

Tuesday - June 25, 1985 - 4:00 p.m.

Regular Meeting

Present: Vice-Mayor Wilhelmina Bratton, Presiding; Councilmen

Mary Lloyd Frank, Norma T. Price, Walter R. Boland, and Corporation Counsel William F. Slawter; Associate City Manager/City Clerk William F. Wolcott, Jr. and Deputy City Clerk Carol Hensley.

Absent: Mayor Larry McDevitt, Councilman Louis Bisette, Councilman Gordon Myers, and City Manager Neal Creighton.

INVOCATION

The invocation was given by Councilman Norma Price.

APPROVAL OF THE MINUTES - JUNE 18, 1985 MEETING

1. Approval of the minutes of the June 18, 1985 meeting.

Vice-Mayor Bratton announced the approval of the minutes as submitted.

RESOLUTION NO. 85-99 - RESOLUTION ADOPTING REGULATIONS PRESCRIBING PROCEDURES FOR DISPOSING OF PERSONAL PROPERTY VALUED AT LESS THAN FIVE HUNDRED DOLLARS

(\$500.00) FOR ANY ONE ITEM OR GROUP OF ITEMS

2. Consideration was given to a resolution adopting regulations prescribing procedures for disposing of personal property valued at less than five hundred dollars (\$500.00) for any one item or group of items.

Vice-Mayor Bratton said N. C. Gen. Stat. sec. 160A-266 (C) provides that a City Council may adopt regulations prescribing procedures for disposing of personal property valued at less than \$500.00 for any one item or group of items. This resolution establishes such regulations.

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

Upon motion of Councilman Frank, seconded by Councilman Price, Resolution No. 85-99 was unanimously adopted.

Completed text of Resolution No. 85-99 will be found in Resolution Book No. **15** at page **237**.

RESOLUTION NO. 85-100 - RESOLUTION THAT THE MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE ISSUED JUNE 1984, BY THE DEPARTMENT OF CULTURAL RESOURCES, DIVISION OF ARCHIVES AND HISTORY, BE APPROVED

3. Consideration was given to a resolution that the Municipal Records Retention and Disposition Schedule issued June 1984, by the Department of Cultural Resources, Division of Archives and History, be approved.

Vice-Mayor Bratton said N. C. General Statute 121-5 states that no person may destroy, sell, loan, or otherwise dispose of any public record without the consent of the Department of Cultural Resources. In an effort to promote municipal records management, the Department of Cultural Resources, Division of Archives and History, has designed and approved a Municipal Records Management Program which includes a schedule of records retention and disposition known as the Municipal Records Retention and Disposition Schedule. The Municipal Records Retention and Disposition Schedule issued June, 1984, provides that records listed in the Schedule, or those later added by

amendment, may be destroyed through its blanket approval of the Retention Disposition Schedule.

Vice-Mayor Bratton said that members of Council were previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Frank, seconded by Councilman Boland, Resolution 85-100 was unanimously adopted.

Complete text of Resolution 85-100 will be found in Resolution Book No. **15** at page **238**.

SALE OF DISPOSAL PARCEL 123 IN THE EAST RIVERSIDE URBAN RENEWAL PROJECT AND DISPOSAL PARCELS 33 AND 34 IN THE EAST END/VALLEY STREET COMMUNITY IMPROVEMENT PROGRAM

4. Consideration was given to a motion approving the sale of disposal parcel 123 in the East Riverside Urban Renewal Project and disposal parcels 33 and 34 in the East End/Valley Street Community Improvement Program.

Vice-Mayor Bratton said the Housing Authority has tentatively accepted the following bids for certain disposal parcels in the East Riverside Urban Renewal Project and in the East End/Valley Street Community Improvement Program.

Parcel Reuse Price Bid Redeveloper

33 & 34 Residential 1,100.00 1,100.00 John & Louise Fields

123 Commercial 39,000.00 41,501.00 United Services

Credit Union

Lots 33 and 34, located on Martin Luther King, Jr. and Carroll Avenue, are residential lot sales to an adjacent property owner to provide additional yard space. Appropriate landscaping will be done but no construction is planned.

Lot 123 is located on corner of South French Broad Avenue and Ralph Street. The redevelopers propose to construct a one story, masonry and wood frame structure, approximately 4,000 square feet in size. The inside structure will consist of a teller counter, lobby area, offices, storage area, break room, and conference room. A drive-up window will also be constructed.

The proposed building will provide financial services for employees for hospitals, medical facilities, and small industry. The area surrounding the building will be paved with approximately 26 parking spaces and appropriately landscaped.

Councilman Boland moved to accept the recommendation of the Housing Authority for the sale of disposal parcel 123 and disposal parcels 33 and 34. This motion was seconded by Councilman Price and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

5. Consideration was given to a motion approving the consent agenda.

Vice-Mayor Bratton said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, pursuant to the procedures established in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 85-101

Resolution reappointing Harold Talbert as a member of the Board of Adjustment for a period of one year, term expiring January 21, 1986.

(Resolution Book No. 15 at page 240.)

Resolution No. 85-102

Resolution reappointing Jack Baber to the Board of Adjustment for a one year term, term expiring January 21, 1986.

(Resolution Book No. 15 at page 241.)

Resolution No. 85-103

Resolution reappointing Wade H. Thomas, Sr. to the Board of Adjustment for a two year term, term expiring January 21, 1987.

(Resolution Book No. 15 at page 242.)

Resolution No. 85-104

Resolution reappointing Richard Webster to the Board of Adjustment for a two year term, term expiring January 21, 1987.

(Resolution Book No. 15 at page 243.)

Resolution No. 85-105

Resolution reappointing John Abbott to the Board of Adjustment for a two year term, term expiring January 21, 1987.

(Resolution Book No. 15 at page 244.)

Resolution 85-106

Resolution reappointing John Acee to the Board of Adjustment for a three year term, term expiring January 21, 1988.

(Resolution Book No. 15 at page 245.)

B. **Resolution No. 85-107** Resolution appointing a member to the Asheville-Buncombe Historic Resources Commission.

HIGHLIGHTS: This resolution will appoint Barbara Maloy to the Asheville-Buncombe Historic Resources Commission for a three (3) year term.

FISCAL IMPACT: None

(Resolution Book No. 15 at page 246.)

C. **Resolution No. 85-108** Resolution appointing a member to the Community Arts Council.

HIGHLIGHTS: This resolution will appoint Councilman Norma Price to a one (1) year term to the Community Arts Council.

FISCAL IMPACT: None

(Resolution Book No. 15 at page 247.)

D. **Resolution 85-109** Resolution reappointing members to the Civic Center Commission.

HIGHLIGHTS: This resolution will reappoint Mike Green and Garrett

AlDerfer to a three (3) year term.

FISCAL IMPACT: None

(Resolution Book No. 15 at page 248.)

E. **Resolution 85-110** Resolution reappointing member to the Policemen's Pension Board of Examiners.

HIGHLIGHTS: This resolution will reappoint James H. Parris, Jr.

and Dr. John A. Henderson to a three (3) year term.

FISCAL IMPACT: None

(Resolution Book No. 15 at page 249.)

Upon motion of Councilman Frank, seconded by Councilman Boland, the Consent Agenda was unanimously approved.

CLAIMS - ANNA W. HAMPTON (POLICE) - DEBRA FOWLER (WATER) - SEKO DEVELOPMENT COMPANY (WATER)

The Assistant City Manager presented claims received from Anna W. Hampton, Debra Fowler, and Seko Development Company.

Vice-Mayor Bratton referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTION 85-111 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AMENDED OPTION AGREEMENT FOR THE SALE OF LAND TO THE STATE OF NORTH CAROLINA

Consideration was given to a resolution authorizing the Mayor to sign an amended option agreement for the sale of land to the State of North Carolina.

Corporation Counsel William Slawter said this resolution will authorize the execution of an amended option agreement with the State of North Carolina for the sale of 50 acres of land from a tract containing approximately 65.5 acres adjoining Western North Carolina Agricultural Center. Provided, however, that said option agreement shall continue to be contingent upon the City of Asheville being free from any restrictions that might be imposed by the Federal Aviation Administration or other authority upon the expenditure of the funds derived from the sale. Provided, further, that in the event that said contingency cannot be met, the City shall endeavor to negotiate a lease of said property to the State of North Carolina. Upon such terms and conditions as may be hereafter approved by the City Council. He said this option agreement would expire December 31, 1985.

COMMENTS RELATIVE TO ROCK FESTIVAL HELD ON JUNE 21, 1985 - RACE TRACK

Councilman Price said members of Council had discussed, during the Pre-Council work session, complaints that were received from West Asheville residents relative to the rock festival held at the race track on June 21, 1985. She said as a result of that discussion, the City staff would be looking into alternatives to address such events in the future through a permit system or through the noise ordinance.

ORDINANCE 1523 - AN ORDINANCE ADOPTING THE OPERATING BUDGET AND FIXING THE TAX

RATE FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1985/86 (AS AMENDED)

Consideration was given to the third reading of Ordinance 1523, an ordinance adopting the operating budget and fixing the tax rate for the City of Asheville for the fiscal year 1985/86 (as amended).

Vice-Mayor Bratton said this budget ordinance fixes the tax rate for the City of Asheville for fiscal year 1985/86 at \$.59 per \$100 Assessed Valuation. This ordinance passed on first reading on June 11, 1985 and on second reading on June 18, 1985.

Vice-Mayor Bratton said this ordinance was previously read on first and second reading and would not be re-read in its entirety unless there was specific request to do so.

Vice-Mayor Bratton said Mayor McDevitt had requested that Council postpone the third reading of the budget ordinance until 5:00 p.m. However, since no one was present to comment on the budget, members of Council desired to continue with the vote on the third reading of the budget ordinance at this time.

Members of Council thanked Mr. Wurst, Audit and Budget Director, for preparing the budget brief to be presented to the citizens of Asheville.

Vice-Mayor Bratton read the following statement from Councilman Louis Bisette:

"I informed the Council last week that, due to a law suit which I am

currently involved in in Norfolk, Virginia, I would be unable to attend the Council's regularly scheduled meeting to be held on June

25, 1985.

Although the Council's agenda for June 25, 1985 is relatively light,

it does include the third and final reading of the 1985/86 Budget Ordinance. As you are aware, we have all been integrally involved in the formulation of the final budget ordinance. However, when the budget ordinance was presented for the first and second readings, I still had several questions relative, primarily, to the new pay plan and certain changes to the fringe benefit package for our City employees. Since that time, the City Manager and his staff have satisfactorily answered my questions and made adequate modifications to respond to my specific concerns. I, therefore, wanted you to know, and for the record to reflect, that I support the final budget ordinance as previously amended and passed by Council on second

reading."

Note: Mayor McDevitt requested that the following statement be included in the minutes:

"Following adjournment, and at 5:00 p.m., the Mayor arrived in the Council Chambers in order to be present and vote on the budget. He was in Buncombe County Superior Court, in the midst of a trial, and was unable to be present, either for the Pre-Council meeting or the beginning of the regular meeting. He had understood that Council would consider deferring action on the budget until at least 5:00 p.m., and he had called the City Hall Offices with a message that he would be present at the meeting at 5:00 p.m. Even though the meeting had adjourned, the Mayor stated that he had spent a great deal of time on the budget, and assisted in the development of the budget for 1985/86; further, that he had been present and had voted at two previous Council meetings on the 1985/86 budget; and further, that had he been present at the meeting of June 25, 1985 he would have voted in favor of the budget at today's meeting."

On a roll call vote of 4-0, Ordinance No. 1523 passed on third and final reading.

Complete text of Ordinance No. 1523 will be found in Ordinance Book No. **10** at Page **281-284**.

ADJOURNMENT

Upon motion of Councilman Boland, seconded by Councilman Price, the meeting adjourned at 4:20 p.m.

MAYOR CITY CLERK
