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

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 85-213 was unanimously adopted.

Complete text of Resolution No. 85-213 will be found in Resolution Book No. 15 at page 337.

RESOLUTION NO. 85-214 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF AN EIGHT-INCH SEWER LINE ON SWEETEN CREEK ROAD (U.S. 25-A)/BUSBEE VIEW ROAD

16. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for the installation of an eight-inch sewer line on Sweeten Creek Road (U.S. 25-A)/Busbee View Road.

Mayor McDevitt said the City of Asheville desires to encroach on the right-of-way of the public road designated as Sweeten Creek Road (U.S. 25-A). The North Carolina Department of Transportation is willing to permit the encroachment within the limits of its right-of-way. This resolution will authorize the Mayor to execute the agreement for this sewer line.

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

Upon motion of Councilman Myers, seconded by Councilman Boland, Resolution No.



85-214 was unanimously adopted.

Complete text of Resolution No. 85-214 will be found in Resolution Book No. 15 at page 338.

RESOLUTION NO. 85-215 - RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ASHEVILLE TO EXECUTE AN AGREEMENT BY AND AMONG THE TOWN OF BILTMORE FOREST, THE CITY OF ASHEVILLE, THE COUNTY OF BUNCOMBE, BILTMORE FOREST COMPANY, AND OXFORD DEVELOPMENT ENTERPRISES, INC., FOR THE FOUR-MILE CREEK SEWER LINE PROJECT

17. Consideration was given to a resolution authorizing the Mayor on behalf of the City of Asheville to execute an agreement by and among the Town of Biltmore Forest, the City of Asheville, the County of Buncombe, Biltmore Forest Company, and Oxford Development Enterprises, Inc., for the Four-Mile Creek sewer line project.

Mayor McDevitt said the Town of Biltmore Forest, the City of Asheville, the County of Buncombe, Biltmore Forest Company, and Oxford Development Enterprises, Inc., have discussed participation in the replacement of a section of a sanitary sewer line running through the Town of Biltmore Forest which has been referred to as the Four-Mile Creek Sewer Improvement Project. All parties have agreed to the participation of each with regard to the replacement of the sewer line. This resolution authorizes the Mayor to execute an agreement for this project.

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

Upon motion of Councilman Frank, seconded by Councilman Bissette, Resolution No. 85-215 was unanimously adopted.

Complete text of Resolution No. 85-215 will be found in Resolution Book No. 15 at page 339.

RESOLUTION NO. 85-216 - RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH OWNER OF WICK & GREENE JEWELERS, LOCATED ON BOSTON WAY

18. Consideration was given to a resolution authorizing the Interim City Manager to execute a Right-Of-Way Encroachment Agreement with owner of Wick & Greene Jewelers, located on Boston Way.

Mayor McDevitt said Mr. Paul P. Greene, owner of Wick & Greene Jewelers, has requested that the City enter into an encroachment agreement so that an original antique street clock of the 1920 period may be installed upon the right-of-way between the sidewalk and curb of Boston Way. This clock is to be installed, kept up and, if necessary for any purpose, removed by the owner of Wick & Greene Jewelers at his expense.

Mayor McDevitt said members of Council were previously 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. 85-216 was unanimously adopted.

Complete text of Resolution No. 85-216 will be found in Resolution Book No. 15 at page 340.

RESOLUTION NO. 85-217 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A QUITCLAIM DEED CONVEYING ANY INTEREST THE CITY MAY HAVE IN A STRIP OF LAND NEAR THE NORTHWESTERN BANK BUILDING PROPERTY

19. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville a Quitclaim Deed conveying any interest the City may have in a strip of land near the Northwestern Bank Building property.

Mayor McDevitt said the Northwestern Bank Building property located in the block bounded on the north by College Street, on the east by Broadway, on the south by Patton Avenue and on the west by North Lexington Avenue has been recently purchased. The survey of this property and subsequent title search indicated that the City of Asheville may have some interest in a strip of

land adjacent to the building line. This strip of land is not within the sidewalk or street rights-of-way and there are no utility lines or easements crossing this strip of land. This resolution will authorize the Mayor to execute a Quitclaim Deed releasing any interest of the City to Asheville Building Associates, purchaser of the property.

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 85-217 was unanimously adopted.

Complete text of Resolution No. 85-217 will be found in Resolution Book No. 15 at page 341.

RESOLUTION NO. 85-218 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A RATIFICATION OF ACCEPTANCE OF PERPETUAL CONSERVATION FACADE EASEMENT FOR THE PACK PLAZA REDEVELOPMENT PROJECT

20. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville a Ratification of Acceptance of Perpetual Conservation Facade Easement for the Pack Plaza Redevelopment Project.

Mayor McDevitt said this resolution ratifies and confirms the City's acceptance of the facade easement described in the Ratification of Acceptance of Perpetual Conservation Facade Easements and the Perpetual Conservation Facade Easement Agreement and authorizes the Mayor to execute said documents on behalf of the City of Asheville.

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 85-218 was unanimously adopted.

Complete text of Resolution No. 85-218 will be found in Resolution Book No. 15 at page 342 and 343.

RESOLUTION NO. 85-219 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT ON BEHALF OF THE CITY OF ASHEVILLE WITH COOPER CONSTRUCTION COMPANY, FOR THE PROJECT KNOWN AS HAW CREEK AREA SEWERAGE FACILITIES CONTRACT NUMBER E-020/

W-005.85

21. Consideration was given to a resolution authorizing the Mayor to sign a contract on behalf of the City of Asheville with Cooper Construction Company for the project known as Haw Creek Area Sewerage Facilities Contract Number E-020/W-005.85.

Mayor McDevitt said bids were solicited for the project known as the Haw Creek Area Sewerage Facilities project. Cooper Construction Company, Inc. of

Hendersonville is the lowest responsible bidder in the amount of \$197,618.60. The project includes installation of approximately 5460 linear feet of 15" diameter sewer pipe, 23 manholes and associated appurtenances. Installation and materials will conform to plans and specifications issued by the City.

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

Councilman Bissette moved for the adoption of Resolution No. 85-

219. This motion was seconded by Councilman Frank.

Councilman Bissette said he was not satisfied with the manner in which this bidding process was handled. He said, however, he feels the Council members are charged with awarding the bid to the lowest responsible bidder.

Councilman Boland reiterated comments of Councilman Bissette, stating that the Council, given the evidence involved, does not have any alternative except to award the bid to the lowest responsible bidder.

Jesse Jayne spoke to members of Council on behalf of Terry Brothers Construction Company. He said this particular incident of bidding for the Haw Creek Area Sewerage Contract was handled wrong. He said during the first bidding process, a legal, closed, and bonded bid was submitted by Terry Brothers Construction Company, and he could not see how Council could justify re-bidding the project. He said the low bidder, during the second bidding, really had no right to bid because all bidding figures had been released. He said he felt the City of Asheville has an obligation to the local contractors to treat them fairly. He requested that Council reject all of the bids submitted during the second bidding process, and award the bid to the low bidder during the first bidding process, Terry Brothers Construction Company. He asked members of Council to vote their own personal convictions on this matter.

Vice-Mayor Bratton indicated that she felt uncomfortable with re-bidding this project and stated members of Council should have awarded the bid during the first bidding process.

On a voice vote of 4-3, Councilman Bissette's motion carried with Mayor McDevitt, Vice-Mayor Bratton and Councilman Myers voting "no".

Complete text of Resolution No. 85-219 will be found in Resolution Book No. 16 at page 344.

SCHEDULING PUBLIC HEARING - REDEVELOPMENT PLAN AMENDMENT - WOODBERRY APARTMENTS - DECEMBER 17, 1985

22. Consideration was given to a motion scheduling a public hearing relative to a redevelopment plan amendment for the Woodberry Apartments for December 17, 1985.

Mayor McDevitt said this amendment will allow the Housing Authority to act in its capacity as a redevelopment commission to issue redevelopment bonds for the construction of multi-family housing in the East End Community.

Councilman Price moved to schedule a public hearing relative to a redevelopment plan amendment for the Woodberry Apartments for December 17, 1985. This motion was seconded by Councilman Boland and carried unanimously.

SIGN PERMIT - IDENTIFICATION SIGN - 800 FAIRVIEW ROAD - KENTUCKY FRIED CHICKEN

23. Mayor McDevitt noted that action relative to the sign

permit for an identification sign at 800 Fairview Road would be postponed until the December 10, 1985, City Council meeting.

RESOLUTION NO. 85-220 - RESOLUTION REAPPOINTING MEMBER TO THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL (MRS. CELESTE L. LOFTIN)

24. Consideration was given to a resolution reappointing Mrs. Celeste L. Loftin as a member of the City of Asheville Board of Alcoholic Control.

Mayor McDevitt read the resolution.

Upon motion of Councilman Frank, seconded by Councilman Boland, Resolution No. 85-220 was unanimously adopted.

Complete text of Resolution No. 85-220 will be found in Resolution Book No. 15 at page 345.

RESOLUTION NO. 85-221 - RESOLUTION APPOINTING MEMBER TO THE RECREATION BOARD FOR ASHEVILLE (MR. CHARLES BULLMAN)

25. Consideration was given to a resolution appointing Mr. Charles Bullman as a member of the Recreation Board for Asheville.

Mayor McDevitt read the resolution.

Upon motion of Councilman Bisette, seconded by Councilman Price, Resolution No. 85-221 was unanimously adopted.

Complete text of Resolution No. 85-221 will be found in Resolution Book No. 15 at page 346.

CLAIMS - GRACE BALLEW (CIVIC CENTER) - EVELYN GIEZENTANNER (TRAFFIC ENGINEERING

26. The Acting City Manager presented claims received from Grace Ballew and Evelyn Giezentanner.

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

ANNOUNCEMENT OF ACTION RELATIVE TO BUNCOMBE COUNTY SEWER CONSOLIDATION -

STATEMENT OF PRINCIPLES

27. Mayor McDevitt announced that during the Executive Session of Asheville City Council on November 19, 1985, he was authorized to execute a Buncombe County Sewer Consolidation Agreement outlining a Statement of Principles. He said the agreement has been signed by the City of Asheville, the County of Buncombe, and the Metropolitan Sewerage District.

Mayor McDevitt instructed that a copy of the Buncombe County Sewer Consolidation Agreement be included as a part of the minutes.

A copy of the agreement is attached as part of the minutes.

COMMENTS BY MAYOR MCDEVITT

28. Mayor McDevitt told members of Council it had been a pleasure working with the members of the Asheville City Council during the last two years in his

capacity as Mayor.

ADJOURNMENT

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