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® Tuesday - March 22, 1988 - 4:00 P.M.

Regular Meeting

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

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

William F. Wolcott, Jr.

Absent: Councilman Walter Boland

INVOCATION

The invocation was given by Councilman Martin.

APPROVAL OF MINUTES - MARCH 15, 1988

Mayor Bisette announced the approval of the minutes of the March 15, 1988 meeting as submitted.

®I. PROCLAMATIONS:

®II. PUBLIC HEARINGS:

® A. Resolution No. 88-46 - Resolution to close the twenty

(20) foot public street or alley described in Deed Book 781, at page 227, Buncombe County Registry. (Between Fairfax Avenue and Dale Street).

Mayor Bisette said Christ Fellowship Church, owners

of Tax Lots 247 and 11, Sheet 14, Ward 5, adjoining a twenty (20) foot street or public alley, filed a written petition and request with the City Council that the street or public alley be permanently closed to public use.

Mayor Bisette opened the public hearing at 4:33

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.

Marc Rudow, Attorney representing Christ Fellowship

Church, spoke in support of the closing of the street. He said the street is bordered on three sides by church property and by the North Carolina Department of Transportation I-240 on the other side. He said proper notification relative to the proposed closing has been given to the North Carolina Department of Transportation.

Councilman Price questioned whether the closing of

this street was in keeping with the recently approved group development plan for Christ Fellowship Church and if the

Church will comply with all the provisions stipulated in the approval of the group development plan.

Mr. Rudow responded that he did not know about the

group development plan but only about the request of the Church to have the street closed.

Mayor Bisette noted that the Public Works

Department has indicated that they have no objections to the closing of this street.

Mayor Bisette closed the public hearing at 4:35

p.m.

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 Councilman Frank, seconded by

Councilman Price, Resolution No. 88-46 was unanimously adopted.

Resolution Book No. 17 Page No. 111-112

®III. OLD BUSINESS:

®IV. NEW BUSINESS:®

A. Ordinance No. 1683 - Budget ordinance amendment to provide funding for agreement with Asheville Discovery.

Mayor Bisette said this budget amendment will

provide funding for agreement with Discovery

Asheville.

The City Manager noted that this amendment in the

amount of \$10,000 would fund the "Grove Arcade Program" and "Discovery Day."

Councilman Price moved for the adoption of Ordinance

No. 1683. This motion was seconded by Councilman Martin.

On a roll call vote of 6-0, Ordinance No. 1683

passed on first and final reading.

Ordinance Book No. 11 Page No. 252®

V. CONSENT: ®

A. Approval of bids for herbicide for the City of Asheville for the Public Works and Parks and Recreation

Departments.

SUMMARY: Recommendation is to the lowest bidder,

Southern States, Inc., Asheville, North

Carolina, in the amount of \$28,436.00.®

B. Approval of bids for fire pumper/squad unit for the Fire

Department.

SUMMARY: Recommendation of award for one Fire

Pumper/Squad Unit to the low bidder, Emergency Apparatus, Inc., Durham, North Carolina, in the amount of \$106,193.00.

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C. Resolution No. 88-47 - Resolution authorizing the

City Manager to execute contract with Asheville Discovery

SUMMARY: This agreement by and between the City of

Asheville and the Asheville-Buncombe Discovery, Inc. is for the City to fund certain programs of Asheville-Buncombe Discovery, Inc.

Resolution Book No. 17 Page No. 113

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Frank, the consent agenda was unanimously

adopted.

®VI. OTHER BUSINESS:

®CLAIMS - ALAINA MOORE (FIRE) - SUZANNE TEW (FIRE) - RONNIE EDWARDS (WATER) - SOUTHERN BELL (WATER) - DELLA LAWHON (STREETS) - PARKLAND CORP. (PARKS) - R. L. BAILEY (STREETS) - GARY BURNETTE (STREETS)

The City Manager presented claims received form Alaina Moore, Suzanne Tew, Ronnie Edwards, Southern Bell, Della Lawhon, Parkland Corp., R. L. Bailey, and Gary Burnette.

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

®LAWSUITS - BONNY E. CAMERON VS. CITY OF ASHEVILLE, COUNTY OF BUNCOMBE AND VECTOR HOSPITALITY ASSOCIATION (FALL) - BEST MASONRY CONSTRUCTION, INC. VS. PACK PLAZA, LTD., ET ALS (LIEN) - DON H. TRANTHAM VS. CITY OF ASHEVILLE (APPEAL FROM CIVIL SERVICE)

The City Manager said the city was served with lawsuits involving Bonny E. Cameron vs. City of Asheville, County of Buncombe, and Vector Hospitality Association relative to a fall on a piece of pipe sticking up on sidewalk; Best

Masonry Construction Inc., vs. Pack Plaza, Ltd., et als relative to a lien perfection; City named a party since it has Deed of Trust; and Don H. Trantham vs. City of Asheville relative to an appeal from Civil Service Board decision.

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

®MR. MARTINES - COMMENTS - COMPLAINTS - ASHEVILLE POLICE DEPARTMENT

Mr. Martines spoke to members of Council relative to the establishment of a Civilian Review Board elected by the citizens of Asheville, a City School Board elected by the citizens of Asheville, and the upgrading of the Community Relations Council to a Human Relations Office.

Mr. Martines also commented on three male members of his church, the Bethel Seventh Day Adventist Church, having some point of contention with the Asheville Police Department. He said one police officer had been suspended because of misconduct in the issuance of a traffic citation to a member of his church; another member's case is in the court process, and his own case is now being handled by internal affairs. He read portions of a news article in the Asheville Citizen-Times on Saturday relative

to an armed robbery and portions of a complaint relative to his being a suspect in the armed robbery. He inquired as to the extent his name would stay on the police records. He requested that he be placed on Council's agenda in order for him to present more details about the matter.

Mr. Martines said he was also very concerned about the homeless problem in the City.

Mayor Bissette told Mr. Martines that many organizations in the City would welcome his input such as the ABCCM and the Asheville-Buncombe Community Relations Council. He also told Mr. Martines that changes in the appointments to the Asheville City School Board would have to be made by the State legislature.

®RALPH BISHOP - RIGHT TO ADDRESS COUNCIL - SCHNEIDER NINE AGREEMENT

Ralph Bishop spoke to members of Council relative to the right to address Council. He also requested a copy of the Schneider Nine Agreement.

®AIRPORT - MEMORANDUM OF AGREEMENT

Mayor Bissette read a proposed Memorandum Of Agreement in an effort to address and resolve issues that have arisen between the County of Buncombe and the City of Asheville in connection with the Asheville Regional Airport.

Councilman Bratton left the meeting unexcused.

Vice-Mayor Michalove said the City had received a letter from the Federal Aviation Administration on March 21, 1988 indicating that if the Airport is to continue being eligible for discretionary funds lease revenues would have to pass to the Airport Authority. He said it appears that the City has exhausted all routes to have the Federal Aviation Administration change their ruling. He said the City was trying to do what was best for the citizens of Asheville in using airport lease revenues for the bus system. He said the City might have to implement a tax increase or service reductions in order to fund the bus system. He said in order for the Airport to continue receiving discretionary funds he felt the execution of this agreement would be in the best interest of all residents and taxpayers of the City of Asheville.

Mayor Bissette said the City would be agreeing to leasing property at the Airport to the Airport Authority in lieu of an ownership role; agreed to language to provide funding for capital or operating deficits of the Airport Authority; and to abide by rulings of the FAA. He said members of Council have agreed not to appeal the ruling from the Federal Aviation Administration that requires the City to begin putting lease money back into the Airport and to stop using the funds to help subsidize the bus system. He said Council members want the Airport Expansion Program to go forward. He pointed out that only leased revenue received after December 31, 1987 will be affected by the ruling and the FAA has affirmed that fact. He said they also affirmed that expenditures of lease revenue for transit purposes prior to December 31, 1987 have not and will not affect either future entitlement or discretionary funding.

He said the County has made unfair accusations that the city's use of lease funds for the bus system caused the FAA to deny discretionary funds for airport improvements. He said these accusations are simply not true. The City has used funds properly and within the law from the beginning. He said it is time the record is set straight and it was Council's hope that the County would attempt to set the record straight by acknowledging that the City has not misused funds and acted totally within federal law. He said it is unfortunate that the County Commissioners have never given one hint of concern for the 62,000 city residents who will have to pay to make up the loss of \$100,000 in lease revenues that will now be used for the airport instead of the bus system. He said this is going to cost the city taxpayer about a cent on the tax rate. He said City residents are County residents also but there has been no concern at all expressed by the Commissioners for their constituents who live in the City and will have to pay to make up this loss.

He said it is good that airport improvements can now proceed, however in his opinion the process that has been gone through has been completely unnecessary and could have been handled much differently. He said he felt this will cause difficulty and has not contributed to cooperation between the City and County.

Councilman Price said it should be noted that the County could sell the bonds for the Airport Expansion even if the City did not enter into this Memorandum of Agreement. She said in her opinion the County should have issued the bonds then negotiated these concerns with the City.

Councilman Martin said the City Council has made an effort to facilitate the issuance of the Airport Expansion Bonds; however, now the City must find a resource to fund \$100,000 to

the bus system and still try to avoid a tax increase.

Councilman Price noted that the Memorandum of Agreement has language relative to property being leased to the Airport Authority. She said this property is only property currently under lease to the Airport Authority.

Councilman Boland moved that the Mayor be authorized to execute the Memorandum of Agreement. This motion was seconded by Councilman Martin and carried unanimously.

®ADJOURNMENT:

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Martin, the meeting adjourned.
