

Tuesday - December 6, 1994 - 4:00 p.m.

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood and Councilman Herbert J. Watts; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

INVOCATION

Mayor Martin gave the invocation.

I. PROCLAMATIONS:

A. RESOLUTION NO. 94-227 - RESOLUTION OF THE COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, EXTENDING AN INVITATION TO THE CITY OF KARAKOL, KYRGHYZ REPUBLIC, TO BECOME A SISTER CITY AND INVITING THE PEOPLE OF KARAKOL, KYRGHYZ REPUBLIC, TO PARTICIPATE IN THE PROGRAM

Mayor Martin read the resolution inviting the people of Karakol, Kyrgyz Republic, to participate in the Sister City Program. The Mayor of Karakol thanked the City for their hospitality during their visit and presented the Mayor, City Manager and Associate City Manager with hats of honor.

Councilwoman Sitnick moved for the adoption of Resolution No. 94-227. This motion was seconded by Councilman Watts and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 135

B. 1993 OUTSTANDING ACHIEVEMENT AWARD FOR THE CRIME PREVENTION UNIT OF THE ASHEVILLE POLICE DEPARTMENT

City Manager Westbrook said that the Asheville Police Department Crime Prevention Unit was honored as a recipient of an award by the N.C. Crime Prevention Officers Association. The award was one of eight given for Outstanding Crime Prevention Achievement in recognition to honor law enforcement agencies who have distinguished themselves in crime prevention. The award acknowledged the Unit for their program of Citizens on Patrol, Volunteer Handicap Parking Enforcement and the Citizens Police Academy.

Mayor Martin recognized Police Chief Will Annarino, Captain Michael Berry and Officer Allen Dunlap.

C. APPRECIATION TO THE CITY OF ASHEVILLE BY THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES FOR BEING THE 1994 CONVENTION HOST CITY

Mayor Martin said that in October the City hosted the 1994 North Carolina League of Municipalities Convention. The delegates at the League's convention adopted a resolution, which he read, expressing their appreciation for the hospitality extended by the City of Asheville in hosting the 1994 convention.

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II. PUBLIC HEARINGS:

A. CONTINUATION OF PUBLIC HEARING RELATIVE TO REZONING ONE LOT ON EMMA ROAD FROM R-5 RESIDENTIAL TO LI LIGHT INDUSTRIAL

ORDINANCE NO. 2157 - AN ORDINANCE TO REZONE ONE LOT ON EMMA ROAD FROM R-5 RESIDENTIAL TO LI LIGHT INDUSTRIAL

Mayor Martin said that this public hearing was opened on November 15, 1994, and continued until this date.

Mr. Carl Ownbey, Transportation Planner, said that this ordinance requests approval for the rezoning of one lot on Emma Road from R-5 Residential District to LI Light Industrial. The property is currently vacant with LI zoning on the north and south and R-5 zoning on the east and west.

Mr. Ownbey explained that Mr. David Owens who came before Council at the public hearing on November 15 was mistaken as to the property being requested to be rezoned.

Mayor Martin closed the public hearing at 4:34 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Peterson moved for the adoption of Ordinance No. 2157. This motion was seconded by Councilman Watts.

On a roll call vote of 7-0, Ordinance No. 2157 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 328

B. PUBLIC HEARING TO CONSIDER AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE TO AN AREA KNOWN AS THE OTEEN III ANNEXATION AREA

Mayor Martin opened the public hearing at 4:35 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Senior Planner Patty Joyce briefed the Council on the Plan of services that provides information about the character of the area and the delivery of City services. She reported on the meeting that was held on November 29, 1994, with the community in which 4 out of 17 property owners attended. She noted that the City would lose a couple thousand dollars the first year of annexation, however, the following years would bring in approximately \$100,000 annually.

Upon inquiry of Vice-Mayor Peterson, Ms. Joyce said that the estimated cost for the sewer line extensions will be \$27,000 funded by the Sewer Construction Fund and \$59,500 for water line extensions, funded through the Water Capital Improvement Fund.

Responding to questions raised by Councilman McClure, Ms. Joyce said that the Riceville Fire Department has no debt.

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Ms. Joyce responded to questions by Council and Mr. H.K. Edgerton on what benefits this annexation would be to the residents.

There was some discussion about how this annexation came about and the

reasoning behind it. City Attorney Slawter said that the VA Hospital asked to be annexed in order to stop paying the City of Asheville for fire protection services. City staff was instructed to look at enlarging the annexation area surrounding the VA Hospital in order to recoup some of the monies that it would lose when the VA Hospital stopped paying for that service.

Mayor Martin closed the public hearing at 5:02 p.m.

Mayor Martin stated that the first reading of this ordinance will be held on December 20, 1994.

C. PUBLIC HEARING TO DESIGNATE THE LOUGHRAN BUILDING, LOCATED AT 43 HAYWOOD STREET, AS A LOCAL HISTORIC LANDMARK

ORDINANCE NO. 2158 - ORDINANCE DESIGNATING PROPERTY KNOWN AS LOUGHRAN BUILDING AND LOCATED AT 43 HAYWOOD STREET AS A LOCAL HISTORIC LANDMARK

Mayor Martin opened the public hearing at 5:03 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Ms. Maggie O'Conner, Historic Resources Director, stated that the owners of the Loughran Building are seeking local landmark designation. Designed by noted Asheville architect Richard Sharp Smith, and built in 1923, the Loughran Building is a fine example of a Commercial style building with Sullivanesque influences. The Loughran Building is a six story, steel frame commercial building with a restrained white glazed terra cotta classically inspired facade. It is Asheville's earliest example of the Commercial genre of architecture popular nationally between 1890 and 1930, and is one of the City's best remaining examples of this genre. The entrance alterations made in the 1930s have attained significance in their own right. The Loughran Building retains an exceptionally high degree of integrity even though it has stood vacant since the 1960s.

Designation of this building as a local historic landmark makes the property owner eligible for a 50% reduction in property taxes. Currently the assessed value of the property is \$384,300 and the total taxes paid for this year were \$5,083.10. If the property continues to be underutilized and is designated historic, the taxes would be reduced by half to \$2,541.55. However, the owners intend to rehabilitate this property if it is so designated.

The owners estimate the post rehabilitated tax value to be \$2,640,000, with a total tax bill of \$41,712. With the local historic designation the tax bill would be reduced by 50% thus the actual taxes paid would be \$20,856. This represents an increase of \$15,773 to the tax base on an annual basis. The proposed uses of the building are as follows: ground floor - retail space; 2nd through 6th floors - residential (5 apartments per floor).

Based on today's dollar, property tax revenues gained from the rehabilitation of the structure versus its current status over a 10 year period are \$157,730: rehabilitated - \$208,560; unimproved and vacant - \$50,830. -4-

In addition to the property tax increase, this project will create jobs (temporary and permanent), increase sales tax revenues, and increase household incomes.

Mr. Bill Baber, representative of the Historic Resources Commission, read a letter to Council in which the Commission unanimously supported the Loughran Building located at 43 Haywood Street be designated a local historic landmark.

Mayor Martin closed the public hearing at 5:11 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Field moved for the adoption of Ordinance No. 2158. This motion was seconded by Councilwoman Sitnick.

On a roll call vote of 7-0, Ordinance No. 2158 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 330

D. PUBLIC HEARING RELATIVE TO REZONING 65, 73, 77, 83 AND ONE VACANT LOT ON MONTFORD AVENUE FROM R-4 RESIDENTIAL DISTRICT TO CG COMMERCIAL GENERAL DISTRICT

Mayor Martin opened the public hearing at 5:12 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Mike Matteson, Urban Planner, said that James and Shirley Dozier are seeking approval from the City Council to rezone five lots on Montford Avenue from R-4 High Density Residential to CG Commercial General.

City staff recommended denial based on the following reasons: (1) the requested rezoning would constitute an encroachment of non-residential zoning into a large residential area; (2) development permitted by a CG designation would not be compatible with the existing character of the area; (3) the 2010 Plan indicates medium to high density residential uses for this area; and (4) the rezoning would compromise the 2010 Plan goal "to increase neighborhood livability and property values through the restoration and rehabilitation of existing and future historic districts." However, the Planning and Zoning Commission, after hearing comments at their October 5, 1994, meeting, voted 4-3 to recommend approval of the rezoning.

Upon inquiry of Councilwoman Sitnick, Mr. Matteson said that four of the five lots were zoned Central Business District until 1984 and then rezoned to R-4. The fifth lot was zoned R-4 prior to 1984.

Councilwoman Sitnick stated that not only are professional offices permitted in R-4 but that District also allows up to 65 units per acre, most types of offices and supporting commercial uses as accessories to residential development. -5-

Ms. Elizabeth Graham, member on the Planning and Zoning Commission, briefed the Council on the Commission's reasoning behind their 4-3 decision to rezone the property. She said that it was a split opinion but the feeling was that even though the property was currently being used as an R-4, in order to encourage someone to purchase it or develop it, it would need to be zoned commercial general.

Upon inquiry of Vice-Mayor Peterson, Ms. Graham said that there were approximately 15-16 bed and breakfasts in Montford and that they were allowed in R-3 and R-4.

Due to the number of letters and phone calls received on what uses are allowed in the R-4 and Commercial General (CG) districts, Councilwoman Sitnick read the following:

R-4 Residences, home occupations, schools, churches, public facilities. Professional, service, executive, governmental, and administrative offices (no manufacture or sale of merchandise permitted). Dancing and music studios, studios of artists and tutors. Charitable organizations. Boarding houses, nursing homes, day nurseries and kindergartens, family care homes. Fraternal and philanthropic organizations, tailor and seamstress shops. Conditional use: Churches.

CG Any nonresidential use permitted in the high density residential district. Antique, book, camera and photo supplies, delicatessen, dairy products, floral, fruit, gift, novelty, hardware, jewelry, music, sporting goods, stationery, toy and similar stores. Bakery store, candy and confectionery store. Barber shops, banks, dental and medical offices or clinics, hotels and inn, assembly halls, tourist homes, commercial amusement enterprises, restaurants, skating rinks. Gardener supplies store, gasoline filling station. The following retail stores occupying a gross floor area of no more than 30,000 square feet: food stores, apparel and accessory stores, limited price variety stores, department stores, and drug stores. Public and private schools, libraries, community centers, parks, playgrounds, museums, art galleries, churches, nurseries and kindergartens. Residences meeting R-3 standards. Conditional uses: Automobile dealer, cocktail lounges, veterinary hospitals and clinics.

Vice-Mayor Peterson noted that even though cocktail lounges were mentioned, they were a conditional use and no alcohol could be served due to the proximity of the school.

Mr. Albert Sneed, attorney representing the Doziers who are the owners of the property, handed out a package of information to the Council. He said that his client currently has no plans for this property. He noted that this property is in the historic district so any plans would have to comply with the district guidelines. He said they explained the rezoning request to the Asheville School Board, the Principal of William Randolph Elementary School and the Superintendent of the County Schools and all stated that they had no position regarding the rezoning. The Housing Authority has the adjoining piece of property which has been zoned CH for eight years and, when asked, Mr. Holt said the Housing Authority had no position on this matter. He said that his client submitted a petition containing 70 signatures. He then reviewed the information he presented earlier, some of which was out of the 2010 -6-

Plan, and briefed the Council on why he felt the Planning and Zoning Commission recommended the change. It was his understanding that you cannot have any retail at all in R-4. He felt the staff was not correct in using the 2010 Plan as one of the reasons to deny the rezoning. He stated that if you read the Head of Montford Redevelopment Plan fairly, this area should have some kind of commercial activity in it. He said that this piece of property is not particularly good for residential since the tenants have had three robberies and burglaries in the past six months. He also felt that there was a lot of traffic along Montford. He felt the general thrust of the Plan is that there should be some trading in there. He said a community center should be in Montford. He felt the property should be zoned CG because the adjoining Housing Authority property is zoned CG. He felt the 2010 Plan and the Head of Montford Redevelopment Plan show the area to be consistent with neighborhood commercial. But, as he understands the law, if Council zones the property neighborhood commercial, someone will say it is spot zoning. He urged Council to rezone this property CG and if Council wants to come back and do a rezoning of the block that is different, then they can come back and do it, but don't make the Doziers wait because they have gone to a lot of expense to try and get this property rezoned.

Councilwoman Sitnick said that if there is no anticipated use, what is the

purpose of changing the zoning. Mr. Sneed reiterated that Mrs. Dozier has no intention on selling the property, but the appropriate zoning needs to be in place that's appropriate for the land.

Councilwoman Sitnick wondered a wording amendment to the zoning ordinance would be appropriate in this case instead of rezoning this property. The wording amendment would be to the R-4 District to allow, for instance, a small grocery store, an antique shop, barber shop, things that surround the concept of neighborhoods. There are a lot of people impacted by this rezoning request that do have opinions, other than the School Board and Housing Authority which do not have an opinion on this request. She felt that since there are some commercial activity uses in R-4, could we expand some of those uses, perhaps limiting them to R-4 zoning districts that are along major thoroughfares.

Planning Director Julia Cogburn said that it is within Council's legislative purview to add any types of uses to any districts that are in the zoning ordinance. In this case, Council would have to look at all the areas that are zoned R-4, look at the intent of the R-4 district and make sure whatever uses you are allowing in that area met both that intent and met the character of the areas that are zoned R-4 right now. Because, you might be introducing some uses that may be appropriate to some R-4 areas, but not in others.

At the request of Councilwoman Sitnick, Ms. Cogburn read the uses permitted in the neighborhood commercial district.

Mr. Sneed said that they originally asked for the property to be zoned like it was prior to 1984 which was Central Business District but were told that it would be spot zoning. He assumed that neighborhood commercial would be spot zoning too.

Ms. Cogburn explained what kinds of tests would need to be applied if Council decided to rezone this property neighborhood commercial in terms of the possibility of illegal spot zoning vs. legal spot zoning. -7-

The following persons spoke in opposition to the rezoning request for various reasons, including, but not limited to: a request to suspend all rezoning decisions until such time as the existing residential blight and traffic hazards in the neighborhood is corrected, majority of the community is opposed to the rezoning, people who signed the petition were lead to believe it was a choice between commercial rezoning or public housing, street will be changed into a Charlotte Street type-environment, residential character of the area will change, commercial general is too broad a classification, increase of traffic in the area, increase of commercial property at the Head of Montford before the impact of the Housing Authority's commercial development is felt, guarantees demolition of 4-5 historic residential properties, goes against advise of Planning staff, sets a bad precedent by allowing the commercial finger to project into a community that is at an important point in its revitalization, rezoning will allow legalized stealing, is there an overall game plan to rezone to CG with the other properties that are adjoining this property, there is a need for a buffer, this residential community is being chiseled away by commercial development, commercial activity is an invitation of deterioration and intrusion into a residential neighborhood, need for affordable housing that already exists on this property, and the need to postpone any action and revisit the Head of Montford Redevelopment Plan before taking action on this request:

Mr. Michael DeBruhl Blankenship, read a statement on behalf of property owners of Oak Terrace, the management of Woodcroft Apartments, the Montview Drive Neighborhood Association, neighborhood watch and other residents of the Claxton #3 precinct (also presented a display for the City's Attorney's Office)

Mr. Michael McDonough, 46 Tacoma Street

Mr. H. K. Edgerton

Ms. Dora Dawkins, 124 Courtland Avenue, President of
Montford Community Club, Board President of NHS

Mr. Clarence Benton, 184 Courtland Avenue

Mr. Chris Conway, 264 Montford Avenue

Ms. Elizabeth Simpson, resident on Montford Avenue

Ms. Mary Jo Brezny, resident on Montford Avenue

Ms. Phyllis Stiles, resident on Courtland Avenue

Mr. Bill Baber, member of the Board of Directors of the
Preservation Society and resident of 170 Montford

Avenue, read a letter from Harry M. Weiss, Executive Director

Mr. Herb Cott, 133 West Chestnut Street

Mr. Kent Newell, 135 Cumberland Avenue

Mr. Mike Lewis, 48 Gracelyn Road and President of
the Grace Neighborhood Association

Mr. Jim Skalski, President of the Coalition of
Asheville Neighborhoods, resident of the Kenilworth community

Ms. Barbara Sayer, 12 Bearden Avenue

Ms. Fran Gardner, 9 Houston Street

Ms. Jane Gianvito Mathews, resident of Albemarle Park
and member of the Planning and Zoning Commission

Ms. Myra Fuller, 162 Cumberland Avenue

Mr. Richard Stiles, 34 Courtland Avenue

Councilwoman Sitnick said that she found it curious that the 4 pieces of
property that the Housing Authority paid \$517,850 at the head -8-

of Montford which does not include the cost of the demolition and the tree
destruction that occurred, would be purchased for affordable housing. I find
that a curious amount of money to pay for real estate to build four single
family affordable houses.

Upon inquiry of Vice-Mayor Peterson, Mr. Larry Holt, representative of the
Housing Authority, explained the Authority's planned use of this property and
the planned use of the property that the Housing Authority owns on Short
Street.

Mr. Larry Holt, representative of the Housing Authority, clarified the comment made by Mr. Sneed regarding the Housing Authority's position on this rezoning request. Mr. Holt said that he told Mr. Sneed that he was not going to make any comment at this public hearing, only to observe. However, the Housing Authority's position is to support the redevelopment plan as it currently exists which shows this property to be R-4 and the property owned by the Housing Authority in its present zoning is CG. He then explained the Authority's planned use of this property and the planned use of the property that the Housing Authority owns on Short Street.

Upon inquiry of Councilman Swicegood, Mr. Holt explained the reasons why the land that the Housing Authority owns has not been graded, seeded or landscaped yet. He hoped that it would be completed by the end of the year.

Councilwoman Field asked how the Housing Authority would feel if Council changed the zoning of their property from CH to neighborhood commercial in an attempt to come up with a better solution. Mr. Holt responded that the uses the Housing Authority anticipated for that property would have to be reviewed by the Planning Department and if those uses would be permitted under neighborhood commercial, then he didn't believe there would be a problem. However, he would have to clarify that point.

Councilwoman Sitnick questioned the cutting of the trees on the Housing Authority's property. Mr. Holt responded that he contacted the Tree/Greenway Commission in the spring of 1994, through Susan Roderick, and it was on their advice that the Housing Authority cut the trees and plant new trees to replace the ones cut as soon as the work is completed. He was also given this advise from the people who work with trees in the Parks and Recreation Department.

Ms. Susan Roderick, resident of Montford community, said that some of the members of the Tree/Greenway Commission went out and made a casual look at the situation. It did not come formally before the Commission. She said the trees wouldn't have been able to survive.

Mr. Holt responded to questions by Vice-Mayor Peterson about the amount of money spent on the Montford Redevelopment Plan to date.

Vice-Mayor Peterson suggested Mr. Sneed and his client meet with the neighborhood to see if a consensus might be reached by all concerned. Mr. Sneed responded that they would be happy to meet with the neighborhood. He said the Doziers would be satisfied with a neighborhood commercial designation, just so it wouldn't be an illegal spot zoning. -9-

Councilwoman Sitnick responded to a comment made by Councilman Watts about perhaps limiting the number of comments taken. She said that she respected her fellow Council members, respected the hour and respected the time that members of the public have given, but this is a public hearing and this is the one and only time that she has had an opportunity to hear this in full perspective. These folks took the time to get here today, probably getting tickets at the parking meters, and she would feel very remiss in our duty to the public that we serve if we were to cut them off and not let every single person who has something to say to speak. She would ask that you be as brief as possible and even to tell people don't repeat what's been said, but if you hear 20 people say the same thing, then you know there's real impact there rather than saying everybody has to say something different. For her, a public hearing is for the public and she wants to hear you. She would be opposed to cutting off this public hearing with two or three more comments. She feels that with every comment she's learning something new and she needs to have all the facts before she makes a decision, which is a real tough one for all of us.

Councilman Watts said that his comments were not made with the intent to cut anyone's comments off.

Ms. Elizabeth Graham stated that the Planning and Zoning Commission is on the line frequently with issues regarding the Housing Authority. Since April of 1994, the Commission has had come before them at least once a petition, which was later withdrawn, requesting that the Montford Redevelopment Plan be re-opened. Basically there were some people in the neighborhood that felt it had not worked and others in the neighborhood felt that it might had worked had it been administered by another party. Regardless of what Council does on the Dozier rezoning, she urged Council to give the okay to the Advisory Committee (appointed by the Planning and Zoning Commission and consisting of herself and Jane Mathews) the go ahead to get started working on taking another look at the Montford Redevelopment Plan. She insisted that before Council initiates another redevelopment plan in this City, this one needs to be solved.

Ms. Tammy Jones, daughter of the Doziers, urged Council to rezone this property that has been in her family for over 57 years. She couldn't understand why people did not want her parents to have their property zoned CG since the adjoining property is zoned such.

Councilwoman Sitnick said that "having listened with great interest and intensity to all of the comments, and this Council takes everything we hear seriously, but when it comes to the kinds of issues that divide the community, we take it even more seriously and most of us take it home with us. I would like to propose for the sake of resolution as Ms. Graham indicated there is a great need for before, I would like to move that we continue this hearing for the purpose of allowing all of the players to get together to understand what the vision is, to allow the Housing Authority to consider the possibility of down-zoning their property, to allow the Doziers and Mr. Sneed to consider their needs and may I point out that the Doziers have a right to have resolution on this just as much as the neighbors do. They have been held in limbo for a number of years because of the way they were dealt with early on. I would like to suggest that the neighborhood associations, I believe there are six of them, in addition to any individual members who live in the Montford area whether they are abutting the rezoning area or 15 blocks away from the rezoning area - if -10-

you live in the neighborhood, you would be impacted - to consider in conjunction with the Planning Department the possibility and the legal implications and the implementing implications of changing the R-4 uses in order for the Plan to be understood, revisited, revised for a compromise solution to be arrived at. One that will consider all of the concerns here today." The date to continue the public hearing will be January 24, 1995, at 4:00 p.m. This motion was seconded by Vice-Mayor Peterson.

Councilman McClure asked to be excused from voting due to a conflict of interest by his owning property that adjoins the property in question. He felt there was an implied conflict of interest for him on this situation.

Councilwoman Field moved to table Councilwoman Sitnick's motion to continue the public hearing in order to consider excusing Councilman McClure from voting. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

Vice-Mayor Peterson moved to excuse Councilman McClure from voting on this matter due to a conflict of interest. This motion was seconded by Councilwoman Field and carried unanimously.

Councilman Swicegood moved to reinstate Councilwoman Sitnick's prior motion to continue the public hearing until January 24, 1995. This motion was seconded by

Vice-Mayor Peterson and carried unanimously.

Councilwoman Sitnick thanked everyone for their comments and especially Mr. Sneed for having waited to be on Council's agenda and for being willing to put this off in order to get together with everyone involved.

Mr. Stiles wondered if the January 24, 1995, date would be sufficient time for Ms. Cogburn to resolve the issues in Councilwoman Sitnick's motion. Ms. Cogburn said that if Council is looking at some type of compromise among the parties representing the neighborhood, adjacent property owners, the Doziers, Mr. Sneed, and the Housing Authority on these specific five lots, then January 24 would be okay. However, if Council is looking to opening up the redevelopment plan in general, the decision would impact many other considerations that would need to be involved and she would need more time.

Councilwoman Sitnick said that her original intent was not to just have it involve the adjacent property owners. There are only three historic districts in Asheville and anyone who is in Asheville has a stake in the way Montford evolves and she's not saying that we need to send notices to the 62,000 residents of Asheville, but certainly the folks here today or anybody else who wants to participate in those discussions should be permitted to. There are a lot of people involved in historic preservation who don't live in Montford. There are lot of people involved with commercial development who don't live in Montford and she felt that if Ms. Cogburn needed more time, not necessarily to re-do the redevelopment plan but to come up with some compromise language that will allow this particular issue to be resolved and then go beyond that in order to revisit the whole Plan, then tell us what you need to do it right.

Ms. Cogburn said that it is difficult to say how much time is needed until a meeting is held with the neighborhood. She said that if -11-

Council is talking about an extensive public discussion of this issue then perhaps January 24 is too soon. If you are talking about coming up with a compromise dealing with specific interested parties, then we can do it by January 24.

Councilwoman Sitnick then amended her motion to move the public hearing until March 21, 1995. Vice-Mayor Peterson, who seconded her original motion, concurred with this amendment. Councilwoman Sitnick's amended motion was then voted on and carried unanimously which was to continue this public hearing until March 21, 1995.

Councilwoman Sitnick requested that adequate, proper notification be given by whatever means.

Ms. Shirley Dozier, owner of the property, wanted to know where did all the money go, why did her property get down-zoned and why was the Plan not followed through if it was a good plan.

At this time, 7:20 p.m., Mayor Martin announced a ten minute recess.

E. PUBLIC HEARING RELATIVE TO ZONING THE BREVARD ROAD ANNEXATION AREA

Mayor Martin opened the public hearing at 7:35 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Paul Benson, Urban Planner, said that this ordinance would establish zoning for approximately 300 acres of the Brevard Road annexation (effective June 30,

1994) not previously zoned. Under state law the City has an obligation to zone all areas within the corporate limits.

On November 11, 1994, a notice was sent by Planning staff to 227 property owners making them aware of this public hearing. A community meeting was held on August 1 and two public hearings were held on September 7 and October 5, respectively. Throughout this process, dozens of statements, many conflicting, have been made by property owners and business interests concerning the best zoning for this area.

The Planning staff and the Planning and Zoning Commission recommendations are in agreement on 135 of the 152 properties, but differ on 17 properties.

There are only two property owners that are proposed for commercial that are currently developed as residential and they want to remain residential - Mrs. Stevens on Lot 58 and Mrs. Gentry and her family on Lot 2.

By using maps, discussion took place regarding where the different zoning classifications were proposed.

Mr. Terry Gentry, Mr. Ronnie Gentry and Ms. Susan Gentry all urged Council to zone their land, which has been in their family for over 100 years, residential. -12-

Upon inquiry of Councilman Swicegood, Ms. Cogburn stated that if the property were zoned HI Heavy Industrial as the Planning & Zoning Commission recommends, the Gentry home would then be a non-conforming use in the HI zone. If 75% of the house was destroyed, they could not rebuild it.

Councilman Swicegood suggested that this public hearing be postponed in order to give him an opportunity to visit the properties in question.

Vice-Mayor Peterson moved to continue the public hearing until December 20, 1994. This motion was seconded by Councilman Watts and carried unanimously.

III. UNFINISHED BUSINESS:

A. CONSIDERATION OF AN ORDINANCE TO PARTIALLY REZONING 1389 PATTON AVENUE FROM R-3 MEDIUM DENSITY RESIDENTIAL TO CH COMMERCIAL HIGHWAY DISTRICT

Planning Director Julia Cogburn said that the petitioner has withdrawn his petition and this matter is moot. Ms. Cogburn said basically the Planning Department looked again at the interpretation of a particular section in our ordinance which talks about professional offices conditional uses in the R-3 zone. We determined that this lot, as it was split zoned, the entire lot could be used for professional office including the parking on the section that is zoned R-3 at this time. That seemed to be an amicable decision for both the neighborhood and the property owner and his agent.

Councilwoman Sitnick thanked Ms. Cogburn and Mr. Carl Owenby for being able to work the matter out.

Upon inquiry of Ms. Robin Kastlor, 29 Lucerne, Ms. Cogburn answered her concerns relative to an exit on the R-3 property.

IV. NEW BUSINESS:

A. CONSIDERATION OF AN APPLICATION FOR A LICENSE FOR A MASSAGE THERAPIST

Ms. Deborah Crowder, Revenue Manager, said that Ms. Bettie Woodson is

relocating to the City of Asheville from the State of Colorado. She will be employed by a local beauty salon as a massage therapist. She seeks approval of her application to practice the profession of a massage therapist from City Council, consistent with Article III of Chapter 9 of the City Code.

City staff has reviewed Ms. Woodson's application and all pertinent requirements have been met.

Vice-Mayor Peterson moved to approve the application for a license for Ms. Bettie Woodson to practice the profession of a massage therapist. This motion was seconded by Councilman McClure and carried unanimously.

Mr. H. K. Edgerton questioned, among other things, how many of these type businesses does the City of Asheville currently license.

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Councilwoman Sitnick said that she has medically benefited from massage therapy for a number of years. Massage therapy and massage therapists differ vastly from massage parlors as we may have known them in the old days. Not that they may not exist still, but massage therapy is a medically accepted, medically recommended therapy for people with certain muscular skeletal conditions. Massage therapists are sometimes engaged through recommendation by physicians and by chiropractors. Massage therapy has been used very successfully in this country for many years. Our ordinance does create certain conditions that need to be met and Ms. Woodson is a very professional therapist who has recommendations. There needs to be that distinction - this is not about massage parlors as we may know them from history and the movies.

B. RESOLUTION NO. 94-228 - RESOLUTION ADOPTING THE FINDINGS OF DISPARITY IN CITY CONTRACTING AND ADOPTING AN AMENDED MINORITY BUSINESS PLAN

Mr. Marvin Vierra, Community Development Director, said that the Minority Business Commission has reviewed the findings and recommendations of the Minority Business Disparity Study. The Commission has also recommended adoption of amendments to the Minority Business Plan to effect the recommendations of the Disparity Study.

On September 20, 1994, the Commission met with City Council to review their recommended amendments to the Plan. After review of the recommended changes with City staff, staff recommended certain administrative revisions to the recommendations of the Commission. The staff revisions were discussed with the Commission on December 1 and the Commission recommends approval with the staff revisions.

Mr. Ronnie Blythe, member of the Minority Business Commission, made a brief presentation on the background of the plan and how the amendment has now come before the Council. The two issues before Council today is (1) the acceptance and adoption of the disparity study which was completed approximately one year ago, and (2) look at the amended Minority Business Plan, which incorporates the findings and recommendations of the consultants and the MB Commission, and adopt a new Plan.

Mr. Steve Humphrey, representative of MGT of America, explained that his company has conducted 27 disparity studies for jurisdictions throughout the country. He discussed extensively the technical aspects of the development of the disparity study and how the percentages and numbers were generated. He said the study was done very carefully to confirm with the decisions that the court rendered in Croson and interpreted by subsequent decisions. This particular study addressed the issues of how well minority and women businesses have been

utilized and the degree to which they were available to provide services within Asheville's market area. The basic result of the study was that there was substantial under-utilization. Based on that fact, this study recommended a number of recommendations as to how the program could be tailored and how that program could operate. Much of that has been brought forth in the plan submitted by the Minority Business Commission.

Mr. Humphrey answered questions from Council on specific items dealing with why Chicago is our market area for professional services and assured the Council that the goals in the Plan are realistic.

Councilwoman Field was concerned about the Council setting up a situation where we are in conflict with one of our policies - which is to buy local. Since Asheville doesn't have 37% of availability in -14-

professional services by minority and women firms in Asheville, we are forcing ourselves to meet our goals by going outside the area. She wants to give business to minority and women firms in the Asheville area more than she wants to meet a goal.

Mr. H. K. Edgerton wanted Council's assurance on their commitment of the Plan. Among other things, he felt the move of the administration of the MB Plan to Purchasing was in error.

Mr. Jim Drummond, representative of the Black Business and Professional League, spoke about awarding the contracts and continued participation on enforcement and monitoring. He wanted to make sure there was constant monitoring for front organizations.

Ms. Jane Gianvito Mathews questioned the "Declaration of Policy" as contained in the amended Plan as it relates to architectural and engineering services. She relayed an instance to Council about a request for proposals received from the City. She said that architects and engineers do not bid their services. Architects cannot bid a project that has not yet been defined. Professional services, in particular architects and engineers, fall under other guidelines that are statutory in the State of North Carolina.

City Attorney Slawter said that City Council, in 1988, adopted a policy for the procurement of architectural and engineering services. It sets forth the procedure by which those services are to be secured. He then suggested Council add the following paragraph to the "Declaration of Policy" section in the Plan even though essentially the same language is on Page 3 of the Plan: "this policy is not intended in any manner to require that contracts be awarded to anyone other than the lowest responsible bidder, nor to supersede the requirement of any federal, state or local laws and rules, regulations and policies adopted pursuant thereto."

Mr. Joe Webster, representing the A-B Community Relations Council, stated concerns regarding implementation of the Plan. Among other things, he was concerned about the administration of the Plan going to the Purchasing Division.

Mr. Clarence Benton urged Council to make a commitment to the Plan and to make the Plan work. He also stated his concern over the move of the administration of the Plan.

Councilman Swicegood read the following statement from Mr. Larry R. Linney: "I, the undersigned, Representative-Elect, Larry Linney, wish to express concern with the revised Minority Business Plan, (particularly the administrative changes and relocation of the Program). I wish to ask for additional time to

submit written comments. I am unable to remain at the public hearing because of prospective legislative duties. Thank you for your consideration."

Councilwoman Sitnick said that considering the comments about the continued concern by some members of the Commission and others, she felt it might be a good idea for a periodic review. She was sure that the review is part of the program itself, but to just to make sure that the administrative changes are working as well as the Plan. If not, she hoped that we could maintain enough flexibility to adjust those changes to make sure that the program is being implemented, monitored and enforced properly.

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Mayor Martin said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Field moved for the adoption of Resolution No. 94-228. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 136

C. BUDGET AMENDMENT TO FUND A CITY-WIDE PAY AND CLASSIFICATION STUDY

Ms. Pam McGrayne, Personnel Director, said that the last City-wide pay and classification study was conducted in 1988. As a result, a new pay and classification plan was implemented July 1, 1989. Since implementation of the plan, the City has undergone several reorganizations due to several changes and a reduction in positions. As a result, many employees are working in classifications which no longer represent the work they actually perform. In addition, City salaries are at least 10% behind the market.

At the October 11, 1994, City Council meeting, staff was authorized to proceed with receiving proposals to review the City's pay and classification plan. Staff was further asked to prepare a budget amendment ordinance to appropriate the funds (\$80,000) for the study.

She explained each of the three broad components to this study that the firms have been requested to bid on: (1) update the City's classification plan, and inclusion of a multi-purpose job analysis procedures in the classification plan; (2) pay plan; and (3) review of the City's compensation program.

Councilman Watts expressed concerns about the Management by Objectives evaluation procedure.

Vice-Mayor Peterson felt that police, fire and sanitation employees are not being compensated enough for their jobs.

There was some discussion about the City's ability to perform the study in-house. Ms. McGrayne said that the City staff could perform some aspects of the study, but the project is a massive one involving a lot of technical aspects.

City Manager Westbrook said that once the study has been performed, the City can update it on an annual basis from in-house staff.

Councilwoman Sitnick wondered if we just did a study on the classification plan if that would that reduce the \$80,000 request. Earlier today she asked the City Manager to provide the Council with an accurate total on all the money the City spends on consultant and study fees. She felt the total figure would boggle our minds. At a time when the City's budget is so tight, when everybody has cut back, and when police, fire and sanitation workers are working at much lower

salaries than across the state, it's hard for her to justify \$80,000 for a study that doesn't even cover the budget requirement to implement the recommendations. It seems to her that with all of the computer and technical capabilities that we have today that there should be some way -16-

for us to buy the software or utilize what we have and come up with as much information as possible in order to not have to spend \$80,000 for another study. She agreed that this is essential to do. She knows that it doesn't take a whole lot of money to know that our police and fire are not getting enough money. We've known that for years and she's known that before coming onto Council. She would like to figure out what we can do in-house and then find out what the cost.

Ms. McGrayne said that she has done some research to determine what it might cost to do individual components of the study. She asked the firms bidding on the study to break down the specific services so that if we were only able to fund certain aspects, we would have comparable bids in that area as well. Because the bid deadline will not be until December 14, any figures would be only estimates.

Discussion then surrounded ways to reduce the \$80,000.

Councilman Swicegood stated that he could not support spending the \$80,000 and would like to see what services could be provided in-house with possibly some help from the N.C. League of Municipalities.

Council instructed the City Manager to bring this matter back on December 20 (after the bids were received) and present the Council with a monetary breakdown by components.

Councilwoman Field moved to table this issue until December 20, 1994. This motion was seconded by Councilman Watts and carried unanimously.

D. ORDINANCE NO. 2159 - BUDGET AMENDMENT TO ESTABLISH AN APPROPRIATION TO PAY THE GENERAL FUND PORTION OF MSD SEWER BILLS FOR FISCAL YEARS 1993/94 AND 1994/95

Mr. Bob Wurst, Audit and Budget Director, said that City Council has agreed to pay MSD sewer charges to City facilities effective July 1, 1993. The total General Fund appropriation to cover 1993/94 and 1994/95 is \$119,558. There is adequate funding in other City locations (water fund) to cover the cost.

The City historically has not paid for water or sewer utilities at public facilities, such as Parks and City buildings. In 1989 the City turned over its sewer system to MSD. In 1993 MSD notified the City that it expected payment for sewer services even though it pays no in lieu of tax as does the Water Authority.

Vice-Mayor Peterson instructed the City Manager not to disburse any money until the amount MSD owes the City for previously agreed upon sewer line extensions has been paid in full.

Councilwoman Sitnick stated that if MSD gives the City any more grief on this that we either up our billing charges or stop billing for them.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read. -17-

Councilman McClure moved for the adoption of Ordinance No. 2159. This motion was seconded by Vice-Mayor Peterson

On a roll call vote of 7-0, Ordinance No. 2159 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 332

E. ORDINANCE NO. 2160 - BUDGET AMENDMENT FOR CONTINUED FUNDING FOR RECYCLING DROP CENTERS

Mr. Bob Wurst, Audit/Budget Director, said that this budget amendment, in the amount of \$18,400, increases the appropriation for the contracted services required to maintain our two city-sponsored recycling drop sites. The proposed amendment will allow us to continue to pay for this service until July 1, 1995.

Over three years ago, Council approved a budget to pay a private contractor to service and maintain the City's first recycling drop center at the Lowe's store in west Asheville. Approximately 18 months ago the Council agreed to also support a second site, which is now located at the intersection of McCormick Field Extension and Biltmore Avenue.

The monthly cost to operate both sites is approximately \$2,300. We usually receive about \$300 a month in revenue, which offsets our expenses for the program.

Councilwoman Sitnick asked the City Manager to investigate a concern surrounding the County dropping the ball and creating an additional burden on the City as it relates to recycling.

Mr. Wurst answered specific questions from Councilman Swicegood as they related to the avoidance of paying tipping fees as a result of recycling.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Peterson moved for the adoption of Ordinance No. 2160. This motion was seconded by Councilman Swicegood.

On a roll call vote of 7-0, Ordinance No. 2160 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 334

F. ORDINANCE NO. 2161 - BUDGET AMENDMENT TO APPROPRIATE FUNDS NEEDED FOR URBAN TRAIL PHASE III

Mr. Bob Wurst, Audit/Budget Director, said that this budget amendment, in the amount of \$48,245, will appropriate the budget needed for the Urban Trail, Phase III budget. This is the third year in which we have requested this budget amendment. Funding for the Urban Trail stations is obtained from private and community donations. Funding is based on projections of which stations will be selected by donors and the purchases needed to complete those stations and this phase of the project. -18-

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Peterson moved for the adoption of Ordinance No. 2161. This motion was seconded by Councilman Swicegood.

On a roll call vote of 7-0, Ordinance No. 2161 passed on its first and final

reading.

ORDINANCE BOOK NO. 14 - PAGE 336

G. ORDINANCE NO. 2162 - BUDGET AMENDMENT TO SET UP THE 1994 APPROPRIATIONS FOR THE LIGHT UP YOUR HOLIDAYS FESTIVAL ACTIVITIES IN THE FESTIVALS FUND

Mr. Bob Wurst, Audit/Budget Director, said that this budget amendment, in the amount of \$61,200, will set up the 1994 appropriations for the Light Up Your Holidays Festival activities in the festivals fund. The City Development Office and other community organizations have worked together to support and promote the Light Up Your Holidays 1994 Festival. This appropriation supports the activities associated with the Festival. This amount is supported by fees for those activities.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Peterson moved for the adoption of Ordinance No. 2162. This motion was seconded by Councilwoman Sitnick.

On a roll call vote of 7-0, Ordinance No. 2162 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 338

H. ORDINANCE NO. 2163 - BUDGET AMENDMENT TO APPROPRIATE FUNDS FOR RICHARD SHARP SMITH EXHIBIT

Mr. Bob Wurst, Audit/Budget Director, said that this budget amendment, in the amount of \$49,520, will establish a budget for the Richard Sharp Smith Exhibit. Funding will be provided by local and state grants and donations. They expect this event to draw 35,000 people.

Councilwoman Sitnick thanked Ms. Maggie O'Connor, HRC Director, for finding and maintaining the integrity of these delicate drawings and bringing to Asheville and exhibit that showcases one of the finest architects in our area.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Sitnick moved for the adoption of Ordinance No. 2163. This motion was seconded by Vice-Mayor Peterson.

On a roll call vote of 7-0, Ordinance No. 2163 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 344

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I. ORDINANCE NO. 2164 - BUDGET AMENDMENT TO APPROPRIATE CDBG FUNDS FOR OPPORTUNITY CORPORATION MATCH

Mr. Bob Wurst, Audit/Budget Director, said that the Opportunity Corporation of Madison-Buncombe Counties has requested a budget amendment of the remaining balance of the CDBG funds appropriated for the weatherization program. The balance of \$7,835 will be used as a portion of the match for a state grant to the Opportunity Corporation.

The Opportunity Corporation has been awarded a grant of \$10,000 from the N.C. Department of Health and Human Services. The State grant requires a match of \$10,000 from the Opportunity Corporation. The State will allow the use of CDBG funds as match. There is a remaining balance of \$7,835 CDBG appropriation for the Opportunity Corporation's weatherization program. The Opportunity Corporation will use the State grant and the CDBG match, along with Opportunity Corporation funds of \$2,165 to assist the City with implementation of its Empowerment Zone/Enterprise Community Strategic Plan.

Council members thanked Ms. Dee Williams, Executive Director of the Opportunity Corporation, for the fine job she has been doing.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Peterson moved for the adoption of Ordinance No. 2164. This motion was seconded by Councilwoman Sitnick.

On a roll call vote of 7-0, Ordinance No. 2164 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 346

V. CONSENT:

Councilman McClure asked that Item "C" concerning execution of an amendment to an agreement by and between the City of Asheville and the United States of America for fire protection services to the Veterans Affairs Medical Center be removed until a decision regarding annexation is reached on December 20, 1994.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 15 AND NOVEMBER 29, 1994

B. RESOLUTION NO. 94-229 - RESOLUTION AMENDING THE WATER AGREEMENT TO ALLOW THE APPOINTMENT OF THE HENDERSONVILLE COUNTY MANAGER AS A MEMBER OF THE ASHEVILLE-BUNCOMBE WATER AUTHORITY

Summary: On June 28, 1994, the A-B Water Authority, the City of Asheville, and the County of Henderson signed a Regional Water Agreement which granted for the City and the Water Authority the right to purchase a site for a water treatment plant in Henderson County. As part of this agreement, Henderson County is allowed to place two new voting members on the Water Authority.

Henderson County has requested that it be permitted to initially appoint David Thompson, Henderson County Manager, to the Authority for the first two years of a three year term. Henderson County makes this request so that they can have a representative who has experience with water systems and administration. -20-

Henderson County understands that this appointment is an exception to the provisions of the Supplemental Water Agreement and the Authority's bylaws, and that after the initial two years he shall not be eligible for reappointment.

RESOLUTION BOOK NO. 22 - PAGE 137

C. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AN AGREEMENT BY AND BETWEEN THE CITY OF ASHEVILLE AND THE UNITED STATES OF AMERICA FOR FIRE PROTECTION SERVICES TO THE VETERANS AFFAIRS MEDICAL CENTER

This item was deleted from the Consent Agenda.

D. RESOLUTION NO. 94-230 - RESOLUTION AUTHORIZING RELOCATION OF AN ABOVE-GROUND STORAGE TANK FOR HERTZ CAR RENTAL AGENCY AT ASHEVILLE REGIONAL AIRPORT

Summary: The Hertz Car Rental facility at the Asheville Regional Airport is seeking City Council approval of a relocation of an existing above-ground gasoline storage tank in connection with a renovation of its service facility.

RESOLUTION BOOK NO. 22 - PAGE 139

E. RESOLUTION NO. 94-231 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

Summary: The terms of Ernest Melin and Ellen Lyda as alternates on the Board of Adjustment expire on January 21, 1995. This resolution will appoint R. Dennis Weaver and G. Diane Westmoreland as alternates to the Board of Adjustment for three year terms respectfully, terms to expire January 21, 1998, or until their successors are duly appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 140

F. RESOLUTION NO. 94-232 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE LOWEST QUALIFIED BIDDERS FOR INSTALLATION OF CARPET IN THE THOMAS WOLFE AUDITORIUM AND RENOVATION TO THE THOMAS WOLFE AUDITORIUM

Summary: The Civic Center is requesting the City Council award bids for carpet and renovations to the Thomas Wolfe Auditorium to update the facility and make the public spaces comply with the Americans with Disabilities Act ("ADA").

Capital improvements were approved in a prior year for the renovations to the Thomas Wolfe Auditorium. The Civic Center Commission worked along with the Director to establish priorities for the project.

Improvements include new carpet throughout, improved wheelchair access, changes to the main steps in the lobby, and wheelchair seating improvements.

Along with and beyond these costs, students from A-B Technical College will begin painting changes to restore the theater to the art deco period it was created in.

Bids for carpet installation were solicited from three companies who are the area representatives of the carpet manufacturing mills whose -21-

product meets the bid specifications and who are listed as being suppliers and installers of carpet on the "State Contract" list. Bids for carpet installation were also solicited by advertisement in the Asheville Citizen-Times. Biltmore Village Carpet Inc. was the only bidder for supplying and installing the carpet, with a bid amount of \$60,551, which includes the Base Bid and Alternate 1. A copy of the tabulation of bids is attached hereto as Exhibit "A".

Bids for renovation to the Thomas Wolfe Auditorium were solicited from seven contractors, including three minority businesses who have been certified by the Minority Business Commission of the City of Asheville. J. Cole Construction Company submitted the lowest responsible bid in the amount of \$96,300, which includes the Base Bid and Alternate 2. A copy of the tabulation of bids is attached hereto as Exhibit "B".

Councilwoman Sitnick questioned the use of red wine in the Civic Center when spilled on the carpets.

RESOLUTION BOOK NO. 22 - PAGE 141

G. MOTION SETTING A PUBLIC HEARING ON DECEMBER 20, 1994, TO AMEND THE ZONING ORDINANCE TO ALLOW BANKS AS A PERMITTED USE IN THE OI OFFICE INSTITUTIONAL DISTRICT

Vice-Mayor Peterson moved for the adoption of the Consent Agenda. This motion was seconded by Councilman McClure and carried unanimously.

VI. OTHER BUSINESS:

A. CLAIMS

City Manager Westbrook said that the following claims were received by the City of Asheville during the week of November 10-16, 1994: Richard Soderquist (Parks and Recreation) and Carter Cove Road (Water).

He said the following claims have been received during the week of November 17-30, 1994: Danny Gross (Streets), Brenda Chapman (Water), Robert W. Penland (Water), Geraldine Baird (Water) and Ray Carson (Civic Center).

He said that these claims would be referred to the appropriate insurers for investigation.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 10:04 p.m.

CITY CLERK MAYOR
