

Tuesday - March 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; Deputy City Clerk, Carol Hensley and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: City Manager Neal Creighton.

INVOCATION

Councilman Bisette read a prayer written by Rev. Charles Johnson of Asheville.

APPROVAL OF THE MINUTES - OF THE MARCH 19, 1985 MEETING

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

Mayor McDevitt announced the approval of the March 19, 1985 meeting as submitted.

RESOLUTION NO. 85-34 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE SCHOOL BOARD (HARRIET HAITH)

2. Consideration was given to a resolution appointing a member to the Asheville School Board.

Mayor McDevitt said J. Patrick Price, Chairman of the Asheville School Board had resigned on March 25, 1985, creating a second vacancy on the School Board. He said during the pre-Council meeting, Council discussed whether or not to consider this vacancy at today's meeting. He said the individual filling this vacancy would fill the unexpired term of Patrick Price.

Councilman Frank moved that Council consider filling the vacancy created by the resignation of Patrick Price on the School Board at today's meeting. This motion was seconded by Vice-Mayor Bratton.

Councilman Boland requested that Council postpone action on filling this vacancy for at least two weeks. He said there may well be a number of people who are interested in filling that position. He said the public also should be given an opportunity to participate in this selection. He said an Administrator at UNC-A had expressed an interest in being appointed on the Asheville School Board approximately three weeks ago. He said he had encouraged her not to since there were three people being considered for that vacancy. He said he was also concerned about Council moving forward so rapidly to fill the vacancy created by Mr. Price. He said he felt like Council would be responding to Mr. Price's resignation and his suggestion of appointing Betsy Simons.

Councilman Frank said Council's primary concern is the education of the school children. She said Council may have only seriously considered

three candidates, but have a list of at least twenty-five people who have been interested in the position.

Vice-Mayor Bratton said Council's decision relative to the Asheville School Board should be based on qualifications of an individual. She said the Asheville School Board is presently out of balance racially.

Wendy Yeatman urged members of Council to delay its decision on filling the vacancy created by Mr. Price. She said the citizens of Asheville need an opportunity to educate themselves, and have some input relative to the appointment. She said she felt as a parent, the community needs a chance to see who is interested in this new vacancy.

Mayor McDevitt said he had personally interviewed all three candidates, plus other people interested in being

appointed on the Asheville School Board in the last two to three weeks. He said he had heard from hundreds in the community relative to this appointment, and he appreciated the community's input into selecting an individual to serve on the Asheville School Board.

On a roll call vote, Councilman Frank's motion to consider filling the vacancy on the Asheville School Board created by Mr. Price carried 5-2, with Councilman Myers and Councilman Boland voting "no".

Mayor McDevitt then asked for nominations for appointment of one person to the Asheville City School Board for a four (4) year term.

Vice-Mayor Bratton nominated Harriet Haith.

Councilman Frank nominated Betsy Simons.

Councilman Boland nominated Lucy Butterworth.

Councilman Boland moved that the nominations be closed. This motion was seconded by Councilman Bissette and carried unanimously.

Upon inquiry of Councilman Price, Corporation Counsel Slawter said in his opinion there would be no conflict of interest of Councilman Price voting on the issue of appointment to the Asheville School Board. He said the only two incidences in which a conflict of interest occurs is when an issue concerns one's own financial interest or official conduct. He said in this particular incidence, this is not applicable.

Councilman Price said she felt free to vote on the appointments. She said, in her opinion, Betsy Simons should be reappointed to the School Board for the four year term. She said she also felt Harriet Haith should be appointed to fill the vacancy created by the resignation of Patrick Price, and she intended to cast her votes in this manner.

Ralph Bishop told members of Council they should be concerned mainly with educating the children of the City of Asheville, and should leave color and prejudiceness behind.

On a roll call vote of 5-2, Mrs. Harriet Haith was appointed to the Asheville School Board, with Councilman Price and Councilman Frank voting for Betsy Simons.

Mayor McDevitt read the resolution appointing Harriet Haith as a member of the Asheville School Board for a term of four (4) year term.

Upon motion of Vice-Mayor Bratton, seconded by Councilman Bissette, Resolution No. 85-34 was unanimously adopted.

Complete text of Resolution No. 85-34 will be found in Resolution Book No. **15** at page **164**.

RESOLUTION NO. 85-35 - RESOLUTION APPOINTING MEMBER OF ASHEVILLE SCHOOL BOARD (BETSY SIMONS)

Mayor McDevitt said Council would now consider filling the vacancy on the Asheville School Board created by the resignation of Patrick Price.

Councilman Frank nominated Betsy Simons.

Councilman Boland nominated Lucy Butterworth.

Councilman Price moved that the nomination be closed. This motion was seconded by Councilman Bissette.

Corporation Counsel Slawter said, as discussed during the pre-Council meeting, that if Betsy Simons should be appointed to fill the vacancy created by Mr. Price, this appointment should be made effective April 1, 1985, since her

present term does not expire until April 1, 1985. He said, however, that if Mrs. Butterworth is appointed, her term could begin immediately.

Vice-Mayor Bratton said in order to keep the balance on the Asheville School Board, she would be supporting Betsy Simons.

Councilman Boland said he had talked to all three prospective candidates. He said they are all good candidates, however he would be supporting Lucy Butterworth since he felt she was articulate, experienced, a strong leader, independent, and well respected in the community. He said she had also served on the Asheville School Advisory Council.

On a roll call vote of 5-2, Betsy Simons was appointed to the Asheville School Board to fill the vacancy created by Mr. Price, with Councilman Boland and Councilman Myers voting for Lucy Butterworth.

Mayor McDevitt read the resolution appointing Betsy Simons as a member of the Asheville School Board for the unexpired term of Patrick Price, which terms expires on April 1, 1987. He said this resolution would take effect on April 1, 1985.

Upon motion of Vice-Mayor Bratton, seconded by Councilman Frank, Resolution No. 85-35 was unanimously adopted.

Complete text of Resolution No. 85-35 will be found in Resolution Book No. **15** at page **165**.

Vice-Mayor Bratton commended Pat Price for serving many countless hours on the Asheville School Board. She requested that Council place a Resolution of Appreciation on the agenda next week.

Mayor McDevitt said he appreciated the input and interest of the community, and the interest expressed by Mrs. Haith, Mrs. Simons, and Mrs. Butterworth. He also expressed appreciation to Pat Price for his many years of service on the Asheville School Board.

PUBLIC HEARING - REZONING PROPERTY ADJACENT TO ASHEVILLE MALL

ORDINANCE NO. 1504 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED - PROPERTY LOCATED ON PERIMETER OF ASHEVILLE MALL (R. L. COLEMAN, JR.

PETITION)

3. A public hearing was held relative to rezoning property adjacent to Asheville Mall requested by R.L. Coleman Company.

Mayor McDevitt said the Planning and Zoning Commission reviewed the request at its regular meeting on February 6, 1985 and delayed action requesting the R. L. Coleman Company and the Kenilworth Forest Association to meet to attempt to reach some compromise on several issues which were producing an impass and report to the Commission on February 27, 1985. At the February 27, 1985 meeting, the Commission voted to approve a portion of the rezoning request. In addition, the Commission voted to provide additional R-3 buffers to assist in protecting the White Pine Drive areas.

Mayor McDevitt opened the public hearing at 4:40 p.m.

The Associate City Manager 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 Asheville Planning and Zoning Commission at a meeting held on February 27, 1985 recommended a modified rezoning of the request of R. L. Coleman Company, He said since that time the R.

L. Coleman Company has appealed the decision of the Planning and Zoning Commission, and requested that Council hold a public hearing on the entire area requested to be rezoned.

Mr. Emrick said there were three separate portions of property on the perimeter of the Asheville Mall that was requested to be rezoned in order for the Asheville Mall to have additional parking and expansion of the present Mall.

Mr. Emrick said the Planning and Zoning Commission would be considering the site plan for the Mall expansion after Council has made a decision on the rezoning request. He said the site plan is expected to be presented to the Planning and Zoning Board during its April meeting.

Mr. Emrick said the recommended rezoning by the Planning and Zoning Commission would provide the additional parking required if the expansion occurs, and would provide a fifty foot buffer adjoining White Pine Drive.

Mr. Emrick said, at the Planning and Zoning meeting, concerns were expressed relative to the access to the Mall from Bracketown Road. He said his staff is presently conducting a legal research to determine the status of ownership of Bracketown Road. He said at the present time there are no records that show the road was ever officially accepted by the City as part of the City Street System. He said this area was only a right-of-way for the

City.

Mr. Emrick answered general questions from members of Council relative to the Planning and Zoning Commission's recommendation of the rezoning.

Councilman Boland said he had received a number of letters from residents in the Kenilworth community concerned about preserving the area, and making sure that buffering would be provided between the commercial lots and the residential area. He said he had also received complaints relative to nuisance problems in the area. He said he had received a complaint from a Mrs. Willard relative to drainage problems she was having because of the construction of the Mall.

Mayor McDevitt noted that members of Council had discussed the drainage problem of Mrs. Willard in Pre-Council and had authorized the City Manager to have the line in the area flushed by a high powered flusher on Wednesday, March 27, 1985. He said the City staff would determine if that would rectify her problem of drainage.

Mayor McDevitt said, in his opinion, to make rezoning contingent upon strict buffering is tantamount to contract zoning. He said Council should primarily consider the approval of the rezoning petition or the modified recommendation by the Planning and Zoning Commission.

Mr. Emrick said a petition had been filed with the Planning and Zoning Commission, signed by ninety-one property owners, in opposition to the rezoning. He said the petition is valid, but did not carry the sufficient number of signatures to require the three-fourth vote of members of Council for approval of the rezoning.

Jack Stevens, Attorney for R. L. Coleman Company spoke in support of the rezoning. He said he felt the rezoning and the expansion of the Mall is within the public interest, and would provide growth and development for Buncombe County. He said, in his opinion, if another mall is built in the Asheville area, it would probably be built in the County. He said it would be important to maintain a basic separation from the Mall and the residential area. He said the present Mall has been in place for about twelve years and the proposed expansion will only be increased by about 10 percent of the present Mall. He said substantial efforts have been made by the R. L. Coleman Company to cooperate with the residents. He said the areas requested to be rezoned are primarily to provide parking areas required by the Zoning Ordinance, the needs of the Mall, and parking required by the lessee's of the Mall. He said negotiations between R. L. Coleman Company and the residents were made in good faith and the R. L. Coleman Company has agreed to a number of requests by the community, including making Bracketown Road a one-way entrance. He said in the negotiations, the property owners of the Kenilworth Association have been requested to release restrictive covenants on certain lots required for parking and expansion of the Mall.

Mr. Stevens answered general questions from members of Council relative to the proposed rezoning and expansion of

the Mall.

Mayor McDevitt requested that the Kenilworth Association and the R. L. Coleman Company try to determine the status of the release of the restrictive covenants on the lots in questions prior to the third reading of the ordinance.

Councilman Bissette said he had received complaints from the residents in the area and in particular around the fence of the Mall where trash gathers.

Mr. Stevens said the R. L. Coleman Company stands ready to correct any problems that the residents may have relative to the operation of the Asheville Mall.

Danie Johnson, Architect for the R. L. Coleman Company, outlined the details for the basic expansion and renovation of the existing Mall. He said the expansion calls for a new wing beginning at the exit between Belks and Iveys that would include a new department store; expansion of the Belks and Sears Department Stores; and a million dollars worth of improvements to the Mall's common area, including renovations to all existing store fronts, replacement of the fountain with a larger one, skylights, and garden style plantings. He said the plan also calls for a parking deck consisting of 700 parking spaces.

Mr. Johnson showed interior sketches of the proposed renovations and expansion of the Asheville Mall. He said provisions have been made not to directly affect residential adjacent land owners.

Mr. Johnson said the rezoning is necessary for the culmination of expansion and renovation of the Mall.

Mr. Johnson then presented "Plan B", which is an alternate plan that would address the concerns expressed by the residents in the Kenilworth community. He outlined the changes that would be made in "Plan B" from "Plan A" which would include moving the proposed parking deck to the north, removing the top deck, providing additional buffering on the Johnson property, and providing a one-way exit along Bracketown Road. He said "Plan B" can be constructed only if the restrictive covenants are released from the Kenilworth Association on affected lots. He said the developer had agreed and compromised with the residents in the Kenilworth area, and this would result in plans for a formal agreement between the R. L. Coleman Company and the residents on issues such as buffering, fencing, and access to the Mall site. He said in addition to other elements of the compromise, the R. L. Coleman Company offered to pay for an attorney for the residents to develop their end of the contract. He said they had also agreed to deed the park areas in the subdivision to the Kenilworth Association. He said without the community's assistance, the R. L. Coleman Company would be forced to implement Plan A.

Councilman Boland left the meeting at 6:05 p.m. without being excused.

Harold Payne, Co-Chairman of the Kenilworth Forest Association, gave a brief history of the construction of the Asheville Mall since July, 1965. He presented copies of minutes of several meetings whereby Council had made specific stipulations on the construction of the original Mall. He said at that time one of the conditions was to have no access on White Pine Drive. He said this condition had been violated.

Mr. Payne said the initial reaction of the Kenilworth Association was to oppose the renovation and expansion of the Mall, which would be Plan A. He said, however, the Kenilworth Association agreed that the Asheville

Mall had been there a number of years and would remain there. He said in view of the situation, the Kenilworth Association had agreed to negotiate with the developer for the expansion of the Mall in exchange for benefits for the community. He said he felt the residents would move toward encouraging "Plan B" which would cause less problems for the community than Plan A. He said the majority of the residents of the Kenilworth Association had agreed to release the restrictive covenants, if a compromise in the form of a formal agreement can be worked out between R. L. Coleman Company and the residents to the satisfaction of both parties. He said the community wanted to make sure that they did not get tricked in to specific conditions that were not met like they did when the Mall was originally built.

Mayor McDevitt said he had received a letter from the R. L. Coleman Company agreeing to cooperate with the residents. He said the letter stipulated a number of agreed to points by the R. L. Coleman Company.

Mr. Payne, in answer to Mayor McDevitt, said the community could live with the Planning and Zoning recommendation for rezoning, if the residents can obtain a legally binding agreement from the R. L. Coleman Company. He said the residents did not want to be unreasonable, but just wanted protection for their neighborhood. He said Attorney Bob Long had been contacted to draft language for the formal agreement. He said the R. L. Coleman Company had agreed to pay for their attorney's expense.

Gerald Gentry, Co-President of the Kenilworth Association, said the residents are moving as quickly as possible to enter into a formal agreement. He said he could not guarantee that the community would release the restrictive covenants, but the Association would do their best in reaching a compromise. He said the residents would prefer that Bracketown Road be closed; however, if that cannot be done, then they would prefer it being made one-way into the Mall.

Jerry Bradley spoke to members of Council relative to the rezoning and said a one-way entrance to the Mall from Bracketown Road would be better than an exit from the Mall.

Mrs. Janice Willard of White Pine Drive spoke to members of Council relative to the inadequate drainage of water on her property, which she said was created by the construction of the Asheville Mall. She said she had furnished pictures of her house and yard showing the drainage problem to Councilman Boland. She said she would like to see additional buffering required around the Mall, particularly in the parking area and the theatre since the public sometimes uses this area for immoral purposes. She said she would prefer that the Mall be buffered with a high concrete wall for protection for her property. She also said the fence around the Mall area is a litter problem.

Upon inquiry of Mayor McDevitt, Mrs. Willard said she had noticed the water flooding her yard and home approximately two years after the original Mall was constructed.

Mayor McDevitt again informed Mrs. Willard that the City would be attempting to flush the line in her area with a high powered flusher, which might possibly resolve this concern.

Charlotte Clark of 294 White Pine Drive said she had experienced the same problems as Mrs. Willard. She said she also had sewerage backup since

the Asheville Mall Theatre was built. She expressed concern that the sweeping machine is operated by the Asheville Mall between 12:00 Midnight and 3:00 a.m., which disturbs the neighborhood. She requested that the dumpster in the area be moved to another location.

After discussion, Mayor McDevitt closed the public hearing at 7:07 p.m.

Mayor McDevitt said members of Council were furnished copies of the ordinance rezoning the property as recommended by the Planning and Zoning Commission and it would not be read in its entirety unless that was a specific request to do so.

After discussion, Councilman Price moved to deny the rezoning petition requested by the R. L. Coleman Company, and to approve Ordinance No. 1504 as recommended by the Planning and Zoning Commission with the stipulation that a map be attached to the ordinance marked "Exhibit A" describing the property to be rezoned. This motion was seconded by Councilman Bissette.

On a roll call vote of 7-0, Ordinance No. 1504 passed on first reading.

Mayor McDevitt asked that the record show that Councilman Boland voted "aye" due to being absent without being excused.

Mayor McDevitt commended the developer and the residents for their efforts in attempting to reach a compromise agreement.

PUBLIC HEARING - PROVIDING FOR STAGGERED TERMS ON THE BOARD OF ADJUSTMENT

ORDINANCE NO. 1505 - AN ORDINANCE AMENDING ARTICLE 8 (BOARD OF ADJUSTMENT), SECTION 30-8-2 OF ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED, TO PROVIDE STAGGERED TERMS ON THE BOARD OF ADJUSTMENT

4. A public hearing was held relative to the adoption of an ordinance amending Article 8 (Board of Adjustment), Section 30-8-2 of Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended, to provide staggered terms on the Board of Adjustment.

Mayor McDevitt said the board shall consist of four (4) regular members appointed by the City Council for a term of three (3) years and one regular member who is a resident of the extraterritorial area appointed by the County Commissioners for a term of three (3) years. There shall also be appointed seven (7) alternate members, five (5) who are city residents appointed by City Council, and two (2) appointed by the County Commissioners who are residents of the extraterritorial area. The alternate members shall serve only in the absence of a regular member. Provided, however, that the regular members and alternate members to be appointed by the City Council in 1985, two (2) regular members and two (2) alternate members shall be appointed for three-year terms; one (1) regular member and two (2) alternate members shall be appointed for two year terms; and one (1) regular member and one (1) alternate member shall be appointed for one year terms. Upon the expiration of the terms appointed in 1985, any subsequent appointments by the City Council shall be for a term of three (3) years.

Mayor McDevitt opened the public hearing at 7:38 p.m.

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

After discussion, Mayor McDevitt closed the public hearing at 7:39 p.m.

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

Councilman Price moved for the adoption of Ordinance No. 1505. This motion was seconded by Councilman Myers.

On a roll call vote of 7-0, Ordinance No. 1505 passed on first reading.

Mayor McDevitt asked that the record show that Councilman Boland voted "aye" due to being absent without being excused.

ORDINANCE NO. 1506 - AN ORDINANCE AMENDING SECTION 1-2 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

5. Consideration was given to an ordinance amending Section 1-2 of the Code of Ordinances of the City of Asheville.

Mayor McDevitt said the definition of "Council" contained in Section 1-2 of the Code of Ordinances of the City of Asheville be amended to read as follows with the underlined portion representing change: "The words "the council" or "city council" shall mean the city council of the City of Asheville, North Carolina, including six council members and the mayor.

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

Councilman Price moved for the adoption of Ordinance No. 1506. This motion was seconded by Councilman Bissette.

On a roll call vote of 7-0, Ordinance No. 1506 passed on first reading.

Mayor McDevitt asked that the record show that Councilman Boland voted "aye" due to being absent without being

excused.

ORDINANCE NO. 1503 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED. - PROPERTY LOCATED ON HENDERSONVILLE ROAD (OXFORD DEVELOPMENT ENTERPRISES, INC. PETITIONER)

6. Consideration was given to the second reading of Ordinance No. 1503, an ordinance relative to rezoning property located at 1530 Hendersonville Road, requested by Oxford Development Enterprises, Inc. for Harry Clarke, Owner, from R-2 Residential District to 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 7-0, Ordinance No. 1503 passed on second reading.

Mayor McDevitt asked that the record show that Councilman Boland voted "aye" due to being absent without being excused.

Councilman Price moved to suspend the rules and proceed with the third reading of Ordinance No. 1503. This motion was seconded by Councilman Myers and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1503 passed on third and final reading.

Mayor McDevitt asked that the record show that Councilman Boland voted "aye" due to being absent without being excused.

Complete text of Ordinance No. 1503 will be found in Ordinance Book No. **10** at page **252-253**.

ORDINANCE NO. 1507 - BUDGET ORDINANCE AMENDMENT - REPAIRS AND RENOVATIONS TO CITY HALL AND SOUTH CHARLOTTE STREET OPERATIONS FACILITIES

7. Consideration was given to a budget ordinance amendment to carry out plans for repairs and renovations to City Hall and South Charlotte Street operations facilities.

Mayor McDevitt said this amendment will establish an appropriation in the amount of \$20,000 to carry out plans for City Hall repairs and renovations and South Charlotte Street operations facilities. The funding required to prepare plan of \$20,000 will be provided from General Capital Reserve Funds. The uncommitted balance of said funds is estimated to be \$1,252,734 at June 30, 1985 after this action.

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

Councilman Price moved for the adoption of Ordinance No. 1507. This motion was seconded by Councilman Bissette.

On a roll call vote of 7-0, Ordinance No. 1507 passed on first and final reading.

Mayor McDevitt asked that the record show that Councilman Boland voted "aye" due to being absent without being excused.

Complete text of Ordinance No. 1507 will be found in Ordinance Book No. **10** at page **258**.

RESOLUTION NO. 85-36 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WOOD AND CORT TO PREPARE SAID PLANS FOR CITY HALL AND SOUTH

CHARLOTTE STREET FACILITIES

8. Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Wood and Cort to prepare said plans for repairs and upgrading City Hall and South Charlotte Street facilities.

Mayor McDevitt said the City has a proposal for the development of plans and cost estimates for needed repairs to upgrading City Hall, and the development of operations facilities on South Charlotte Street. The firm of Wood and Cort, P.A. has submitted a proposal to prepare said plans for a cost not to exceed \$20,000.00.

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 Myers, seconded by Councilman Price, Resolution No. 85-36 was unanimously adopted.

Complete text of Resolution No. 85-36 will be found in Resolution Book No. **15** at page **166**.

ORDINANCE NO. 1508 - BUDGET ORDINANCE FOR TAX SHELTERING EMPLOYEES MEDICAL COSTS

9. Consideration was given to a budget ordinance amendment for tax sheltering employees medical costs.

Mayor McDevitt said this amendment would provide funds not to exceed \$3,000 for consulting services to tax shelter employee contributions for medical insurance. This study is estimated to cost \$2,000 - \$3,000 and will be of benefit to City employees. There will be no on-going cost for the program.

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

Councilman Frank moved for the adoption of Ordinance No. 1508. This motion was seconded by Councilman Myers.

On a roll call vote of 7-0, Ordinance No. 1508 passed on first and final reading.

Mayor McDevitt asked that the record show that Councilman Boland voted "aye" due to being absent without being excused.

Complete text of Ordinance No. 1508 will be found in Ordinance Book No. **10** at page **259**.

RESOLUTION NO. 85-37 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HUTCHINSON AND ASSOCIATES, INC. FOR PROFESSIONAL CONSULTANT SERVICES

10. Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Hutchinson and Associates, Inc. for professional consultant services.

Mayor McDevitt said this resolution will authorize the City to retain consultant services in connection with qualifying the City's Hospitalization/Medical Insurance Program through the Internal Revenue Service allowing employee contributions for dependent insurance coverage to be tax sheltered. The cost of this service will be between \$2,000-\$3,000. This was budgeted by the previously adopted budget amendment.

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 Myers, Resolution No. 85-37 was unanimously adopted.

Complete text of Resolution No. 85-37 will be found in Resolution Book No. **15** at page **167**.

RESOLUTION NO. 85-38 - RESOLUTION ACCEPTING THE HIGH BID AND AUTHORIZING THE SALE OF THE CITY OF ASHEVILLE PROPERTY, KNOWN AS ROBERTS STREET PROPERTY

11. Consideration was given to a resolution accepting the high bid and authorizing the sale of the City of Asheville property, known as Roberts Street Property.

Mayor McDevitt said the City of Asheville, by Resolution No. 85-18 adopted on March 5, 1985, authorized the City Clerk to advertise the sale of property on Roberts Street. Supply Specialities, Inc. submitted the last and highest bid in the sum of \$2,600.00, and the time for filing an upset bid has now expired.

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 Bisette, Resolution No. 85-38 was unanimously adopted.

Complete text of Resolution No. 85-38 will be found in Resolution Book No. **15** at page **168**.

CLAIMS - SONYA SISSON (WATER)

The Associate City Manager presented a claim received from Sonya Sisson.

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

COMMITTEE OF AD HOC COUNCIL CABLEVISION COMMISSION

Mayor McDevitt said the Ad Hoc Council Cablevision Commission would consist of Councilman Bisette, Councilman Myers, and Attorney Gary Rowe, who would replace Harold Bennett who was appointed a member of the Commission at the meeting of March 19, 1985, but withdrew for health reasons.

Councilman Myers moved that Gary Rowe be appointed a member of the

Ad Hoc Council Cablevision Commission. This motion was seconded by Councilman Price and carried unanimously.

RESOLUTION NO. 85-39 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE TRANSIT AUTHORITY (TOM TOMLIN)

Consideration was given to a resolution appointing Mr. Tom Tomlin as a member to the Asheville Transit Authority for a four (4) year term, term expiring December 31, 1988.

Upon motion of Councilman Frank, seconded by Councilman Bisette, Resolution No. 85-39 was unanimously adopted.

Complete text of Resolution No. 85-39 will be found in Resolution Book No. **15** at page **169**.

PRESENTATION OF LETTER FROM HISTORIC RESOURCES COMMISSION RELATIVE TO DESIGNATING THE BRICK SECTION OF NORTH MARKET STREET AND THE STONE PART OF LANGREEN ALLEY AS LOCAL HISTORIC PROPERTY

Mayor McDevitt announced that he had received a letter from Jim Coman, Buncombe County Staff to the Historic Resources Commission, requesting that City Council designate the brick section of North Market Street and the stone part of Langreen Alley as local historic property.

Mayor McDevitt requested that the City Manager look into the procedure for designating the local historic property. He presented members of Council with a copy of the letter which also expressed concerns over the future of two City properties, both former fire stations, including the old West Asheville Fire Station on Haywood Road and the old

North Asheville Fire Station on Merrimon Avenue.

PRESENTATION OF INVITATION TO "BECAUSE WE CARE" DAY AT THE ASHEVILLE VETERANS ADMINISTRATION HOSPITAL

Mayor McDevitt presented members of Council with a copy of a letter from Richard E. Soesbee, inviting members of Council to attend a program being held by the Amvets (American Veterans) and to greet hospitalized veterans on April 3, 1985 from 1:00 p.m. to 4:00 p.m.

PRESENTATION OF LETTER RELATIVE TO THE RESIGNATION OF CAROLYN THOMPSON AS A MEMBER OF THE ASHEVILLE AREA CIVIC CENTER COMMISSION

Mayor McDevitt presented members of Council with a copy of a letter from Carolyn R. Thompson, resigning as a member of the Asheville Area Civic Center Commission.

PRESENTATION OF LETTER FROM QUALITY FORWARD - PLANNING SESSION TO SUPPORT NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CLEANUP CAMPAIGN

Mayor McDevitt presented members of Council with a letter received from Quality Forward relative to attending a planning session to support the North Carolina Department of Transportation's Cleanup Campaign of highways.

Councilman Frank agreed to attend the planning session on April 2, 1985.

INVITATION TO LUNCHEON FOR YOUTH IN GOVERNMENT DAY

Mayor McDevitt noted that members of Council have been invited to a luncheon for Youth In Government Day at the Asheville Civic Center Banquet Room at 12:00 Noon on Wednesday, March 27, 1985.

ADJOURNMENT

Upon motion of Vice-Mayor Bratton, seconded by Councilman Bisette, the meeting adjourned at 8:10 p.m.

MAYOR CITY CLERK
