

//3//

Tuesday - November 10, 1987 - 4:00 P.M.

Regular Meeting

Present: Vice-Mayor Mary Lloyd Frank, Presiding; Councilmen

Kenneth M. Michalove, Norma T. Price, Wilhelmina Bratton, George Tisdale, and Walter Boland; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Deputy City Clerk Carol Hensley.

Absent: Mayor W. Louis Bissette and Associate City Manager/City

Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Vice-Mayor Frank.

APPROVAL OF MINUTES

Vice-Mayor Frank announced the approval of the minutes of October 27, 1987 meeting as submitted.

I. PROCLAMATIONS:

A. Recognize Mrs. Charles Young - "Senior Queen of North

Carolina"

Vice-Mayor Frank recognized Mrs. Charles (Joan) Young of Ballantree who was recently named "Senior Queen of North Carolina".

Mrs. Young said the pageant is sponsored by the North Carolina Association of Senior Citizens through the Asheville Parks and Recreation Department. She said was named the Queen of Western North Carolina, which includes seventeen (17) counties before obtaining the state title. She said she would be seeking the national title in April in Atlantic City. She said she was asked to seek the title because of her volunteer work in the Rape Crisis Center. She said the Governor had presented her with an award for Outstanding Volunteer because of her work with the

local Rape Crisis Center.

Members of Council wished Mrs. Young the best of luck in Atlantic City.

II. PUBLIC HEARINGS:

A. Public hearing relative to rezoning property located on

Louisiana Avenue for J. D. Jackson and Associates for Mr. John Queen.

Ordinance No. 1664 - An Ordinance amending Ordinance

No. 322, known as "An Ordinance providing for the Zoning of the City of Asheville," as amended.

Vice-Mayor Frank said the Asheville Planning and Zoning

Commission on October 14, 1987, considered the request of J. D. Jackson Associates for Mr. John Queen et al that

Ward 6, Sheet 9, Lot 76 and portions of Lots 77 and 258 be rezoned from R-3 Residential District to CS Commercial Service District. The Commission voted to recommend to City Council that Ward 6, Sheet 9, Lot 76 and a portion of Lot 77 be rezoned to CS Commercial Service District and the rezoning request for a portion of Lot 258 be denied.

Vice-Mayor Frank opened the public hearing at 4:12 P.M.

The Deputy City Clerk presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Al Kopf, with the Planning Department, said the

property is located on Louisiana Avenue behind the Winn-Dixie Store which faces Haywood Road. He said the Commission had recommended denial of the request to rezone a portion of Lot 258 to CS Commercial Service District so as not to allow an encroachment into the residential area.

Upon inquiry of Councilman Tisdale, Mr. Kopf said the

owners of Lot 82 and Lot 83 had voiced objections to the rezoning due to increased storm water run off and security in the area.

After discussion, Vice-Mayor Frank closed the public hearing at 4:17 P.M.

Councilman Price moved for the adoption of Ordinance

No. 1664 accepting the Planning and Zoning Commission's recommendation to rezone Lot 76 and a portion of Lot 77 from R-3 Residential District to CS Commercial Service District and that the rezoning request for a portion of Lot 258 be denied. This motion was seconded by Councilman Boland.

On a roll call vote of 6-0, Ordinance No. 1664 passed on first reading.

Councilman Tisdale requested that the city staff

contact the property owners of Lots 82 and 83 to advise them as to Council's action on the rezoning.

III. OLD BUSINESS:

A. Ordinance No. 1661 - Second reading of Ordinance No.

1661, Ordinance amending Chapter 27 (Taxicabs) of the Code of Ordinances of the City of Asheville.

Vice-Mayor Frank said after numerous meetings with the taxicab owners and operators Chapter 27, Taxicabs, is being rewritten. This ordinance was read on first reading on October 27, 1987.

Corporation Counsel Slawter outlined the amendments made to the ordinance since the first reading.

A discussion was held relative to the provisions for

exclusive ride services and the rates to be charged for shared rides. Corporation Counsel Slawter and Attorney Wade Hall, representing all taxicab owners, said it was their understanding that this provision was to be deleted. It was the consensus of Council to leave the provision out of the ordinance but to address the rates to be charged for shared rides in the adoption of the rate schedule.

A discussion was held relative to provisions in the

ordinance stating that certificates are not transferable. For an example, someone purchasing a

taxicab operation would have to apply to the Taxicab Inspector for their own certificates and meet all the requirements specified in the ordinance for a taxicab owner.

Attorney Wade Hall objected to including this provision

in the ordinance stating that in his opinion it could be unconstitutional to prohibit someone from selling their business to whoever they wanted to sell it to.

Mr. Hall said he would also hope that Council would

delete the provision that would prohibit a taxicab company from also operating a convenience store that sold alcoholic beverages. He said the selling of alcoholic beverages is controlled by the State and it was his hope that the City would stay away from that regulation. He said this provision could also be unconstitutional.

After discussion, it was requested that the Corporation

Counsel and Attorney Wade Hall meet prior to the third reading of the ordinance to work out the language relative to certificates not being transferable and the prohibiting of the selling of alcoholic beverages at the same location of a taxicab operation.

On a roll call vote of 6-0, Ordinance No. 1661 passed

on second reading.

B. Ordinance No. 1662 - Third reading of Ordinance No.

1662, Ordinance amending Chapter 8 of the Code of Ordinances of the City of Asheville to permit use of automatic fire sprinklers in lieu of additional stairwells in certain historical buildings.

Vice-Mayor Frank said this ordinance would permit

installation of a complete sprinkler system in lieu of a second stairwell in historic buildings not over 8 stories in height, of Type I or Type II construction with an enclosed stairwell, other than educational and institutional occupancies. The purpose of this ordinance would be to take advantage of major advances in sprinkler system technology in order to bring buildings like City Hall into compliance with the State Building Code. At this time, the State Building Code does not provide for an alternative to a second stairwell in buildings like City Hall. However, Section 143-138 (e) of North Carolina statutes

authorizes local adoption of building rules and regulations, provided that such rules and regulations are approved by the Building Code Council.

Vice-Mayor Frank said this ordinance was previously

read on first and second reading and would not be reread in its entirety.

On a roll call vote of 6-0, Ordinance No. 1662 passed on third and final reading.

Ordinance Book No. 11 Page No. 214 - 216

IV. NEW BUSINESS:

A. Ordinance No. 1665 - Budget Ordinance amendment to appropriate funding for street and sidewalk improvements through June 30, 1988.

Vice-Mayor Frank said this budget amendment in the

amount of \$10,685,839 will appropriate funding for street and sidewalk improvements through June 30, 1988 - Contract No. 2.

Upon inquiry of Charles Patton of Ballantree, the City

Manager said paving would begin in the Spring. He said he would have staff review the streets in Ballantree to determine the status of resurfacing in that area.

Councilman Boland moved for the adoption of Ordinance

No. 1665. This motion was seconded by Councilman Michalove.

On a roll call vote of 6-0, Ordinance No. 1665 passed on first and final reading.

Ordinance Book No. 11 Page No. 219

Councilman Price left the meeting at 5:20 p.m.

B. Resolution No. 87-197 - Resolution authorizing the City

Manager to execute on behalf of the City of Asheville a

contract and any change orders within the budgeted amount with APAC Carolina, Inc. for the project known as Street and Sidewalk Improvement Contract No. 2.

Vice-Mayor Frank said the second proposed contract for

the streets and sidewalk programs is for replacement and repair of concrete sidewalks, driveway entrances, curbs and gutters along both side of Haywood Road from Patton Avenue to Beverly Road/Ridgelawn intersection. This contract will also do the following seven paving projects: 1) City/County Plaza; 2) Hillside (Merrimon to Mt. Clare); 3) Ann Street (Haywood Street to Patton)

4) Carter (Haywood Street to Patton); 5) Austin;

6) Burton (Haywood Road to Buffalo); 7) Ridgelawn (Haywood Road to Garden Circle).

Upon motion of Councilman Boland, seconded by Councilman

Tisdale, Resolution No. 87-197 was unanimously adopted.

Resolution Book No. 17 Page No. 1**C. Resolution No. 87-198 - Resolution authorizing the Mayor**

to execute on behalf of the City of Asheville an amendment to the agreement by and between the City of Asheville and McGill Associates, P. A., for additional consulting services for Phase I of the Street and Sidewalk Improvements Projects.

Vice-Mayor Frank said this amendment will provide the

City with a long-term management system that will assure that our limited maintenance funds will be expended in full consideration of cost/benefit relationships. This will also include software that allows for objective evaluation of pavement conditions and the repairs

required to bring each street up to standard.

Upon motion of Councilman Boland, seconded by Councilman

Michalove, Resolution No. 87-198 was unanimously adopted.

Resolution Book No. 17 Page No. 2**D. Resolution No. 87-199 - Resolution to provide for a**

referendum by the City of Asheville's eligible police and fire employees under provisions of Article 2 of Chapter 135 of the General Statutes of North Carolina and under the provisions of the Governor's Executive Order of July 21, 1961.

Vice-Mayor Frank said there are employees within the

Asheville Police Department and Asheville Fire Department not currently covered under the Federal Social Security Act. The City Council has received numerous requests from various members of those two departments to hold a referendum to determine whether or not the majority of members wish to participate in social security. This resolution will provide for such a referendum.

Councilman Tisdale said even though he would be going

off of Council shortly it was his hope that Council treat all city employees alike in wages and benefits. He asked that Council take the police and fire employees under consideration in treating all city employees fairly.

Upon motion of Councilman Tisdale, seconded by

Councilman Michalove, Resolution No. 87-199 was

unanimously adopted.

Resolution Book No. 17 Page No. 3**V. CONSENT:****A. Resolution No. 87-200 - Resolution authorizing the City**

Manager to enter into a lease agreement with Unicom Corporation for space from the City of Asheville at the City's Peach Knob site for the purpose of operating a

paging service.

SUMMARY: This resolution will authorize leasing of space at Peach Knob to Unicom Corporation to operate a paging service.

Resolution Book No. 17 Page No. 4

B. Resolution No. 87-201 - Resolution authorizing the

Mayor to execute on behalf of the City of Asheville a contract with Southern Railway Company for license to construct and maintain an 8-inch sanitary sewer pipeline across and under the Southern Railway tracks on the west side of the French Broad River.

SUMMARY: The Champion Sewer Project entails

installation of an 8-inch sanitary sewer pipeline. It is necessary to cross underneath

the Southern Railway tracks on the west side of the river for construction of the 8-inch sanitary sewer pipeline for the Champion Sewer Project. Southern Railway Company requires payment of a \$50.00 consideration fee for this license. This resolution will authorize the Mayor to execute said contract.

Resolution Book No. 17 Page No. 5

C. Bids for five (5) assorted passenger vehicles for City of Asheville.

SUMMARY: Recommendation for award for five (5)

assorted passenger vehicles as follows: Pelle Chevrolet, Asheville, North Carolina, for bid Item A, (2 each 3/4 ton, four wheel drive, carryall type vehicles for the Fire Department) and Item B, (1 each eight (8) passenger mini-van for the Fire Department), in the amount of \$47,958.10 and Matthews Ford, Asheville, North Carolina, for bid Item C, (1 each full size station wagon for the Fire Department); and Item D, (1 each fifteen (15) passenger van for the Parks, Recreation and Public Facilities Department), in the

amount of \$29,951.76.

Upon motion of Councilman Tisdale, seconded by Councilman

Michalove, the consent agenda was unanimously approved.

RESOLUTION NO. 87-202 - RESOLUTION AUTHORIZING THE MAYOR OF THE

CITY OF ASHEVILLE TO EXECUTE AN EASEMENT AGREEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY FOR THE VENABLE INDUSTRIAL SITE SEWER CONNECTOR

The City Manager presented a resolution which would

authorize the Mayor to execute an easement in favor of the Carolina Power and Light Company in order to provide service to the sewer lift station at the Venable Industrial Site Sewer Connector.

Upon motion of Councilman Michalove, seconded by

Councilman Tisdale, Resolution No. 87-202 was unanimously adopted.

Resolution Book No. 16 Page No. 6

REPORT BY COUNCILMAN TISDALE - ASHEVILLE CABLEVISION COMMISSION

Councilman Tisdale reported that the Asheville

Cablevision Commission met on Monday, November 9, 1987. He said the meetings have been very productive. He said since he would be going off the Council shortly the Council should be considering a replacement on that Commission.

Councilman Tisdale since he is Council's liaison to

the Asheville Transit Authority he would also suggest that the newly elected Councilmember Russ Martin attend the Asheville Transit Authority meeting on Thursday, November 12, 1987 at 3:00 P.M.

VICE-MAYOR FRANK - COMMENDING STAFF FOR NEW "TALENT SCOUT BOOK"

Vice-Mayor Frank commended the staff on their

preparation of the new "Talent Scout Book" outlining all Boards and Commissions appointed by members of Council.

COUNCILMAN BOLAND - REQUEST FOR STATUS OF 2010 PLAN

Councilman Boland requested that Council be given a

status report on the implementation of the 2010 plan.

CLAIMS - DAVID MULL (POLICE)- RICHARD WALKER (SANITATION) - BRENDA METCALF (WATER) - MICHAEL ORBON (INSPECTIONS) - BILL MULL

(PARKS) - SUSAN WILSON (STREETS)

The City Manager presented claims received from David

Mull, Richard Walker, Brenda Metcalf, Michael Orbon, Bill Mull and Susan Wilson.

RALPH BISHOP - LOTTERY SALES

Ralph Bishop again spoke to members of Council relative

to the lottery sales in the City of Asheville.

ADJOURNMENT

Upon motion, Vice-Mayor Frank adjourned the meeting at

5:45 P.M.

MAYOR CITY CLERK
