

Tuesday - April 16, 1985 - 4:00 p.m.

Regular Meeting

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

Absent: Councilman Mary Lloyd Frank

INVOCATION

The invocation was given by Vice-Mayor Bratton.

APPROVAL OF THE MINUTES - OF THE April 9, 1985 MEETING

1. Approval of the minutes of the April 9, 1985 meeting.

Mayor McDevitt announced the approval of the minutes of the April 9, 1985 meeting as submitted.

REPORT ON PLANS FOR CLEANUP WEEK - APRIL 20-27, 1985

2. Ray Kisiah, Director of Parks, Recreation and Public Facilities invited Council to a "Blast Off", Saturday, April 20, 1985 at 9:00 a.m. at the City-County Plaza. He said April 20-27 has been designated as "Clean Up Week" with special activities planned for the entire week.

PROCLAMATION - APRIL 14-21, 1985 - "DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST"

3. Mayor McDevitt said he received a letter from the Chairman of the Holocaust Council asking him to appoint a liaison for the 1985 observance. He contacted Rabbi Paul Grob who agreed to be the liaison for this event.

Mayor McDevitt read a proclamation proclaiming the week of April 14-21, 1985 as "Days of Remembrance of the Victims of the Holocaust".

Mayor McDevitt presented the proclamation to Rabbi Paul Grob. Rabbi Grob read a statement relative to the history of the victims of the holocaust.

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

4. Consideration was given to the third reading of Ordinance No. 1504, an ordinance providing for the zoning of the City of Asheville," as amended - property is located on perimeter of Asheville Mall (R. L. Coleman, Jr. Petition)

Mayor McDevitt said the Asheville Planning and Zoning Commission

reviewed the request at its regular meeting of 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. This ordinance passed on first reading on March 26, 1985 and on second reading on April 2, 1985.

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

Mr. Jerry Gentry said he had been working with Mr. Bob Long and Mr. Ron Payne, Attorneys, and is asking that Council delay action until an agreement can be worked out with the Coleman developers.

A representative from Mr. Bob Long's and Mr. Ron Payne's office said Mr. Long and Mr. Payne were in Court and could not attend the meeting. Therefore, they would ask that Council delay action until they could attend.

Jack Stevens said he does not object to a delay and will continue to work with the homeowners on an agreement during this time.

Councilman Boland moved to continue the third reading of this ordinance for two weeks with the understanding that Council will act in two weeks one way or another whether there is an agreement or not. This motion was seconded by Councilman Bisette and carried unanimously.

REPORT - 37 EAST CHESTNUT STREET (KEITH HARWOOD)

5. Mayor McDevitt said on January 15, 1985 Council adopted Resolution No. 84-5 authorizing an agreement by and between Keith E. Harwood and wife Deborah Joan Harwood, owners of 37 East Chestnut Street, to rehabilitate the apartment house known as 37 East Chestnut Street. Said agreement provided that Mr. Harwood would report to Council on April 16, 1985 as to whether or not the apartment house had been brought into compliance with the North Carolina State Building Code and the minimum Housing Code of the City of Asheville.

Mr. Harwood said he had been working on the house, but had encountered several problems, as well as bad weather. He requested that Council extend the time for completion of rehabilitation to 37 E. Chestnut for another six months.

Lem Moore, Director of Inspections, said due to the weather, he agrees to the six-month extension. He requested that Mr. Harwood sign an amendment to his agreement for the extension, and after that time if the house is not up to code, that the demolition order be carried out regardless of what Mr. Harwood had invested at that point.

Mr. Harwood is to report back to Council on October 15, 1985.

Vice-Mayor Bratton made a motion authorizing the Mayor to execute an amendment to the agreement of January 15, 1985, by and between Keith E. Harwood and wife Deborah Joan Harwood, owners of 37 East Chestnut Street, Asheville, North Carolina, and the City of Asheville, in order to extend the

time for completion of rehabilitation to the apartment house at said location until the 16th day of October, 1985. This motion was seconded by Councilman Price and carried unanimously.

RESOLUTION 85-59 - RESOLUTION AUTHORIZING THE ASHEVILLE HOUSING AUTHORITY TO PROCESS THE CLAIM OF MR. AND MRS. ERASTUS YOUNG FOR ELIGIBLE RELOCATION ASSISTANCE UNDER THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 (UNIFORM ACT)

6. Consideration was given to a resolution authorizing the Asheville Housing Authority to process the claim of Mr. and Mrs. Erastus Young for eligible relocation assistance under the Department of Housing and Urban Development Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act).

Mayor McDevitt said the property of Mr. and Mrs. Erastus Young, known as 40 Beech Street, was acquired by the Asheville Housing Authority during the East Riverside Urban Renewal Project. Mr. and Mrs. Erastus Young continued to reside on said property pursuant to Resolution No. 76-165. The East Riverside Urban Renewal Project was closed out financially in 1980. Mr. and Mrs. Erastus Young have purchased a replacement dwelling and have filed a request with the Asheville Housing Authority for relocation assistance. Sufficient funds are available in the Asheville Housing

Authority Community Development East End/Valley Street Improvement Project Relocation account to process said claim and to award eligible benefits. Funds are available for payment in the amount of \$15,460.00 in the Community Development East End/Valley Street Improvement Project - Relocation account.

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

Upon motion of Councilman Price, seconded by Councilman Boland, Resolution No. 85-59 was unanimously adopted.

Complete text of Resolution No. 85-59 will be found in Resolution Book No. **15** at page **192**.

RESOLUTION NO. 85-60 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR STATE FUNDS IN SUPPORT OF TECHNICAL STUDIES PROJECT FOR THE ASHEVILLE URBAN AREA UNIFIED WORK PROGRAM

7. Consideration was given to a resolution authorizing the filing of an application with the North Carolina Department of Transportation for State funds in support of Technical Studies Project for the Asheville Urban Area Unified Work Program.

Mayor McDevitt said the North Carolina Department of Transportation, Public Transportation Division, is authorized to make grants for Mass Transportation Projects. The City of Asheville has made application to the Department of Transportation, United States of America, under the Urban Mass Transportation Act of 1964, as amended, for a Section 8 grant. The federal assistance available under Section 8 will not exceed 80% of the net project costs. The City of Asheville will provide an additional 10% of the total project costs. It is in the best interest of the City of Asheville to file an application with the North Carolina Department of Transportation for the

remaining 10% necessary to implement the 1985-86 Asheville Urban Area Unified Work Program under Section 8 of the Urban Mass Transportation Act of 1964, as amended. Funds are anticipated as follows:

UMTA \$20,000

NCDOT 2,500

City 2,500

TOTAL \$25,000

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

Upon motion of Councilman Price, seconded by Councilman Boland, Resolution No. 85-60 was unanimously adopted.

Complete text of Resolution No. 85-60 will be found in Resolution Book No. **15** at page **193**.

RESOLUTION NO. 85-61 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR STATE FUNDS IN SUPPORT OF THE CAPITAL IMPROVEMENTS PROJECT AND PLANNING PROGRAM

8. Consideration was given to a resolution authorizing the filing of an application with the North Carolina Department of Transportation for State funds in support of the Capital Improvements Project and Planning Program.

Mayor McDevitt said the N. C. Department of Transportation, Public Transportation Division, is authorized to make grants for Mass Transportation Projects. The City of Asheville has made application to the Department of Transportation, United States of America, under the Urban Mass Transportation Act of 1964, as amended, for a Section 9 grant. The federal assistance available under Section 9 will not exceed 80% of the net project costs. The City will provide an additional 10% of the total project costs. It is in the best interest of the City of Asheville to file an

application with the N. C. Department of Transportation for the remaining 10% to implement the Capital Improvements Project and Planning Program under Section 9 of the Urban Mass Transportation Act of 1964, as amended. Funds are anticipated as follows:

UMTA \$1,051,890

NCDOT 83,200

ASHEVILLE 469,490

TOTAL \$1,604,580

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

Upon motion of Councilman Price, seconded by Councilman Myers, Resolution No. 85-61 was unanimously adopted.

Complete text of Resolution No. 85-61 will be found in Resolution Book No. **15** at page **194**.

MOTION - IDENTIFICATION SIGN PERMIT - 280 NORTH HANOVER STREET

9. Consideration was given to a motion approving a sign permit to erect an identification sign at 280 North Hanover Street.

Mayor McDevitt said Hensley-Snyder Sign Company has requested a sign permit to erect a freestanding identification sign, 6' x 20', at 280 North Hanover Street advertising "Stowaway Self Service Storage". Pursuant to the Zoning Ordinance, this sign requires the approval of City Council since it will be situated closer than 600' from a limited access highway.

Verl Emrick presented the sign request and said all requirements of the Zoning Ordinance have been met. He said this will be a mini warehouse operation.

Mr. Ron Snyder of Hensley-Snyder Sign Company, by the use of a map, showed the location of where the proposed sign would be erected.

Councilman Price moved to continue the approval of the sign request until the Group Development request is considered by Council for review. This motion was seconded by Councilman Boland and carried unanimously.

BIDS - BITUMINOUS CONCRETE MATERIALS (ASPHALT)

10. Consideration was given to bids received for bituminous concrete materials (asphalt).

Mayor McDevitt said one bid was received for a term purchase contract to furnish the City's annual requirement for asphalt for force account resurfacing and street repair. Since only one bid was received, a market survey was conducted and the bid price was found to be consistent with other cities and the state's current costs. It is recommended to award this contract to APAC-Carolina, Asheville Division, in the amount of \$161,675.00. Purchases will be made as required.

Councilman Boland moved to accept the bid, as recommended, to APAC-Carolina in the amount of \$161,675.00. This motion was seconded by Councilman Bissette and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

11. Consideration was given to a motion approving the Consent Agenda.

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, the 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 the 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. Motion scheduling a public hearing relative to rezoning property located at 31 Granby Street and 18 Arden Road for May 14, 1985.

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held April 3, 1985, considered the request of Mr. John Nilsson, Agent for Asheville Hand Center, that Ward 1, Sheet 8, Lots 141 and 143 be

rezoned from R-2 Residential District to OI Office Institutional District. The property is located at 31 Granby Street and 18 Arden Road. After review and discussion, the Commission voted to recommend to City Council that Ward 1, Sheet 8, Lot 141 and a portion of Lot 143, be rezoned from R-2 Residential District to OI office Institutional District, leaving a 30' R-2 Residential District buffer along Granby Street and Arden Road.

B. Motion scheduling a public hearing to rezoning property located behind Pearlman's on Tunnel Road for May 14, 1985.

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held April 3, 1985, considered the request of Mr. Steve Russell, Trust Office NCNB, for Julian Long Estate, and Mr. M. M. Pearlman that Ward 8, Sheet 11, Lots 50 and 51, be rezoned from R-3 Residential District to CH Commercial Highway District. This property is located behind Pearlman's on Tunnel Road. After review and discussion, the Commission voted to recommend to City Council that Ward 8, Sheet 11, Lots 50 and 51, be rezoned from R-3 Residential District to CH Commercial Highway District.

C. Motion scheduling a public hearing relative to rezoning property located at 941 Fairview Road for May 14, 1985.

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held April 3, 1985, considered the request of Mr. James Schumacher that Ward 7, Sheet 27, Lot 42, be rezoned from LI Light Industrial District to R-3 Residential District. This property is located at 941 Fairview Road. After review and discussion, the Commission voted to recommend to City Council that Ward 7, Sheet 27, Lot 42, be rezoned from LI Light Industrial District to R-3 Residential District.

D. Motion scheduling a public hearing relative to a site plan of the proposed expansion of the Beaucatcher Cinemas located on Haw Creek Lane for May 7, 1985.

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held April 3, 1985, reviewed the site plan of the proposed expansion of the Beaucatcher Cinemas located on Haw Creek Lane. The plan was prepared by Hiller and Hiller, Architects, Greenville, S. C., for the Litchfield Company, 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.

E. Motion to schedule a public hearing relative to a site plan of the proposed Twin Oaks Mobile Home Park to be located on Bingham Road for May 7, 1985.

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held April 3, 1985, reviewed the site plan of the proposed Twin Oaks Mobile Home Park to be located on Bingham Road. The plan was prepared by Ray Anders and Associates for Mr. Allen Moss, 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 a 6" water line being shown to serve the fire hydrants, and compliance with the Erosion Control Ordinance.

F. Motion to schedule a public hearing for Community Development
