

Tuesday - September 3, 1985 - 4:00 p.m.

Regular Meeting

Present: Mayor Larry McDevitt, Presiding; Vice-Mayor Wilhelmina Bratton; Councilmen Mary Lloyd Frank, Norma T. Price, 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 Gordon Myers.

**INVOCATION**

The invocation was given by Councilman Mary Lloyd Frank.

**APPROVAL OF THE MINUTES - AUGUST 27, 1985 MEETING**

1. Approval of the minutes of the August 27, 1985 meeting.

Mayor McDevitt announced the approval of the minutes as submitted.

**PROCLAMATION - SEPTEMBER, 1985 - "ASHEVILLE SYMPHONY MONTH"**

2. Mayor McDevitt read a proclamation proclaiming September as "Asheville Symphony Month".

Mayor McDevitt presented the proclamation to Ellen Sandweiss Hodges, General Manager of the Asheville Symphony.

**PROCLAMATION - SEPTEMBER 7-15, 1985 - "FRENCH BROAD RIVER WEEK"**

3. Mayor McDevitt read a proclamation proclaiming September 7-15, 1985 as "French Broad River Week".

Mayor McDevitt presented the proclamation to Mrs. Jenkins, who invited all members of Council to the events being sponsored by the French Broad River Week Committee.

**ORDINANCE NO. 1534 - BUDGET ORDINANCE AMENDMENT RELATIVE TO REED CREEK SEWER LINE**

4. Consideration was given a budget ordinance amendment relative to Reed Creek sewer line.

Mayor McDevitt said this budget ordinance amendment will provide funding to complete change orders to this project to repair Murdock Avenue. Total funding required will be \$15,440 to complete this project. Additional funding of \$15,440 is required to complete Murdock Avenue repairs. Funding will be provided from Sewer Master Plan Funds. The balance of these funds will be \$1,817,003.

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

Councilman Price moved for the adoption of Ordinance No. 1534. This

motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1534 passed on first and final reading.

Complete text of Ordinance No. 1534 will be found in Ordinance Book No. **10** at page **302**.

**ORDINANCE NO. 1531 - AN ORDINANCE AMENDING SECTIONS 28-81.3, 28-82 and 28-82.1 OF ARTICLE 4, SPEED REGULATIONS, OF CHAPTER 28 OF THE CODE OR ORDINANCES OF THE CITY OF ASHEVILLE**

5. Consideration was given to the third reading of Ordinance No. 1531, an ordinance amending Sections 28-81.3, 28-82 and 28-82.1 of Article 4, Speed Regulations, of Chapter 28 of the Code of Ordinances of the City of Asheville.

Mayor McDevitt said a petition has been submitted by the Aston Towers Tenants Association to set the speed on South French Broad Avenue, between Hilliard Avenue and Choctaw Street at 25 m.p.h. This petition is supported by the YWCA and Asheville Junior High School, and has also been endorsed by a resolution from the Asheville Housing Authority. The Traffic Engineering Division also recommends that the speed limit on South French Broad, between Timothy Street and Phifer Street, be set at 20 m.p.h. during designated school hours. This ordinance passed on first reading on August 20, 1985, and on second reading on August 27, 1985.

Mayor McDevitt said this ordinance was previously read on first and second reading and it would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1531 passed on third reading.

Complete text of Ordinance No. 1531 will be found in Ordinance Book No. **10** at page **297-298**.

**ORDINANCE NO. 1532 - AN ORDINANCE AMENDING SECTION 28-81.6 OF ARTICLE 4, SPEED REGULATIONS, OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE**

6. Consideration was given to the third reading of Ordinance No. 1532, an ordinance amending Section 28-81.6 of Article 4, Speed Regulations, of Chapter 28 of the Code of Ordinances of the City of Asheville.

Mayor McDevitt said Riceville Road (SR 2002) had an established speed limit of 45 m.p.h. upon annexation by the City. This action will establish a Municipal Ordinance declaring the 45 m.p.h. speed limit and request a concurring ordinance by the Department of Transportation for this portion of Riceville Road. This ordinance passed on first reading on August 20, 1985, and on second reading on August 27, 1985.

Mayor McDevitt said this ordinance was previously read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1532 passed on third and final reading.

Complete text of Ordinance No. 1532 will be found in Ordinance Book No. **10** at page **299-300**.

**RESOLUTION NO. 85-151 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF A BRIDGE OVER SOUTHERN RAILWAY AND APPROACHES ON SR 3556 (MEADOW ROAD) PROJECT NO. 8.2841601**

7. Consideration was given to a resolution authorizing the Mayor to execute a municipal agreement with the North Carolina Department of Transportation for the construction of a bridge over Southern Railway and approaches on SR 3556 (Meadow Road) Project No. 8.2841601.

Mayor McDevitt said the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within the City of Asheville under Project No. 8.2841601. These plans consist of constructing a bridge over Southern Railway and approaches on SR 3556 (Meadow Road). The DOT and City propose to enter into an agreement for the above-captioned project. The City of Asheville agrees to reimburse the Department of Transportation to the extent of thirty percent (30%) of the cost of the right-of-way for the project with reimbursement to be made in three (3) equal annual installments to begin on October 15, 1986. This resolution will authorize the Mayor to execute the Agreement with the Department of Transportation. The fiscal impact is thirty

percent (30%) reimbursement to NCDOT on right-of-way acquisition. Estimated cost to the City - \$55,800.00.

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 Frank, seconded by Councilman Price, Resolution No. 85-151 was unanimously adopted.

Complete text of Resolution No. 85-151 will be found in Resolution Book No. **15** at page **294**.

**RESOLUTION NO. 85-152 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A RATIFICATION OF ACCEPTANCE OF PERPETUAL CONSERVATION FACADE EASEMENT FOR THE PACK PLAZA REDEVELOPMENT PROJECT**

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

Mayor McDevitt said Pack Plaza Associates Limited Partnership owns certain real property in the Pack Plaza Redevelopment Project area. They have agreed with the City that the facades of the structures are of historical and architectural significance and contribute to the cultural heritage and visual beauty of the City of Asheville. This resolution will authorize the Mayor to execute an agreement on behalf of the City of Asheville for the acceptance of the facade easement.

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

Mayor McDevitt said Council had previously agreed to accept the

conservation easement in a Memorandum of Understanding with the Pack Plaza

---