

Tuesday - January 22, 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; City Manager Neal Creighton; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Vice-Mayor Wilhelmina Bratton.

APPROVAL OF THE MINUTES - JANUARY 15, 1985 MEETING

1. Approval of the minutes of the January 15, 1985, meeting.

Mayor McDevitt announced the approval of the minutes of the January 15, 1985, meeting as submitted.

ORDINANCE NO. 1493 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED - PROPERTY LOCATED AT 666 MERRIMON AVENUE (DR. PAUL MICHALOVE PETITION)

2. Consideration was given to the second reading of Ordinance No. 1493, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended - property located at 666 Merrimon Avenue (Dr. Paul Michalove Petition).

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. 1493 passed on second reading.

ORDINANCE NO. 1491 - AN ORDINANCE DIRECTING THE DIRECTOR OF INSPECTIONS TO DEMOLISH AND REMOVE THE DWELLINGS KNOWN AS 48 AND 53 BLALOCK AVENUE, ASHEVILLE, NORTH CAROLINA

3. Consideration was given to the third reading of Ordinance No. 1491, an ordinance directing the Director of Inspections to demolish and remove the dwellings known as 48 and 53 Blalock Avenue, Asheville, North Carolina.

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.

Upon inquiry of members of Council, the City Manager said no communication had been received from the owners of 48 and 53 Blalock Avenue relative to the rehabilitation of those dwellings. Mr. Harold Garland, Assistant Director of Inspections, said no work had been done on these dwellings as of 2:20 p.m. on January 22, 1985.

On a roll call vote of 7-0, Ordinance No. 1491 passed on third reading.

Complete text of Ordinance No. 1491 will be found in Ordinance Book No. **10** at page **231-232**.

ORDINANCE NO. 1494 - AN ORDINANCE AMENDING SECTIONS 28-81.5(5) AND 28-81.6(22) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO REDUCE THE SPEED LIMIT ON A PORTION OF HENDERSONVILLE ROAD

4. Consideration was given to an ordinance amending Sections 28-81.5(5) and 28-81.6(22) of the Code of Ordinances of the City of Asheville to reduce the speed limit on a portion of Hendersonville Road.

Mayor McDevitt said the purpose of this ordinance is to pass a concurring ordinance with the North Carolina Department of Transportation to reduce the speed limit on Hendersonville Road, between Rock Hill Road and the Blue Ridge Parkway, from 45 m.p.h. to 35 m.p.h.

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. 1494. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1494 passed on first reading.

RESOLUTION NO. 85-6 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH BLUE RIDGE STRUCTURE COMPANY FOR THE PROJECT KNOWN AS KILLIAN ROAD BRIDGE REPLACEMENT PROJECT

5. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville a contract and any change orders within the budgeted amount with Blue Ridge Structure Company for the project known as Killian Road Bridge Replacement Project.

Mayor McDevitt said Killian Road Bridge is located upon a City street and is in need of replacement due to its age and present condition. This resolution will authorize a contract with Blue Ridge Structure Company for removal and replacement of the Killian Road Bridge over Beaverdam Creek. Bridge replacement funds are available for the Killian Road Bridge project. This project will complete the bridges that will be replaced with these funds.

The City Clerk presented the bids received on the Killian Road Bridge Replacement Project as follows:

COMPANY BID

Miller Engineering \$120,067.60

Taylor Murphy Construction Co. 89,560.00

Apple Tuck 99,840.00

Buchannon Concrete Co. 68,892.00

Hobson Construction Co. 99,145.00

Blue Ridge Structure Co. 67,372.00

Mayor McDevitt said members of Council were furnished copies of the resolution and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Councilman Frank, seconded by Councilman Boland, Resolution No. 85-6 was unanimously adopted.

Complete text of Resolution No. 85-6 will be found in Resolution Book No. 15 at page 135.

RESOLUTION NO. 85-7 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH CRESAP, McCORMICK AND PAGET, INC. FOR A COMPENSATION AND CLASSIFICATION STUDY OF ALL POSITIONS IN THE CITY OF ASHEVILLE ORGANIZATION

6. Consideration was given to a resolution authorizing the City Manager to contract with the consulting firm for a

compensation and classification study for the City of Asheville.

Mayor McDevitt said the Asheville City Council appropriated \$40,000 for a city-wide compensation and classification pay study. A request for proposals was issued in October, and proposals from five (5) firms were received and analyzed in November. A staff committee recommends that the Council accept the proposal of Cresap, McCormick and Paget, a Washington, D.C.-based consulting firm. The committee requests that City Council authorize the City Manager to enter into a contract in the amount of \$40,000 with Cresap, McCormick and Paget. Funds for this study are already budgeted in the FY 84-85 Budget and will be drawn from Revenue Sharing Funds.

Rebecca Ford, with the Cresap, McCormick and Paget, Inc. firm, thanked members of Council for inviting her to participate in the compensation and classification study for the City of Asheville.

Mayor McDevitt said members of Council were furnished copies of the resolution and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Councilman Price, seconded by Councilman Boland, Resolution No. 85-7 was unanimously adopted.

Complete text of Resolution No. 85-7 will be found in Resolution Book No. **15** at page **136**.

Upon inquiry of Mayor McDevitt, Rebecca Ford said a list of policy decisions to be addressed by the Asheville City Council will be sent to the City staff by January 29, 1985.

RESOLUTION NO. 85-8 - RESOLUTION ESTABLISHING GRADING PERMIT FEES PURSUANT TO CITY OF ASHEVILLE ORDINANCE NO. 1487 (CITY OF ASHEVILLE SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE)

7. Consideration was given to a resolution establishing grading permit fees pursuant to City of Asheville Ordinance No. 1487 (City of Asheville Soil Erosion and Sedimentation Control Ordinance).

Mayor McDevitt said on December 11, 1984, City Council adopted Ordinance No. 1485, City of Asheville Soil Erosion and Sedimentation Control Ordinance, which became effective on the 1st day of January, 1985. This resolution will provide for fees for grading permits. The cost to administer this program is about \$30,000 per year, and the anticipated revenue in an average construction year would be estimated around \$8,000 - \$10,000 per year.

Mayor McDevitt said members of Council were furnished copies of the resolution and it would not be read in its entirety unless there was a specific request to do so.

Tom Tarrant, City Engineer, said he had met with the Western North Carolina Association of Architects, and had contacted others relative to the establishment of the grading permit fees. He said at these meetings no comments were made relative to the proposed fee structure.

Upon motion of Councilman Boland, seconded by Councilman Bisette, Resolution No. 85-8 was unanimously adopted.

Complete text of Resolution No. 85-8 will be found in Resolution Book No. **15** at page **137**.

APPROVAL OF THE CONSENT AGENDA

8. Mayor McDevitt 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, 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 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. Scheduling public hearing relative to a moratorium on new buildings in Haw Creek for February 12, 1985.

At its meeting on January 9, 1985, the Asheville Planning and Zoning Commission after hearing presentation by the Haw Creek Community Association, Inc., voted to recommend to the Asheville City Council that a 90 day moratorium be imposed on all development in the Haw Creek area. The stated purpose for said moratorium is as follows: To allow a study of existing conditions in the neighborhood to determine the ability of utility, roads and street systems to accommodate additional growth. In addition, the Commission recommended that staff study the zoning patterns of the neighborhood along with the ability of the school system to absorb any additional influx of students.

B. Scheduling a public hearing relative to a site plan of the proposed Haw Creek Apartments to be located off Melton Drive in Haw Creek for February 12, 1985.

The Asheville Planning and Zoning Commission, at a meeting held January 9, 1985, reviewed the site plan of the proposed Haw Creek Apartments to be located off Melton Drive in Haw Creek. The plan was prepared by Larry Traber, Architect, for Mike Summey, Developer, and submitted in accordance with the Group Development

Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend to City Council that approval of the project be denied.

C. Scheduling a public hearing relative to a site plan for an apartment complex on Beverly Road for February 12, 1985.

The Asheville Planning and Zoning Commission at a meeting held January 9, 1985, reviewed the site plan of a proposed 34-unit apartment complex to be located on Beverly Road. The plan was prepared by Ashley Engineering for Mr. Harry Lerner, Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the site plan to City Council subject to compliance with the Erosion Control Ordinance.

D. Scheduling public hearing relative to rezoning property located on Rock Hill Road from R-1 Residential District to LI Light Industrial District on February 19, 1985.

The Asheville Planning and Zoning Commission at a meeting held January 9, 1985, considered the request of Carolina Power & Light Company by Douglas Thigpen, Attorney, that Ward 7, Sheet 56, Lot 56, be rezoned from R-1 Residential District to LI Light Industrial District. The property is located on Rock Hill Road. After review and discussion, the Commission voted to recommend to City Council that Ward 7, Sheet 56, portion of Lot 56, be rezoned from R-1 Residential District to LI Light Industrial District.

E. Scheduling a public hearing relative to a site plan of the proposed South Mountain Medical, Inc. located in Sweeten Creek Industrial Park for February 19, 1985.

The Asheville Planning and Zoning Commission at a meeting held January 9, 1985, reviewed the site plan of the proposed South Mountain Medical, Inc. industry to be located in Sweeten Creek Industrial Park. The plan was prepared by Danie Johnson, Architect, for Joden Properties, Inc., Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the site plan to City Council subject to compliance with the Erosion Control Ordinance.

F. Scheduling a public hearing for a site plan of a proposed Mobile Home Park to be located on Sand Hill Road for February 19, 1985.

The Asheville Planning and Zoning Commission at a meeting held January 9, 1985, reviewed the site plan of a proposed Mobile Home Park to be located on Sand Hill Road. The plan was prepared by Frank McGahren, Engineer, for Tom Pinkerton, Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the amended plan to City Council subject to compliance with the Erosion Control Ordinance.

Upon motion of Councilman Bissette, seconded by Vice-Mayor Bratton, the consent agenda was unanimously approved.

Mayor McDevitt requested that the Corporation Counsel advise him by February 12, 1985, as to whether or not he could participate in the discussion and vote on the issue of a moratorium on new buildings in Haw Creek, due to the fact that his law firm represents Mr. Mike Summey, who is proposing a project in the Haw Creek area. He said he was aware that he would have a conflict of interest on the particular issue of Mr. Mike Summey's proposal for apartments to be located off Melton Drive. However, unless otherwise instructed by the Corporation Counsel, it would be his opinion that he would not be prohibited from participating in the discussion and vote on the moratorium issue.

Mayor McDevitt noted that the public hearings relative to the moratorium on new buildings in Haw Creek, the proposed Haw Creek Apartments to be located off Melton Drive in Haw Creek, and the proposed apartment complex on Beverly Road, scheduled for February 12, 1985, would be held at the Asheville Civic Center in the Banquet Room on Haywood Street.

Councilman Bissette requested that the Corporation Counsel determine whether he would have a conflict of interest in the participation and the vote regarding the moratorium on new buildings in Haw Creek since he has a financial interest in an approved project in the Haw Creek area. He did say; however, that he would ask to be excused from participation and voting on the proposed rezoning of property located on Rock Hill Road requested by the Carolina Power and Light Company since his firm represents Carolina Power and Light Company.

Upon inquiry of Councilman Boland, the City Manager said a study of the zoning patterns in the neighborhood, along with the ability of the school system to absorb additional influx of students in the Haw Creek area is presently under way by the Planning and Zoning Commission; however, he did not feel this study would be completed by the public hearing date of February 12, 1985.

PROCLAMATION - "CATHOLIC SCHOOLS WEEK" - WEEK OF FEBRUARY 3-9, 1985

Mayor McDevitt proclaimed the week of February 3-9, 1985, as "Catholic Schools Week."

CLAIMS - CARRIE McCURRIE (WATER) - PAT LACKEY (PARKS AND RECREATION) - EUGENE WILLIAMS (SEWER) - DONNA LIVINGSTON (POLICE)

The City Manager presented claims received from Carrie McCurrie, Pat Lackey, Eugene Williams, and Donna Livingston.

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

ADJOURNMENT

Councilman Bissette moved to adjourn the meeting at 4:45 p.m. This motion was seconded by Councilman Boland and carried unanimously.

MAYOR CITY CLERK
