

Tuesday - September 10, 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; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Mary Lloyd Frank.

APPROVAL OF THE MINUTES - SEPTEMBER 3, 1985 MEETING

1. Approval of the minutes of September 3, 1985 meeting.

Mayor McDevitt announced the approval of the minutes as submitted.

RECOGNITION OF MATTHEW GENTLING

Mayor McDevitt recognized Matthew Gentling, attending the Council meeting in an effort to obtain his citizenship merit badge as an Eagle Scout. Mayor McDevitt commended Matthew Gentling in his hard work and efforts.

PROCLAMATION - SEPTEMBER 15-21, 1985 - "PRINCE HALL MASONIC WEEK."

2. Mayor McDevitt proclaimed the week of September 15-21, 1985, as "Prince Hall Masonic Week."

PROCLAMATION - SEPTEMBER 17-23, 1985 - "CONSTITUTION WEEK"

3. Mayor McDevitt read a proclamation proclaiming the week of September 17-23, 1985, as "Constitution Week."

Mayor McDevitt presented the proclamation to Carol Weir, with the Ruth Davidson Chapter of the D.A.R. and Mrs. R. G. Baughman, with the Edward Buncombe Chapter D.A.R.

RESOLUTION NO. 85-153 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE AN AGREEMENT BY AND BETWEEN THE CITY OF ASHEVILLE AND CITY ASSETS CORPORATION FOR A REDEVELOPMENT PROJECT FOR THE PROPERTIES KNOWN AS THE JAREDS BUILDING AND THE EAGLE BUILDING ON HAYWOOD STREET

4. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville an agreement by and between the City of Asheville and the City Assets Corporation for a redevelopment project for the properties known as the Jareds Building and the Eagle Building on Haywood Street.

Mayor McDevitt said the City Assets Corporation desires to undertake a redevelopment project for the properties known as the Jareds Building and the Eagle Building on Haywood Street. City Assets Corporation has requested that the City include this property in the Haywood Street Redevelopment area. This resolution will authorize the Mayor to execute an agreement between the City and City Assets Corporation for this project. This agreement will provide improvements to the downtown area in the amount of 1.1 million dollars, (total estimated cost). Redevelopment bonds in the amount of \$750,000 will be provided for and repaid by the developer.

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

Roger McGuire, with City Assets Corporation, said the project will consist of retail shops at the street level and 12 luxury apartments on the upper floors, plus the penthouse on the Jareds Building. He said they plan to restore the facades within a few weeks with the original style and quality. He said he appreciated the City's interest in downtown and the efforts of the City Manager and staff in moving this project to fruition.

Upon motion of Councilman Frank, seconded by Councilman Bisette, Resolution No. 85-153 was unanimously adopted.

Complete text of Resolution No. 85-153 will be found in Resolution Book No. 15 at page 297.

PUBLIC HEARING - REZONING PROPERTY LOCATED ON CRAVEN STREET (MR. DOUGLAS CLARK, PETITIONER)

ORDINANCE NO. 1535 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED - PROPERTY LOCATED ON CRAVEN STREET (MR. DOUGLAS CLARK PETITION)

5. A public hearing was held relative to rezoning property located on Craven Street (Mr. Douglas Clark, Petitioner).

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held June 5, 1985, considered the petition of Mr. Douglas Clark, Agent for United Chemical Company, Inc., that Ward 6, Sheet 2, Lot 96 and a portion of Lot 45, be rezoned from R-3 Residential District to LI Light Industrial District. The property is located at Craven Street, Waynesville Avenue and Ridgeway Avenue. After review and discussion, the Commission voted to recommend to City Council that Ward 6, Sheet 2, Portions of Lots 96 and 45, be rezoned from R-3 Residential District to LI Light Industrial District, and that adequate buffering be provided.

Mayor McDevitt opened the public hearing at 4:24 p.m.

The City Clerk 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 rezoning was requested in order to accommodate an expansion of the present leasee, United Chemical Company. He said the Planning and Zoning Commission had recommended rezoning of this property subject to adequate buffering being provided. Mr. Emrick said that all adjacent property owners had been notified of the proposed rezoning and no opposition has been received.

Mayor McDevitt closed the public hearing at 4:28 p.m.

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. 1535. This motion was seconded by Councilman Boland.

A discussion was held relative to the buffering requirements and the possibility of amending the ordinance to provide for the buffering. After discussion, Councilman Price moved to amend the motion to adopt Ordinance No. 1535 to include the provision that in Item No. 1, the third paragraph, be amended to provide that Ward 6, Sheet 2, all of Lot 45 except that portion that lies north of a line extended from the southern tip of Lot 88 to the southwestern tip of Lot 47 to be rezoned R3 Residential District. This amendment was accepted by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1535 passed on first reading.

PUBLIC HEARING - REZONING PROPERTY LOCATED OFF HENDERSONVILLE ROAD (WILLIAM BURGIN AND WINSTON PULLIAM, PETITIONERS)

ORDINANCE NO. 1536 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN

ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED - PROPERTY LOCATED OFF HENDERSONVILLE ROAD (WILLIAM BURGIN AND WINSTON PULLIAM PETITION)

6. A public hearing was held relative to rezoning property located off Hendersonville Road (William Burgin and Winston Pulliam, petitioners).

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held July 24, 1985, considered the petition of Mr. William Burgin and Mr. Winston Pulliam that Ward 7, Sheet 60, portion of Lot 55, be rezoned from R-2 Residential District to R-3 Residential District. The property is located off Hendersonville Road. After review and discussion, the Commission voted to recommend to City Council that Ward 7, Sheet 60, portion of Lot 55, be rezoned from R-2 Residential District to R-3 Residential District.

Mayor McDevitt opened the public hearing at 4:39 p.m.

The City Clerk 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 requested rezoning is to allow an increase in the density of the area.

William Burgin, petitioner, spoke in support of the ordinance and requested that the ordinance be read on two readings at this meeting since there was no opposition expressed and there is a time frame involved in the sale of the property.

Mayor McDevitt closed the public hearing at 4:42 p.m.

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. 1536. This motion was seconded by Councilman Bissette.

On a roll call vote of 7-0, Ordinance No. 1536 passed on first reading.

Councilman Boland moved to suspend the rules and proceed to the second reading of Ordinance No. 1536. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1536 passed on second reading.

PUBLIC HEARING - SITE PLAN OF PROPOSED OVERLOOK CONDOMINIUMS - OVERLOOK ROAD

7. A public hearing was held relative to the site plan of the proposed Overlook Condominiums located on Overlook Road.

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held August 21, 1985, reviewed the site plan of the proposed Overlook Condominiums to be located on Overlook Road. The site plan was prepared by Pankow Engineers for Burnett Associates, Developers, 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 the following conditions; 1) That the fire hydrant be located on an 8" line as shown on the plans submitted 8/21/85; and 2) Compliance with the Erosion Control Ordinance.

Mayor McDevitt opened the public hearing at 4:49 p.m.

The City Clerk 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 had recommended approval of

this 12-unit condominium complex subject to a fire hydrant being located on an 8" line and compliance with the Erosion Control Ordinance.

After discussion, Mayor McDevitt closed the public hearing at 4:53 p.m.

Councilman Price moved to approve the site plan of the proposed Overlook Condominiums to be located on Overlook Road subject to the conditions outlined by the Planning and Zoning Commission. This motion was seconded by Councilman Frank and carried unanimously.

PUBLIC HEARING - SITE PLAN OF PROPOSED STOWAWAY WAREHOUSES - WILMINGTON STREET

8. A public hearing was held relative to the site plan of the proposed Stowaway Warehouses to be located on Wilmington Street.

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held July 10, 1985, reviewed the site plan of the proposed Stowaway Warehouses to be located on Wilmington Street. The site plan was prepared by J. Bertram King, Architect, for Burleson Construction Company, Johnson City, Tennessee, 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 the following items: 1) compliance with Erosion Control Ordinance; 2) City Engineering Department to review the storm drain placement with the paved areas to determine adequacy of grades for flow; 3) identification sign be placed no closer than 200 feet as measured from the northern property line; and 4) that a thirty (30') foot buffer strip be provided on the northern property line to visually protect the residential property.

Mayor McDevitt opened the public hearing at 4:49 p.m.

The City Clerk 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 development of the mini-warehouses will be in two phases. He said there are no problems with water and sewer requirements or with fire protection, according to the Asheville Fire Department, since these will be metal buildings and a fire hydrant is close enough to accommodate the development. He said a concern had been expressed relative to the narrow roads for access to the development. He said this type of business would have a relatively low traffic volume. He said the first phase of the development would consist of in excess of 100 storage units.

Upon inquiry of Council, Mr. Emrick said it was his understanding that a guard would be on duty at night, but the warehouses would be closed during the evening hours.

Upon inquiry of Councilman Price, Mr. Charles Allen, Developer, answered questions relative to the buildings being sprinkled and buffering along the interstate.

Mr. Allen also answered questions relative to the location and height of the proposed identification sign for the Stowaway Warehouse business.

Mr. Al Adams, of 75 Madison Avenue, spoke relative to the combustible materials being stored in the mini-warehouses, stating that he felt the building should be sprinkled.

After discussion, Mayor McDevitt closed the public hearing at 5:03 p.m.

A discussion was held relative to the proposed sign to be located on the property. After discussion, Councilman Bissette moved to approve the site plan for the proposed Stowaway Warehouses without the approval of the identification sign and subject to the recommendations outlined by the Planning and Zoning Commission. This motion was seconded by Councilman Boland and carried unanimously.

Councilman Bisette noted that the developer could submit alterations to the proposed sign and submit those plans to Council at a later date.

RESOLUTION NO. 85-154 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE AN AMENDMENT TO THE MEMORANDUM OF AGREEMENT WITH THE NORTH CAROLINA ARCHIVES AND HISTORY AND NATIONAL ADVISORY COUNCIL ON HISTORIC PRESERVATION

9. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute an amendment to the Memorandum of Agreement with the North Carolina Archives and History and National Advisory Council on Historic Preservation.

Mayor McDevitt said the City of Asheville, the North Carolina State Historic Preservation Officer, and the Advisory Council on Historic Preservation (Council) executed a Memorandum of Agreement on January 18, 1985, for the South Pack Square Redevelopment Project. The City has determined that the alterations to the Hutchinson Building, 18 Eagle Street, and its structural instability, have compromised the integrity of the building as a contributing structure to Asheville Downtown Historic District, and that rehabilitation is no longer economically feasible within the project scope.

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 Myers, Resolution No. 85-154 was unanimously adopted.

Complete text of Resolution No. 85-154 will be found in Resolution Book No. **15** at page **298**.

REJECTION OF BID REQUEST NO. 240-85 - FIRE DEPARTMENT 1200-GALLON TANKER TRUCK

10. Consideration was given to a motion to reject Bid Request No. 240-85 for Fire Department 1200-gallon tanker truck.

Mayor McDevitt said Bid Request No. 240-85 was issued for a 1200-gallon tanker truck for the City's Fire Department. Bids were received, evaluated and an award recommendation was made subject to staff agency concurrence. After further consideration, Chief Ball determined it would be best to purchase a 1000 GPM Pumper rather than a 1200-gallon tanker truck. It is being recommended that bids received for the 1200-gallon tanker truck be rejected.

Councilman Frank moved to reject Bid Request No. 240-85 for Fire Department 1200-gallon tanker truck. This motion was seconded by Councilman Price and carried unanimously.

RESOLUTION NO. 85-155 - RESOLUTION AUTHORIZING FILING AN APPLICATION WITH THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION RELATING TO A PROPOSED GENERAL OBLIGATION BOND ISSUE AND DESIGNATING THE AUTHORIZED REPRESENTATIVE OF THE CITY TO FILE THE APPLICATION AND TO EMPLOY BOND COUNSEL

11. Consideration was given to a resolution authorizing filing an application with the North Carolina Local Government Commission relating to a proposed general obligation bond issue and designating the authorized representative of the City to file the application and to employ bond counsel.

Mayor McDevitt said this resolution authorizes the filing of an application with the Local Government Commission for the issuance of \$885,000 general obligation bonds, the proceeds of which will be used to defray a part of the cost of constructing a parking deck at Rankin-College Streets. The resolution also selects bond counsel for this purpose. If the funds are approved and sold, they will generate \$885,000 to be used in the construction of a \$2,200,000 parking deck. Neither the revenue nor the expenditure is currently budgeted. Construction of the deck is expected to have a strong

positive economic impact on the community.

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

Upon inquiry of Ralph Bishop, Mayor McDevitt answered questions relative to the use of ad valorem taxes for this project.

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 85-155 was unanimously adopted.

Complete text of Resolution No. 85-155 will be found in Resolution Book No. **15** at page **299-300**.

RESOLUTION NO. 85-156 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PROJECT 9.5130201 (U-503) KNOWN AS CONSTRUCTION AND IMPROVEMENT OF U.S. 25 (MCDOWELL STREET) FROM NEAR VICTORIA ROAD TO SOUTHSIDE AVENUE INTERSECTION

12. Consideration was given to a resolution authorizing the Mayor to execute a municipal agreement with the North Carolina Department of Transportation for Project 9.5130201 (U-503) known as construction and improvement of U.S 25 (McDowell Street) from near Victoria Road to Southside intersection.

Mayor McDevitt said the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within the City under Project 9.5130201. These plans consist of the construction and improvement of US 25 (McDowell Street) from approximately 700 feet north of Victoria Road to US 25 (Southside Avenue) intersection. The DOT and City propose to enter into an Agreement for the above-captioned project whereby this Municipality agrees: 1) To effect the necessary adjustment of any utilities under franchise without cost to the Department of Transportation, except that said Department will reimburse this Municipality in accordance with said Department's Municipally Owned Utility Policy. The

2) The City agrees to reimburse the Department of Transportation to the extent of 15% 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. Funding should be available after July, 1986, in Community Development Funds for the City's participation of \$72,990.00. The participating funds are not available in the current budget.

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 Bisette, seconded by Councilman Price, Resolution No. 85-156, was unanimously adopted.

Complete text of Resolution No. 85-156 will be found in Resolution Book No. **15** at page **301**.

RESOLUTION NO. 85-157 - RESOLUTION APPROVING THE SALE AND CONVEYANCE OF CERTAIN ADDITIONAL PROPERTIES LOCATED IN THE PACK PLAZA REDEVELOPMENT AREA BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO PACK PLAZA ASSOCIATES LIMITED PARTNERSHIP

13. Consideration was given to a resolution approving the sale and conveyance of certain additional properties located in the Pack Plaza Redevelopment Area by the Housing Authority of the City of Asheville to Pack Plaza Associates Limited Partnership.

Mayor McDevitt said the Housing Authority of the City of Asheville has acquired certain properties pursuant to the implementation of the Redevelopment Plan for the Pack Plaza Redevelopment Area. The Housing Authority held a public hearing on August 27, 1985, and made certain findings, all pursuant to Sections 2 and 4 of 1979 Sess. Laws Ch. 317, in order to convey certain parcels in the Pack Plaza Redevelopment Area to a prospective developer. This

resolution will authorize the sale and conveyance of those properties of the Pack Plaza Redevelopment area under the terms and conditions set forth in the resolution of the Asheville Housing Authority. The funds extended for this conveyance are pursuant to the City/County loan in the Master Agreement and funds have already been budgeted.

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

Upon inquiry of Ralph Bishop, Corporation Counsel Slawter said the price for the Pack Library Building and the Plaza Theatre had not been determined yet since this will be determined by the court system.

Upon motion of Vice-Mayor Bratton, seconded by Councilman Boland, Resolution No. 85-157, was unanimously adopted.

Complete text of Resolution No. 85-157 will be found in Resolution Book **No. 15** at page **302**.

RESOLUTION NO. 85-158 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE BY AND BETWEEN THE CITY OF ASHEVILLE AND THE STATE OF NORTH CAROLINA (WESTERN NORTH CAROLINA AGRICULTURAL CENTER)

14. Consideration was given to a resolution authorizing the Mayor to execute a lease by and between the City of Asheville and the State of North Carolina in connection with the additional property for the Western North Carolina Agricultural Center.

Mayor McDevitt said this resolution will authorize the Mayor to execute a lease by and between the City of Asheville and the State of North Carolina for a tract of land lying and being in Limestone Township, Buncombe County, North Carolina. The City will realize \$500,000 proceeds from this lease.

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 Boland, seconded by Councilman Price, Resolution No. 85-158, was unanimously adopted.

Complete text of Resolution No. 85-158 will be found in Resolution Book No. **15** at page **303**.

APPROVAL OF THE CONSENT AGENDA

15. 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.

Resolution No. 85-159

A. Resolution authorizing the Mayor to execute on behalf of the City of Asheville a Federal Aviation Grant Agreement, Amendment No. 1, Project No. 3-37-0005-05.

HIGHLIGHTS: This resolution will authorize the Mayor to execute Amendment

No. 1 to the Federal Aviation Administration Grant Agreement,

Project No. 3-37-0005-05. Amendment No. 1 will add Special

Condition No. 12 for the letter of credit method of payment.

FISCAL IMPACT: None
