

Tuesday - January 29, 1985 - 4:00 p.m.

Regular Meeting

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

Absent: Councilman Norma T. Price.

INVOCATION

The invocation was given by Councilman Gordon Myers.

APPROVAL OF THE MINUTES - JANUARY 22, 1985 MEETING

1. Approval of the minutes of the January 22, 1985 meeting.

Mayor McDevitt announced the approval of the minutes of the January 22, 1985 meeting as submitted.

ORDINANCE NO. 1493 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED - PROPERTY LOCATED AT 666 MERRIMON AVENUE (DR. PAUL MICHALOVE PETITION)

2. Consideration was given to the third reading of Ordinance No. 1493, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended - property located at 666 Merrimon Avenue (Dr. Paul Michalove Petition).

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

On a roll call vote of 6-0, Ordinance No. 1493 passed on third and final reading.

Complete text of Ordinance No. 1493 will be found in Ordinance Book No. 10 at page 234-235.

ORDINANCE NO. 1494 - AN ORDINANCE AMENDING SECTION 28-81.5(5) AND 28-81.6(22) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO REDUCE THE SPEED LIMIT ON A PORTION OF HENDERSONVILLE ROAD

3. Consideration was given to the second reading of Ordinance No. 1494, an ordinance amending Section 28-81.5(5) and 28-81.6(22) of the Code of Ordinances of the City of Asheville to reduce the speed limit on a portion of Hendersonville Road.

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

On a roll call vote of 6-0, Ordinance No. 1494 passed on second reading.

RESOLUTION NO. 85-9 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT FOR FIRE PROTECTION SERVICES WITH THE VETERANS ADMINISTRATION MEDICAL CENTER AT OTEEN

4. Consideration was given to a resolution authorizing the Mayor to sign a contract for fire protection services with the Veterans Administration Medical Center at Oteen.

Mayor McDevitt said the present agreement with VA Medical Center expires on January 31, 1985. The City staff and the local VA staff have negotiated a contract which expires September 30, 1985. The annual fee for the period from date of award through September 30, 1985, is \$150,004.00. This revenue is already included in the FY '85 budget.

Mayor McDevitt said members of council were furnished copies of the resolution and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Councilman Bissette, seconded by Councilman Frank, Resolution No. 85-9 was unanimously adopted.

Complete text of Resolution No. 85-9 will be found in Resolution Book No. 15 at page 138.

RESOLUTION NO. 85-10 - RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF ASHEVILLE REGARDING THE SELECTION OF MAYOR AND SCHEDULING A PUBLIC HEARING ON THE PROPOSED AMENDMENTS

5. Consideration was given to a resolution of intent to consider an ordinance amending the Charter of the City of Asheville regarding the selection of Mayor and scheduling a public hearing on the proposed amendments for February 26, 1985.

Mayor McDevitt said Resolution No. 83-209 relative to the process for election of the Mayor was unanimously adopted by the City Council of the City of Asheville on December 6, 1983, and said Resolution provided that the City Council go on record endorsing the concept of examining the feasibility of the present process of being elected by the seven (7) members of the City Council. The City Council has continued to examine the feasibility of the direct election of the Mayor by all of the qualified voters of the City. This resolution will schedule a public hearing on February 26, 1985, to afford the people of the City of Asheville the opportunity to voice their opinion on the Direct Election of Mayor proposal.

Mayor McDevitt said members of Council were furnished copies of the resolution and it would not be read in its entirety unless there was a specific request to do so.

Council instructed the Corporation Counsel to determine what action would have to be taken to require the Mayor to vote if the Mayor is directly elected by the people. They also requested that the Corporation Counsel include in the ordinance all other Charter changes that would be affected by the direct election of the Mayor. He was also instructed to determine what procedure a Council would follow for succession if something happened to a current Mayor.

Corporation Counsel Slawter told members of Council that he would try to have their answers by February 5, 1985, at the Pre-Council meeting.

Councilman Myers said good representation from the citizens of Asheville would be needed during this public hearing, since this important issue would have a significant impact on City Hall. He said all citizens need to voice their opinion, pro or con, on the direct election of the Mayor.

Upon motion of Councilman Frank, seconded by Councilman Myers, Resolution No.

85-10 was unanimously adopted.

Complete text of Resolution No. 85-10 will be found in Resolution Book No. 15 at page 139.

RESOLUTION NO. 85-11 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS, RECREATION, AND PUBLIC FACILITIES TO SIGN AN APPLICATION FOR GRANT FUNDS FROM THE NORTH CAROLINA ARTS COUNCIL

6. Consideration was given to a resolution authorizing the Director of Parks, Recreation, and Public Facilities to sign an application for grant funds from the North Carolina Arts Council.

Mayor McDevitt said this resolution will authorize the filing of an application for grant funds in the amount of \$4,440.00 from the North Carolina Arts Council and the Community Arts Council of Western North Carolina through the Grassroots Arts Program. These funds will establish several cultural programs in recreation centers and strengthen the July 4 celebration by adding performances by local art performers. These grant funds are not currently included in the budget. There will be some expense on the part of the City because a certain amount of time by existing staff will be spent in administering the project.

Mayor McDevitt said members of Council were furnished copies of the resolution and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Councilman Frank, seconded by Councilman Myers, Resolution No. 85-11 was unanimously adopted.

Complete text of Resolution No. 85-11 will be found in Resolution Book No. 15 at page 140.

RESOLUTION NO. 85-12 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT FOR THE LEASE OF TWO (2) AUXILIARY SCOREBOARDS FOR THE ASHEVILLE CIVIC CENTER

7. Consideration was given to a resolution authorizing the City Manager to sign an agreement for the lease of two (2) auxiliary scoreboards for the Asheville Civic Center.

Mayor McDevitt said the Asheville Civic Center is attempting to increase usage in the area of sports programming, and in 1984 the Civic Center hosted several basketball events, the most notable of which was the 1984 Southern Conference Tournament. He said during these events scoreboard sight line problems prevented portions of the audience from being able to view the time and score information on the scoreboard. He said to eliminate this problem, it is necessary to lease two (2) auxiliary scoreboards and to install them in strategic locations. He said this resolution would authorize the City Manager to execute an agreement for the lease of the said scoreboards.

Mayor McDevitt read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Bissette, Resolution No. 85-12 was unanimously adopted.

Complete text of Resolution No. 85-12 will be found in Resolution Book No. 15 at page 141.

RESOLUTION NO. 85-13 - RESOLUTION AMENDING RESOLUTION NO. 84-238 PROVIDING FOR THE CONTINUATION OF GROUP HEALTH/HOSPITAL INSURANCE TO ELIGIBLE RETIREES OF THE

## CITY OF ASHEVILLE

8. Consideration was given to a resolution amending Resolution No. 84-238 providing for the continuation of group health/hospital insurance to eligible retirees of the City of Asheville.

Mayor McDevitt said the Asheville City Council on December 11, 1984, adopted Resolution No. 84-238, providing for the continuation of hospital/medical insurance coverage to eligible retired City employees. He said in adopting the resolution the effective date of December, 1984, was established, and the effective date of the resolution was intended to be July 1, 1985. He said this resolution will amend Resolution No. 84-238 to reflect July 1, 1985 as the effective date of the resolution.

Mayor McDevitt read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Frank, Resolution No. 85-13 was unanimously adopted.

Complete text of Resolution No. 85-13 will be found in Resolution Book No. 15 at page 142.

RESOLUTION NO. 85-14 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE TREE COMMISSION (DR. J. P. LOWELL ORBISON)

9. Consideration was given to a resolution appointing Dr. J. P. Lowell Orbison as a member of the Asheville Tree Commission to serve the unexpired term of Dr. Joseph R. Kole, term expiring August 1, 1986, or until his successor is duly appointed and qualified.

Mayor McDevitt said read the resolution.

Upon motion of Councilman Frank, seconded by Councilman Myers, Resolution No. 85-14 was unanimously adopted.

Complete text of Resolution No. 85-14 will be found in Resolution Book No. 15 at page 143.

CLAIMS - CAROL POYNTER (SEWER) - MRS. GEORGE BAUGH (SEWER) - MRS. JOHN WILKINSON (WATER) - DOYLE KELLER (WATER)

The City Manager presented claims received from Carol Poynter, Mrs. George Baugh, Mrs. John Wilkenson, and Doyle Keller.

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

ADJOURNMENT TO EXECUTIVE SESSION

Councilman Boland moved to adjourn to Executive Session to discuss a real estate and legal matter. This motion was seconded by Councilman Bisette and carried unanimously.

MAYOR CITY CLERK

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