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Tuesday - June 21, 1988 - 4:00 P.M.

Regular Meeting

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

M. Michalove; Councilmen 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: Councilmen Mary Lloyd Frank, Norma T. Price, and

Wilhelmina Bratton.

INVOCATION

The invocation was given by Mayor Bisette.

APPROVAL OF MINUTES - JUNE 14, 1988 MEETING

Mayor Bisette announced the approval of the minutes of the June 14, 1988 meeting as submitted.

I. PROCLAMATIONS:

II. PUBLIC HEARINGS:

A. Public hearing relative to closing a portion of Gudger

Street.

Resolution No. 88-92 - Resolution to close a portion of

Gudger Street.

Mayor Bisette said a petition has been filed by

Asheville City Board of Education requesting that a portion of Gudger Street be permanently closed to the public use.

Mayor Bisette opened the public hearing at

4:10 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.

The City Manager said the closing of this portion of

Gudger Street is in conjunction with the improvements to Randolph School. He said the city also participated in the costs to relocate Gudger Street for these improvements. He said the proposed closing was reviewed by the Technical

Review Committee, a committee represented by all operating departments, and no problems were noted during the review.

Sharon Barrett, with Patla, Straus, Robinson and

Moore, was present on behalf of the Asheville City Schools to answer any questions members of Council might have relative to the closing.

Mayor Bissette closed the public hearing at

4:14 p.m.

Mayor Bissette said members of Council were

previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Martin, seconded by Vice-

Mayor Michalove, Resolution No. 88-92 was unanimously adopted.

Resolution Book No. 17 Page No. 173-175

C. Public hearing relative to the annexation of a noncontiguous area on Leicester Highway known as Deweys property.

Mayor Bissette said the City of Asheville has

received a petition from Ms. Judith A. Prozzo requesting annexation of a non-contiguous area known as Dewey's Inc. on Leicester Highway. The City Clerk has certified the sufficiency of said petition. A public hearing is required pursuant to

N.C.G.S.

Mayor Bissette opened the public hearing at

4:15 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.

Patty Tallerday, with the Planning Department, said

the proposed annexation is located 1.3 miles from the current corporate limits. She said the area meets all the standards for satellite annexation.

She said the area can be provided with all city services, with fire services being provided on a contract basis with the volunteer fire department and police protection being provided in cooperation with the Buncombe County Sheriff's Department. She said the estimated annual revenue for the City of Asheville is \$1,010 - \$510 in ad valorem taxes, and \$600 in sales tax.

Wayne Bishop, 311 Brooklyn Road, Hendersonville,

North Carolina, Manager of Dewey's Inc. spoke in support of the annexation. He said the main purpose for requesting annexation would be to allow Dewey's Inc. to sell liquor by the drink. He noted that the establishment presently serves beer and wine.

Councilmen Martin and Boland expressed concern

relative to the needed road improvements on Leicester Highway and the fact that the establishment was so close to the road. It was noted that there could be a potential dangerous traffic situation with people drinking at the establishment then driving on Leicester Highway.

Mayor Bissette closed the public hearing at

4:21 p.m.

Mayor Bissette said members of Council were

previously furnished copies of the ordinance and it would not be read in its entirety.

After calling for a motion for adoption, Mayor

Bissette announced that the ordinance died for the lack of a motion for adoption.

Mayor Bissette said had a motion been received for

adoption of the ordinance he would have probably voted for the ordinance since Council had previously approved satellite annexations for other establishments for the same reason Dewey's requested annexation.

III. OLD BUSINESS:

A. Ordinance No. 1692 - Third reading of an ordinance

amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, petition of Smoky Mountain Petroleum Company, property located at 27 Governor's View Road.

Mayor Bissette said the Asheville Planning and

Zoning Commission on May 4, 1988, reviewed and recommended approval of the petition of Smoky

Mountain Petroleum Company that Ward 8, Sheet 15, Lot 98, and a portion of Lot 65 (27 Governors View Road), be rezoned from R-2 Residential District to

CS Commercial Service District.

Mayor Bissette said this ordinance was previously read

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

On a roll call vote of 4-0, Ordinance No. 1692 passed on

third and final reading.

Ordinance Book No. 11 Page No. 279-280

B. Ordinance No. 1697 - Second reading of an ordinance

amending Chapter 28, (Traffic) Article II, Section 28-51 of the Code of Ordinances of the City of Asheville prohibiting the parking of large trucks on City system

streets.

Mayor Bisette said this ordinance will prohibit the

parking of certain large trucks and buses, not occupied by a licensed operator, on City system streets.

A discussion was held relative to permitting the

temporary parking of vehicles in connection with construction related activities on city system streets.

On a roll call vote of 4-0, Ordinance No. 1697 passed on second reading.

The City Attorney was requested to present an amendment

to the ordinance prior to third reading relative to parking of vehicles in connection with construction activities.

C. Resolution No. 88-93 - Resolution adopting the City of Asheville Affirmative Action Plan.

Mayor Bisette 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 Bisette said several public hearings were

held relative to the Affirmative Action Plan; however, action on the Plan was postponed until groups had an opportunity to review the plan.

Councilman Boland, Chairman of the Affirmative Action

Task Force, said after much deliberation the Task Force has recommended the adoption of the proposed plan. He said in his opinion it is one of the strongest Affirmative Action Plans in the state. He noted that even though the cover letter, presenting the plan, recommended changes to the Civil Service Law, this recommendation is not a part of the plan. He said the Task Force also recommended an annual public hearing on the Affirmative Action Plan but this recommendation is not a part of the proposed plan.

Ralph Bishop asked whether or not this plan would help

equal protection of the law in the operation of the Police Department.

Steve Wilburn, representative of the Asheville branch

for the NAACP, requested that the plan be amended to specify the individual responsible for implementation of the plan; that the Affirmative Action Task Force be made a part of the yearly evaluation of the plan; that a member of Council continue to serve as Chairman of the Task Force; that advertisements for positions within the City contain language that minorities and women are voluntarily encouraged to identify themselves; and that the City Manager be included in the establishment of goals and timetables.

Councilman Boland answered general questions from Mr.

Wilburn.

Mr. Wilburn said they were not trying to get unqualified

blacks in positions; however, blacks should be given equal consideration. He said, basically, the proposed plan is a good one if it has Council's full commitment behind the plan. He said after one year of implementation the Asheville branch of the NAACP would like to measure its progress.

Johnny Hayes, said the Affirmative Action Plan can not

be a true plan without changes to the current Civil Service Law. He said the plan should also have Council's full commitment.

Mayor Bissette noted that Council is presently reviewing

the current Civil Service Law and several recommended changes have been discussed with local legislators. He said the city staff is also working with the Institute of Government regarding amendments to the Law. He said it is Council's hope that these amendments can be presented to the General Assembly in January, 1989.

Ralph Bishop said in his opinion it is a mockery to pass

a law without enforcement.

Marilyn Bass suggested that all city job advertisements

contain language that the City is a EEO employer and an Affirmative Action Employer.

Councilman Martin said he felt the plan is a good

starting point and in his opinion the plan has the commitment of Council and the staff.

After discussion, Councilman Boland moved to amend

Resolution No. 88-93 to reflect that the individual responsible for implementation of the plan be the Personnel Director; that the Affirmative Action Task Force be made a part of the yearly evaluation of the plan; that advertisements for positions within the City contain language that minorities and women are voluntarily encouraged to identify themselves; that the City Manager be included in the establishment of goals and timetables; and that all city job advertisements contain language that the City is a EEO employer and an Affirmative Action Employer. This motion was seconded by Councilman Martin and carried unanimously.

Upon motion of Councilman Boland, seconded by Vice-Mayor

Michalove, Resolution No. 88-93, as amended, was unanimously adopted.

Resolution Book No. 17 Page No. 176

IV. NEW BUSINESS:

A. Ordinance No. 1698 - Ordinance regulating smoke

detectors in residential occupancies.

Mayor Bissette said this ordinance amends the

Asheville Fire Code by requiring that: 1) Smoke detectors must be installed in any dwelling unit offered for rental or lease, including single-family homes; 2) In multi-dwelling buildings, smoke detectors must be installed in stairwells and common areas; 3) The owner of such units is responsible for installing, maintaining and repairing the smoke detectors; the tenant is responsible for reporting observed detector problems, and for preventing destruction and removal of the detector; 4) Smoke detectors must be installed in any dwelling unit offered for sale by the time sale closing or completion. The effective date of the ordinance -

and its requirements - would be August 1, 1988.

Chief Mike Jones, with the Asheville Fire

Department, said the present Fire Prevention Code, requires new construction to install smoke detectors. He said this ordinance would require existing multi-unit buildings to have smoke detectors in each room, private residences prior to being rented or sold or a Certificate of Occupancy being issued. He said the cost of this protection is minimum. He said the smoke detectors must be UL approved. He said the penalty, if not installed, would be \$25.00 plus they would still have to install the smoke detector. He said it would also be a misdemeanor not to install the detectors then it could go into legal action. He said the ordinance is following guidelines of the North Carolina State Building Code. He said other cities adopted similar or more stringent ordinances a long

time ago.

Ralph Bishop said in his opinion if someone wants to

risk their life that should be their business.

On a roll call vote of 4-0, Ordinance No. 1698

passed on first reading.

B. Resolution appointing members to the Asheville Police

Officers and Firefighters Disability Review Board.

Mayor Bissette said the Asheville City Council

adopted Ordinances 1650 and 1674 establishing the Asheville Police Officers and Firefighters Disability Review Board for former members of the Asheville Policemen's Pension and Disability Fund and the Asheville Firemen's Pension and Disability Fund. The Disability Review Board is to consist of a member of the Asheville City Council to serve as Chairman; a current member of the Asheville Police Department, elected by former members of the Asheville Policemen's Pension and Disability Fund; a current member of the Asheville Fire Department, elected by former members of the Asheville Firemen's Pension and Disability Fund; a licensed medical doctor; the City Manager or his designee; and two

members at large chosen by the City Council.

After discussion, Mayor Bissette said Council would

take action on this resolution on June 28, 1988.

A. Public hearing relative to closing Shawnee Trail.

Mayor Bissette said a petition has been filed by

Centennial American Properties, Ltd. on behalf of The Litchfield Co. of South Carolina Ltd. Partnership requesting that Shawnee Trail be

permanently closed to the public use.

Mayor Bissette noted that no action could be taken

on the closing of Shawnee Trail today due to his having a conflict of interest in the matter and there not being a quorum of Council if he does not

participate.

Vice-Mayor Michalove opened the public hearing at

5:37 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.

Mr. John C. Young, Jr., 271 Fairway Drive,

questioned whether or not the portion requested to be closed is in the Redwood Forest area. He was informed that it is not but it is located off Tunnel Road. He said he would be in favor of the closing. He also noted that a traffic sign was hidden in this area that should be removed and used someplace.

Councilman Boland moved to continue the public

hearing relative to closing Shawnee Trail until July 12, 1988 without further advertisement. This motion was seconded by Councilman Martin and carried

unanimously.

V. CONSENT:

A. Resolution No. 88-94 - Resolution authorizing the Mayor

to execute on behalf of the City of Asheville a Federal

Aviation Grant Agreement, Project No. 3-37-0005-09.

SUMMARY: The FAA has offered a grant agreement in

the amount of

\$965,209 to the Asheville Regional Airport Authority to expand general aviation apron, 30,600 s.y.i. with connecting taxiways and replace 1500 gallon Air Rescue Fire Fighting Vehicle. The City of Asheville and the County of Buncombe are co-sponsors of the grant agreement. The FAA requires each sponsor to execute said grant agreement.

Resolution Book No. 17 Page No. 177

B. Approval of bids for one paint striping machine for

Public Works Department, Traffic Engineering Division.

SUMMARY: Recommendation to award one M-B Company

model Van Mark 360 striping machine mounted on a 1988 Ford F-350 cab and chassis is recommended to the low bidder, M-B Company, Inc., Chilton, Wisconsin, in the amount of

\$76,936.00.

C. Resolution No. 88-95 - Resolution adopting revisions to the manual of fees and charges for the City of

Asheville.

SUMMARY: This resolution will adopt the revisions

to the Fees and Charges Manual for the City of Asheville.

Resolution Book No. 17 Page No. 178

D. Resolution No. 88-96 - Resolution authorizing the Mayor

of the City of Asheville to execute an easement in favor of Carolina Power and Light Company at the Asheville Regional Airport.

SUMMARY: Carolina Power and Light Company has

requested that the City execute a right-of-way easement for the Asheville Regional Airport. The Airport Authority is in agreement that the easement be granted, but the precise location of the easement has not yet been determined.

Pending preparation of the permanent easement, a letter authorizing entry has been requested. This resolution will authorize execution of the letter of entry pending preparation of the permanent easement and will further authorize execution of the permanent easement once final plans are complete.

Resolution Book No. 17 Page No. 179

E. Resolution No. 88-97 - Resolution authorizing the Mayor

of the City of Asheville to execute any and all documents necessary for the new financing of the Pack Plaza Redevelopment Project.

SUMMARY: Pack Plaza Associates Limited Partnership

has secured replacement financing for the Pack Plaza Redevelopment Project. As the City has entered into various agreements with the Partnership and holds security interests on the Project property, it is necessary to execute new documents in order to put the replacement financing in place. This resolution would authorize

the Mayor to execute those documents on

behalf of the City of Asheville.

Resolution Book No. 17 Page No. 180

Upon motion of Vice-Mayor Michalove, seconded by Councilman Martin, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

ANNOUNCEMENT OF MEETING - BUNCOMBE COUNTY COMMISSIONERS AND ASHEVILLE CITY COUNCIL - JUNE 23, 1988

Mayor Bissette announced that the Asheville City Council and Buncombe County Commissioners would be meeting at a joint meeting on Thursday, June 23, 1988 at 12:30 p.m. to discuss the Water Budget.

WALL STREET PARKING GARAGE - COMMENDATION TO WILLIAM F.

WOLCOTT, JR.

Mayor Bissette commended William F. Wolcott, Jr., Associate City Manager/City Clerk, for his successful efforts on the completion of the Wall Street Parking Garage.

CLAIMS - CASSANDRA CHAMBERS (WATER) - KENNETH ENGLISH (WATER)

The City Manager presented claims received from Cassandra Chambers and Kenneth English.

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

RALPH BISHOP - KEEPING OF COUNCIL MINUTES

Ralph Bishop said he had received a memorandum from the City Attorney relative to N.C.G.S. 160A-72 relative to the keeping of Council minutes. He said in his opinion the keeping

of the minutes should be full and accurate which means verbatim.

ADJOURNMENT:

Upon motion, the meeting adjourned at 5:55 p.m.

MAYOR CITY CLERK
