

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

Mayor McDevitt said he felt compelled to state this is an absurd requirement by the federal government and only drives up the cost of the project. He said this action would do nothing but delay the project; however, Council has no alternative except to approve the resolution.

Vice-Mayor Bratton commented that she felt this was the biggest waste of public funds she had been involved in.

Councilman Bissette said the only action Council could do was appeal the requirement but this would only delay the project for another year.

Councilman Price suggested that the City Council write a letter to the federal government indicating their objections and stating this was a "good intention that turned out to be a bad idea."

Upon motion of Vice-Mayor Bratton, seconded by Councilman Price, Resolution No. 85-160 was unanimously adopted.

Complete text of Resolution No. 85-160 will be found in Resolution Book No. **15** at page **305**.

Ralph Bishop spoke in opposition to the resolution stating that Council is not compelled to pass the resolution and should not adopt the resolution.

## **PUBLIC HEARING - DESIGNATING ADDITIONAL HOLIDAY FOR CITY EMPLOYEES**

### **RESOLUTION NO. 85-161 - RESOLUTION APPROVING THE REVISION OF RULE 17(J) OF THE CIVIL SERVICE RULES AND REGULATIONS**

17. A public hearing was held relative to designating an additional holiday for City employees.

Mayor McDevitt said during a recent classification and compensation study conducted by Cresap, McCormick, and Paget, it was recommended that an additional holiday be designated for City employees which will bring the City up to the average number of holidays offered by surveyed organizations. A public hearing is required pursuant to the Civil Service Law.

Mayor McDevitt opened the public hearing at 5:33 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.

Richard Kendrick, with the Management Services Division, said the consultants, Cresap, McCormick and Paget, had surveyed other cities and industries and had recommended that an additional holiday be designated for City employees. He said this recommendation included that the Council designate Memorial Day as a holiday for City employees. He said it was his understanding that Council had decided to designate January 15, 1985, Martin

Luther King, Jr.'s birthday, as an official holiday for City employees. He said it had been brought to the staff's attention that the federal government recognizes the third Monday of January as a holiday honoring the birthday of Martin Luther King, Jr., and the first observance of which falls on January 20, 1986. He said the City Council, in his opinion, should recognize the same day as the federal government.

Mr. Kendrick said on September 4, 1985, the Asheville Civil Service Board adopted and approved the revision of Civil Service Rule No. 17(j) to establish January 15th as a holiday for all full-time City of Asheville employees to honor Martin Luther King, Jr.

Mr. Kendrick said he had received petitions from several departments in the City of Asheville for City Council to adopt Memorial Day as an official holiday for City employees. He said he had petitions from the Accounting Division, with eleven signatures; from the Legal Services Division with one signature; and the Street Division with seven signatures. He said it had also been recommended and suggested by the employees that the issue be voted upon by the City employees. He said the employees had indicated that they would rather be home with their families when they are home on Memorial Day.

Councilman Frank noted that in reviewing the survey taken by the consultants that thirteen cities in North Carolina give Memorial Day as an official holiday and three give Martin Luther King, Jr.'s, birthday. She also noted that the consultant had recommended that Memorial Day be given as an official holiday for City employees.

Mayor McDevitt said he had received a petition, just prior to the Council meeting, that read as follows:

"We, the employees of the classified service of the City of Asheville, wish to express our concern and request that the City Council of the City of Asheville schedule a vote among City employees to determine their preference in designating an additional holiday, as approved in the fiscal 1985-86 budget. Due to the fact that several options exist, and there is merit to each respective date, the employees interests would best be served by calling for such a referendum."

He said the petition contained one hundred and forty-three signatures. He requested that the petition be made a part of the minutes.

**(Note: The petition is attached as a part of the minutes.)**

Oralene Simmons, Director of the Montford Recreation Center, spoke in support of Council designating Martin Luther King, Jr.'s, birthday as an official holiday for the City of Asheville.

Mr. Henderson, with the Asheville/Buncombe Community Relations Council, staff liaison for Martin Luther King, Jr.'s holiday, presented petitions with 225 signatures requesting that the City of Asheville designate Martin Luther King, Jr.'s birthday as an official holiday for the City of Asheville. He also presented copies of letters from many civic organizations requesting that this be designated as an official holiday in the City of Asheville.

Mr. McClure, 17 Turtle Creek Apartments, said the issue of Memorial Day should not be considered by the City employees at the same time that Council is considering designating Martin Luther King, Jr.'s, birthday as an official holiday.

Charlotte Tell, City Accountant, read a memorandum dated August 14, 1985, which was received by her division last week indicating that City employees should express their opinion verbally or in writing to their respective department heads relative to the designation of an additional holiday. She said she felt many employees had communicated with their department heads and she was disappointed that their department heads were not here to communicate their concerns to City Council.

Alan Hyder, with the Asheville Police Department, said he had no objection to the observance of Martin Luther King, Jr.'s, birthday being an official holiday in the City of Asheville but the City employees, he felt, would prefer Memorial Day. He suggested that the employees be given the opportunity to vote on the issue since they would be most affected by the observance of holidays.

Bob Smith, Director of the Asheville/Buncombe Community Relations Council, said the leaders of the City and County should get behind the celebration of Martin Luther King, Jr.'s, birthday and make it a special time instead of just another day off.

Larry Fisher, Director of Finance, read a letter from one of the employees in the Accounting Division which objected to City employees having five of their nine holidays grouped in a seven week period between December and January. He said the letter indicated the employees would prefer to take Memorial Day off in May when their families would have the same holiday.

Mr. Henderson, with the Asheville/Buncombe Community Relations Council, presented a petition and letters as a part of the minutes.

**Note: The petitions and letters are attached as a part of the minutes.)**

Richard Kendrick, with Management Services Division, also presented petitions and letters that he had received relative to designating Memorial Day and requested that they be entered into the minutes.

**Note: The petition and letters are attached as a part of the minutes.)**

Mayor McDevitt closed the public hearing at 6:10 p.m.

Mayor McDevitt indicated that he was sensitive to the views of the City employees, and all of the petitions, letters, and telephone calls relative to designating another official holiday in the City of Asheville. He said that he was, in fact, against designating any additional holiday off for City employees, however, he felt Council should look at the proposed holiday as a day the City calls to the attention of the community rather than just another day off.

Vice-Mayor Bratton said this should be a day Asheville sets aside because of its principle.

Councilman Boland agreed with Vice-Mayor Bratton stating that this would be a holiday to celebrate the leadership of Martin Luther King, Jr., and his ideas of non-violent changes.

Councilman Bissette said this had been a difficult decision for him because Memorial Day and Martin Luther King, Jr.'s, birthday are truly deserving as an official holiday. He said he understood the concerns of the City employees and also the significance of Martin Luther King, Jr.'s, birthday. He said he felt it was the right thing to designate Martin Luther King, Jr.'s, birthday as an official holiday for City employees.

Councilman Price said she felt that it was unfortunate that the two issues occurred at the same time, since the consultant recommended Memorial Day and the community initiated a request that the City designate Martin Luther King, Jr.'s, birthday as an official holiday. She said she would support the majority of the members of Council.

Councilman Frank said she had first supported a "floating holiday" for City employees or either to let the City employees vote on the issue. However, she would abide by the democratic majority of Council.

Upon motion of Councilman Boland, seconded by Vice-Mayor Bratton, Resolution No. 85-161 was unanimously adopted.

Complete text of Resolution No. 85-161 will be found in Resolution Book No. **15** at page **306**.

**RESOLUTION NO. 85-162 - RESOLUTION APPOINTING MEMBER TO THE TOURISM DEVELOPMENT AUTHORITY (MR. HERMAN VON TRESKOW)**

17. Consideration was given to a resolution appointing Mr. Herman Von Treskow as a member of the Tourism Development Authority for a term of three years, term expiring August 30, 1988.

Upon motion of Councilman Price, seconded by Councilman Boland, Resolution No. 85-162, was unanimously adopted.

Complete text of Resolution No. 85-162, will be found in Resolution Book No. **15** at page **307**.

**CLAIMS - WILLIAM MORRIS (STREETS) - MICHAEL GUZMAN (STREETS)**

18. The City Manager presented claims received from William Morris and Michael Guzman.

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

**LAWSUITS - DOUGLAS DEAN MARTIN VS. CITY OF ASHEVILLE (FALL AT FIRE DEPARTMENT)**

19. The City Manager said the City was served with a summons in connection with a lawsuit involving Douglas Dean Martin vs. City of Asheville (fall at Fire Department).

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

**RESOLUTION 85-163 - RESOLUTION APPOINTING AN INTERIM CITY MANAGER (WILLIAM F. WOLCOTT, JR.)**

20. Mayor McDevitt read a resolution appointing an interim City Manager, William F. Wolcott, Jr., effective October 1, 1985, to serve until such time as a new City Manager shall be named.

Upon motion of Councilman Price, seconded by Councilman Bissette, Resolution No. 85-163 was unanimously adopted.

Complete text of Resolution No. 85-163 will be found in Resolution Book No. **15** at page **308**.

**RESOLUTION NO. 85-164 - RESOLUTION AUTHORIZING THE CLOSING OF SOUTH CHARLOTTE STREET**

21. Consideration was given to a resolution authorizing the closing of South Charlotte Street.

Mayor McDevitt read the resolution stating that rain prevented the hot air balloon races from taking place during Bele Chere and the balloonists wanted, at their own expense, to give Asheville its balloon show. He said the Asheville Parks, Recreation, and Public Facilities Department is co-sponsoring a kite-flying contest with Asheville Cablevision in concert with the hot air balloon lift. He said this resolution would authorize the closing of South Charlotte from 3 p.m. until 8 p.m. on September 28, 1985, and if necessary, due to inclement weather, to close this street from 7 a.m. until approximately 9:30 a.m. on September 29, 1985.

Upon motion of Councilman Frank, seconded by Councilman Myers, Resolution No. 85-164, was unanimously adopted.

Complete text of Resolution No. 85-164 will be found in Resolution Book No. **15** at page **309**.

**PETITION PRESENTED BY HUGH SMITH - WILSHIRE PARK**

22. Mr. Hugh Smith read the following petition from the residents of Wilshire Park relative to street improvements.

PETITION RELATING TO THE IMPROVEMENT OF STREETS IN THE

WILSHIRE PARK SUB-DIVISION OF ASHEVILLE, NC

TO: The Honorable Larry McDevitt, Mayor, and members of the City Council of Asheville, NC.

We, the undersigned residents, and/or property owners in Wilshire Park, Asheville, NC request that:

1. The streets in Wilshire Park be repaired and resurfaced.

2. The curve at the intersection of Wilburn Place and Providence

Road be re-graded in order to permit safer driving.

3. The existing concrete street markers be repainted or replaced

with metal street signs.

The streets concerned in Wilshire Park include:

Carlton Place Wilburn Road

Luther Street Wilburn Place

Providence Road Wilshire Drive

DISCUSSION: The streets listed above have potholes or have been damaged in a number of places. The patching of same has been a temporary expedient at best. In addition, the street surfaces in numerous areas have become badly cracked due to frost heave. Of particular note is that portion of Wilburn Place between Wilburn Road and Luther Street. Some twelve or more potholes have been patched in that short section of street in the past. Some of them repeatedly. Today, the pavement on Wilburn Place near Wilburn Road is again breaking up with several significant potholes creating a traffic hazard. NOTE: Wilburn Place is a busy traffic street due to the Emmanuel Lutheran Church and School being located at the intersection of Wilburn Place and Luther Street.

With respect to re-grading the curve at the intersection of Wilburn Place and Providence Road, originally, Wilburn Place extended to what is now the entrance to Laurel Loop, and is still shown that way on city maps. With the construction of the present Patton Avenue roadway, the extended portion of Wilburn Place was eliminated. Providence Road and Wilburn Place were then connected by a rather steep sloping curve that falls away to the outside of the turn. Said curve is especially hazardous during snow or ice conditions. On or about December 5, 1973, Mr. Phillip Cocke, Jr., then director of Public Works for the City of Asheville, made a survey of the situation at the intersection of Wilburn Place and Providence Road. He apparently saw the need for corrective action, however, the project would have to be included in the following years budget due to the cost involved. To date, (almost twelve (12) years later), nothing has been done to improve the situation. See copy of follow-up letter to Mr. Cocke from Wilshire Park Community Club dated March 3, 1975, which is attached hereto.

As for repairing or replacing the existing concrete street markers, the need for such action is obvious because the present markers in some instances are no longer legible.

In conclusion, it is recommended that a competent survey be made of the conditions cited above in order to verify same and hopefully to have necessary corrective action taken within a reasonable period of time.

Letter: 47 Carlton Place

Asheville, NC 28806

March 4, 1975

Mr. Philip C. Cocke, Jr.

Director Public Works

P.O. Box 7148, City Building

Asheville, NC

Dear Mr. Cocke:

Subject: Intersection of Wilburn Place and Providence Road

This is a follow-up of your letter of December 5, 1973. According to your personal survey of the condition of the intersection of Wilburn Place and Providence Road, you saw the necessity of a construction project to revise the existing drainage problem. At this time, the blacktop at this section is also in need of repair, due to an oil spill on the Lutheran Church property.

A year has passed and nothing has been done. Were you able to obtain money for this project in 1974, in order that this work might be included in the 1975 budget? Please advise as to the present status.

Yours truly,

Mrs. D. Stephen Mitchell

Corresponding Secretary

M/h

cc: Mr. Bostic

Mr. Webb Bostic, Supt., Street Dept.

P.O. Box 7148, City Building

Asheville, North Carolina

Mr. Smith presented a map outlining the problems indicated in the petition.

He suggested that a sealing treatment be used on the streets in Wilshire Park rather than resurfacing at this time.

Mr. Smith said he knew it was not likely that everything in the petition would be approved without reservations. However he would suggest that Council direct the appropriate City agency to make an inspection of the conditions cited in the petition. He said based on the results of that inspection, he would recommend that the necessary improvements be made. He

said if the costs involved are a governing factor then he would propose that the improvements be accomplished over a one to two year period. Priorities based on feasibility would be as follows: 1) Replace five existing defective street signs; 2) Correct the surface water problem at the intersection of Johnston Boulevard and Providence Road; 3) Repair and resurface poorest road conditions particularly at intersections, resurface the remainder later; 4) Regrade the turn at the intersection of Wilburn Place and Providence Road.

Mayor McDevitt requested that the petition be entered in the minutes.

**(Note: The petition is attached as a part of the minutes.)**

Mayor McDevitt informed Mr. Smith that he or the City Manager would be giving him a direct response to the petition in the very near future.

### **RALPH BISHOP - OBTAINING CITY POLICE PENSION RECORDS**

23. Mr. Ralph Bishop again spoke to members of Council relative to his difficulty in obtaining police pension records for James J. Moles, former policeman with the City of Asheville.

Mayor McDevitt informed Mr. Bishop that whatever records he was entitled to see under the law, he would be permitted to see.

### **ADJOURNMENT**

Upon motion of Councilman Boland, seconded by Councilman Bisette, the meeting adjourned at 6:55 p.m.

MAYOR CITY CLERK

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