

Tuesday - April 8, 1986 - 4:00 p.m.

Regular Meeting

Present: Mayor W. Louis Bissette, Presiding; Vice-Mayor Mary Lloyd Frank; Councilmen Wilhelmina Bratton, Walter R. Boland; Kenneth M. Michalove, Norma T. Price, and George M. Tisdale; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Vice-Mayor Mary Lloyd Frank.

OATH OF OFFICE FOR CITY MANAGER DOUGLAS O. BEAN

1. Mayor Bissette administered the Oath of Office to Douglas O. Bean as City Manager.

Mayor Bissette thanked the Acting City Manager William F. Wolcott, Jr., for his services since October, 1985.

APPROVAL OF THE MINUTES - MARCH 25, 1986 MEETING

2. Consideration was given to the approval of the minutes of the March 25, 1986, meeting.

Mayor Bissette announced the approval of the minutes as submitted.

PROCLAMATION - "KIDS' SAFETY WEEK" - APRIL 7-13, 1986

3. Mayor Bissette read a proclamation proclaiming April 7-13, 1986, as "Kids' Safety Week."

Mayor Bissette presented the proclamation to Kim Yelton.

PROCLAMATION - WEEK OF APRIL 13 - "SPECIAL POPULATIONS WEEK"

4. Mayor Bissette read a proclamation proclaiming the week of April 13, 1986, as "Special Populations Week."

Mayor Bissette presented the proclamation to Grace Walker.

PROCLAMATION - "BARBERSHOP HARMONY MONTH" - MONTH OF APRIL, 1986

5. Mayor Bissette read a proclamation proclaiming the month of April as "Barbershop Harmony Month."

Mayor Bissette presented the proclamation to Mike Phipps, Chorus Manager for the Asheville Chapter/Land of Sky Chorus. The Asheville Chapter/Land of Sky Chorus sang for members of Council.

RECOGNITION FOR OUTSTANDING PLANNING AWARD - NORMA PRICE

6. Mayor Bissette said each year the North Carolina Chapter of the American Planning Association conducts an award program. This program is designed to recognize contributions of individuals and agencies who have completed outstanding plans, programs, and projects, or have made notable contributions to the planning profession. These awards will be presented at the annual meeting of the chapter in Chapel Hill on April 17. The City of Asheville's Planning Department has recently been notified of the following:

(1) Norma Price has been selected to be the recipient of the Outstanding Elected Official Award for her work as Chair of the "Alternatives for Asheville" committee. This award is given to an individual member of a local governing board

in the state who has made outstanding contributions affecting planning programs or activities.

(2) The City of Asheville Planning staff has been selected to receive the Outstanding Planning Award. This award recognizes planners who initiate, develop, or administer a program, plan, project, or report of unusually high merit. The staff was selected for the recognition of the video presentation developed for utilization and its "Alternatives for Asheville" program.

Mayor Bissette recognized Councilman Norma Price, Patty Tallerday, Carol Alberice, Al Koph, and Julia Cogburn with the Asheville Planning Department.

RESOLUTION NO. 86-54 - RESOLUTION PROCLAIMING THE SECOND WEEK OF APRIL EACH YEAR AS TELECOMMUNICATOR/RADIO DISPATCHER WEEK

7. Consideration was given to a resolution proclaiming the second week of April each year as Telecommunicator/Radio Dispatcher Week.

Mayor Bissette said the professional Telecommunicator/Radio Dispatcher plays a crucial role in the protection of life and property, the preservation of society and its laws, and the provision of municipal services. The Telecommunicators/Radio Dispatchers in the City are highly dedicated and deeply motivated people who daily serve the citizens of Asheville in countless ways without due recognition by the beneficiaries of the services. They are front line contacts with the citizens of Asheville and the general public and are uniquely charged with the responsibility of maintaining citizen satisfaction and a positive image of the City of Asheville to the general public. This resolution will proclaim the second week in April of each year to be designated as "Telecommunicator/Radio Dispatcher Week."

Upon motion of Councilman Price, seconded by Councilman Boland, Resolution No. 86-54 was unanimously adopted.

Complete text of Resolution No. 86-54 will be found in Resolution Book No. **16** at page **1**.

Mayor Bissette presented the resolution to Major Pipitone with the Asheville Police Department.

PUBLIC HEARING - SITE PLAN OF HAZELWOOD (WEISS) MOBILE HOME PARK, PHASE II - NORTH LOUISIANA AVENUE

8. A public hearing was held relative to a site plan of the Hazelwood (Weiss) Mobile Home Park, Phase II, to be located on North Louisiana Avenue.

Mayor Bissette said the Asheville Planning and Zoning Commission, at a meeting held February 26, 1986, reviewed the site plan of the Hazelwood (Weiss) Mobile Home Park, Phase II, to be located on North Louisiana Avenue. The site plan was prepared by Associated Land Technologies, Engineer, for Walter Weiss, Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the site plan to City Council subject to: 1) location of a fire hydrant within the site; 2) removal of four sites on the front of project to meet density requirement and provide open space; and 3) compliance with the Erosion Control Ordinance.

Mayor Bissette opened the public hearing at 4:40 p.m.

The City Manager 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 had reviewed the plans and recommended approval subject to several conditions.

Mayor Bissette closed the public hearing at 4:44 p.m.

Councilman Tisdale moved to approve the site plan of the Hazelwood (Weiss) Mobile Home Park, Phase II, to be

located on North Louisiana Avenue subject to: 1) location of a fire hydrant within the site; 2) removal of four sites on the front of project to meet density requirement and provide open space; and 3) compliance with the Erosion Control Ordinance. This motion was seconded by Councilman Michalove and carried unanimously.

PUBLIC HEARING - CLOSING OF PORTION OF UNNAMED ALLEY OFF PEARSON DRIVE

RESOLUTION NO. 86-55 - RESOLUTION TO CLOSE A PORTION OF UNNAMED ALLEY OFF PEARSON DRIVE

9. A public hearing was held relative to closing a portion of an unnamed alley off Pearson Drive.

Mayor Bissette said a petition has been filed by Kathleen Garren and William Garren, owners of property adjoining a portion of an unnamed alley between Madison Street and Gray Street off Pearson Drive, asking that the portion of this alley adjoining Lots 54 and 59 of Ward 3, Sheet 9 of the Buncombe County Tax Maps be permanently closed to public use. Resolution No. 85-33, a resolution of intent to close a portion of an unnamed alley off Pearson Drive, was adopted by City Council on March 4, 1986.

Mayor Bissette opened the public hearing at 4:45 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.

Larry Ward, with the Public Works Department, recommended approval of the resolution.

Mayor Bissette closed the public hearing at 4:46 p.m.

Mayor Bissette said members of Council were previously 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 Boland, seconded by Councilman Price, Resolution No. 86-55 was unanimously adopted.

Complete text of Resolution No. 86-55 will be found in Resolution Book No. **15** at page **2**.

ORDINANCE NO. 1576 - AN ORDINANCE AMENDMENT TO APPROPRIATE FUNDS FOR RENTAL REHABILITATION PROGRAM

11. Consideration was given to a budget ordinance amendment to appropriate funds for the Rental Rehabilitation Program.

Mayor Bissette said this budget ordinance will appropriate funds for the Rental Rehabilitation Program which is administered by the Housing Authority and the City of Asheville and is grantee for funds provided by HUD. This will appropriate grant funds in the amount of \$118,000 which has been approved by HUD.

Marvin Vierra, with the Community Development Department, explained the details of the Rental Rehabilitation Program stating that funds would be used for capital improvements only.

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

Councilman Michalove moved for the adoption of Ordinance No. 1576. This motion was seconded by Vice-Mayor Frank.

On a roll call vote of 7-0, Ordinance No. 1576 passed on first and final reading.

Complete text of Ordinance No. 1576 will be found in Ordinance Book No. **11** at page **1**.

ORDINANCE NO. 1577 - BUDGET ORDINANCE AMENDMENT FOR FISCAL YEAR 1986 OPERATING ASSISTANCE GRANT (TRANSIT AUTHORITY)

12. Consideration was given to a budget ordinance amendment for fiscal year 1986 Transit Authority Operating Assistance Grant.

Mayor Bissette said due to an Asheville Transit Authority liability insurance increase and contracted transportation services with the American Red Cross, the City must request additional funds from UMTA.

Carl Ownbey, with the Asheville Transit Authority, explained the need for the additional funds from UMTA.

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

Councilman Boland moved for the adoption of Ordinance No. 1577. This motion was seconded by Councilman Tisdale.

On a roll call vote of 7-0, Ordinance No. 1577 passed on first and final reading.

Complete text of Ordinance No. 1577 will be found in Ordinance Book No. **11** at page **2**.

RESOLUTION NO. 86-56 - RESOLUTION AUTHORIZING THE MAYOR TO FILE A GRANT AMENDMENT ON BEHALF OF THE CITY OF ASHEVILLE WITH THE URBAN MASS TRANSPORTATION ADMINISTRATION

13. Consideration was given to a resolution authorizing the Mayor to file a Grant Amendment on behalf of the City of Asheville with the Urban Mass Transportation Administration.

Mayor Bissette said this resolution will authorize the Mayor to execute any grant amendment agreements for transportation projects.

Mayor Bissette said members of Council were previously 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 Vice-Mayor Frank, seconded by Councilman Michalove, Resolution No. 86-56 was unanimously adopted.

Complete text of Resolution No. 86-56 will be found in Resolution Book No. **16** at page **3**.

RESOLUTION NO. 86-57 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF ASHEVILLE WITH THE ASHEVILLE AREA CHAPTER OF THE AMERICAN RED CROSS

14. Consideration was given to a resolution authorizing the Mayor to execute an agreement on behalf of the City of Asheville with the Asheville Area Chapter of the American Red Cross.

Mayor Bissette said the City is a recipient of funds under Sections 9 and 5 of the Urban Mass Transportation Act. Section 504 of the Rehabilitation Act of 1974 and Section 16 (a) of the Urban Mass Transportation Act of 1964, as amended, require that the City provide public transportation services within the corporate City limits to qualified handicapped individuals, including wheelchair users and semi-ambulatory persons. These services may be provided by the Asheville Transit Authority or through the use of a private agency. The American Red Cross is willing to provide these services on an annual basis. This resolution will authorize the Mayor to execute an agreement with the American Red Cross. The funding has been placed in a budget amendment for FY 86 operating assistance funds for the Transit Authority.

Amount: \$4,400.00

Period: April, May, June, 1986

Mayor Bisette said members of Council were previously 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 Tisdale, seconded by Councilman Boland, Resolution No. 86-57 was unanimously adopted.

Complete text of Resolution No. 86-57 will be found in Resolution Book No. **16** at page **4**.

RESOLUTION NO. 86-58 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR CERTAIN STREET AND HIGHWAY CONSTRUCTIONS/IMPROVEMENTS UNDER PROJECT NO. 8.7384012, BUNCOMBE COUNTY

15. Consideration was given to a resolution authorizing the Mayor to execute a municipal agreement with the North Carolina Department of Transportation for certain street and highway constructions/improvements under Project No. 8.7384012, Buncombe County.

Mayor Bisette said the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements under Project No. 8.7384012. The North Carolina Department of Transportation and the City of Asheville propose to enter into an Agreement for the above-captioned project whereby the City of Asheville agrees: (1) to exercise any rights under any franchise to effect the necessary adjustments of certain utilities without cost to the North Carolina Department of Transportation, and (2) to provide for the adjustment of any City of Asheville owned utilities without cost to the North Carolina Department of Transportation, except that the North Carolina Department of Transportation will reimburse the City of Asheville in accordance with the North Carolina Department of Transportation's Municipally Owned Utility Policy. The City of Asheville agrees to reimburse the Department of Transportation to the extent of 20% of the cost of the right-of-way for Safety Projects (1) US 25 (Merrimon Avenue) and SR 1781 (Broadway Avenue); and (2) SR 3548 (Patton Avenue) and SR 3548 (Clingman Avenue) with reimbursement to be made in five (5) equal annual installments to begin on October 15, 1986.

Mayor Bisette 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.

Councilman Tisdale noted that the right-of-way costs to the City would be payable over a five-year period.

Councilman Michalove noted that the City picks up right-of-way costs for highway improvements through municipal agreements which is an additional cost to City residents only. He said the County does not participate in costs concerning highway construction improvements.

Councilman Michalove also noted that any costs associated with the adjustment of water and sewer lines should be handled through the Water Authority budget.

Upon motion of Councilman Michalove, seconded by Vice-Mayor Frank, Resolution No. 86-58 was unanimously adopted.

Complete text of Resolution No. 86-58 will be found in Resolution Book No. **16** at page **5**.

PUBLIC HEARING - ANNEXATION OF PROPERTY ON LONG SHOALS ROAD AND LEDBETTER ROAD

ORDINANCE NO. 1578 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, BY ANNEXING A NON-CONTIGUOUS AREA NEAR THE INTERSECTION OF LONG SHOALS ROAD AND LEDBETTER ROAD, PURSUANT TO THE REQUEST

OF THE PROPERTY OWNER

16. A public hearing was held relative to annexation of a non-contiguous area near the intersection of Long Shoals Road and Ledbetter Road, pursuant to North Carolina General Statute Section 160A-58.2, as amended.

Mayor Bisette said a petition requesting annexation of the non-contiguous area has been received. Certification as to the sufficiency of this petition has been made by the City Clerk.

Mayor Bisette opened the public hearing at 5:01 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 annexation petition meets all statutory requirements and is within the three-mile limit of annexation authority.

Corporation Counsel Slawter said a release has been prepared for the property owners to sign releasing the City of Asheville from providing sewer services to the area, and stating that they are satisfied with the present sewer system.

Mayor Bisette closed the public hearing at 5:08 p.m.

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

Councilman Tisdale moved for the adoption of Ordinance No. 1578 with the provision that the agreement relative to the sewer line be completed prior to the third reading of the ordinance. This motion was seconded by Councilman Michalove.

On a roll call vote of 7-0, Ordinance No. 1578 passed on first reading.

RESOLUTION NO. 86-59 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS, RECREATION, AND PUBLIC FACILITIES DEPARTMENT TO SIGN A COMMITMENT OF SITE FACILITY USE FOR THE NUTRITION FOR OLDER AMERICANS AT CERTAIN RECREATION CENTERS

17. Consideration was given to a resolution authorizing the Director of Parks, Recreation, and Public Facilities Department to sign a Commitment of Site Facility Use for the Nutrition for Older Americans at certain recreation centers.

Mayor Bisette said this resolution will authorize the Director of Parks, Recreation, and Public Facilities be authorized to sign a Commitment of Site Facility Use for the Nutrition Program for Older Americans at Reid Memorial Recreation Center.

Mayor Bisette said members of Council were previously 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 Price, seconded by Vice-Mayor Frank, Resolution No. 86-59 was unanimously adopted.

Complete text of Resolution No. 86-59 will be found in Resolution Book No. 16 at page 6.

RESOLUTION NO. 86-60 - RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ASHEVILLE TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CONVEY PROPERTY DEEDED TO THE CITY OF ASHEVILLE BY THE ASHEVILLE CITY BOARD OF EDUCATION AND ADJACENT TO THE "SWAIN PROPERTY"

18. Consideration was given to a resolution authorizing the Mayor on behalf of the City of Asheville to execute any and all documents necessary to convey property deeded to the City of Asheville by the Asheville City Board of

Education and adjacent to the "Swain Property."

Mayor Bissette said this resolution will authorize the Mayor to execute any documents required to convey an approximately two acre tract located between the Ira B. Jones Elementary School property and the "Swain Property" to the Asheville City Board of Education.

Mayor Bissette said members of Council were previously 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 Vice-Mayor Frank, seconded by Councilman Price, Resolution No. 86-60 was unanimously adopted.

Complete text of Resolution No. 86-60 will be found in Resolution Book No. **16** at page **7**.

BIDS - FURNISHED RENTAL UNIFORMS AND SERVICE TO EMPLOYEES IN VARIOUS DEPARTMENTS FOR TWO YEARS

19. Consideration was given to a motion relative to bids received to furnish rental uniforms and service to employees of various departments for two years.

Mayor Bissette said sealed bids were invited to furnish rental uniforms and service to 143 employees in various departments. Two bids were received. National Linen Service, 115 Fairview Road, Asheville, was the low bidder. During the bid evaluation process, Harold Huff, Director of Water and Sewer Services, informed Norwood Dunn, Purchasing Director, that all uniforms for his department were to be purchased and not rented. Mr. Jerry Barkley, Branch Manager of National Linen Service agreed to provide rental uniform service at the same weekly rate as bid for the remaining 33 employees. Fiscal impact totals \$13,555.36 for the two year contract. Sufficient funds are provided in the individual budgets of the various departments and divisions.

After discussion, relative to funding, action relative to approval of the bids was postponed until April 15, 1986.

BIDS - HERBICIDE FOR THE PUBLIC WORKS, STREET DIVISION, AND PARKS, RECREATION, AND PUBLIC FACILITIES DEPARTMENT

19. Consideration was given to a motion relative to bids received for herbicide for the Public Works, Street Division, and Parks, Recreation, and Public Facilities Department.

Mayor Bissette said sealed bids were invited to furnish the estimated 1986 season requirements of 350 gallons of herbicide for the Public Works, Street Division, and Parks, Recreation, and Public Facilities Department's annual treatment of undesirable vegetation and right-of-way maintenance program. Six bids were received. It is recommended to award this contract to the lowest bidder, Helena Chemical Company, Enfield, N.C. Purchases will be made on an as needed basis. Total amount of fiscal impact is \$26,141.50 - \$74.69 per gallon. Funding will be from the Street Division's appropriation, Account Code 10-427-038 and Parks, Recreation, and Public Facilities appropriation, Account Code 17-502.0320.

Vice-Mayor Frank moved to approve the bids for herbicide to the lowest bidder, Helena Chemical Company, in the total amount of \$26,141.50. This motion was seconded by Councilman Price and carried unanimously.

PETITION PRESENTED - WEST ASHEVILLE COMMUNITY CENTER COMMITTEE - REQUEST FOR NEW COMMUNITY CENTER

Mayor Bissette said a petition had been presented to Council during today's Pre-Council meeting, by the West Asheville Community Center Committee which reads as follows "We, the undersigned residents of West Asheville, hereby petition the Asheville City Council for a Community Center with adequate facilities to accommodate activities of the senior citizens, the youth, and the general public. A facility with a gymnasium, playing field for baseball, softball, and football, adequate parking with safe and easy access and room, and the facility to hold community gatherings. The present West Asheville Community Center on Haywood Road is not adequate to accommodate the

programs for the elderly, the youth, daycare, and many other needs such as workshops, seminars, and community meetings. The parking area provided is for the use of library patrons, and is not adequate or practical for those attending anything at the Community Center. Use of an existing, publicly owned property would seem to make practical sense from an economical standpoint." The petition contained approximately 500 signatures.

Mayor Bissette noted that during the pre-Council meeting, Council members had referred the petition to the Parks and Recreation Advisory Board and the Parks, Recreation, and Public Facilities Department for further information which will be available within three weeks.

JUDGE FRANK PARKER RETAINED FOR MELVIN WALSH CASE

Vice-Mayor Frank moved that Judge Frank Parker be retained for the appeal of the Melvin Walsh case. This motion was seconded by Councilman Michalove and carried unanimously.

ANNOUNCEMENT - "HANDS ACROSS ASHEVILLE EVENT"

Mayor Bissette noted that Jay Banks and George Phiffer attended the Pre-Council work session to enlighten Councilmembers of the "Hands Across Asheville" Event on May 25, 1986, at 12:30 p.m.

CLAIMS - TERRY BRACKETT (WATER)_ - KASEY CONSTRUCTION (SEWER) - JEAN MILLER (MANAGEMENT SERVICES) - INN ON THE PLAZA (SEWER) - IVA JEAN PAYNE (SEWER) - NANCY HYATT (WATER) - ANTON CHEVROLET (WATER) - KANE-PUTNAM PART. (WATER) - MARTHA WILLIAMS (STREETS)

The City Manager presented claims received from Terry Brackett, Kasey Construction, Jean Miller, Inn on the Plaza, Iva Jean Payne, Nancy Hyatt, Anton Chevrolet, Kane-Putnam Part., and Martha Williams.

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

RALPH BISHOP - LOTTERY SALES AND OBTAINING CITY RECORDS

Ralph Bishop spoke to members of Council relative to the lottery sales in the City of Asheville, the Asheville Police Department, and obtaining records relative to James J. Moulds.

Mayor Bissette informed Mr. Bishop that the staff would look at the General Statutes to determine whether or not the records are public records and available for the inspection of the public.

ATTENDANCE AT NUCLEAR DEPOSITORY MEETING

Mayor Bissette thanked Vice-Mayor Frank and Councilman Tisdale for attending the public hearings on April 4 relative to the proposed nuclear depository site.

ADJOURNMENT

Upon motion of Councilman Tisdale, seconded by Vice-Mayor Frank, the meeting adjourned at 5:30 p.m.

MAYOR CITY CLERK
