

Tuesday - October 23, 1984 - 4:00 p.m.

Regular Meeting

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

Absent: None

INVOCATION

The invocation was given by Councilman Bisette.

APPROVAL OF THE MINUTES

1. Consideration was given to the approval of the minutes of the October 16, 1984 meeting.

Mayor McDevitt announced the approval of the October 16, 1984, meeting as submitted.

PROCLAMATION - "UNITY WEEK" - OCTOBER 22 - 27, 1984

2. Mayor McDevitt read a proclamation proclaiming October 22-27, 1984, as "Unity Week."

Mayor McDevitt presented the proclamation to Mr. Johnny Hayes, Director of the Asheville Housing Authority Enrichment Program.

RESOLUTION NO. 84-191 - RESOLUTION RECOGNIZING THE PUBLIC WORKS DEPARTMENT AND THE STREET DIVISION FOR OUTSTANDING PERFORMANCE AT THE CITY'S ANNUAL BLOOD DRIVE

3. Consideration was given to a resolution recognizing the Public Works Department and Street Division for outstanding performance at the City's annual blood drive.

The City of Asheville sponsors an annual blood drive in cooperation with the Asheville Area Chapter of the American National Red Cross. This year's drive was held September 10, 1984. During this drive, the employees of the Public Works Department and the Street Division had the highest percentage of participation among the employees.

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

Upon motion of Councilman Boland, seconded by Councilman Bisette, Resolution No. 84-191 was unanimously adopted.

Complete text of Resolution No. 84-191 will be found in Resolution Book No. 15 at page 60.

Mayor McDevitt recognized the employees of the Public Works and the Street Division in attendance at the meeting.

RESOLUTION NO. 84-192 - RESOLUTION RECOGNIZING THE ASHEVILLE AREA CHAPTER OF

THE AMERICAN RED CROSS FOR THEIR SERVICE TO THE COMMUNITY

4. Consideration was given to a resolution recognizing the Asheville Area Chapter of the American Red Cross for their service to the community.

Mayor McDevitt read the resolution.

Upon motion of Councilman Frank, seconded by Councilman Price, Resolution No. 84-192 was unanimously adopted.

Complete text of Resolution No. 84-192 will be found in Resolution Book No. 15 at page 61.

Mayor McDevitt presented the resolution to Marshall Upton with the Asheville Chapter of the American Red Cross.

RESOLUTION NO. 84-193 - RESOLUTION OF APPRECIATION TO THE NORTH CAROLINA COURT OF APPEALS

5. Consideration was given to a resolution of appreciation to the North Carolina Court of Appeals.

Mayor McDevitt read the resolution stating that the North Carolina Court of Appeals is currently in Asheville hearing appeals from Western North Carolina. He said this is a great convenience and cost saver for those of our citizens who have appeals pending before the Court. He said this resolution expresses thanks to the North Carolina Court of Appeals for holding some of its sessions in Asheville and requests the Court to hold additional sessions in Asheville in the future.

Upon motion of Councilman Boland, seconded by Councilman Bissette, Resolution No. 84-193 was unanimously adopted.

Complete text of Resolution No. 84-193 will be found in Resolution Book No. 15 at page 62.

PUBLIC HEARING - CLOSING UNOPENED PORTION OF LYMAN STREET

RESOLUTION NO. 84-194 - RESOLUTION TO CLOSE A PORTION OF LYMAN STREET IN THE CITY OF ASHEVILLE, NORTH CAROLINA

6. A public hearing was held relative to closing an unopened portion of Lyman Street.

Mayor McDevitt opened the public hearing at 4:21 p.m.

The City Clerk presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Steve Goldstein, Attorney representing the Asheville City Board of Education and the Housing Authority, said the petitioners are requesting the closing of the portion of Lyman Street and Dewitt Street in order to increase parking on the school campus for staff. He said this street is not presently open and is only a "paper street".

After discussion, Mayor McDevitt closed the public hearing at 4:29 p.m.

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

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 84-194 was unanimously adopted.

Complete text of Resolution No. 84-194 will be found in Resolution Book No. 15 at page 63.

PUBLIC HEARING - CLOSING AN UNOPENED PORTION OF DEWITT STREET

RESOLUTION NO. 84-195 - RESOLUTION TO CLOSE A PORTION OF DEWITT STREET IN THE CITY OF ASHEVILLE, NORTH CAROLINA

7. A public hearing was held relative to closing an unopened portion of Dewitt Street.

Mayor McDevitt opened the public hearing at 4:30 p.m.

The City Clerk presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Steve Goldstein, Attorney for the Asheville City Board of Education, said this street is also requested to be closed to increase the parking on campus for staff, and is not presently opened but only a "paper street".

After discussion, Mayor McDevitt closed the public hearing at 4:31 p.m.

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

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 84-195 was unanimously adopted.

Complete text of Resolution No. 84-195 will be found in Resolution Book No. 15 at page 64.

PUBLIC HEARING - REZONING PROPERTY LOCATED ON GREENHILL AVENUE

8. A public hearing was held relative to rezoning property located on Greenhill Avenue, requested by the West Asheville Medical Center.

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held October 3, 1984, considered the request of the West Asheville Medical Center that Ward 5, Sheet 19, Portion of Lot 12, be rezoned from R-3 Residential District to CH Commercial Highway District. The property is located on Greenhill Avenue. After review and discussion, the Commission voted to recommend to City Council that Ward 5, Sheet 19, Portion of Lot 12, be rezoned from R-3 Residential District to CH Commercial Highway District.

Mayor McDevitt opened the public hearing at 4:34 p.m.

The City Clerk presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at its meeting held on October 3, 1984, recommended approval of the rezoning, subject to a 50' buffer strip. He said since the Planning and Zoning Commission's recommendation, he received a letter from Wayne Edwards, President of Western Steer Corporation, requesting that the 50' buffer strip be reduced to a 25' buffer strip. He said Western Steer intends to buy the property for additional parking space. He said the 25' buffer would give them at least 10 more parking spaces.

Mr. Wayne Edwards with Western Steer Corporation spoke in support of the rezoning, requesting that the buffer be reduced to 25'. He said they would be willing to plant a buffer of white pines along this buffer strip.

After discussion, Mayor McDevitt closed the public hearing at 4:44 p.m.

After discussion relative to the buffer requirements, Councilman Frank moved to continue consideration of the ordinance until October 30, 1984, giving staff an opportunity to amend the ordinance to reflect Council's intention of adopting the ordinance with the provision that a 25' buffer strip be provided on the northern portion of Lot No. 12, and that adequate buffering be provided on the eastern portion of Lot No. 12, and with the provision that the 25' buffer strip remain zoned R-3 Residential District. This motion was seconded by Councilman Price and carried unanimously.

ORDINANCE NO. 1477 - BUDGET ORDINANCE AMENDMENT TO PROVIDE FUNDING FOR A PAYMENT TO RETIRED POLICE OFFICERS

9. Consideration was given to a budget ordinance amendment to provide funding for a payment to retired police officers.

Mayor McDevitt said this ordinance will set up a separate appropriation for a payment to retired police officers and survivors. Total cost of 1984/85 supplement to retired and disabled members and survivors of the Asheville Police Pension & Disability Fund is \$18,875 which will be provided by use of the General Fund contingency.

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

Captain John Best, retired police officer, said the retired police officers requested a cost of living increase and they did not request a lump sum payment as is proposed.

Mayor McDevitt said the proposed budget amendment would provide a lump sum payment to retired police officers and survivors currently making \$600 or less. He said the distribution plan for the lump sum payment would be similar to last year's plan.

Vice-Mayor Bratton said she would support a five percent (5%) lump sum payment to all retired police officers and survivors.

Councilman Frank indicated that Council has requested the City Manager to look into the policemen's plan, and to recommend an equitable plan for the future, taking into consideration that the State is combining the LEGRS and LEO retirement plans.

Captain Harold Brownlee, retired police officer, also spoke in support of additional benefits for the retired police officers.

Councilman Myers said Council has a moral obligation to help those people that are getting the least benefits. He also indicated that Council should adopt an overall plan for the retired police officers for the future.

Upon inquiry of Mayor McDevitt, Corporation Counsel Slawter said, in his opinion, there would not be a conflict of interest for Mayor McDevitt voting on this issue because of one of the recipients being his aunt.

Councilman Price moved for the adoption of Ordinance No. 1477. This motion died for the lack of a second.

Councilman Myers moved to adopt a budget ordinance amendment in a sum equal to that which was paid last year, the best information is that the amount is approximately 37,750, whatever that figure is after we review our records, and that the distribution of that amount be in a manner similiar to the method and amount of distribution that was used last year, with reference to these retirees and survivors. This motion was seconded by Councilman Boland.

After Discussion, Councilman Myers motion failed on a roll call vote of 5-2, with Councilman Boland and Councilman Myers Voting "Aye".

Councilman Bissette said he would support a budget amendment allocating 5% of the total current benefits to all recipients, which he understands is approximately \$32,000, with the distribution scheduled to be similar to last year.

Councilman Frank moved to adopt a budget ordinance amendment equal to 5% of the current total benefits paid to all receipients, under the Police Pension plan assuming that figure is approximately \$32,000, and that Council decide, at a later date, the distribution plan, with the distribution being weighted giving preference to those reciepents making less money. This motion was seconded by Councilman Bissette.

On a roll call vote of 7-0, Ordinance No. 1477 passed on first reading.

Complete text of Ordinance No. 1477 will be found in Ordinance Book No. 10 at Page 288.

ORDINANCE NO. 1478 - BUDGET ORDINANCE AMENDMENT TO SET OFF REVENUE AND APPROPRIATION FOR A UDAG LOAN TO MAGNETICS INTERNATIONAL

10. Consideration was given to a budget ordinance amendment to set off revenue and appropriation for a UDAG loan to Magnetics International.

Mayor McDevitt said this amendment will set off revenue and appropriation for UDAG Loan to Magnetics International in the amount of \$1,205,000. This action appropriates funds for a UDAG loan for a \$7.8 million dollar project by Magnetics International which will improve the City's tax base and provide 121 permanent jobs.

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

Councilman Boland moved for the adoption of Ordinance No. 1478. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1478 passed on first and final reading.

Complete text of Ordinance No. 1478 will be found in Ordinance Book No. 10 at page 229.

MOTION - UDAG LOAN REPAYMENTS

11. Councilman Price moved that all existing and future UDAG loan repayments, principal and interest, be retained in the UDAG fund and not appropriated or earmarked for any purpose until such time as Council has established, by ordinance, a policy for their use. This motion was seconded by Vice-Mayor Bratton and carried unanimously.

RESOLUTION NO. 84-196 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE TREE COMMISSION (BETH CARROLL)

12. Consideration was given to a resolution appointing Beth Carroll to the Asheville Tree Commission.

Upon motion of Councilman Frank, seconded by Councilman Price, Resolution No. 84-196 was unanimously adopted.

Complete text of Resolution No. 84-196 will be found in Resolution Book No. 15 at page 65.

RESOLUTION NO. 84-197 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE TREE COMMISSION (ROGER T. SMITH)

13. Consideration was given to a resolution appointing Roger T. Smith as a member of the Asheville Tree Commission.

Upon motion of Councilman Frank, seconded by Councilman Price, Resolution No. 84-197 was unanimously adopted.

Complete text of Resolution No. 84-197 will be found in Resolution Book No. 15 at page 66.

RESOLUTION NO. 84-198 - RESOLUTION APPOINTING MEMBER TO THE RECREATION BOARD FOR ASHEVILLE (SHERMAN WILLIAMS)

14. Consideration was given to a resolution appointing Sherman Williams as a member of the Recreation Board for Asheville.

Upon motion of Councilman Bissette, seconded by Councilman Boland, Resolution No. 84-198 was unanimously adopted.

Complete text of Resolution No. 84-198 will be found in Resolution Book No. 15 at page 67.

RESOLUTION NO. 84-199 - RESOLUTION APPOINTING MEMBER TO THE RECREATION BOARD FOR ASHEVILLE (LARRY KIMEL)

15. Consideration was given to a resolution appointing Larry Kimel as a member of the Recreation Board for Asheville.

Upon motion of Councilman Bissette, seconded by Councilman Boland, Resolution No. 84-199 was unanimously adopted.

Complete text of Resolution No. 84-199 will be found in Resolution Book No. 15 at page 68.

APPOINTMENT - COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE
HUNTER V. WATSON AND JESSE RAY, SR.)

16. Mayor McDevitt announced the reappointment of Hunter V. Watson and

Jesse Ray, Sr. as Commissioners of the Housing Authority of the City of Asheville, terms expiring June 11, 1989.

RESOLUTION NO. 84-200 - RESOLUTION APPOINTING MEMBER OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL (J. W. BYERS)

17. Consideration was given to a resolution appointing J. W. Byers as a member of the City of Asheville Board of Alcoholic Control

Upon motion of Councilman Frank, seconded by Vice-Mayor Bratton, Resolution No. 84-200 was unanimously adopted.

Complete text of Resolution No. 84-200 will be found in Resolution Book No. 15 at page 69.

SCHEDULING PUBLIC HEARING - SITE PLAN FOR PROPOSED "WIND IN THE OAKS CONDOMINIUMS"

Councilman Bissette moved to schedule a public hearing relative to the site plan for the proposed "Wind in the Oaks Condominiums" to be located off Windswept Drive for November 13, 1984. This motion was seconded by Councilman Myers and carried unanimously.

CLAIMS - MRS. WARES (SENIOR OPPORTUNITY CENTER) - KEN McDONALD (WATER)

The City Clerk presented claims received from Mrs. Wares and Ken McDonald.

Mayor McDevitt referred the claims to the Corporation Counsel for investigation and recommendation.

ORDINANCE NO. 1479 - AN ORDINANCE AMENDING ORDINANCE NO. 1226 REGARDING DOG LICENSE TAX

18. Consideration was given to an ordinance amending Ordinance No. 1226 regarding dog license tax.

Mayor McDevitt read the ordinance outlining the proposed fee schedule.

Councilman Frank moved for the adoption of Ordinance No. 1479. This motion was seconded by Councilman Boland.

On a roll call vote of 6-1, Ordinance No. 1479 passed on first reading, with Mayor McDevitt voting "no".

RALPH BISHOP - LOTTERY SALES IN THE CITY OF ASHEVILLE

Mr. Ralph Bishop again spoke to members of Council relative to the lottery sales in the City of Asheville, and his difficulty in obtaining records from the Police Pension Board.

Upon motion, the meeting adjourned at 6:00 p.m.

MAYOR CITY CLERK
