

Tuesday - February 5, 1985 - 4:00 p.m.

Regular Meeting

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

Absent: City Manager Neal Creighton

## **INVOCATION**

The invocation was given by Councilman Mary Lloyd Frank.

## **APPROVAL OF MINUTES - JANUARY 29, 1985 MEETING**

1. Approval of the minutes of the January 29, 1985 meeting.

Mayor McDevitt announced the approval of the minutes of the January 29, 1985 meeting as submitted.

## **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**

2. Consideration was given to the third 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 the purpose of this ordinance is to pass a concurring ordinance with the North Carolina Department of Transportation to reduce the speed limit on Hendersonville Road, between Rock Hill Road and the Blue Ridge Parkway, from 45 m.p.h. to 35 m.p.h. This ordinance was read on first reading on January 22, 1985, and on second reading on January 29, 1985.

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 7-0, Ordinance No. 1494 passed on third and final reading.

Complete text of Ordinance No. 1494 will be found in Ordinance Book No. **10** at page **236**.

## **ORDINANCE NO. 1495 - BUDGET ORDINANCE AMENDMENT PROVIDING MATCHING FUNDS FOR REPAIRS TO STREETS IN THE ASHEVILLE HOUSING AUTHORITY HOUSING DEVELOPMENTS PRIOR TO DEDICATION TO THE CITY**

3. Consideration was given to a budget ordinance amendment to provide matching funds for repairs to streets in Asheville Housing Authority housing developments prior to dedication to the City.

Mayor McDevitt said the Asheville Housing Authority has received approval thru the HUD Area Office to repair streets in all local Asheville Housing Authority projects prior to dedication to the City. The estimated cost of the repairs is \$99,470.00. Of the amount stated, \$75,000 is available from Asheville Housing Authority reserves. The Asheville Housing Authority requests \$24,870 in matching funds from Community Development. Funds are available in eighth and ninth year Community Development Administration and tenth year Community Development Contingency. This is an eligible Community Development expense.

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

Councilman Frank moved for the adoption of Ordinance No. 1495. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1495 passed on first and final reading.

Complete text of Ordinance No. 1495 will be found in Ordinance Book No. **10** at page **237**.

**ORDINANCE NO. 1496 - BUDGET ORDINANCE AMENDMENT TO REALLOCATE CD PLANNING NINTH YEAR FUNDS (\$5,818.00) TO THE CD TENTH YEAR BUDGET**

4. Consideration was given to a budget ordinance amendment to reallocate CD Planning Ninth Year Funds (\$5,818.00) to the CD Tenth Year Budget.

Mayor McDevitt said for several years, the Asheville Community Development has provided funds to the Asheville Planning Department to provide supplementary supportive planning services. The Asheville Planning Department failed to expend \$5,818.00 provided for planning services in the Ninth fiscal year (1983-84), and are requesting that these funds be allocated for expenditures in the Tenth year (1984-85) Community Development Planning budget. This is only a transfer of funds from the Community Development Ninth Year funds to Community Development Planning tenth Year budget.

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. 1496. This motion was seconded by Councilman Bisette.

On a roll call vote of 7-0, Ordinance No. 1496 passed on first and final reading.

Complete text of Ordinance No. 1496 will be found in Ordinance Book No. **10** at page **238**.

**ORDINANCE NO. 1497 - BUDGET ORDINANCE AMENDMENT TO ESTABLISH A BUDGET FOR CITY OPERATION OF THE CITY HALL SNACK SHOP**

5. Consideration was given to a budget ordinance amendment to establish a budget for City operation of the City Hall Snack Shop.

Mayor McDevitt said this budget amendment will amend the 17 Fund of the

Parks, Recreation and Public Facilities Department to reflect the operation of the City Hall Snack Shop through Jun 30, 1985. This budget amendment is in the amount of \$14,000.00 Revenues generated will offset costs of operation.

Vice-Mayor Bratton said she opposed the procedure taken in seeking bids for vendors to operate the City Hall Snack Shop. She said the City sought proposals from vendors to operate the Snack Shop, and then decided that the City would operate the Snack Shop. She said she did not think the City should be competing with private enterprise, and she did not like the manner in which this was handled.

Councilman Frank said she felt it was in the best interest of the City and City employees for the City to operate the Snack Shop.

Ray Kisiah, Director of Parks, Recreation, and Public Facilities Department, said proposals were sought mainly to obtain a cost analysis for the operation of the City Hall Snack Shop. He said after looking at the proposals, a decision was made for the City to operate the Snack Shop. He said this decision was based on the request of the employees, and the need for the Snack Shop to be operated on a small basis. He said it is not the intent of the City to compete with private enterprise or restaurants in the downtown area. He said the City has been operating the Snack Shop since

November, and the Snack Shop has shown an increase in profits.

Councilman Boland expressed concerns about the City competing with other restaurants in the downtown area.

Mr. Kisiah assured Council that the operation was mainly for the convenience of City employees and general public visiting City Hall.

Louise McMorris told members of Council that she had presented a proposal for the operation of the City Hall Snack Shop. She said she had received a letter from the City stating that they were interested in someone operating the Snack Shop for the employees and the general public. She said in her proposal she offered a percentage from gross receipts, and she did not see how the City of Asheville could experience a loss by leasing the Snack Shop to a vendor. She said she had worked hard on the proposal, and was a food service operator for many years. She said she had called several times inquiring as to the status of her proposal, and finally received a letter from the City stating that the City would be operating the Snack Shop until June 30, 1985. She asked what the City of Asheville planned to do after June 30, 1985 concerning the operation of the Snack Shop.

Mayor McDevitt suggested that when proposals such as this are sent out, that a letter accompany the proposal stating that the City of Asheville might also consider carrying out the operation in-house.

Upon request of Councilman Boland, Mr. Kisiah said he would furnish Council with a computer printout of the current operation of the City Hall Snack Shop.

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

Councilman Frank moved for the adoption of Ordinance No. 1497. This motion was seconded by Councilman Price.

On a roll call vote of 6-1, Ordinance No. 1497 passed on first and final reading, with Vice-Mayor Bratton voting "no".

**RESOLUTION NO. 85-6 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE RENTAL REHABILITATION PROGRAM GRANT AGREEMENT WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

6. Consideration was given to a resolution authorizing the Mayor to execute the Rental Rehabilitation Program Grant Agreement with the Department of Housing and Urban Development.

Mayor McDevitt said the City of Asheville submitted an application to the Department of Housing and Urban Development to participate in its Rental Rehabilitation Program. The program description submitted for the Rental Rehabilitation Program has been approved by the Department of Housing and Urban Development. The release of grant funds is subject to the execution of the Grant Agreement by and between the City of Asheville and the Department of Housing and Urban Development. Upon execution of the Rental Rehabilitation Program Grant Agreement, the Housing Authority of the City of Asheville will receive \$59,000.00 for rental rehabilitation.

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 Myers, seconded by Councilman Price, Resolution No. 85-6 was unanimously adopted.

Complete text of Resolution No. 85-6 will be found in Resolution Book No. **15** at page **135**.

**BIDS - FORK LIFT TRUCK FOR THE ASHEVILLE TRANSIT AUTHORITY**

7. Consideration was given to bids received for a fork lift truck for the Asheville Transit Authority.

Mayor McDevitt said two (2) bids were received for a fork lift truck for the Asheville Transit Authority.

Recommendation to award the bid to the low bidder, Western Carolina Fork Lift, Inc. in the amount of \$14,380.00. The amount budgeted for this item was \$14,000.00; however, UMTA permits the City to exceed this amount by any reasonable amount. Funds are available in Account 67-903-0740 and is part of an approved UMTA project No. NC-05-0019.

Councilman Frank moved to approve the bids and award the contract to the low bidder, Western Carolina Fork Lift, Inc. in the amount of \$14,380.00. This motion was seconded by Councilman Myers and carried unanimously.

The bid summary for the fork lift truck is as follows:

BIDDER TOTAL AMOUNT

Colman Company, Greenville, S. C. No bid

Contractors Service & Rental, Asheville, N. C. No Bid

Arden Equipment Company No Bid

Western Carolina Fork Lift, Conover, N. C. \$14,380.00

Vesco Industrial Truck, Hickory, N. C. \$15,600.00

**RESOLUTION NO. 85-7 - RESOLUTION OF ENDORSEMENT OF THE DEVELOPMENT OF A  
LINEAR PARK AS PART OF THE PROPOSED BROADWAY HIGHWAY PROJECT**

8. Consideration was given to a resolution of endorsement of the development of a linear park as part of the proposed Broadway Highway Project.

Mayor McDevitt said the North Carolina Department of Transportation has included the upgrading and widening of Broadway in the Transportation Improvement Program. Based on studies and interest expressed by residents in the area of UNC-Asheville, a need has been determined for a greenway-bikepath along this corridor. The Transportation Advisory Committee has requested and received approval for consideration of a safe bicycling corridor from downtown to the University campus. A landscaped linear park and bikepath would constitute the most effective use of the residual properties remaining from the right-of-way acquisitions. It is important to the success of the project to submit this endorsement during the initial engineering stage of the planned highway improvement. There will be maintenance costs associated with this project by the state and/or City depending upon how the project is developed.

Sonya Luckadoo, with the Planning Department, presented the linear park and bike path plan.

After discussion, it was the consensus of Council to approve the concept of the development of a linear park, and to request that the North Carolina Department of Transportation include the project as a part of the proposed Broadway Highway Project. The resolution was amended to include that the Council expresses its intent to maintain land use requirements consistent with the project.

Council requested that the Planning and Zoning Commission be notified of Council's endorsement of the proposed park, and be encouraged to consider the project when considering zoning or development projects in this area.

Mayor McDevitt read the resolution.

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 85-7 was unanimously adopted.

Complete text of Resolution No. 85-7 will be found in Resolution Book No. **15** at page **136**.

**SCHEDULING PUBLIC HEARING - UMTA GRANT**

9. Consideration was given to a motion scheduling a public hearing regarding the filing of an application to the U. S. Department of Transportation for an Urban Mass Transportation Grant for March 12, 1984.

Mayor McDevitt said the City of Asheville intends to apply for an annual UMTA grant for operating assistance. Federal regulations require a public hearing to be held prior to the filing of an application. The expenditures for this project will include a 50-50 match between local and federal funds:

Local - \$492,410; Federal - \$492,409; Total - \$984,819. These funds are in the current budget.

Councilman Boland moved to schedule a public hearing regarding the filing of an application to the U.S. Department of Transportation for an Urban Mass

Transportation Grant for March 12, 1984. This motion was seconded by Councilman Myers and carried unanimously.

**CLAIMS - ROLLINS DAVIS (WATER) - MR. STARNES (SEWER) - NICHOLUS SEXTON (SENIOR OPPORTUNITY CENTER) - BRENDA INGLE (STREETS) - KAREN GUTHRIE (WATER) - LLOYD JENKINS (STREETS) - JOYCE BUCKNER (STREET) - MARTHA CHRISMAN (WATER)**

**-MacDUFF ASSOCIATES, INC. (WATER) - EDNA MAHAFFEY (WATER) - GLADYS YOUNG (STREET)**

The City Clerk presented claims received from Rollins Davis, Mr. Starnes, Nicholus Sexton, Brenda Ingle, Karen Guthrie, Lloyd Jenkins, Joyce Buckner, Martha Chrisman, MacDuff Associates, Inc., Edna Mahaffey, and Gladys Young.

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

**LAWSUITS - ROBERT HUNTER VS CITY OF ASHEVILLE (COMPLAINT FOR REFUND OF TAXES)**

The City Clerk said the City was served with a summons in connection with a lawsuit involving Robert Hunter VS City of Asheville regarding a complaint for refund of taxes.

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

## **ADJOURNMENT**

Upon motion of Councilman Frank, seconded by Vice-Mayor Bratton, the meeting adjourned at 5:10 p.m.

MAYOR CITY CLERK

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