

Tuesday - March 31, 1987 - 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; Acting Corporation Counsel Patsy Brison;

City Manager Douglas O. Bean; and City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel William F. Slawter

## **INVOCATION**

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

## **APPROVAL OF THE MINUTES - MARCH 24, 1987 MEETING**

1. Consideration was given to the approval of the minutes of the March 24, 1987, meeting.

Mayor Bissette announced the approval of the minutes as submitted.

## **RESOLUTION NO. 87-54 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE SCHOOL BOARD (ERBY R. OGLESBY)**

1a. Consideration was given to a resolution appointing Dr. Erby R. Oglesby as a member of the Asheville School Board for a term of four years from and after the first day of April 1989, or until his successor is appointed and qualified.

Mayor Bissette read the resolution.

Upon motion of Councilman Tisdale, seconded by Vice-Mayor Frank, Resolution No. 87-54 was unanimously adopted.

Complete text of Resolution No. 87-54 will be found in Resolution Book No. **16** at page **307**.

## **RESOLUTION NO. 87-55 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE SCHOOL BOARD (DAVID R. HILLIER)**

1b. Consideration was given to a resolution appointing David R. Hillier as a member of the Asheville School Board for a term of four years from and after the first day of April 1989, or until his successor is appointed and qualified.

Mayor Bissette read the resolution.

Upon motion of Councilman Boland, seconded by Vice-Mayor Frank, Resolution No. 87-55 was unanimously adopted.

Complete text of Resolution No. 87-55 will be found in Resolution Book No. **16** at page **308**.

Mayor Bissette noted that a large number of very qualified applicants experienced interest in the Asheville School Board. He said he felt the Asheville School Board was one of the most important boards the Council makes appointments to. He said he felt members of Council had made two excellent appointments to the Asheville City School Board.

Mayor Bissette commended Dr. Donald Jones, Superintendent of the Asheville City School System, for his dedication

and service to education and the City of Asheville. He said the City of Asheville is indebted to Dr. Jones for his services and, on behalf of the City Council, wished him the best in his future endeavors.

Vice-Mayor Frank was excused from the meeting due to illness.

## **PUBLIC HEARING - FILING OF APPLICATION FOR GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED**

### **RESOLUTION NO. 87-53 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED**

2. A public hearing was held relative to authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended.

Mayor Bissette said this resolution will authorize the Mayor to file an application with the U. S. Dept. of Transportation to aid in financing the operating assistance of the Asheville Transit Authority pursuant to Sec. 9 of the Urban Mass Transportation Act of 1964. The project will be for the period of July 1, 1987 through June 30, 1988.

Mayor Bissette opened the public hearing at 4:18 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.

Carl Owenby, with the Asheville Transit Authority, said this grant is an annual operating assistance grant received from the Department of Transportation; United States of America.

Mayor Bissette closed the public hearing at 4:21 p.m.

Mayor Bissette said members of Council were previously furnished copies of the resolution and it would not be read in its entirety. He said any individual requesting a copy of the resolution would be furnished one at no cost.

Upon motion of Councilman Tisdale, seconded by Councilman Price, Resolution No. 87-53 was unanimously adopted.

Complete text of Resolution No. 87-53 will be found in Resolution Book No. 16 at page 305 and 306.

## **PUBLIC HEARING - REZONING PROPERTY LOCATED OFF SWEETEN CREEK ROAD (MR. GEORGE MOROSANI**

### **ORDINANCE NO. 1626 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED, PETITION OF MR. GEORGE MOROSANI, PROPERTY LOCATED OFF OF SWEETEN CREEK ROAD**

3. A public hearing was held relative to rezoning Lot 93, Sheet 55, Ward 7, from R-5 Residential District to CS Commercial Service District.

Mayor Bissette said the Asheville Planning and Zoning Commission at a meeting held February 18, 1987, considered the petition of Mr. George Morosani, Agent for Mr. David Knapp, Owner, that Lot 93, Sheet 55, Ward 7, be rezoned from R-5 Residential District to CS Commercial Service District. The property is located off Sweeten Creek Road. After review and discussion, the Commission voted to recommend to City Council that Lot 93, Sheet 55, Ward 7, be rezoned from R-5 Residential District to CS Commercial Service District.

Mayor Bissette opened the public hearing at 4:24 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 property in question is located on Sweeten Creek Road behind Morosani's mini-warehouses at 1130 Sweeten Creek Road. By the use of a map, he reviewed the location of the property in question and the accesses to be used.

Mr. Emrick said the Planning and Zoning Commission recommended approval of the rezoning without any stipulations.

Mayor Bissette closed the public hearing at 4:27 p.m.

Mayor Bissette said members of Council were previously furnished copies of the ordinance and it would not be read in its entirety. He said any individual requesting a copy of the ordinance would be furnished one at no cost.

Councilman Michalove moved for the adoption of Ordinance No. 1626. This motion was seconded by Councilman Tisdale.

On a roll call vote of 6-0, Ordinance No. 1626 passed on first reading.

Councilman Michalove moved to suspend the rules and proceed to the second reading of Ordinance No. 1626. This motion was seconded by Councilman Tisdale, and carried on a voice vote of 5-1 with Councilman Price voting "no".

On a roll call vote of 6-0, Ordinance No. 1626 passed on second reading.

## **APPROVAL OF CONSENT AGENDA**

4. Consideration was given to a motion approving the Consent Agenda.

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

### **Resolution No. 87-56**

#### **A. Resolution authorizing the Data Processing Director to sign user**

#### **agreements for the Asheville/Buncombe Regional Criminal Justice Information System.**

**HIGHLIGHTS:** New criminal justice agencies desire to use the facilities

of the Asheville/Buncombe Regional Criminal Justice Information System. The Asheville Police Department and the Buncombe County Sheriff's Department desire to continue to offer the use of the facilities. This resolution will authorize the Data Processing Director to sign user agreements for the criminal justice agencies who qualify under any applicable laws, regulations or standards of the

North Carolina Division of Criminal Information.

**FISCAL IMPACT:** The Data Processing Division bills all user agencies in

full for services rendered. The revenues and expenditures are included in the City's FY 86/87 and 87/88 budgets.

**Resolution Book 16 - page 309**

### **Resolution No. 87-57**

**B. Resolution approving and adopting a standard schedule for the retention**

**and disposition of electronic data processing public records and any subsequent additions, deletions or amendments to the State's municipal records retention and dispositions schedule.**

**HIGHLIGHTS:** Resolution No. 85-100 adopted and approved the Municipal

Records Retention and Disposition Schedule issued in June, 1984, by the North Carolina Department of Cultural Resources, Division of Archives and History. This resolution will approve and adopt a standard schedule for the retention and disposition of data processing public records as submitted by the North Carolina Department of Cultural Resources, Division of Archives and History; and other changes to the State's Municipal Records Retention and Disposition schedule as they are made.

**Resolution Book 16 - page 310**

**C. Motion relative to bids received for two-way portable and mobile radios.**

**HIGHLIGHTS:** Sealed bids were invited to furnish twelve (12) portable

radios to the Police Department; one (1) portable radio to Parks, Recreation and Public Facilities Department; six (6) mobile radios to the Public Works Department; and four (4) portable radios to the Fire Department. Two bids were received. John Miall, Employee Services Manager, recommends the acceptance of the bid from Motorola C & E, Inc. as the

lowest bid meeting specifications.

**FISCAL IMPACT:** \$25,389.00 - Funds for the purchase of these radios are

provided in the individual budgets of each requesting

department.

**D. Motion that the City Council of the City of Asheville hereby expresses its**

**commitment to the Head of Montford Redevelopment Plan as adopted by City Council on March 17, 1987 by directing that a majority of the CDBG entitlement funds for the next three years (if available from HUD) be used for activities in Montford. Provided, however, that the actual commitment for expenditures of CDBG funds shall be in accordance with HUD regulations and other applicable law.**

**Resolution No. 87-58**

**E. Consideration of a resolution authorizing the City Manager to execute on**

**behalf of the City of Asheville an agreement by and between Glave Newman Anderson Architects, P.C., and the City of Asheville for architectural services for the Wall Street Parking Garage.**

**HIGHLIGHTS:** The City of Asheville has entered into an agreement with

Sunbelt Historic Properties Limited Partnership wherein the City will construct a parking garage complex in the Wall Street Redevelopment Project. This resolution will authorize the City Manager to execute on behalf of the City of Asheville an agreement with Glave Newman Anderson Architects, P.C. for architectural services for the Wall

Street Parking Garage.

**FISCAL IMPACT:** Funding for this agreement in the amount of \$181,100

comes from Wall Street Project funding.

**Resolution Book 16 - page 311**

Upon motion of Councilman Price, seconded by Councilman Michalove, the consent agenda was unanimously approved.

**RESOLUTION NO. 87-59 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE AN AMENDMENT TO THE UDAG GRANT AGREEMENT FOR THE PACK PLAZA REDEVELOPMENT PROJECT**

The City Manager said the City of Asheville and the United States Department of Housing and Urban Development entered into a grant agreement for an Urban Development Action Grant for the Pack Plaza Redevelopment Project and the City and the Department now desire to amend the grant agreement. He said this amendment deals with technical changes in order to deal with timetables relative to the project. He said this amendment will allow the release of UDAG funds.

Upon motion of Councilman Michalove, seconded by Councilman Bratton, Resolution No. 87-59 was unanimously adopted.

Complete text of Resolution No. 87-59 will be found in Resolution Book No. 16 at page 312.

**AUTHORIZATION OF FINAL SETTLEMENT RELATIVE TO STEPHENS LEE RECREATION CENTER REROOFING SERVICES**

At the request of the Acting Corporation Counsel, Patsy Brison, Councilman Tisdale moved to authorize final settlement of a claim against Sunbelt Roofing Services, Inc. for damages to the ceiling at Stephens-Lee Recreation Center in the amount of \$7,000.00. This motion was seconded by Councilman Boland and carried unanimously.

**CLAIMS - DIANA GLOVER (SANITATION)**

The City Manager presented a claim received from Diana Glover.

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

**LAWSUIT - JERRY N. JONES VS. CITY OF ASHEVILLE BOARD OF ADJUSTMENT**

The City Manager said the City was served on March 26, 1987, with a lawsuit involving Jerry N. Jones vs. City of Asheville Board of Adjustment relative to an appeal from the Board of Adjustment decision.

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

**REVEREND JAMES WILLS - COMMENT RELATIVE TO BARFIELD STREET**

Reverend James Wills of 23 Barfield Street spoke to members of Council relative to the condition of Barfield Street. He said in connection with the Montford Redevelopment Plan, 2" of asphalt has been recommended for Barfield Street. He suggested that the hill on Barfield Street be pushed down before resurfacing and that the street be widened to at least 12'.

Mayor Bissette requested that the City Manager review the Montford Redevelopment Plan as it relates to Barfield Street and Reverend Wills' request for improvements.

**STEVE WILBURN, PRESIDENT NAACP - COMMENTS RELATIVE TO AFFIRMATIVE ACTION PLAN**

Steve Wilburn, President of the NAACP, requested information relative to the status of the Affirmative Action Plan, why it has been on hold; and when a public hearing would be held relative to the plan.

Mayor Bissette, responding to Mr. Wilburn, said the Affirmative Action Plan was put on hold at the request of the Equal Opportunity Employment Committee pending receipt of proposed changes to the Civil Service Law from the City's consultant, Don Hayman, former employee of the Institute of Government. He said it was his understanding that Mr. Hayman would be finalizing his recommendations relative to the Civil Service Law this week.

Dorothy Arrowood, of 126 Vance Crescent, questioned whether or not the City would be hiring an overall recruiter for affirmative action as recommended by the Equal Opportunity Employment Commission.

Mayor Bissette, responding to Ms. Arrowood, said the City Council has not yet approved the affirmative action plan but, when it is considered, this recommendation would also be considered.

#### **MATTHEW BACOATE, COMMENTS RELATIVE TO ASHEVILLE CITY SCHOOL BOARD APPOINTMENTS**

Matthew Bacoate, of 67 Clingman Avenue, President of the Central Asheville Concerned Citizens Association, expressed appreciation to members of Council for their appointments to the Asheville City School Board. He said he felt these appointments would maintain equitable representation on the school board in our community.

#### **RALPH BISHOP - COMMENTS RELATIVE TO PROPOSED ANNEXATION AND LOTTERY SALES**

Ralph Bishop again spoke to members of Council relative to the proposed annexation study and lottery sales in the City of Asheville.

#### **ADJOURNMENT**

Mayor Bissette adjourned the meeting at 5:00 p.m.

Mayor City Clerk

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