

Tuesday - April 22, 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 Deputy City Clerk Carol Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Councilman Michalove.

APPROVAL OF THE MINUTES - APRIL 15, 1986 MEETING

1. Consideration was given to the approval of the minutes of the April 15, 1986, meeting.

Mayor Bissette announced the approval of the minutes as submitted.

PROCLAMATION - APRIL 22 - "DEPARTMENT OF PARKS, RECREATION, AND PUBLIC FACILITIES VOLUNTEER RECOGNITION DAY"

2. Mayor Bissette read a proclamation proclaiming April 22, 1986, as "Department of Parks, Recreation, and Public Facilities Volunteer Recognition Day" in Asheville.

Ray Kisiah, Director of Parks and Recreation, recognized Marlena Renwick, Director of the Reid Recreation Center, who introduced Sister Marie Day, recently named Volunteer of the Year.

Marlena Renwick, Director of the Reid Recreation Center, said Sister Day was involved in many of the programs at the Reid Recreation Center and tutored students, kindergarten through sixth grade. She said Sister Day is a retired classroom nun from St. Genevieve's and is truly an asset to the community and the recreation center.

Mayor Bissette said the proclamation would be presented to Sister Day at a Volunteer Recognition Dinner on April 22, 1986 at 6:30 p.m. at the Reid Center.

PROCLAMATION - MAY 1, 1986 AS "LOYALTY DAY"

3. Mayor Bissette read a proclamation proclaiming May 1 as "Loyalty Day" in the City of Asheville.

Mayor Bissette presented the proclamation to Stanley Parker and Berdie Wallace, representing the VFW organization.

ORDINANCE NO. 1580 - AN ORDINANCE REPEALING ORDINANCE NO. 1226 AND ORDINANCE NO. 1479 AND ESTABLISHING IN LIEU THEREOF A NEW ORDINANCE REGARDING DOG LICENSE TAXES

4. Consideration was given to an ordinance repealing Ordinance No. 1226 and Ordinance No. 1479 and establishing in lieu thereof a new ordinance regarding dog license taxes.

Mayor Bissette said this ordinance will repeal Ordinance No. 1226 and Ordinance No. 1479 and will establish a combined, amended dog control and license ordinance.

The City Manager indicated that this ordinance would give authority for the Animal Control Officers to write civil violations to owners who allow their dogs to run at large and who fail to display license tags on dogs running loose.

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

Councilman Price moved for the adoption of Ordinance No. 1580. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1580 passed on first reading.

Councilman Michalove moved to suspend the rules and proceed to the second reading of Ordinance No. 1580. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1580 passed on second reading.

Councilman Michalove moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1580. This motion was seconded by Councilman Price and carried unanimously.

On a roll call of of 7-0, Ordinance No. 1580 passed on third and final reading.

Complete text of Ordinance No. 1580 will be found in Ordinance Book No. **11** at pages **7** and **8**.

ORDINANCE NO. 1581 - AN ORDINANCE AMENDING ORDINANCE NO. 1481, (ANIMALS AND FOWLS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

5. Consideration was given to an ordinance amending Ordinance No. 1481 (Animals and Fowls) of the Code of Ordinances of the City of Asheville.

Mayor Bissette said with these amendments, the animal control officers will be able to write a civil violation to owners (1) who allow their dog(s) to run at large; and (2) who fail to display the license tag on a dog who is running at large. The failure to purchase a license tag will remain a misdemeanor.

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

Councilman Michalove moved for the adoption of Ordinance No. 1581. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1581 passed on first reading.

Councilman Michalove moved to suspend the rules and proceed to the second reading of Ordinance No. 1581. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1581 passed on second reading.

Councilman Michalove moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1581. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1581 passed on third and final reading.

Complete text of Ordinance No. 1581 will be found in Ordinance Book No. **11** at pages **9** and **10**.

ORDINANCE NO. 1582 - BUDGET ORDINANCE AMENDMENT FOR REIMBURSEMENT OF COMMUNITY DEVELOPMENT FUNDS

6. Consideration was given to a budget ordinance amendment for reimbursement of Community Development funds.

Mayor Bissette said this budget ordinance amendment is to reimburse Community Development Funds for overexpenditure of 20% limit for planning and administration for the year ended June 30, 1985. Fiscal impact for the

General Fund is a negative impact of \$51,684.00. These funds will be available for appropriation for Community Development eligible activities.

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

Vice-Mayor Frank moved for the adoption of Ordinance No. 1582. This motion was seconded by Councilman Tisdale.

On a roll call vote of 7-0, Ordinance No. 1582 passed on first and final reading.

Complete text of Ordinance No. 1582 will be found in Ordinance Book No. **11** at page **11**.

ORDINANCE NO. 1583 - BUDGET ORDINANCE AMENDMENT FOR MCDOWELL STREET IMPROVEMENTS

7. Consideration was given to a budget ordinance amendment for McDowell Street improvements.

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

Vice-Mayor Frank moved for the adoption of Ordinance No. 1583. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1583 passed on first and final reading.

Complete text of Ordinance No. 1583 will be found in Ordinance Book No. **11** at page **12**.

ORDINANCE NO. 1579 - AN ORDINANCE AMENDING SECTION 28-81.3 OF ARTICLE IV, SPEED REGULATIONS, OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

8. Consideration was given to the third reading of Ordinance No. 1579, an ordinance amending Section 28-81.3 of Article IV, Speed Regulations, of Chapter 28 of the Code of Ordinances of the City of Asheville.

Mayor Bissette said this ordinance will lower the speed limit to 25 m.p.h. on the following streets: Glen Falls Road, Blackwood Road and Griffing Boulevard. This ordinance passed on first and second reading at the April 15, 1986 meeting.

Mayor Bissette 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. 1579 passed on third and final reading.

Complete text of Ordinance No. 1579 will be found in Ordinance Book No. **11** at page **6**.

Councilman Michalove requested that the City Manager direct the Police Department to give a thirty day warning of the speed limit change prior to issuing speeding citations for the 25 m.p.h. zone.

RESOLUTION NO. 86-63 - RESOLUTION SETTING POLICY FOR SEWER LINE EXTENSIONS FOR THE CITY OF ASHEVILLE TO NON-CONTIGUOUS ANNEXATION AREAS

9. Consideration was given to a resolution setting policy for sewer line extensions for the City of Asheville to non-contiguous annexation areas.

Mayor Bissette said the City Council established an

interim policy concerning water and sewer line extensions for the City of

Asheville in Resolution No. 69-1, adopted on November 20, 1969. Some changes have occurred in the actual practice of the Department of Water and Sewer Services with regard to extension of sewer lines. While the City has an unwritten policy with regard to extension of sewer lines to non-contiguous annexation areas, it is now desirable to have such a policy in writing.

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

The Corporation Counsel noted that in the policy that if a property owner requests sewer service it would be at the property owner's expense.

Upon motion of Councilman Boland, seconded by Councilman Tisdale, Resolution No. 86-63 was unanimously adopted.

Complete text of Resolution No. 86-63 will be found in Resolution Book No. **16** at pages **11** and **12**.

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 (COACHLITE RESTAURANT)

10. Consideration was given to the third reading of 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 (Coachlite Restaurant).

Mayor Bissette said the City of Asheville has been petitioned under N. C. Gen. Stat. sec 160A-58.1, as amended, to annex a non-contiguous area near the intersection of Long Shoals Road and Ledbetter Road. The City Clerk has been directed to investigate the sufficiency of the petition. The City Clerk has certified the sufficiency of the petition and a public hearing was held on April 8, 1986. This ordinance passed on first reading at the April 8, 1986 meeting and on second reading at the April 15, 1986 meeting.

Mayor Bissette 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. 1578 passed on third and final reading.

Complete text of Ordinance No. 1578 will be found in Ordinance Book No. **11** at pages **3**, **4**, and **5**.

RESOLUTION NO. 86-64 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE AN AGREEMENT BY AND BETWEEN THE CITY OF ASHEVILLE AND THE SKYLAND VOLUNTEER FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICE TO THE NEWLY ANNEXED NON-CONTIGUOUS AREA LOCATED NEAR THE INTERSECTION OF LONG SHOALS ROAD AND LEDBETTER ROAD (COACHLITE RESTAURANT)

11. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville an agreement by and between the City of Asheville and the Skyland Volunteer Fire Department to provide fire protection service to the newly annexed non-contiguous area located near the intersection of Long Shoals Road and Ledbetter Road (Coachlite Restaurant).

Mayor Bissette said the City has annexed a non-contiguous area near the intersection of Long Shoals Road and Ledbetter Road. This resolution will authorize the Mayor to execute an agreement by and between the City of Asheville and Skyland Volunteer Fire Department to provide fire protection service to this area.

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 Price, Resolution No. 86-64 was unanimously adopted.

Complete text of Resolution No. 86-64 will be found in Resolution Book No. **16** at page **13**.

RESOLUTION NO. 86-65 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BY AND BETWEEN THE CITY OF ASHEVILLE AND ASHEVILLE-BUNCOMBE TECHNICAL COLLEGE

12. Consideration was given to a resolution authorizing the Mayor to execute an agreement by and between the City of Asheville and Asheville-Buncombe Technical College.

Mayor Bisette said Asheville-Buncombe Technical College desires to construct a pedestrian bridge over Victoria Road. Victoria Road is a part of the street system for the City of Asheville with attendant air rights. The City wishes to allow Asheville-Buncombe Technical College to encroach upon the air rights attendant to Victoria Road. This resolution will authorize the Mayor to execute an agreement by and between the City of Asheville and Asheville-Buncombe Technical College.

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

Upon motion of Vice-Mayor Frank, seconded by Councilman Michalove, Resolution No. 86-65 was unanimously adopted.

Complete text of Resolution No. 86-65 will be found in Resolution Book No. **16** at page **14**.

RESOLUTION NO. 86-66 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DRAINAGE EASEMENT FOR STATE PROJECT 9.5130201 (MCDOWELL STREET WIDENING PROJECT)

13. Consideration was given to a resolution authorizing the Mayor to execute a drainage easement for State Project 9.5130201 (McDowell Street Widening Project).

Mayor Bisette said the North Carolina Department of Transportation desires to construct and maintain a drainage facility through and across City-owned property. The drainage facility is required in conjunction with the McDowell Street Widening Project. This project will improve traffic safety and flow for the citizens. This resolution will authorize the Mayor to execute the Drainage Easement Agreement.

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 Vice-Mayor Frank, seconded by Councilman Price, Resolution No. 86-66 was unanimously adopted.

Complete text of Resolution No. 86-66 will be found in Resolution Book No. **16** at page **15**.

RESOLUTION NO. 86-67 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE NECESSARY CONTRACTS FOR THE LEASE OF A COMPUTER LINE ADAPTER FOR THE CITY OF ASHEVILLE DEPARTMENT OF FINANCE, DATA PROCESSING DIVISION

15. Consideration was given to a resolution authorizing the City Manager to sign the necessary contracts for the lease of a computer line adapter for the City of Asheville Department of Finance, Data Processing Division.

Mayor Bisette said this resolution will authorize the City Manager to enter into a one year lease contract with Burroughs Corporation to provide one (1) asynchronous direct connect line adapter to be installed on the Criminal Justice Information System computer. The monthly lease cost will be \$90.00, inclusive of maintenance services. A

one-time installation cost of \$160.00 will also be incurred. Lease of line adapter for one year, \$1,080.00; one time installation cost of \$160.00 - Total cost - \$1,240.00

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 Price, Resolution No. 86-67 was unanimously adopted.

Complete text of Resolution No. 86-67 will be found in Resolution Book No. 16 at page 16.

RESOLUTION NO. 86-68 - RESOLUTION AUTHORIZING THE SALE BY THE COUNTY OF BUNCOMBE OF TAX LOT IDENTIFIED AS WARD 4, SHEET 2, LOT 121

16. Consideration was given to a resolution authorizing the sale by the County of Buncombe of Tax Lot identified as Ward 4, Sheet 2, Lot 121.

Mayor Bisette said the City of Asheville and the County of Buncombe entered into an agreement November 5, 1984 to set forth the responsibilities of the City and County with regard to prior responsibilities of the Buncombe County Board of Tax Supervision. Pursuant to Resolution No. 85-224, the City approved of the sale by the County of Buncombe certain lots. Other lots titled in the name of the Buncombe County Board of Tax Supervision and located within the City limits of the City of Asheville were retained for the City's use, pursuant to recommendation of City staff and approval of the City Council. It has been determined that Tax Lot identified as Ward 4, Sheet 2, Lot 121 does not need to be retained and can be released by the City for sale. This resolution does hereby authorize and approve of the sale by the County of Buncombe of this tax lot. Revenue to the City is \$2,400.00. 50% of the current tax valuation of the lot is \$4,800.00

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 Vice-Mayor Frank, seconded by Councilman Boland, Resolution No. 86-68 was unanimously adopted.

Complete text of Resolution No. 86-68 will be found in Resolution Book No. 16 at page 17 and 18.

RESOLUTION NO. 86-69 - RESOLUTION APPOINTING MEMBER TO THE BOARD OF ADJUSTMENT UNDER ORDINANCE NO. 322 AS AMENDED (APPOINTMENT OF HAL F. STARNES)

17. Consideration was given to a resolution appointing Hal F. Starnes as a member of the Board of Adjustment.

Mayor Bisette said this resolution will appoint Hal F. Starnes to serve an unexpired term, term expiring January 21, 1988.

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

Upon motion of Vice-Mayor Frank, seconded by Councilman Price, Resolution No. 86-69 was unanimously adopted.

Complete text of Resolution No. 86-69 will be found in Resolution Book No. 16 at page 19.

RESOLUTION NO. 86-70 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE-BUNCOMBE CRIME STOPPERS COMMITTEE (C.M. "MIKE" GEHRING)

18. Consideration was given to a resolution appointing C.M. "Mike" Gehring as a member of the Asheville-Buncombe Crime Stoppers Committee.

Mayor Bisette said this resolution will appoint C. M. "Mike" Gehring to serve the unexpired term of Douglas Blizzard, term expiring June 10, 1987.

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 Councilman Boland, Resolution No. 86-70 was unanimously adopted.

Complete text of Resolution No. 86-70 will be found in Resolution Book No. 16 at page 20.

SALE OF DISPOSAL PARCELS 133, 140, 143, 147, 148, 156, 165, 166, 167, AND 96B.3 IN THE EAST RIVERSIDE URBAN RENEWAL PROJECT AND THE EAST END/VALLEY STREET COMMUNITY IMPROVEMENT PROJECT

19. Consideration was given to a motion approving the sale of Disposal Parcels 133, 140, 143, 147, 148, 156, 165, 166, 167, and 96B.3 in the East Riverside Urban Renewal Project and the East End/Valley Street Community Improvement Project.

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

Parcel Reuse Price Bid Redeveloper

133 Residential \$6,300.00 \$6,601.00 Charles & Alice Payton

140 Residential 8,500.00 10,001.00 David & Gwendolyn Jones

143 Residential 7,800.00 8,350.00 R & R Associates, Inc.

147 Residential 7,100.00 7,601.00 Jerome Eubanks & Regina

Mosley

148 Residential 6,900.00 7,200.00 Frank & Virginia Sibert

156 Residential 10,300.00 12,300.00 Ogden Z. & Gwendolyn

Braxton

165 Residential 7,500.00 7,850.00 Phillip & Ginger Ridley

166 Residential 9,700.00 11,250.00 R & R Associates, Inc.

167 Residential 8,800.00 9,007.00 James & Marion

King

96B.3 Light Indrl. 20,300.00 20,300.00 Carolina Converters, Inc.

Parcel 133 is located on Old Pine Street; parcel 140 is located on

Hazard Street; parcel 143 is located on Martin Luther King, Jr.

Drive; parcels 147, 148, and 156 are located on Lincoln Street;

parcels 165, 166, and 167 are located on Martin Luther King, Jr.

Drive and parcel 96B.3 is located on Lyman Street.

Disposal Parcels 133, 140, 147, 148, 156, 165, and 167 are located in the East End/Valley Street Area and are residential lot sales for single family structures under the Incentive Housing Program.

Disposal Parcels 143 and 166 of the East End/Valley Street Area are to be developed with single family homes for resale. The eventual purchasers of the completed homes will be able to obtain the Incentive Housing Subsidy.

Councilman Michalove moved to approve the sale of the disposal parcels as recommended by the Housing Authority. This motion was seconded by Vice-Mayor Frank and carried unanimously.

COUNCILMAN BRATTON - COMMENTS RELATIVE TO GLEN FALLS ROAD BRIDGE

Upon inquiry of Councilman Bratton, the City Manager said bids had been received for the Glen Falls Road Bridge project.

CLAIMS - FAYE REDMON (WATER)

The City Manager presented a claim received from Faye Redmond.

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

ADJOURNMENT

Upon motion of Councilman Tisdale, seconded by Councilman Michalove, the meeting adjourned at 5:15 p.m.

Mayor City Clerk
