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® Tuesday - March 15, 1988 - 4:00 P.M.

Regular Meeting

Present: Mayor W. Louis Bissette, Presiding; Vice-Mayor Kenneth

M. Michalove; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Russell Martin, and Walter Boland; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City

Manager/City Clerk William F. Wolcott, Jr.

Absent:

INVOCATION

The invocation was given by Councilman Wilhelmina Bratton.

APPROVAL OF MINUTES - MARCH 8, 1988

Approval of minutes of March 8, 1988 meeting.

Mayor Bissette announced the approval of the minutes of the March 8, 1988 meeting as submitted.

®I. PROCLAMATIONS:

®II. PUBLIC HEARINGS:

®III. OLD BUSINESS:

®IV. NEW BUSINESS:

® A. Resolution adopting an Affirmative Action Plan for the City of Asheville.

Mayor Bissette said the City of Asheville is committed

to a policy of equal employment opportunity. In furtherance of this, an Affirmative Action Plan has been prepared which is designed to achieve parity between the City's workforce and the relevant labor market through recruitment, employment, training and promotion. This resolution will formally adopt the Plan.

Mayor Bissette noted that no official action would be

taken on the resolution at today's meeting. He said several groups had requested time to review the plan prior to Council's adoption.

Councilman Walter Boland, Chairman of the Equal

Employment Opportunity Task Force, reviewed the following memorandum to Members of Council:

"MEMORANDUM TO: City Council

FROM: Walter R. Boland, Chairman, EEO Task Force

SUBJECT: The Affirmative Action Plan

DATE: March 4, 1988

After a great many meetings of the entire Task Force

and a subcommittee of the same group we recommend the adoption of the enclosed Affirmative Action Plan. The document is a strong one when compared to the Affirmative Action Plans of other cities in North Carolina and is designed to achieve parity between the City's workforce and the Relevant Labor Market. This parity will be reflected in specified job classifications, EEO job categories and in each city department. The members of the Task Force are grateful to members of the City's staff including Doug Bean and Pam McGrayne for their aid and advice in our deliberations.

The EEO Task Force as you remember, was formed to

develop a strong plan for affirmative action. The concern of the City Council was that there were too few blacks and women found in the upper echelons of the city's organization and that we needed to make an effort to remedy this situation. More specifically, there were complaints from the black community that

black police officers were blocked from attaining the rank of Lieutenant or above and that this problem had existed for at least 40 years. While the present City Manager has recently appointed three women department heads and a black assistant City Manager, the sentiment is still strong that Asheville needs to do more and I feel that the plan we recommend for your adoption will be a major step in that direction.

In your reading of the plan you should note in

particular certain features that make this plan a strong one. First, responsibilities for the plan and its implementation are clearly spelled out. That is, the City Council, the City Manager, as well as Department Heads and Supervisors, are made responsible for effective implementation and success of the plan. To ensure that this is the case, the plan proposes the annual performance appraisal of each be informed by their efforts and achievements in this area. In particular, it should be noted that the City Council shall review the annual "Affirmative Action Report" and use it as one criteria to consider in the City Manager's annual evaluation. In addition, the City Council shall, after reviewing the report, call for appropriate remedies for unsolved problems having to do with under-utilization. Second, the plan describes an ongoing monitoring and reporting system that will be in place 6 months after its adoption. The monitoring will be done by making use of the Opportunity Index and the Eight Factor Analysis for Utilization. These two measures are widely used in private industry and will allow the city to determine specific areas and departments that need additional remedial action and whether minorities or females are under-utilized in any of the EEO Job Categories. What should be emphasized here is that these two measures will allow the city for the first time to systematically and effectively measure under-utilization. Third, the plan calls for the development of a recruitment effort to address the problem areas of under-utilization. The plan should identify points in the recruitment hiring and promotional processes which appear to have an adverse impact on minorities and females. Lastly, the plan specifies certain needed training and career development efforts.

While the members of the Task Force feel that the plan

submitted to you is a strong one, we are in agreement that the plan is only one ingredient in a successful Affirmative Action Program. The other necessary ingredient is a strong commitment by the City Manager, the City staff, and the City Council to its effective

implementation. Without this commitment, very little can be accomplished.

The Task Force also recommends the following actions on

the part of the City Council: (1) To hold an annual public hearing on the "Affirmative Action Report" to allow the public an opportunity to respond to the City's efforts at implementation. (2) That the City Council seek to repeal the Civil Service Law and establish a personnel board pursuant to North Carolina General Statute 160A-165. With such a change, the city would place primary responsibility for testing with the Personnel Department and re-define the primary role of the Civil Service Board or other "Personnel Board" to be advisory and judicial (currently the Civil Service Board is involved in many areas, above and beyond testing, including reclassification, career development, leaves of absence, transfers, internal reorganization, etc.) Such a repeal would aid in the accomplishment of the goals of the plan. The repeal, as you many know, was recommended by Don Hayman of the Institute of Government.

In closing, I'd like to thank the members of this Task

Force for their great effort in producing this plan and for their forthrightness in our deliberations. Obviously, such deliberations will include strong sentiments that can degenerate into petty squabbles. That this didn't happen is a testimony to the commitment of the Task Force."

Councilman Martin requested that the proposed plan be presented to current city employees.

Vice-Mayor Michalove questioned whether or not it would

be feasible to go through the process of the Opportunity Index and the Eight Factor Analysis for Utilization prior to Council adopting the plan.

In response to Vice-Mayor Michalove, Councilman Boland

said that is possible, however some data for the Eight Factor Analysis is already available. He said some of the information will have to be developed in house and some would have to be researched.

Upon inquiry of Council, the City Manager said in his

opinion there would be no problems in implementation of the plan. He said city staff is now in the process of gathering data for the plan.

After considerable discussion, Mayor Bisette said the proposed Affirmative Action Plan would be reviewed and considered for adoption at a later meeting.

® A(1). Resolution No. 88-42 - Resolution authorizing the

Mayor to execute an amendment to the Airport Agreement

Mayor Bisette said in a special election held on

September 22, 1987, the voters approved an \$8 Million general obligation bond issue for the expansion of the Asheville Regional Airport. The County has expressed concerns about the issuance of the bonds without amendment to the agreement dated November 29, 1979, between the City of Asheville and the County of Buncombe. This resolution will authorize the execution of an amendment to that agreement as

follows:

1. To provide that the Agreement not be unilaterally

terminated by the City for a period for a period
of thirty (30) years.

2. That the County be allowed participation in the
Airport Authority budget process.

3. That in the event the Federal Aviation

Administration shall determine that use of certain lease revenues after January 1, 1988, shall adversely affect
discretionary funding for the Airport, then said lease

revenues shall be applied to the Airport. In

the event, however, that the Federal Aviation Administration shall determine that the City may appropriately continue
to use the lease revenues for Transit Authority purposes without adverse effect upon discretionary funding for the
Airport, that the lease revenues continue to be used for Transit Authority purposes. Until a final determination by the
Federal Aviation Administration, all lease revenues from and after January 1, 1988, shall be set aside and withheld for
proper application following the Federal Aviation Administration decision.

Upon motion of Vice-Mayor Michalove, seconded

by Councilman Frank, Resolution No. 88-42 was unanimously adopted.

Resolution Book No. 17 Page No. 104-107

**® B. Ordinance No. 1681 - Ordinance establishing a 45 mph
speed limit on a portion of Airport Road (SR 3526)**

Mayor Bisette said this action has been requested by

the North Carolina Department of Transportation and will establish a 45 m.p.h. speed limit on a portion of Airport
Road within the existing City Limits near the Asheville Airport. The 45 m.p.h. speed limit is recommended by the
N.C.D.O.T. as the appropriate speed limit for this section of highway.

Councilman Price also requested that the N.C.D.O.T.

investigate the feasibility of installing lighting or reflectors at the intersection of Airport Road and the turn onto I-26
into Asheville.

Councilman Price moved for the adoption of Ordinance No.

1681. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1681 passed on
first reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the second reading of Ordinance No. 1681. This motion was seconded by Councilman Price and carried
unanimously.

On a roll call vote of 7-0, Ordinance No. 1681 passed on

second reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the third and final reading of Ordinance No. 1681. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1681 passed on

third and final reading.

Ordinance Book No. 11 Page No. 250

® C. Resolution No. 88-43 - Resolution authorizing the City

Manager to execute a contract on behalf of the City of Asheville with McGladrey, Henderickson and Pullen to develop computer specifications.

Mayor Bissette said a proposal was received to assist

the City with the selection of a new data processing system. It has been recommended that the firm of McGladrey, Hendrickson & Pullen be accepted to assist in the system selection.

Upon motion of Councilman Martin, seconded by Councilman

Price, Resolution No.88-43 was unanimously adopted.

Resolution Book No. 17 Page No. 108

® Ordinance No. 1682 - Budget Ordinance amendment to

provide funding for professional assistance in developing computer specifications.

Mayor Bissette said this budget amendment will provide

funding in the amount of \$60,000 for professional assistance in developing request for proposals and evaluating proposal for data processing system.

Vice-Mayor Michalove moved for the adoption of Ordinance

No. 1682. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1682 passed on

first and final reading.

Ordinance Book No. 11 Page No. 251 ®

D. Resolution No. 88-44 - Resolution endorsing and

supporting the upgrade of US 23 to interstate standards, from Asheville to the Tennessee line, and calling upon the N. C. Department of Transportation to advance the completion of this project to coincide with the State of Tennessee's completion date of 1992.

Mayor Bissette said this resolution will endorse and

support the upgrading of US 23 to interstate standards, from Asheville to the Tennessee Line.

Councilman Price said she would support the resolution

but noted that this request is in no way intended to decrease funding for proposed highway projects for Asheville.

After discussion, Mayor Bissette said he would send a

transmittal letter to the N.C.D.O.T. noting Councilman Price's concern.

Upon motion of Councilman Boland, seconded by Councilman

Price, Resolution No. 88-44 was unanimously adopted.

Resolution Book No. 17 Page No. 109®

V. CONSENT:®

® A. Resolution No. 88-45 -Resolution appointing members

to the Asheville Cablevision Commission.

SUMMARY: The Asheville Cablevision Commission was

created by Resolution No. 86-77 dated April 29, 1986 and the City Council desires to establish fixed terms for the members of the Commission other than have the members serve at the pleasure of Council as set forth in the original resolution. The Commission shall hereafter be composed of a City Council representative who shall serve as Chairman, a representative of Asheville Cablevision or its successor in interest, and three (3) community representatives.

Resolution Book No. 17 Page No. 110

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B. Motion scheduling a public hearing relative to amending

Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville", As Amended (Creating a New Section 30-3-14, Landscape and Buffering

Requirements) for April 12, 1988.

SUMMARY: This ordinance will amend Ordinance No. 322 by

creating a new section 30-3-14, Landscape and

Buffering Requirements.

® C. Motion scheduling a public hearing relative to rezoning

property located at 177 Brickyard Road from R-2 Residential District to R-5 Residential District for

April 12, 1988.

SUMMARY: The Asheville Planning and Zoning Commission at

a meeting on March 2, 1988, reviewed the petition of Mr. Carl Chambers that Lot 22, Sheet 12, Ward 12 (177 Brickyard Road) be rezoned from R-2 Residential District to R-5 Residential District. Commission recommended

approval of the petition.

Councilman Price moved to delete Item D from the consent

agenda and that the matter be considered separately and further that Mayor Bissette be excused from voting on Item D due to his law firm representing Daniels Business Service, Inc. This motion was seconded by Councilman Bratton and carried unanimously.

Upon motion of Vice-Mayor Michalove, seconded by Councilman

Martin, the consent agenda was unanimously approved.

® D. Motion authorizing the City Manager to execute an agreement with Daniels Business Service, Inc. regarding property along the east side of Rankin Avenue.

SUMMARY: This motion will authorize an agreement with Daniels Business Service, Inc. regarding property along the east side of Rankin Avenue.

Councilman Price moved to authorize the City Manager to

execute an agreement with Daniels Business Service, Inc. regarding property along the east side of Rankin Avenue. This motion was seconded by Councilman Frank and carried on a vote of 6-0, with Mayor Bissette being excused from the vote.

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OTHER BUSINESS:

® COMMENTS BY COUNCILMAN MARTIN

Councilman Martin said he was very pleased with actions

taken by Council today toward the implementation of an Affirmative Action Plan and the authorization to start the process of selecting a new data processing system.

®CITY MANAGER COMMENTS - ARTICLE IN NEWSPAPER REGARDING PARKING

CITATIONS

The City Manager noted that after investigation it was

determined that the recent article in the Asheville Citizens-Times, written by Bob Terrell, relative to a parking citation was in error.

After a brief discussion, the City Manager was instructed to contact the Executive Editor of the Asheville Citizen-Times

for a possible retraction.

®CITY MANAGER COMMENTS - ELECTION BY POLICE AND FIRE DEPARTMENT

RELATIVE TO PARTICIPATION IN SOCIAL SECURITY

The City Manager noted that both the Police and Fire

Department, in a recent election, voted not to participate in Social Security benefits. The actual vote being: Police Department 6 voting yes and 33 voting no. Fire Department 29

voting yes and 67 voting no.

®CITY MANAGER COMMENTS - SPRINKLER SYSTEM FOR CITY HALL BUILDING

The City Manager said Chief John Rukavina of the Asheville

Fire Department had informed him that the North Carolina State Building Code Council had approved the use of a sprinkler system for the City Hall Building in lieu of an additional stairwell. The approval would be applicable only from the sixth floor down and that further provisions would have to be made for the seventh and eighth floors.

®CLAIMS - L. R. CLAYTON (SEWER) - ROBERT WEST (WATER) - DONNIE BALL (SEWER) - JAMES CRAIG (WATER) - SOUTHERN BELL (WATER)

The City Manager presented claims received from L. R. Clayton, Robert West, Donnie Ball, James Craig, and Southern Bell.

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

®LAWSUIT - CHRISTOPHER HEWITT VS. CITY OF ASHEVILLE (PROPERTY DAMAGE FROM SEWER BACKUP)

The City Manager said the City was served with a lawsuit on March 8, 1988 involving Christopher Hewitt d/a/a/ Hewitt Press vs. City of Asheville relative to property damage from sewer backup.

®RALPH BISHOP - LOTTERY SALES

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

®ADJOURNMENT

Upon motion, the meeting adjourned at 6:10 p.m.

MAYOR CITY CLERK
