

Tuesday - December 20, 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

Councilman McClure gave the invocation.

I. PROCLAMATIONS:

A. RECOGNITION OF WILLIAM F. WOLCOTT JR., ASSOCIATE CITY MANAGER/CITY CLERK

City Manager Westbrook recognized William F. Wolcott Jr., Associate City Manager/City Clerk, who will be retiring effective January 1, 1995, after 45 years of service to the City.

Mr. Westbrook stated that the City Council will be hosting a reception in Mr. Wolcott's honor in the very near future and invited City employees as well as the public.

B. PRESENTATION OF AWARD FOR EXCELLENCE IN AFFORDABLE HOUSING

Community Development Director Marvin Vierra said that the N.C. Housing Finance Agency presented "Housing North Carolina Awards" for five projects in North Carolina on December 8, 1994, in Raleigh, N.C. The City of Asheville received an award for its contribution to the Affordable Homeownership Program administered by Mountain Housing Opportunities Inc. The program is funded by the City through the Community Development Block Grant Program.

Mr. Scott Dedman, Mountain Housing Opportunities Inc., thanked the City Council for their support.

Mr. Vierra then presented the award to the Mayor and City Council.

C. COMMENTS BY MINNIE JONES

Ms. Minnie E. Jones, West Asheville community leader, read "I wish to thank you all personally for the gift you have given to the citizens of west Asheville, especially the children, for the work on Wellington Street. We have been waiting for a long time for this to happen. There is no better time to come forward and say thank you for a job well done than at Christmas. I wish you and yours a very merry Christmas and a prosperous New Year."

II. PUBLIC HEARINGS:

A. CONTINUATION OF PUBLIC HEARING RELATIVE TO ZONING THE BREVARD ROAD ANNEXATION AREA

ORDINANCE NO. 2165 - ORDINANCE TO ZONE THE BREVARD ROAD ANNEXATION AREA -2-

Mayor Martin said that this public hearing was opened on December 6, 1994, and

continued until this date in order to give additional time to Council to go out and see the properties first-hand.

Mr. Paul Benson, Urban Planner, refreshed Council's memory by stating 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.

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.

Upon inquiry of Councilman Swicegood, Mr. Benson said that residential is allowed in a CH district, but not in the CS district. If Council chose to zone the Stevens property to CS, the house would be a nonconforming use in that district.

Mayor Martin closed the public hearing at 4:36 p.m.

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

Councilman Swicegood moved for the adoption of Ordinance No. 2165 as proposed by the Planning and Zoning Commission, with the exceptions that Lot 58 owned by Mrs. Stevens be zoned CH District and Lot 2 owned by the Gentrys be zoned R-5. This motion was seconded by Vice-Mayor Peterson.

On a roll call vote of 7-0, Ordinance No. 2165 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 348

- CHARLOTTE STREET CORRIDOR

Councilwoman Sitnick moved to withdraw the resolution directing the administration to initiate a small area plan for the Charlotte Street corridor from the Consent Agenda and place it under New Business. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

B. PUBLIC HEARING RELATIVE AMENDING THE ZONING ORDINANCE TO ALLOW BANKS AS A PERMITTED USE IN THE OI OFFICE INSTITUTIONAL DISTRICT

ORDINANCE NO. 2166 - ORDINANCE AMENDING THE ZONING ORDINANCE TO ALLOW BANKS AS A PERMITTED USE IN THE OI OFFICE INSTITUTIONAL DISTRICT

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

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

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Mr. Mike Matteson, Urban Planner, said that this ordinance would amend the zoning ordinance to allow banks, bank branches and similar institutions as permitted uses in the OI District. Banks, bank branches and similar institutions are currently conditional uses in the District. The Planning staff feels that this land use is appropriate in the OI District and that there is

no need to attach additional conditions to this use.

The Planning & Zoning Commission, at their meeting on December 7, 1994, voted unanimously to recommend this wording amendment.

Mayor Martin said that eight phone calls have been received opposing this amendment.

Upon inquiry of Councilwoman Field as to why all the opposition, Councilwoman Sitnick felt that most calls were probably from the Montford neighborhood. It was her understand that the neighborhood feels that the Highland Park property, which is zoned OI, would allow banks and then what would be next permitted use in OI.

Ms. Jane Gianvito Mathews stated concern on how we apply the OI district in the future.

When Councilwoman Sitnick inquired about if the Planning and Zoning Commission considers OI as a transitional district, Ms. Mathews felt that in the past it has been used as a transitional zoning adjacent to residential areas.

Councilman McClure addressed some of the concerns and felt that banks would be a very consistent part of this particular zoning noting that banks blend with the particular neighborhoods they are in.

Councilwoman Sitnick expressed to Council that should there be further requests for additional permitted uses in OI, Council pay mind to the fact that it is in some cases OI is considered a buffer between residential neighborhoods and commercial neighborhoods and that we should exercise extreme caution in allowing additional uses in OI districts.

Mayor Martin closed the public hearing at 4:48 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. 2166. This motion was seconded by Councilwoman Sitnick.

On a roll call vote of 7-0, Ordinance No. 2166 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 354

C. PUBLIC HEARING TO REZONE 15 LOTS ON PISGAH VIEW ROAD

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

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

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Mr. Carl Ownbey, Transportation Planner, said that this ordinance will rezone 15 lots on Pisgah View Road from R-3 Residential District to R-5 Residential District. The subject area contains five mobile homes, eight residential structures, and one church. The area immediately adjacent to the subject area contains eight mobile homes.

The petitioner's mother owns .65 acres in the area and the petitioner wishes to

place a mobile home next to her mother's so she can take care of her. However, the .65 acre piece of property cannot be rezoned R-5 or it would be considered illegal spot zoning. The Planning staff gave direction to the petitioner by encouraging her to obtain signatures of the surrounding property owners to see if they would want their property rezoned to R-5 and the petitioner has done that. The rezoning petition before the Council is to rezone approximately 18 acres in the area.

The Planning staff recommended approval of the rezoning based on the fact that the area is developed currently with many manufactured homes.

At the meeting of the Planning and Zoning Commission ("Commission") on October 5, 1994, there were several property owners adjacent to the subject area that were opposed to the rezoning of such a large area of land. Discussion arose as to the validity of the rezoning petition. The Commission then tabled any decision on this petition pending verification of the rezoning petition. On November 2, 1994, the Commission again reviewed the rezoning request and received affirmative information from Planning staff that the names on the rezoning petition were accurate. The Commission then approved the rezoning request.

Mr. Ownbey said that a valid protest petition was filed on December 15, 1994, invoking the 3/4's vote requirement.

Councilwoman Sitnick wondered why the petitioner did not go to the Board of Adjustment for a variance based upon a hardship, especially in view of the fact that zoning is to be done for the good of the community rather than for the good of one or a small group. Mr. Ownbey responded that this could not go to the Board of Adjustment because it would be considered a use variance which is not allowed in the State of North Carolina. The only recourse the petitioner had was to get the property rezoned.

Mr. Jim Fagan, resident of the surrounding area, stated the following reasons that this rezoning petition should be denied:

1. This proposed amendment would be contrary to the "City of Asheville Rezoning Process" which states that there must be convincing demonstration that all uses permitted under the proposed zoning classification would be in the general public interest and not merely in the interest of an individual or small group of individuals.
2. The rezoning would lower the surrounding property owners property values.
3. The proposed rezoning of 18 acres for the only reason stated, being to allow the placement of one mobile home on one .65 acre lot is zoning with no planning.

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4. The proposed rezoning would open the door to a potentially large mobile home park or other land uses that could over-burden water and sewer capacities as well as add to an already heavy traffic problem.
5. This proposal would make available other land uses that would not be compatible with higher and better land use such as single family houses.
6. Through the years, many people have invested much time and money in improving their property. Their goal is to upgrade their neighborhood. This proposal would definitely have a negative impact on our neighborhood.

Mr. Robert Lee hoped that a variance could be granted to the petitioner.

Ms. Melody Fish, petitioner, pleaded with Council to let her place a mobile home next to her mothers so she could take care of her. She didn't want the community in disagreement but this rezoning is the only way the mobile home could be built in there. She stressed that the addition of the mobile home would not downgrade the community.

At the request of Councilwoman Sitnick, Planning Director Julia Cogburn read the uses allowed in the R-5 district.

Ms. Betty Fagan reiterated her husband's comments above strongly urged Council to deny the rezoning request.

Ms. Betty Gantt and Ms. Nan Corbin also spoke against the proposed rezoning.

Councilwoman Field instituted some discussion about the possibility of reducing the amount of property to be rezoned to perhaps seven acres in order to accommodate the petitioner's request. She asked if there was any willingness amongst the neighbors and the petitioner to meet and look at some alternative solutions.

Mr. and Mrs. Fagan responded that they did not want any of the property to be rezoned to R-5.

Mayor Martin closed the public hearing at 5:32 p.m.

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

Councilwoman Sitnick said that just as it is true as the State law is regarding granting use variances so is the law that regulates our attitude toward zoning and the law clearly states that zoning is to be done for the good of the community, not for the good of one or a small group of individuals. One of the reasons has been pointed out and that's because if this area is zoned R-5 what's to say that in a few years property owners might choose to sell that property and some of these other more intense uses come in the area. Then what you have is a zoning that is based on compassion for one person's situation and make no mistake about it, we have compassion for the petitioner's situation. She took care of her own mother. She was lucky enough to have her in her home with her but she realizes that not everyone can have that luxury. But how is Council to address the property values, the -6-

investments, the lifestyles, and the quality of life that's been established by dozens of other people in the area. This is one of those times when people who get elected to office aren't so sure it wasn't the right thing to do. It's very, very difficult for Council. But if Council is to follow the law in this case then we have to vote to deny this request. I would hope however, that in keeping with the intent of this Council that the parties involved can get together in order to see if they can come up with a compromise that would work. Maybe Council needs to look at the authority of the Board of Adjustment that is at this point is unable to grant a use variance for a situation like this based on hardship. I would like to see if something could be worked out.

Councilman Swicegood moved to deny the request to rezone 15 lots on Pisgah View Road. This motion was seconded by Councilman Watts and carried on a 6-1 vote with Councilwoman Field voting "no". Councilwoman Sitnick said that her vote was based on the law regarding zoning.

III. UNFINISHED BUSINESS: NONE

IV. NEW BUSINESS:

A. RESOLUTION NO. 94-233 - RESOLUTION DIRECTING THE ADMINISTRATION TO INITIATE A SMALL AREA PLAN FOR THE CHARLOTTE STREET CORRIDOR

Ms. Julia Cogburn, Planning Director, said that the Planning and Zoning Commission requests that the City Council approve a resolution directing the Planning staff to initiate a small area plan of Charlotte Street corridor. The proposed plan would be presented to the Planning and Zoning Commission for consideration and then to City Council for review and adoption.

Mr. Rich Mathews, property owner in Albemarle Park, spoke at length about how this idea has come about and how the plan will maximize all property values in the area, address the needs of the whole area, and will give Asheville a better entrance to north Asheville.

Vice-Mayor Peterson urged the neighborhood associations to notify all the business owners along Charlotte Street and all property owners in the area so that they may have input into the plan if they so desire.

Upon inquiry of Councilman Swicegood on what role the City would play in this, Councilwoman Sitnick said that the City's role would be to create a concept or a vision for a particular thoroughfare.

Councilwoman Field wanted to make sure that Ingles was involved in the corridor plans. She suggested that since Charlotte Street is on the Transportation Advisory Committee's plan for improvement, that representatives of the area meet with the Committee.

Councilman McClure wanted to make sure there would be no duplication efforts with this plan and the work being done on the Unified Development Ordinance.

Councilwoman Sitnick explained the newly formed Pedestrian Awareness Community Evaluation (PACE) committee and asked for two representatives from each association to assist with the purpose of the committee.

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Ms. Jane Gianvito Mathews felt there was a good relationship in the community and this is an opportunity for us to come together and get a vision for the area.

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

Councilwoman Sitnick reaffirmed Ms. Mathews' statements. She said the whole point of a small area plan that brings together staff, citizens, residents and the business people is to avoid the very thing that this Council is constantly dealing with and that's the contentious public hearing that occurs down the line because there really hasn't been this long term opportunity of participation on the part of the people who are impacted by development, growth, zoning, etc. She commended this effort and appreciated Planning and Zoning Commission's recommendation to the Council and the up front vision that will occur in a small area plan, whether it's for Charlotte Street, or anywhere else is the remedy against creating another anywhere USA kind of road like Tunnel Road or Merrimon Avenue. That's the whole point of this kind of process and she's very encouraged by it and hopes other neighborhoods in the City pick up on it and emulate it.

Councilwoman Field moved for the adoption of Resolution No. 94-233. This motion

was seconded by Councilwoman Sitnick and carried unanimously.

RESOLUTION BOOK NO. 22 - PAGE 143

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

Mayor Martin said that the public hearing on this matter was held on December 6, 1994.

Ms. Patty Joyce, Senior Planner, brief the Council on the plan for services. She said that the proposed effective date of the annexation would be February 28, 1995.

Fire Chief John Rukavina answered various questions raised by Councilman McClure relative to fire protection at the VA Hospital.

Upon inquiry of Councilwoman Field on the City Manager's position on this annexation, Mr. Westbrook stated his reasons why he supported this annexation.

Mr. Jerry Crow, attorney representing the Summit, stated that the Summit is opposed to this annexation and pointed out his various reasons. It seemed that the City is asking less than 15 residences and the Summit to fund this annexation through the \$138,000 the City will be receiving from taxes. From the Summit's viewpoint they will be passing that through to the people who can least afford it and that is the people who are in extended long-term care and most of those are on Medicaid. It was his feeling that the City is going to have a greater expense to provide adequate fire protection to this type facility if in fact they are treating it as just another part of the City. The City's figure of annexation certainly does not include the legal costs if the annexation is challenged in court and he feels that there is an issue in this case on whether the area qualifies or not. -8-

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 an ordinance extending the corporate limits of the City of Asheville to an area known as the Oteen III annexation area. This motion was seconded by Mayor Martin.

On a roll call vote of 2-5 vote, the motion extending the corporate limits to an area known as the Oteen III annexation area failed, with Vice-Mayor Peterson, Councilwoman Sitnick and Councilmen McClure, Swicegood and Watts voting "no".

C. CONSIDERATION OF AN APPLICATION FOR A LICENSE FOR A MASSAGE THERAPIST - MARY PRIDE

Mr. Larry Fisher, Finance Director, said that Ms. Mary Pride 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. Pride's application and all pertinent requirements have been met.

Councilwoman Sitnick felt that it was time for Council to consider asking the City Manager in conjunction with the Police Department to revise our City's massage parlor ordinance in order to exempt massage therapists or at least to include certain education standards in that ordinance.

Councilwoman Sitnick moved to approve the application for a license for Ms. Mary Pride to practice the profession of a massage therapist. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

D. CONSIDERATION OF AN APPLICATION FOR A LICENSE FOR A MASSAGE THERAPIST - LINDA S. BOYD

Mr. Larry Fisher, Finance Director, said that Ms. Linda Boyd 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. Boyd's application and all pertinent requirements have been met.

Councilwoman Sitnick moved to approve the application for a license for Ms. Linda Boyd to practice the profession of a massage therapist. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

At the request of Councilwoman Sitnick, it was the consensus of Council to ask the City Manager in conjunction with the Police Department to revise our City's massage parlor ordinance in order to exempt massage therapists or at least to include certain education standards in that ordinance. Councilwoman Sitnick said that not only is massage therapy becoming an accepted practice in the medical and chiropractic professions but it addresses muscular skeletal diseases, sports medicine and physical therapists. Massage therapy is an accepted therapeutic practice in our society today and it's about time that Asheville's ordinance stepped into the 90's.

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E. PRESENTATION BY CHARLIE GLAZENER - COMMUNITY VISIONING

Mr. Charlie Glazener, representing the Asheville Area Chamber of Commerce, gave an extensive presentation to the City Council on community visioning. The total fee for this strategic plan is approximately \$30,000 in which the City and County are asked to contribute \$12,000 each and the Chamber to contribute \$6,000 - with the Chamber providing staffing.

Mayor Martin read the following letter dated December 20, 1994, from Robert E. Shepherd, Executive Director of the Land-of-Sky Regional Council: "I have now discussed the proposed vision for Asheville-Buncombe with you and the Chamber Board Chairman. As you know, we are still implementing our four-county plan, Regional Vision '95. I believe a vision and strategic plan for Asheville-Buncombe could be quite helpful. Our Council has considerable expertise in strategic planning and facilitation and could well assist the County, City, and other municipalities in such an effort if requested. I hope to talk further with the Chamber and other participants to learn further details concerning: - plan/study design; community participation; governmental units to be involved (it is to include other counties?); and etc. We have almost completed a manual on multi-county strategic planning and believe that many of the recommendations in that manual could help with process design involving the collaborators. We look forward to further input if you feel it would help. Please let me know how we can assist you."

Councilwoman Sitnick said she was impressed with Mr. Luke's presentation, his style, his manner and obviously with his results. Not discussing the money for a moment, she expressed a concern regarding duplication of effort. One of the things that she has asked our City Manager to do is to put together for the Council the total amount of money that has been spent on an annual basis on studies and consultant fees, recognizing full well that studies and consultants

are necessary. She was concerned with this visioning process duplicating some of the things that have already been done in the City and the County. She was also concerned with the fact, and this is an argument in favor of the Mayor's proposal for four year terms for Council rather than two, that every two years the political climate of the City changes and while this effort might come up with some great demographics and great statistics and suggestions, the City may have a change in climate, politically, that either negates those recommendations or makes different ones. Regarding the money aspect, she expressed a real concern about the fact that the City doesn't even have enough money in their budget to pay for CityWorks - an effort by this Council to provide an opportunity to provide information about our City and provide an opportunity for public participation to 80,000 people for a mere \$30-40,000 that we don't have. She would like to do everything, but there isn't any money. She said we have to try to get support from our local legislative delegation to possibly approve a one percent room tax increase when Charleston charges 12%, Asheville charges 3%. A one percent increase we could earmark for infrastructure, like street and sidewalks. We don't have any revenue sources. My concern is not with the idea because she thinks it's wonderful because planning and visioning are important, especially in a community like Asheville, but when it comes to money, \$12,000 here, \$12,000 there, and you've got a sidewalk on Wellington Street that was badly needed. If we don't have the money for CityWorks and all these other things we need, the thought of giving \$1,000 for this effort right now is something she has a real hard time doing. That's nothing personal, because she thinks it's a great idea.

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Upon inquiry of Mayor Martin, Audit/Budget Director Bob Wurst said that there was \$29,000 left in contingency that Council could appropriate, if they so choose.

Vice-Mayor Peterson stated that taking care of Asheville's streets and sidewalks is a top priority.

Councilman McClure stated that City residents already pays County taxes and perhaps the County should pay a larger share. He questioned if corporations would like to contribute.

It was the consensus of Council to consider the information presented at this meeting and have the matter brought back at the January 10, 1995, meeting.

F. ORDINANCE NO. 2167 - AN ORDINANCE AMENDING THE STORMWATER RUNOFF REGULATIONS RELATIVE TO THE APPEAL PROCESS

City Attorney Slawter said that during the December 6, 1994, City Council meeting, the Council requested that the stormwater ordinance be amended so as to provide for appeals from the City Engineer to go to the City Council, rather than to a Stormwater Plan Review Committee. In addition to hearing appeals, the stormwater ordinance charges the Stormwater Plan Review Committee with the duty of amendment to Stormwater Standards Specifications Manual from time to time. The ordinance currently provides for the City Council to adopt the initial manual and the Committee to approve subsequent amendments. Since there will no longer be a provision for a committee, the amended ordinance also provides for the Council to approve the amendments.

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

Councilman McClure moved for the adoption of Ordinance No. 2167. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 2167 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 357

G. ORDINANCE NO. 2168 - BUDGET AMENDMENT RELATIVE TO SETTING UP AN APPROPRIATION FOR THE NORTH ASHEVILLE YOUTH LEAGUE

Mr. Bob Wurst, Audit/Budget Director, said that this budget amendment, in the amount of \$2,500, comes from a donation made by First Union National Bank. This contribution is earmarked for the North Asheville Youth League.

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. 2168. This motion was seconded by Councilman McClure.

On a roll call vote of 7-0, Ordinance No. 2168 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 358 -11-

H. BUDGET AMENDMENT RELATIVE TO A COMPREHENSIVE PAY AND POSITION COMPENSATION STUDY

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND DAVID M. GRIFFITH AND ASSOCIATES LTD. TO CONDUCT A COMPREHENSIVE CITY-WIDE PAY AND CLASSIFICATION STUDY

Ms. Pam McGrayne, Personnel Director, said that staff is requesting approval of a budget amendment in the amount of \$49,800 to fund a City-wide pay and classification study. Also, staff is requesting that the City Manager be authorized to execute an agreement between the City and David M. Griffith and Associates Ltd. ("DMG") to conduct a comprehensive city-wide pay and classification study.

She said that the City has received eight proposals for conducting a city-wide pay and classification study. Each proposal responded to some or all of the objectives specified in the Request for Proposals. After reviewing proposals and references, staff recommends that the City Manager be authorized to execute an agreement with DMG.

DMG has conducted similar studies and installed various classification and compensation systems in more than 400 cities, counties and public agencies throughout the United States. It also has extensive experience in the installation of pay-for-performance/performance appraisal systems and in developing various salary administration programs and associated policies.

DMG's project approach includes the following components and associated costs:

*Classification Specifications (job audits) - \$37,350

Compensation Survey - \$1,710

Comp/Class Plan, FLSA Analysis - \$13,000

Pay-for-Performance, other administrative policies - \$3,860

Staff Training - \$2,560

Software System - \$5,000

Total \$63,480

*As a cost-reducing alternative, staff has negotiated with DMG to conduct sessions to train a committee of City staff members to interview 30% of their fellow workers about their positions. DMG staff would work closely with this committee and meet with it daily. This alternative would save \$13,680 for a total project cost of \$49,800.

Vice-Mayor Peterson was impressed with the way DMG performs their studies and presents their results.

Ms. McGrayne answered various questions and concerns from the Council as they related to other ways of handling the study, how the study will be implemented, etc.

Upon inquiry of Councilwoman Field about where the City would get the \$49,800, Audit/Budget Director Bob Wurst said that each year a \$100,000 appropriation is set up in the general capital fund for studies and one-shot type things like this and the money would come out of that fund.

Councilman Watts supported the budget amendment and stated the need for one. -
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Vice-Mayor Peterson and Councilman Swicegood felt it would be a good idea for the City to ask DMG for a quote on doing a manning study for all departments, similar to the one done in the Water Department a couple of years ago. Councilman Swicegood agreed.

Ms. McGrayne said she would be happy to get that figure and wanted to stress that this study would need to be completed in time to get in on the budget process for this year.

City Manager Westbrook said that he would be looking into the staffing situation for the City during the budget process.

Councilwoman Sitnick commended Ms. McGrayne for finding ways to lower the cost of the study. She echoed Vice-Mayor Peterson's comments concerning the staffing study.

Councilwoman Field said the City definitely needs the study done to get us back in line and commended Ms. McGrayne for negotiating a lower price by training City staff and obtaining the software to keep up with the study. She understands the request for DMG to do a manning study, but she would prefer to let the City Manager do his job and manage it by coming back to Council with recommendations on staffing. She was not opposed to getting a quote from DMG but felt the City needed to go ahead with the pay and classification plan and let the City Manager take a hard look at the way we staff our City.

Councilman McClure stated that he did want everyone to be paid a fair wage. However, the City is going to have to be prepared to either cut expenses or raise taxes to pay for the implementation. He wanted to have additional information on whether the City could cut expenses because he is not prepared to raise taxes.

It was the majority of Council's decision to postpone the budget amendment and the resolution authorizing an agreement with DMG until a quote from DMG on performing a manning study for all departments has been received.

V. CONSENT:

Due to failed motion to extend the corporate limits of the City of Asheville to an area known as the Oteen III annexation area, the following consent agenda items were removed:

- 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
- Resolution authorizing the City Manager to execute an agreement on behalf of the City of Asheville with the Riceville Volunteer Fire Department for fire protection services to the Oteen III annexation area

As a result of the postponement of the budget amendment concerning the pay and classification study, the resolution authorizing the City Manager to enter into an agreement with David M. Griffith and Associates Ltd. to conduct a comprehensive city-wide pay and classification study has been removed from the consent agenda.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 6, 1994 - 13-

B. RESOLUTION NO. 94-234 - RESOLUTION AUTHORIZING THE HOUSING AUTHORITY TO ACCEPT A BID TO PURCHASE DISPOSAL PARCELS 141, 149 AND 150 OF THE EAST END/VALLEY STREET COMMUNITY IMPROVEMENT PROGRAM

Summary: C.F.P. Building associates, L.L.C., bid on disposal parcels 141, 149 and 150 in the amount of \$55,000. The total area of land is 2.4 acres (approximately one acre buildable). The proposed development will consist of a 5,400 square foot office building for use solely in the practice of family medicine by the redeveloper. The design of both building and parking will be such as to maintain a character in keeping with the surrounding residential area.

RESOLUTION BOOK NO. 22 - PAGE 144

C. RESOLUTION NO. 94-235 - RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION FOR AND TO ENTER INTO AN AGREEMENT WITH THE N.C. MARTIN LUTHER KING JR. COMMISSION FOR A GRANT PROGRAM

Summary: The Asheville Parks and Recreation Department has requested the City make application for and authorize an agreement with the North Carolina Martin Luther King Jr. Commission for a grant total of \$2,400.

RESOLUTION BOOK NO. 22 - PAGE 145

D. RESOLUTION NO. 94-236 - RESOLUTION CALLING FOR A PUBLIC HEARING ON JANUARY 24, 1995, DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH 431 STATE STREET

RESOLUTION BOOK NO. 22 - PAGE 146

E. RESOLUTION NO. 94-237 - RESOLUTION CALLING FOR A PUBLIC HEARING ON JANUARY 24, 1995, DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH 56 BURTON STREET

RESOLUTION BOOK NO. 22 - PAGE 148

F. 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.

G. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF ASHEVILLE WITH THE RICEVILLE VOLUNTEER FIRE DEPARTMENT FOR FIRE PROTECTION SERVICES TO THE OTEEN III ANNEXATION AREA

This item was deleted from the consent agenda.

H. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT RELATIVE TO A COMPREHENSIVE PAY AND POSITION CLASSIFICATION STUDY

This item was deleted from the consent agenda.

I. RESOLUTION NO. 94-238 - RESOLUTION AMENDING THE PERSONNEL POLICY TO ALLOW FOR CONVERSION OF ANNUAL AND HOLIDAY LEAVE TO SICK LEAVE -14-

Summary: This resolution will amend the City's Personnel Policy to provide for the conversion of unused holiday leave and accrued annual leave in excess of the designated amount, to sick leave at the end of each calendar year unless otherwise approved by the City Manager. Employees could use converted leave in the same manner as other accrued sick leave during employment and at retirement.

RESOLUTION BOOK NO. 22 - PAGE 150

J. RESOLUTION NO. 94-239 - RESOLUTION REAPPOINTING M. JERRY VEHAUN TO THE FIREMEN'S RELIEF FUND

Summary: The term of M. Jerry VeHaun will expire on January 1, 1995. This resolution will reappoint Mr. VeHaun to an additional two year term. His term will expire January 1, 1997, or until successor has been appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 151

K. RESOLUTION NO. 94-240 - RESOLUTION APPOINTING HENRY MITCHELL TO THE ASHEVILLE TREE/GREENWAY COMMISSION

Summary: Harry Baker has resigned from the Tree/Greenway Commission leaving an unexpired term until August 1, 1995. This resolution will appoint Henry Mitchell to fill the unexpired term of Mr. Baker. Mr. Mitchell's term will expire August 1, 1995, or until his successor has been appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 152

L. RESOLUTION NO. 94-241 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF VICTORIA OF ASHEVILLE INC.

Summary: Victoria of Asheville Inc. is a non-profit corporation incorporated on July 17, 1980. As required in the Articles of Incorporation and the By-Laws, City Council has from time to time appointed members of the Board of Directors of the Corporation. Current appointments expire on November 29, 1994, or until their successors are appointed. The primary responsibility of the Directors is to keep the Corporation intact and viable until the year 2010 when its purpose shall have been served whereupon it can be dissolved. Interim City Manager Bill Farris recommended to Council that, given the nature of the Directors responsibilities, City employees be appointed as Directors. This resolution

will appoint Larry A. Fisher, Finance Director, Robert G. Wurst, Audit/Budget Director, and William L. Schaefer Jr., Capital Projects Coordinator, as Directors of the Corporation.

RESOLUTION BOOK NO. 22 - PAGE 153

M. RESOLUTION NO. 94-242 - RESOLUTION APPOINTING ELBERT L. TAYLOR SR. AS A REGULAR MEMBER AND BURT STANFORD JR. AS AN ALTERNATE TO THE BOARD OF ADJUSTMENT

Summary: Kent Newell resigned leaving a vacancy on the Board of Adjustment until January 21, 1996. This resolution will appoint Elbert L. Taylor Sr. to fill that unexpired term until January 21, 1996, or until his successor has been appointed and qualified.

On November 15, 1994, City Council appointed Judy Long as a Regular member on the Board of Adjustment, leaving her Alternate term to -15-

be filled. This resolution will appoint Burt Stanford as an Alternate until January 21, 1997, or until her successor has been appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 154

N. RESOLUTION NO. 94-243 - RESOLUTION REAPPOINTING E. BENSON SLOSMAN TO THE METROPOLITAN SEWERAGE DISTRICT BOARD

Summary: This resolution will reappoint Ben Slosman to the MSD Board for an additional three year term, term to expire January 19, 1998, or until his successor has been appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 155

O. RESOLUTION NO. 94-244 - RESOLUTION APPOINTING STEPHEN TOOMEY TO THE ASHEVILLE AREA CIVIC CENTER COMMISSION

Summary: Due to the resignation of Carolyn Ketchum there now exists a vacancy on the Commission. This resolution will appoint Stephen Toomey to the Civic Center Commission to fill the unexpired term of Ms. Ketchum, term to expire June 30, 1997, or until his successor has been appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 156

P. RESOLUTION NO. 94-245 - RESOLUTION APPOINTING BARBARA LOGAN, JIM SAMSEL AND GARRY MOFFITT TO THE ASHEVILLE DOWNTOWN COMMISSION

Summary: The terms of Don Martell, Barry Olen and Victor Trantham expire on December 31, 1994. This resolution will appoint Barbara Logan, Jim Samsel and Garry Moffitt to the Asheville Downtown Commission to serve two year terms respectively, terms to expire December 31, 1996, or until their successors are appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 157

Q. RESOLUTION NO. 94-246 - RESOLUTION APPOINTING DORIS HILL BREWER TO THE BOARD OF DIRECTORS OF THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES

Summary: The By-Laws of the Corporation provide for the City Council to appoint one representative to the Board of Directors of the Corporation for a three year term. The City Council previously stated its intent to appoint Doris Hill Brewer to the Board of Directors of the Corporation.

RESOLUTION BOOK NO. 22 - PAGE 158

R. MOTION SETTING A PUBLIC HEARING ON JANUARY 10, 1995, REGARDING AMENDMENT TO THE ZONING ORDINANCE RELATIVE TO PARKING LOT SURFACE REQUIREMENTS

S. MOTION SETTING A PUBLIC HEARING ON JANUARY 24, 1995, AT 7:00 P.M. IN THE COUNCIL CHAMBER - 2ND FLOOR - CITY HALL BUILDING - RELATIVE TO AN ELECTED SCHOOL BOARD

T. RESOLUTION NO. 94-247 - RESOLUTION APPOINTING NICK KOON TO THE ASHEVILLE TRANSIT AUTHORITY

-16-

Summary: The term of Larry Linney will expire on December 31, 1994. This resolution will appoint Nick Koon to the Asheville Transit Authority to serve a four year term, term to expire December 31, 1998, or until his successor has been appointed and qualified.

RESOLUTION BOOK NO. 22 - PAGE 159

Councilman McClure moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Swicegood and carried unanimously.

VI. OTHER BUSINESS:

A. GROUP DEVELOPMENTS

Mr. Carl Ownbey, Transportation Planner, said the City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. He said in accordance with this procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. He said the following actions were taken by the Planning and Zoning Commission on December 7, 1994:

EMMA ELEMENTARY SCHOOL ADDITION

Mr. Ownbey said that this project is for the proposed addition to the Emma Elementary School on N. Louisiana Avenue. The project will replace several old structures with a two-story facility with some administrative offices and larger classrooms.

The Planning staff and the Planning and Zoning Commission recommend approval of the addition to Emma Elementary School with the following conditions: (1) that the driveway onto Brickyard Road be moved 80 feet to the north to allow for the placement of adequate buffering; (2) receipt of the letter approving water availability; (3) receipt of the letter approving sewer availability; (4) receipt of the letter outlining adequate water flow for fire protection; (5) receipt of a driveway permit on Brickyard Road; and (6) buffering be provided in accordance with City ordinances at the corner of the parking lot. Mr. Ownbey said that the developer has already complied with items (1) and (6).

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action.

WEST TERRACE CENTER - PHASE III

Mr. Ownbey said that this project is for the proposed expansion of the West

Terrace Center complex on Patton Avenue and Haywood Road. Phase III of the project is located at the corner of Haywood Road and Parkwood Road (which is a city street through the project).

The Planning staff and the Planning and Zoning Commission recommended approval of the expansion to the West Terrace Center with the following conditions: (1) receipt of the letter approving water availability; (2) receipt of the letter outlining adequate water flow for fire protection; and (3) receipt of a driveway permit on Parkwood Road.

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action. -17-

B. APPRAISAL OF CITY OWNED PROPERTY

Councilman Swicegood asked the City Manager to provide Council with an appraisal on the building in which City Development is housed and the costs associated with the renovation of that building.

C. DRUNK DRIVING LAWS

Councilwoman Sitnick asked Council's feeling on including in our request to the legislative delegation the State's drunk driving laws and the level of judicial back up for those laws and sentencing requirements.

Councilman McClure felt that perhaps a resolution for stricter enforcement might be in order.

D. CLAIMS

City Manager Westbrook said that the following claims were received by the City of Asheville during the week of December 1-7, 1994: Vernon L. Grimsley (Fire), Kim Rogers (Water), John O'Donnell (Water), Marvin Johnson (Parks and Recreation), Harry Burnette (Water), Maxine Cleveland (Water), Ruth Ballard (Streets), Dan C. Schmidt (Water), Robin Kastler (Water), John A. Harrin (Water) and Hampton Inn (Water).

He said the following claims were received during the week of December 8-14, 1994: Esther Marcus (Streets), Janice Padgett (Water), Jack Smith (Parking), Southern Bell (Water) and Robert Morgan (Water).

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

E. CLOSED SESSION

At 7:52 p.m. Vice-Mayor Peterson moved to go into closed session to discuss the purchase of real property. This motion was seconded by Councilwoman Sitnick and carried unanimously.

Councilman McClure moved to come out of closed session. This motion was seconded by Councilwoman Field and carried unanimously.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 8:10 p.m.

CITY CLERK MAYOR

