

MINUTES

PRE-COUNCIL MEETING - MAY 27, 1986

DEVELOPMENT OF BOND PACKAGE

In discussing a bond referendum for capital improvements, Councilman Michalove moved that Council adopt a \$27 million dollar bond issue (noting that this would be a 10 cent tax increase). This motion was seconded by Councilman Boland.

A discussion was held relative to the pros and cons of issuing a bond in the amount of \$27 million dollars.

Vote on Councilman Michalove's motion:

Councilman Michalove and Councilman Boland - "For"

Mayor Bissette, Vice-Mayor Frank, Councilman Tisdale, Councilman Price,

and Councilman Bratton - "Against"

Councilman Bratton moved that Council adopt a \$20 million dollar bond issue (noting that this would be a 7 cent tax increase). This motion was seconded by Vice-Mayor Frank.

In a discussion, Larry Fisher noted that even though the 7 cent tax increase was the amount to amortize the bond and pay the debt service, the question on the ballot would be that the City would levy taxes in an amount sufficient to pay the debt service.

Vote on Councilman Bratton's motion:

Mayor Bissette, Vice-Mayor Frank, Councilman Tisdale, Councilman

Bratton, Councilman Price, Councilman Boland - "For"

Councilman Michalove - "Against"

Councilman Michalove said his opposition to Councilman Bratton's motion was not opposing the \$20 million dollar bond issue, but because this amount would not be sufficient to cover the needs. He said a \$27 million dollar bond issue is needed and would come closer to meeting the needs of the City.

DISCUSSION OF TAX LEVY

In discussing the 1986-87 budget, Vice-Mayor Frank moved that a 7 cent tax increase be included in the 1986-87 operational budget to be earmarked for capital improvements. This motion was seconded by Councilman Bratton.

Councilman Michalove make a substitute motion to amend Vice-Mayor Frank's motion to include a 10 cent tax increase in the 1986-87 operational budget. This motion was seconded by Councilman Boland.

Vote on Councilman Michalove's Substitute Motion:

Councilman Michalove and Councilman Boland - "For"

Mayor Bissette, Vice-Mayor Frank, Councilman Bratton, Councilman Price

and Councilman Tisdale - "Against"

Vote on Vice-Mayor Frank's motion:

Mayor Bissette, Vice-Mayor Frank, Councilman Bratton, Councilman Price,

Councilman Boland - "For"

Councilman Michalove, Councilman Tisdale - "Against"

Councilman Tisdale noted that his negative vote on Vice-Mayor Frank's motion was not against a bond referendum but because he felt a need to put the question before the voters of the City of Asheville on a referendum ballot. He said he felt the citizens of Asheville should decide whether or not a tax increase is needed.

In further discussion, it was the consensus of members of Council to hold the bond referendum in September, 1986. The general split on the ballot would be \$3,000,000 for the Arts and Science, and the remainder going for capital improvements in Public Works.

Tuesday - June 3, 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, 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: Councilman Norma Price

INVOCATION

The invocation was given by Councilman Bratton.

APPROVAL OF THE MINUTES - MAY 27, 1986 MEETING

1. Consideration was given to the approval of the minutes of the May 27, 1986 meeting.

Councilman Tisdale requested that the minutes of the May 27, 1986 meeting be amended to include proceedings in the pre-council meeting on May 27, 1986 relative to the bond issue and tax levy, stating how each member of Council voted on the issues, and that the minutes of the pre-council meeting be attached to the formal minutes of the May 27, 1986 meeting. This motion was seconded by Councilman Bratton and carried unanimously.

Mayor Bissette said during the pre-council meeting, several typographical and other changes were noted in the minutes of the May 27, 1986 meeting.

Councilman Tisdale requested that the minutes of May 27, 1986 reflect the addresses of those individuals speaking during the public hearing relative to the Community Development Statement of Objectives and Projected Use of Funds for 1986-87. He also requested that his paragraph relative to the residences in Montford include his statement that since so many people from the Montford area were in attendance, that he wanted them to know that he would encourage other members of Council to have the current building codes enforced on these properties. He said there are many houses in the area with doors and windows out.

Councilman Boland requested that the minutes be amended to include his statement that one of the options for the Montford Planning Committee would be to meet with the Housing Authority and the City Manager to discuss the feasibility of using the Neighborhood Housing Services.

Mayor Bissette announced the approval of the minutes as amended.

PROCLAMATION - JUNE 1-7, 1986 - "MANAGEMENT WEEK"

2. Mayor Bissette read a proclamation proclaiming June 1-7, 1986, as "Management Week".

Mayor Bissette presented the proclamation to Doug Buchanan, President of the National Management Associates of Square D Chapter.

PRESENTATION BY MARCAL PAPER COMPANY - PROGRAM FOR REPLACEMENT OF TREES

3. Ray Kisiah, Director of Parks, Recreation and Public Facilities introduced Nicholas Marcalus, President and Chief Operating Officer with Marcal Paper Company.

Mr. Marcalus thanked members of Council for allowing him to come before Council to kick off the 1986 "Plant A Tree Program" in Asheville. He said the "Plant A Tree Program" grew out of a partnership between Marcal Paper Mills, Inc. and the National Arbor Day Foundation, a non-profit organization dedicated to tree planting and conservation. He said the program provides funds to designated communities for the purpose of planting trees and beautifying urban areas.

Mr. Marcalus said Marcal Paper Mills, Inc. will be sponsoring a free standing newspaper insert on June 8, 1986, in over 50 East Coast markets. He said in this advertisement, consumers will be offered three coupons to save on Marcal paper products. He said for every Marcal coupon redeemed, Marcal will donate 10 cents to establish the "Plant a Tree" fund. He said the funds will be administered by the National Arbor Foundation and distributed to participating cities. He said, in addition, consumers in participating markets will be given the opportunity at their local retailers to receive a discount membership to the National Arbor Day Foundation.

He said Marcal Paper Mills, Inc. would also be producing as a part of the program, a variety of educational materials and public service announcements promoting the benefits of trees and tree planting. He said in distributing the funds, the National Arbor Day Foundation would recognize communities that have received a Tree City USA Award, and who have a commitment to growing trees.

He said since the City of Asheville has been designated a Tree City USA for the past six years, Asheville will be eligible to participate in Marcal's "Plant A Tree Program". He then presented members of Council with red maple seedlings to kick off the 1986 "Plant A Tree Program".

ORDINANCE NO. 1553 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "THE MANOR" AT 265 CHARLOTTE STREET IN ASHEVILLE, NORTH CAROLINA, CURRENTLY OWNED BY TRANSCO FINANCIAL GROUP, LTD., AS HISTORIC PROPERTY

4. Consideration was given to the third reading of Ordinance No. 1553, an ordinance designating a building and property known as "The Manor" at 265 Charlotte Street in Asheville, North Carolina, currently owned by Transco Financial Group, Ltd., as historic property.

Mayor Bissette said "The Manor" was completed in 1899 as an "English Country Inn in America", and is a rare surviving example of the picturesque resort development so important to the history of the North Carolina mountains. The Historic Resources Commission of Asheville and Buncombe County has demonstrated the historic significance of the building, and the Division of Archives and History of North Carolina, Department of Cultural Resources has endorsed the findings of the Commission. This ordinance passed on first reading on November 26, 1985, and on second reading on March 20, 1986. At the May 27, 1986 meeting the third reading was postponed until June 3, 1986.

Corporation Counsel Slawter noted that the ordinance had been amended, during the second reading, to exclude the interior portions of the building as historic property.

Jerry Crowe, Attorney, representing Matthew Ellman, Trustee, and present owner of The Manor, requested that Council reconsider the adoption of this ordinance because, in his opinion, the provisions of the ordinance and the provisions of the Historic Conservation Overlay Ordinance, which would also affect this property, would be so restrictive that the property would be unusable. He presented members of Council with background information relative to the purchase of The Manor. He said the current owners intend to remarket The Manor and rehabilitate the

building for lodging purposes such as an inn, condominiums, or an apartment complex. He said this proposed ordinance would greatly affect the remarketability of this property. He also noted that the current zoning would practically prohibit any commercial development. He cited several sections of the proposed ordinance and the Conservation Overlay Ordinance, Ordinance No. 1365, indicating the restrictiveness that would be placed upon the property. He said the current owner has no intentions of demolishing the building; however, his client had indicated that if the building is to be demolished, that Council would be notified of their intentions. He said his client objects to the adoption of the ordinance, but if Council desires to continue with a third reading of the ordinance, they would request that the ordinance be amended to exclude any improvements related to the exterior portion of the building, such as fencing, access to the property, exterior stairs, pavement, a free standing rock wall and landscaping. He said if The Manor Inn is to be preserved, Council would have to work with developers.

A discussion was held between Mr. Crowe and members of Council relative to the land that would be involved in the historical designation, fencing in and around the property, and plexiglas covering, that was not a part of the original structure, and the effect the Conservation Overlay Ordinance would have upon the property.

Verl Emrick, Director of Planning, said if this ordinance is adopted, the provisions of the Historic Conservation Overlay Ordinance would be in effect. He explained the procedures outlined in these ordinances.

Mr. Emrick also noted that if the ordinance is adopted, a Certificate of Appropriateness would be required from the Historic Resources Commission for any major improvements that are made to the property. He said minor improvements could be approved by the Historic Resources Commission staff.

Councilman Michalove said he had gone through the building and felt the building would not limit itself to rehabilitation without a lot of money being spent to restore the building.

Jim Coman, with the Historic Resources Commission, spoke in favor of the ordinance, noting that a lot of inappropriate structures on the building would not be contested by the Historic Resources Commission. He said the Conservation Overlay Ordinance would help to restrict the use of the property, particularly for commercial use. He also reminded members of Council that the owner is not legally required to notify Council that the building is intended for demolition. He said he felt the Historic Resources Commission needed some control over the demolition of the building.

Jim File, of 108 Sondley Parkway Drive, with the Preservation Society of Asheville and Buncombe County, spoke in support of the adoption of the ordinance.

Sybil Bowers, Director of the Historic Resources Commission, said the purpose for the adoption of the ordinance is not to primarily deal with the current owner of the property, but to preserve the property for historic purposes. She said the Historic Resources Commission would be willing to work with any property owner of The Manor. She indicated that if the property is designated as historic property, there would be a reduction in taxes and tax credits would be available.

A discussion was held relative to amending the ordinance to indicate the current owner of the building.

Councilman Tisdale moved to amend Ordinance No. 1553 to strike the words "currently owned by Transco Financial Group, Ltd., and insert in lieu thereof" currently owned by Matthew Ellman, as Trustee." This motion was seconded by Councilman Boland and carried unanimously.

After discussion, Councilman Michalove moved to amend Ordinance No. 1553, paragraph 2, to include in the first sentence that "no exterior portion or any building or other structure which was not a part of the original construction or completed before 1945", and that the last sentence in paragraph 2 read "the commission shall have no jurisdiction over interior arrangement, or roads, access, or landscaping. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 5-1, Ordinance No. 1553 passed on third and final reading with Councilman Tisdale voting "no".

Complete text of Ordinance No. 1553 will be found in Ordinance Book No. **10 at Page 334, 335, and 336.**

RESOLUTION NO. 86-89 - RESOLUTION AUTHORIZING AND DIRECTING THE CITY CLERK TO PUBLISH A NOTICE OF INTENT TO FILE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR SALE OF BONDS

5. Consideration was given to a resolution authorizing and directing the City Clerk to publish a Notice of Intent to file application to the Local Government Commission for sale of bonds.

Mayor Bissette said the City has considered sale of some general obligation bonds for streets, sidewalks and other public works type improvements and for the partial funding of an Arts and Science Center in the Pack Plaza Project. This resolution requires the City Clerk to publish the Notice of Intent required by the North Carolina General Statutes.

Mayor Bissette noted that the proposed resolution and Notice of Intent would be proposing a \$20 million dollar bond referendum that would require a 7-cent tax increase.

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.

Councilman Michalove said in discussing the proposed bond referendum, he and Councilman Boland feel that the bond issue should be set at a higher amount, supporting a \$27 million dollar issue which would require a 10-cent tax increase. He said he felt Council has not properly evaluated how much is needed and how the money needs to be used, and felt that Council has not given the public a chance to understand the needs and respond back to Council. He said the City has not put any capital dollars in the budget for several years. He said the City is faced with sharing a large cost of the right-of-way for the Broadway extension and other State road rights-of-way. He said the taxpayers in the City of Asheville have not, for the past several years, had a tax increase to meet the needs of the City. He said a \$27 million dollar bond issue would create \$45 million dollars, and would go a long way to correct a lot of the problems the City is facing. He said he has been given permission to have two guest editorials through WLOS-TV and the Asheville Citizen Times on Sunday. He said he would be appealing to the public to contact Council members in support of a \$27 million dollar referendum.

Councilman Michalove then moved to postpone the vote on the resolution of intent to apply for the bonds until June 17, giving the citizens of Asheville an opportunity to be heard relative to the amount of the bond referendum. This motion was seconded by Councilman Boland.

Councilman Boland said he felt Council needed time to investigate all the needs of the City and to seek the public's support in the \$27 million dollar bond issue which gives a return of \$45 million dollars. For an example, Councilman Boland said a 10-cent tax increase would amount to, on property valued at \$72 to \$75 thousand dollars, \$75 dollars a year or \$1.45 per week. He said he did not feel this amount would break the citizens of Asheville since they had not had a tax increase in the last 6 or 7 years.

Councilman Tisdale commented that he did not feel Council should include a 10-cent tax increase in the 1986-87 budget unless the citizens of Asheville support it with a bond referendum.

Vice-Mayor Frank said she could not support a bond referendum in the amount of \$27 million dollars.

Councilman Bratton said she felt the amount of the bonds isn't as important as unity and togetherness with members of Council. She said she felt a bond issue has little chance of passing unless it has the total support of Council. She said she felt it was important for Council to go to the citizens of Asheville together and sell the bond issue.

Mayor Bissette said he agreed with Councilman Michalove and Councilman Boland that the problems are massive, but that he could not support more than a \$20 million dollar bond referendum. He said he felt the citizens of Asheville know the needs of the City and would be willing to face up to this but, in his opinion, \$20 million dollars is sufficient at this time.

Councilman Tisdale said he felt it was very important to keep the citizens of Asheville well informed as to Council's

actions on the bond referendum and the 1986-87 budget.

On a voice vote of 3-3, Councilman Michalove's motion to postpone

the vote on the resolution of intent to June 17th failed with Mayor Bissette, Vice-Mayor Frank, and Councilman Tisdale voting "no".

Councilman Bratton moved for the adoption of Resolution No. 86-89. This motion was seconded by Vice-Mayor Frank.

Ralph Bishop spoke to members of Council relative to Section 9 of the City Charter, stating that the citizens of Asheville have a right to be heard by Council, and he felt that the public was excluded from the discussion and the vote taken relative to the bond referendum in the Pre-Council meeting.

On a voice vote of 5-1, Resolution No. 86-89 was adopted with Councilman Michalove voting "no".

Complete text of Resolution No. 86-89 will be found in Resolution Book No. **16** at Page **15**.

RESOLUTION NO. 86-90 - RESOLUTION AUTHORIZING SETTLEMENT OF CLAIM OF HARRY E. ADAMS

6. Consideration was given to a resolution authorizing settlement of a claim of Harry E. Adams.

Mayor Bissette said this resolution would authorize the City Attorney to execute a consent judgment resolving matters of dispute between the City of Asheville, Harry E. Adams and the State of North Carolina Department of State Treasurer. He said the City will be required to pay \$6,557.04 into the Local Government Employees' Retirement System on behalf

of Harry E. Adams along with Mr. Adams' contribution of \$5,420.70 and a contribution by the State of North Carolina in the sum of \$699.05 in order to make Mr. Adams a participant in LGERS.

Upon motion of Councilman Tisdale, seconded by Councilman Boland, Resolution No. 86-90 was unanimously adopted.

Complete text of Resolution No. 86-90 will be found in Resolution Book No. **16** at Page **16**.

REPORT FROM CORPORATION COUNSEL - AMENDING THE SIGN ORDINANCE

7. Mayor Bissette said at the May 20, 1986, meeting the Corporation Counsel was instructed to review the legality of amending the sign ordinance providing that Council would not approve any off-premises signs that are within 600' of a limited access highway and that a report be given to Council on June 3, 1986.

Corporation Counsel Slawter said, as discussed in the Pre-Council meeting, he would offer four alternatives relative to amending the Sign Ordinance for off-premises signs that are within 600' of a limited access highway. He said Council could: 1) Eliminate the requirement that Asheville City Council approve signs within 600' of a limited access highway; 2) prohibit off-premises advertising signs within 660' of a limited access highway, being that 660' is the distance for State and Federal regulations on signs; 3) prohibit off-premises advertising signs in certain zoning districts and include all districts along major highways; or 4) adopt

stricter standards for off-premises advertising signs within 660' of a limited access highway or in specific zones. He said alternatives 2, 3, and 4 would require an amortization schedule for existing signs.

Councilman Michalove moved to forward the alternatives offered by the Corporation Counsel to the Planning and Zoning Commission for their review and recommendation at their next meeting. This motion was seconded by Councilman Boland and carried unanimously.

APPROVAL OF CONSENT AGENDA

8. **NOTE:** 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.

Resolution No. 86-91

A. Resolution authorizing the City Manager to enter into an agreement with Clear Day, Inc. for professional window cleaning service for the City Hall Building.

HIGHLIGHTS: The City has determined that it would be

beneficial to contract for window cleaning service for the City Hall Building. Clear Day, Inc. has cleaned the windows in the past and references have been good to excellent. This resolution will authorize the City Manager to enter into a contract with Clear Day, Inc. to provide window cleaning service on a semi-annual basis. The total cost is \$2,800.00 yearly. This is included in FY Custodial

Services Budget.

Resolution Book 16, Page 17.

B. Resolution closing an alley, Carolina Lane, for an outside concert.

Resolution No. 86-92

HIGHLIGHTS: On June 6, the beach music group "Joe Pope and the

Tams" will be performing in the Lexington Park Courtyard from 8:00 p.m. until 12:00 midnight. The City has received a request from D. Leverette, Inc. that this alley needs to be closed from 5:00 p.m. to

12:30 a.m.

Resolution Book No. 16, Page 18

Resolution No. 86-93

C. Consideration of a resolution to amend Resolution No. 80-158

regarding Rule 34 of Rules and Procedures for the Asheville City Council.

HIGHLIGHTS: This resolution will amend Rule 34 of the Rules

and Procedures for the Asheville City Council by authorizing settlement of subrogation claims by the Corporation Counsel on behalf of the City of Asheville arising against third parties responsible for liabilities incurred by the

City under the Workers' Compensation Act.

Resolution Book No. 16, Page 19.

**D. Scheduling a public hearing relative to approving the revision
of Rule 17 (e) of the Civil Service Rules and Regulations for June 17, 1986.**

HIGHLIGHTS: The revision of Civil Service Rule 17 (e) will

clarify that death leave can only be taken when an employee is scheduled to work and that it must be taken at the time of the emergency. It prohibits employees who are otherwise not working (due to annual leave, sick leave, or regularly scheduled days off) from substituting death leave for any other time they are absent from work. In addition, the definition of "immediate family" has been expanded and time off has been provided for employees to attend the funerals of co-workers and close personal

friends.

**E. Scheduling a public hearing for a site plan of the proposed
relocation of Kinco Corporation to Lot #7 of the Emma Airport Associates Subdivision for June 24, 1986.**

HIGHLIGHTS: The Asheville Planning and Zoning Commission at

a meeting held May 14, 1986, reviewed the site plan of the proposed relocation of Kinco Corporation to Lot #7 of the Emma Airport Associates Subdivision. The site plan was prepared by Ashley Engineering Company for Mr. Bob Kinser, 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 project provided that it has no access to Brickyard Road and

compliance with the Erosion Control Ordinance.

**F. Scheduling a public hearing for the site plan of a proposed
six-unit apartment to be located on Barnard Avenue for June 24, 1986.**

HIGHLIGHTS: The Asheville Planning and Zoning Commission at

a meeting held May 14, 1986, reviewed the site plan of a proposed six-unit apartment to be located on Barnard Avenue. The site plan was prepared by Frank McGahren, Engineer, for Mark Carlson, 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 project subject to compliance

with the Erosion Control Ordinance.

**G. Scheduling a public hearing to consider an ordinance amending
Chapter 30 of the Code of Ordinances of the City of Asheville to create The Chestnut-Liberty Street Area as
local historic district for June 24, 1986.**

HIGHLIGHTS: This ordinance designates the Chestnut-Liberty

Street neighborhood as a local historic district. Certificate of Appropriateness are required by a property owner before any exterior rehabilitation or new construction can

take place.

Upon motion of Councilman Tisdale, seconded by Vice-Mayor Frank, the Consent Agenda was unanimously approved.

COUNCILMAN TISDALE'S COMMENTS RELATIVE TO PARKING VIOLATION REVENUES

9. Councilman Tisdale noted that as a result of North Carolina General Assembly action, parking violation revenues in the amount of \$72,092.70 for the period of July 1, 1985 through April 30, 1986, were forwarded to the County Finance Director. He said the revenues to the County are diminished only by the actual cost of collections which may not exceed 10% of the amount collected. He noted that the City cost of collection are significantly more than 10% of the revenues collected, thus the reason for remittance of 90% of the parking violation revenues.

CLAIMS - NOLA KNUCKLES (WATER) - ADDIE BEASLEY (WATER)

10. The City Manager presented claims received from Nola Knuckles and Addie Beasley.

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

COMPLAINT - AZALEE RUSTIN - 204 BROADWAY

11. Azalee Rustin of 204 Broadway spoke to members of Council relative to several decorations in front of her house being stolen on May 28th. She said she had called the Asheville Police Department and felt they did not adequately investigate the theft.

Mayor Bissette asked the City Manager to check on the complaint of Azalee Rustin and to have someone from the City Staff to get back in touch with Mrs. Rustin.

PETITIONS - RESIDENTS OF MAXWELL STREET AND MONROE PLACE

12. Mrs. Hughes of 14 Maxwell Street, speaking on behalf of the Maxwell Street Community Watch group, presented two petitions to members of Council relative to two residences on Maxwell Street and Monroe Place in which the neighbors are having problems. She said Officers Allen and Masters with the Asheville Police Department, have been working with the neighbors relative to the problems the neighbors are having from the happenings at 11 Maxwell Street and 27 Monroe Street.

Mayor Bissette requested that the City Manager check into the problems specified in the petition and report back to members of Council at next week's meeting.

Mr. and Mrs. Williams of 7 Maxwell Street also spoke relative to the problems from these dwellings.

Frank Bray from 17 Maxwell Street said the residents in that area want to live in a respectful neighborhood and the people living in these houses are not allowing that to happen. He requested that Council try to vacate these houses which are two troublesome spots and annoying situations.

Elizabeth Smith of 26 Monroe Street said she felt the people living at these dwellings are also selling drugs and the Police Department would not do anything about it because they have said they have to "see it happening first".

RALPH BISHOP - LOTTERY SALES IN THE CITY OF ASHEVILLE

13. Ralph Bishop again spoke to members of Council relative to the lottery sales in the City of Asheville and his involvement with the Asheville Police Department relative to his complaints about lottery sales.

ADJOURNMENT

Upon motion of Councilman Boland, seconded by Councilman Tisdale, the meeting adjourned at 6:30 p.m.

MAYOR CITY CLERK
