

Tuesday - January 5, 1993 - 4:00 p.m.

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor Eugene W. Ellison; Councilwoman Barbara Field; Councilmen William G. Moore, Chris J. Peterson, Joseph Carr Swicegood and Charles R. Worley; City Attorney William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

INVOCATION

Councilman Worley gave the invocation.

APPROVAL OF THE MINUTES

Mayor Michalove announced the approval of the December 22, 1992, City Council minutes as submitted.

I. PROCLAMATIONS: None

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO REZONING PIN NO. 9740-18-32-8255 FROM R-3 RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT

B. PUBLIC HEARING RELATIVE TO PARTIAL REZONINGS OF 21 AND 29 LAKESHORE DRIVE FROM R-3 RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT

Mayor Michalove stated that since these two items were related, the public hearings would be held simultaneously.

Mayor Michalove opened the public hearings at 4:04 p.m.

City Clerk Wolcott presented the notices to the public setting the time and date of the public hearings.

Mayor Michalove read the following letter from Mary Elizabeth Arrowood relative to Lakeshore rezoning dated January 5, 1993, which the City Clerk's Office received at 2:10 p.m. by facsimile transmission: "The purpose of this letter is to request a continuance of the public hearing scheduled for January 5, 1993 at 4:00 p.m. regarding the rezoning of 21 and 29 Lakeshore Drive, due to the fact that I am ill with the flu and unable to attend and represent my clients, Hugh Reed and Betty Vaughn. I would request that -2-

this matter be rescheduled for February 2, 1993." Mayor Michalove said that, pursuant to his instructions, City Attorney Slawter telephoned Ms. Arrowood's Office and advised her that due to the large number of people notified of the meeting and their preparation to comment on this item, the City Council would open the public hearing, hear all comments from interested persons and continue the public hearing until February 2, 1993.

Ms. Carol Alberice, Urban Planner II, said that regarding the rezoning of PIN No. 9740-18-32-8255, the Planning and Zoning Commission, after a public hearing on

the above request, tabled the agenda item at their October 8, 1992, meeting. On

November 4, the rezoning request was again heard in a public hearing.

She said the lot is currently grandfathered non-conforming having been used as commercial parking at Grace Plaza Shopping Center before the current zoning ordinance was adopted. The lot is landlocked and can only be accessed through the shopping center parking lot.

She said the Commission unanimously approved the rezoning of PIN # 9740-18-32-8255 in its entirety from R-3 Residential District to CH Commercial Highway District.

Ms. Alberice stated that regarding the partial rezonings of 21 and 29 Lakeshore Drive, the Planning and Zoning Commission, after a public hearing on the above request, tabled the agenda item at their October 8, 1992, meeting. On November 4, the rezoning request was again heard in a public hearing and the Commission unanimously denied the partial rezonings of PIN # 9740-18-42-0104 and 9740-18-32-9126 (21 Lakeshore Drive and 29 Lakeshore Drive)

from R-3 Residential District to CH Commercial Highway District.

She said that there have been at least 60 comments in opposition of the partial rezonings and a valid protest petition has been received containing over 700 names.

Upon inquiry of Mayor Michalove as to the reason why these rezonings are being requested, Mr. Gerald Green, Senior Planner, said that Harris Teeter (a grocery store) plans on leasing the space and would like to expand the present store. He did state that following the Planning and Zoning Commission's denial of the partial rezonings, Harris Teeter representatives said that they did have an alternative plan and they would be able to use the property as it is currently zoned.

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At the request of Mayor Michalove, City Attorney Slawter said that if the commercial parking lot at Grace Plaza Shopping Center were rezoned to CH Commercial Highway, anything else that is allowed in that zoning district could be put in (although Harris Teeter plans to continue to use it as a parking lot). At this time, Ms. Alberice read all the uses which are permitted in a CH Commercial Highway District.

Mr. Kip Marshall, 12 Mt. Vernon Circle, said that he would reserve his right to speak until February 2, 1993, but wanted to stress that there is no need to rezone at all due to the fact that Harris Teeter said they would use the property as it is currently zoned.

Mr. David Matney, attorney representing Mrs. Branton and Mrs. Woody, spoke in opposition of the partial rezonings. He said if the if the Harris Teeter store plans to expand according to some plans he has seen, their building will be 5 feet from Mrs. Woody's property line. He felt it was very inappropriate to build a commercial building so close to a residential home. He feels that the commercial building should not be allowed to move into a residential neighborhood.

When Councilman Worley questioned about buffering, Ms. Alberice stated that since the development is over one acre, 20 feet of buffer on the commercial piece of property would be required.

Mr. W. West, 55 Mt. Vernon Place, spoke against the rezonings stating that he was against spot zoning. He felt there was no reason to rezone since Harris

Teeter could use the property as is currently zoned.

Mr. Dan Schmidt, 55 Shorewood Drive, spoke against the rezonings and stated that he could not understand why Harris Teeter would want the parking lot rezoned (since it is already a grandfathered non-conforming use) unless he had some other use for the property in mind.

Ms. Leni Sitnick, 90 Gertrude Place, spoke against the rezonings and felt that the parking lot is already underutilized. She felt that the partial rezonings would be a neighborhood encroachment.

Mr. Doug Watson also spoke in opposition to the rezonings. He too feared what other type of development could occur if the areas were zoned CH Commercial Highway.

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Ms. Sabrina Williams, 545 Lakeshore Drive, spoke against the rezonings and felt it would adversely affect the residential neighborhood.

Mr. Gordon Grant, 27 Mt. Vernon Circle, spoke against the rezonings and hoped the neighborhood could remain as is.

Ms. Gladys Lane, 56 Mt. Vernon Circle, spoke in total opposition of the rezonings.

Vice-Mayor Ellison moved to continue these public hearings until 4:00 p.m. Tuesday, February 2, 1993, in the Council Chamber of the City Hall Building without further advertisement. This motion was seconded by Councilman Moore and carried unanimously.

C. PUBLIC HEARING TO AMEND ZONING OF 570-582 HENDERSONVILLE ROAD

Mayor Michalove opened the public hearing at 5:00 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Ms. Carol Alberice said that 75% of the lot is currently zoned and developed commercially (CH) with one story retail shopping center and the remaining 25% is zoned residential (R-3) and vacant. Due to the widening of Hendersonville Road, there is now a lack of parking.

She said the terrain slopes steep to the east - Reed Street. Site access is both from Hendersonville Road and Reed Street. Reed Street is a narrow two-lane residential street now affected by closing of several adjacent intersecting streets (Fairview, Center Streets).

This request is to remove split zoning and allow the entire lot to be zoned CH Commercial Highway. The public comment received included 13 in opposition and 3 persons in favor. The Planning and Zoning Commission voted unanimously to rezone from R-3 Residential District to CH Commercial Highway District with no discussion.

City Attorney Slawter said that due to an error in the advertisement of the notice to the public, readvertisement will need to take place prior to any final action taken by the Council. He did state, however, that public comments could be taken.

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Upon inquiry of Councilman Worley, Ms. Alberice said that if this portion is not rezoned, they would not have sufficient parking to comply with our ordinances, but they would be grandfathered.

Vice-Mayor Ellison felt that a broad plan needed to be looked at for the entire area before any more rezonings were approved. Ms. Alberice said that the Hendersonville Road Corridor Study is close to completion but not final yet.

Planning and Zoning Commission member Harriett Winner said that one reason her Commission approved the rezoning was that there was no other likely use for that property.

Mr. Cecil Jackson, 709 Brookshire Street, stated that their only opposition to the rezoning is the rezoning of Lot 10. He said that Reed Street cannot accept any more traffic. He voice concerns regarding safety and urged the Council not to rezone in this residential area. He felt that this rezoning would constitute spot zoning.

Mr. Greg Gregory, 1092 Hendersonville Road, urged the Council to wait until the Hendersonville Road Corridor Study was completed before considering this rezoning. He spoke against the rezoning.

Ms. Julia Cogburn, Planning Director, stated that the Hendersonville Road Corridor Study would be going to the Planning and Zoning Commission in February. After their review, it will come before the City Council. She announced that the next meeting of that Study report will be held on Monday, January 25, 1993, at 7:00 p.m. in the Biltmore Baptist Church for any interested persons to attend. She also stated that a draft of the Study will be available next week in the Planning Department for review.

Mr. Rodney Leftwich, 720 Reed Street, felt that there was adequate parking. He spoke against the proposed rezoning and stated problems with trash, vandalism and flooding. He felt the Council should study this rezoning further before any action was taken.

Ms. Alene Shroat, 40 Fairview Street, spoke against the rezoning because she felt it was an intrusion into the neighborhood. She was very much concerned about the future development in the area.

Councilman Worley moved to continue the public hearing until 4:00 p.m. on Tuesday, March 30, 1993, in the Council Chamber of the City Hall Building, in order to give the Council the benefit of the Corridor Study. This motion was seconded by Councilman Moore and carried unanimously.

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D. PUBLIC HEARING TO REZONE PROPERTIES ON CROWELL ROAD FROM R-3 RESIDENTIAL DISTRICT TO CS COMMERCIAL SERVICE DISTRICT

ORDINANCE NO. 2009 - ORDINANCE AMENDING ZONING OF EIGHT PARCELS ON CROWELL ROAD

Mayor Michalove opened the public hearing at 5:40 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Ms. Carol Alberice said the Planning and Zoning Commission enlarged an original rezoning request to consider the rezoning from R-3 Residential District to CS Commercial Service District of 8 properties on Crowell Road. In November the City Council rezoned a large part of the eastern side of Crowell Road to CS

Commercial Service.

She said the request is in accordance with the 2010 Asheville City Plan and the Planning and Zoning Commission approved the rezoning request unanimously. She said that opposition has been received from the north and east property owners not to expand the Commercial Service district.

Mr. W. V. Henry, 98 Starnes Cove Road, spoke in opposition of this rezoning request. He felt that this rezoning will change the whole character of the area.

Upon inquiry of Vice-Mayor Ellison, Mr. Henry was not aware of any neighbors being involved in the 2010 Plan process.

In response to Vice-Mayor Ellison relative to any buffering between the commercial service district and the residential district, Ms. Alberice said that buffering would depend on how that property is developed.

Mayor Michalove closed the public hearing at 5:55 p.m.

Mayor Michalove stated that members of Council have been furnished with a copy of the ordinance and it would not be read.

Councilman Moore moved for the adoption of Ordinance No. 2009. This motion was seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 2009 passed on its first reading.

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Councilman Moore moved to suspend the rules and proceed to the second reading of Ordinance No. 2009. This motion was seconded by Councilman Worley and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 2009 passed on its second reading.

At this time (6:00 p.m.), the Council took a 5 minute recess.

E. PUBLIC HEARING RELATIVE TO A VARIANCE IN THE KENNETH HAIR APARTMENTS SUBDIVISION

Mayor Michalove opened the public hearing at 6:07 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Tony Nicholson, Urban Planner, said that the .38 acre site is current vacant and slightly sloping to the south. The lot is zoned R-3 residential and is bounded on the north and east by multi-family residences, on the south by multi- and single-family residences, and on the west by single-family residences.

He said that in April of 1989, Kenneth Hair obtained group development approval from City Council to construct a 4-unit apartment building on a .38 acre site on Edgewood Road. Since construction of the project did not start within one year of the date of approval, the approval status of the group development was automatically revoked. Upon requesting re-approval of the site plan in October of 1992, it was observed that the lot in question, which was created by the subdivision of a larger parcel in 1988, does not comply with the Asheville Subdivision Regulations. Section 26-37 of the Subdivision Regulations states

that all lots of a subdivision must abut a public street. The .38 acre parcel does not abut a public street and, as such violates the Subdivision Regulations. It should be noted that at the time this property was subdivided, the Register of Deeds' Office did not always notify the property owner that the subdivision must comply with the Subdivision Regulations and be approved by the Planning Department.

It was determined that before the group development could be reviewed for re-approval, a variance from the Subdivision Regulations would have to be obtained. Therefore, Mr. Hair is requesting a variance to permit the creation of a lot which does not abut a public street.

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Access to the property is provided by a 16-foot easement to Edgewood Road. A 16-foot driveway currently exists within this easement and serves the two adjacent multi-family dwellings. The zoning ordinance requires that such driveways be 20 feet wide. However, the group development was originally approved with a 16-foot wide easement.

Approximately 12 property owners in the neighborhood

have voiced their opposition to the proposed project for the following reasons:

1. Increased traffic in neighborhood;
2. Increased noise levels; and
3. Driveway entrance is unsafe as it exists today
 - insufficient visibility
 - steep grade of driveway
 - too many cars using driveway

At their December 2, 1992, meeting, the Planning and Zoning Commission voted to deny the preliminary plat and to recommend denial of the variance request for the following reasons:

1. The lot does not comply with the Subdivision Regulations in that it does not abut a public street.
2. The proposed access to the lot does not comply with the requirements of the zoning ordinance.

Councilman Swicegood was concerned about Mr. Hair's relying on City Council's prior approval and now having to ask for a variance and facing possible disapproval.

Mr. Hair spoke in support of the requested variance. Among other things, he said he has already lost approximately \$10,000 in this project, he felt traffic would not be a problem if people didn't park on the street, and the Fire Department could properly serve the piece of property. He said he did not go ahead with the project back in 1989 was because of the economy.

At the suggestion of Vice-Mayor Ellison, the minutes of the April 11, 1989, minutes were obtained. It was determined that because this item came under group development review back in 1989, the Planning and Zoning Commission recommended approval, and there was no opposition (according to the records) at

that time, City Council approved the group development without taking any action.

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Upon inquiry of Councilman Moore, it was determined that a 20 foot easement providing access to the property could not be obtained because there was only 16 feet from building to building.

When questioned by Councilman Worley if under the Subdivision Regulations there is a provision for a flag lot, Mr. Gerald Green said there was not.

Mr. Stephen Smith, 192 Edgewood Road, spoke in opposition to the variance request. He mentioned concerns of safety, parking congestion, and traffic.

Mr. James Earwood, 187 Edgewood Road, said that in 1989 he in fact telephoned the Planning Department to voice his objection to the group development.

Mayor Michalove closed the public hearing at 6:44 p.m.

Councilman Moore moved to reject the variance request for Kenneth Hair Apartments Subdivision. This motion was seconded by Councilwoman Field and carried unanimously.

F. PUBLIC HEARING RELATIVE TO A VARIANCE OF THE SUBDIVISION REGULATIONS FOR HEATH RIDGE ACRES TO PERMIT THE CONSTRUCTION OF A PUBLIC, BUT PRIVATELY MAINTAINED ROAD

Mayor Michalove opened the public hearing at 6:47 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Tony Nicholson said that Ed Randall, owner/ developer of Heath Ridge Acres Subdivision, is requesting a variance from Section 26-37(1) of the City of Asheville Subdivision Regulations. The variance would permit the construction of a public, but privately maintained street serving the lots in the subdivision. Due to the following circumstances, Mr. Randall is unable to construct the street to state standards as required by the Subdivision Regulations.

Heath Ridge Acres was originally approved as a four lot subdivision in July, 1991. At that time, the Planning and Zoning Commission recommended and City Council granted a variance to permit the construction of a private street to serve the subdivision lots. The approval of this variance request was based in part on the fact that the street would

serve only four lots. The proposed street was to be a gravel road with a 30 foot right-of-way. Upon approval of the subdivision last year, the road was partially constructed and four homes have been constructed.

In July, 1992, the Planning and Zoning Commission heard the request of Mr. Randall to re-subdivide the property into eight lots. The Commission voted to approve the preliminary plat upon the condition that the road be constructed as a public road to State standards.

Also, in July, 1992, a maintenance agreement was prepared to ensure the proper maintenance of the road. In short, the agreement states that the residents of the subdivision are responsible for the continued maintenance of the road.

At the August 5, 1992 Planning and Zoning Commission meeting, Mr. Randall requested a variance to construct the road as a private street. The Commission unanimously denied the request for the variance. This decision was premised largely on two considerations. First, the approval of the original variance was based partially on the fact that the street would serve only four lots. Since four lots were added to the subdivision, the Commission felt the residents would be better served by a public street constructed to State standards. Second, the Commission felt that if the variance were granted, the future residents of the subdivision could and would petition NCDOT to assume maintenance of the road by taking it into the public domain. Thus, the road would eventually be constructed to State standards at the public's expense, rather than at the petitioner's expense.

Department of Transportation standards for subdivision streets require a minimum right-of-way of forty feet. This would be difficult in Heath Ridge Acres, since the existing homes were sited based on the previously approved thirty foot right-of-way. Danny Tolar of the NCDOT stated that ten feet of right-of-way would have to be added to the width of the street in order to meet the minimum standards. However, the mortgagee of the lots adjacent to the street, Nations Bank, is unwilling to grant a 10' easement. As a result, the street cannot be built to NCDOT standards and NCDOT will not assume the future maintenance of the street.

In essence, the variance will permit the construction of a public, but privately maintained road constructed to City standards. Constructing the road to City standards -11-

(which permits a 30 ft. wide right-of-way) will allow the street to be in a position for acceptance into the City maintenance system if the area is annexed into the City at some future time.

At their December 2, 1992, meeting, the Planning and Zoning Commission voted to recommend approval of the variance with one condition. The condition is that the developer must arrange for an engineering firm to monitor the construction of the street to ensure it meets City standards.

Section 26-13 of the Subdivision Regulations authorizes the Planning and Zoning Commission to recommend and the City Council to grant variances to the requirements of the regulations. According to Section 26-13, a variance may be granted when the developer can show that the provision of the regulations "would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning Commission a departure may be made without destroying the intent" of the provision.

The condition peculiar to the site and the impetus for this variance request is that the street right-of-way width is limited to 30'. It should be noted that the granting of the initial variance request in July, 1991 created the opportunity for this condition to arise.

Mayor Michalove closed the public hearing at 6:55 p.m.

Vice-Mayor Ellison moved to grant the variance of the Subdivision Regulations for Heath Ridge Acres to permit the construction of a public, but privately maintained road. This motion was seconded by Councilwoman Field and carried unanimously.

G. PUBLIC HEARING RELATIVE TO AMENDING THE GROUP DEVELOPMENT PROCEDURES SECTION OF THE ASHEVILLE ZONING ORDINANCE

ORDINANCE NO. 2010 - ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE (ARTICLE 6 - GROUP DEVELOPMENTS)

Mayor Michalove opened the public hearing at 6:56 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

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Mr. Gerald Green said that as part of its land development regulations revision process, the City Council held hearings on the group development review procedures. The purpose of these hearings was to obtain input on ways to improve the group development review process. As a result of the public hearings, City Council recommended that the group development ordinance be revised to increase the thresholds for determining which projects shall be reviewed as group developments.

He said in response to this recommendation from City Council, the Asheville Planning and Zoning Commission is recommending approval of the attached ordinance amendment. The major revisions proposed by the ordinance amendment are:

Threshold for determining group development projects changed from a building or structure with a gross floor area of 25,000 square feet or more to a building or structure or a combination of buildings or structures meeting the following size standards:

- a. Industrial building(s) or structure(s) with a gross floor area of one hundred thousand (100,000) square feet or more;
- b. Commercial building(s) or structure(s) with a gross floor area of thirty-five thousand (35,000) square feet or more;
- c. Office or institutional building(s) or structure(s) with a gross floor area of twenty-five thousand (25,000) square feet or more or which is three (3) stories or more in height.

The threshold for residential projects changed from a project containing three (3) or more individual units to a project containing eight (8) or more individual units.

He said there were no comments from the public at the public hearing held by the Planning and Zoning Commission and the Commission voted unanimously to recommend adoption of the ordinance amendment.

Mr. Rich Mathews, representing the Coalition of Asheville Neighborhoods, disagreed with the recommendations and felt the ordinance revisions would do a disservice to the neighborhoods.

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Mayor Michalove closed the public hearing at 7:07 p.m.

Mayor Michalove said members of Council have been furnished with a copy of the ordinance and it would not be read.

Councilman Moore moved for the adoption of Ordinance No. 2010. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 2010 passed on its first reading.

Councilman Worley moved to suspend the rules and proceed to the second reading of Ordinance No. 2010. This motion was seconded by Councilman Swicegood and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 2010 passed on its second reading.

H. PUBLIC HEARING TO AMEND RESOLUTION NO. 92-132, A RESOLUTION TO CHANGE NAMES OF CERTAIN STREETS IN THE CITY OF ASHEVILLE

RESOLUTION NO. 93-1 - RESOLUTION CHANGING THE NAME OF FOREST LANE EAST TO FOREST LANE SOUTH

Mayor Michalove opened the public hearing at 7:08 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

City Manager Bean said that on September 29, 1992, City Council adopted a resolution that changed the names of several Asheville streets, effective January 1, 1993. Among those changes was a change of "Forest Lane" to "Forest Lane East." Since that time, residents of Forest Lane have advised the City that their preference is "Forest Lane South," since Forest Lane is actually in the south Asheville area. This change would cause no emergency-response problems.

Mayor Michalove closed the public hearing at 7:09 p.m.

Mayor Michalove said that members of Council have been furnished with a copy of the resolution and it would not be read.

Vice-Mayor Ellison moved for the adoption of Resolution No. 93-1. This motion was seconded by Councilman Moore and carried unanimously.

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RESOLUTION BOOK NO. 20 AT PAGE 44

I. PUBLIC HEARING TO CLOSE A PORTION OF KEEVER ROAD.

RESOLUTION NO. 93-2 - RESOLUTION TO CLOSE A PORTION OF KEEVER ROAD IN THE CITY OF ASHEVILLE, NORTH CAROLINA

Mayor Michalove opened the public hearing at 7:10 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Jim Ewing, Director of Public Works, said that all property owners along the portion of Keever Road north of Southern Railway right-of-way have petitioned this portion of Keever Road to be closed. This closing will allow the property owners to sell their property to developers for development of a warehouse type shopping complex.

Mayor Michalove closed the public hearing at 7:11 p.m.

Mayor Michalove said that members of Council have been furnished with a copy of the resolution and it would not be read.

Councilman Worley moved for the adoption of Resolution No. 93-2. This motion was seconded by Councilman Swicegood and carried unanimously.

RESOLUTION BOOK NO. 20 AT PAGE 45

III. OLD BUSINESS:

A. THIRD READING OF ORDINANCE NO. 2007 - ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE BY SETTING FORTH A NEW ARTICLE XVI TO PROVIDE FOR THE CONSTITUENCY OF THE PLANNING AND ZONING COMMISSION

City Manager Bean explained that this amendment will provide for technical changes to comply with State law and will also expand the term of appointment of the Planning and Zoning Commission members from two to three years.

Mayor Michalove said that members of Council have been furnished with a copy of the ordinance and it would not be read.

On a roll call vote of 6-1, with Councilman Moore voting "no", Ordinance No. 2007 passed on its third and final reading.

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ORDINANCE BOOK NO. 13 AT PAGE 175

IV. NEW BUSINESS:

A. ORDINANCE NO. 2011 - ORDINANCE REPEALING ORDINANCE NO. 1008

City Attorney Slawter said that the City Council adopted Ordinance No. 1008 on December 2, 1977, establishing procedures for use of a consent agenda. He said the City Council adopted Resolution No. 92-192 on December 18, 1992, establishing a new set of Rules of Procedure for the City Council, which includes a provision for use of a consent agenda.

Mayor Michalove said that members of Council have been furnished with a copy of the ordinance and it would not be read.

Councilman Worley moved for the adoption of Ordinance No. 2011. This motion was seconded by Councilman Moore.

On a roll call vote of 7-0, Ordinance No. 2011 passed on its first reading.

Vice-Mayor Ellison moved to suspend the rules and proceed to the second reading of Ordinance No. 2011. This motion was seconded by Councilman Worley and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 2011 passed on its second reading.

Councilman Moore moved to suspend the rules and proceed to the third and final reading of Ordinance No. 2011. This motion was seconded by Councilman Worley and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 2011 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 187

B. BIDS RELATIVE TO ONE FIRE TRUCK WITH 75 FOOT AERIAL AND ONE FIRE PUMPER WITH A 50 FOOT AERIAL FOR THE ASHEVILLE FIRE DEPARTMENT

City Manager Bean explained that due to an error in the City's specifications, the 75 foot aerial bid had to be re-bid with revised specifications. Eight bids were received -16-

when re-bid with a recommendation for award to Slagle Fire Equipment/KME, Cayce, South Carolina, in the amount of \$323,261 for the purchase of one 1993 'KME' Renegade MFD cab and chassis with a 'KME' 177" streamline aerial body and 'KME' 75' firestix aerial. Funds are available in the Capital Improvement Program. The bid summary is attached hereto as Exhibit "A".

He said seven bids were received for the 50 foot aerial with a recommendation for award to the second low bidder, as the lowest bidder meeting specifications, Slagle Fire Equipment/KME, Cayce, South Carolina, in the amount of \$284,028 for the purchase of one 1993 'KME' Renegade MFD cab and chassis with a 'KME' 174" streamline aerial body and 'KME' 55' firestix aerial. Funds are available in the Capital Improvement Program. The bid summary is attached hereto as Exhibit "B".

Mayor Michalove recognized members of the Asheville Fire Department who make up a equipment committee who researches equipment purchases for the Fire Department.

Councilwoman Field moved to 1) award the bid for the 75 foot aerial to Slagle Fire Equipment/KME, Cayce, South Carolina, in the amount of \$323,261 for the purchase of one 1993 'KME' Renegade MFD cab and chassis with a 'KME' 177" streamline aerial body and 'KME' 75' firestix aerial; and 2) award the bid for the 50 foot aerial to Slagle Fire Equipment/KME, Cayce, South Carolina, in the amount of \$284,028 for the purchase of one 1993 'KME' Renegade MFD cab and chassis with a 'KME' 174" streamline aerial body and 'KME' 55' firestix aerial. This motion was seconded by Councilman Worley and carried unanimously.

V. CONSENT: None

VI. OTHER BUSINESS:

A. CERTIFICATION OF THE PETITION RECEIVED UNDER N. C. GEN. STAT. SEC. 160A-58.1 TO ANNEX PROPERTY LOCATED NORTH OF OVERLOOK ROAD (SECTION 2 OF BRAESIDE AT BILTMORE PARK)

B. RESOLUTION NO. 93-3 - RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION OF PROPERTY LOCATED NORTH OF OVERLOOK ROAD, PURSUANT TO N. C. GEN. STAT. SEC. 160A-31 (SECTION 2 OF BRAESIDE AT BILTMORE PARK)

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City Manager Bean said that a petition requesting annexation of property located north of Overlook Road (Section 2 of Braeside at Biltmore Park) has been received and signed by the sole owners of the property. The City Clerk has investigated the sufficiency of the petition and has certified to the City Council the sufficiency thereof. This resolution will set a public hearing on the question of annexation for January 19, 1993, at 4:00 p.m. in the Council Chamber on the second floor of the City Hall Building.

Mayor Michalove said that members of Council have been furnished with a copy of the resolution and it would not be read.

Vice-Mayor Ellison moved for the adoption of Resolution No. 93-3. This motion was seconded by Councilman Moore and carried unanimously.

RESOLUTION BOOK NO. 20 AT PAGE 47

C. CLAIMS

City Manager Bean said the following claims were received by the City during the week of December 21-25, 1992: Charles Brackett (Water) and Lynn Snyder (Streets).

He stated that the following claims were received by the City during the week of December 28, 1992 - January 1, 1993: Grigg Electric (Parking Garage); Bill Byrne (Parks) and Emily Bryant (Water).

He said these claims have been referred to the appropriate insurers for investigation.

VII. ADJOURNMENT.

Mayor Michalove adjourned the meeting at 7:22 p.m.

CITY CLERK MAYOR
