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Tuesday - November 8, 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, 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 Bratton.

APPROVAL OF MINUTES - NOVEMBER 1, 1988

Mayor Bissette announced the approval of the minutes of November 1, 1988 meeting as submitted.

I. PROCLAMATIONS:

II. PUBLIC HEARINGS:

III. OLD BUSINESS:

A. Ordinance No. 1729 - Second reading of an ordinance

rezoning property at 92 Congress Street - Petitioner -

Dr. John Holt.

Mayor Bissette said the Asheville Planning and

Zoning Commission on October 5, 1988, reviewed and recommended approval of rezoning Ward 4, Sheet 11, Lots 34, 34-1/4, and 278, from R-3 Residential District to O-I Office-Institutional District. (Property is located at 92 Congress Street,

Livingston Street and Pine Grove Avenue).

Mayor Bissette said this ordinance was previously read

on first reading and will not be read in its entirety.

On a roll call vote of 6-0, Ordinance No. 1729 passed on

second reading.

B. Ordinance No. 1730 - Second reading of an ordinance

rezoning property on North Louisiana Avenue - Petitioner

- Ms. Jeanne Y. Palyok.

Mayor Bissette said the Asheville Planning and

Zoning Commission on October 5, 1988, reviewed and recommended approval of rezoning Ward 12, Sheet 7, Lot 92, from R-3 Residential District to CH

Commercial Highway District.

Mayor Bissette said this ordinance was previously read

on first reading and will not be read in its entirety.

On a roll call vote of 6-0, Ordinance No. 1730 passed on

second reading.

C. Ordinance No. 1731 - Third reading of an ordinance

amending Section 19A-1 and 19A-11 of the Code of Ordinances (Grievance Procedure) of the City of

Asheville.

Mayor Bissette said Section 19A-1 is being amended

to clarify procedures for hearing group grievances because meeting with large groups can make it almost impossible to meet time deadlines of the present ordinance. This amendment would allow a department head the flexibility to meet with a group of employees if he/she so desires; however, it would clarify that it is not a requirement of the grievance procedure. Section 19A-11 will clarify who the department head must confer with prior to rendering a decision on a grievance as opposed to who must actually attend the grievance conference. Section 19A-11 also eliminates the time allotted for the City Manager to render his decision provided the conference is held within 10 days after the appeal

is received by the City Clerk.

Mayor Bissette said this ordinance was previously read

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

At the request of the City Attorney, Councilman Price

moved to amend Ordinance No. 1731 by deleting the last sentence of the first paragraph "Settlement of a grievance filed by one employee will be binding on all other employees who are affected in the same manner by the subject matter of the grievance." This motion was seconded by Vice-Mayor Michalove and carried

unanimously.

David Anders, with the Asheville Fire Department, spoke

in opposition to the ordinance amending the current grievance procedure. He said in his opinion the current ordinance is working satisfactorily. He said he also disagreed with the reasons for changing the ordinance just because it would take too much time to solve multiple grievances. He suggested that the proposed ordinance be voided or postponed and presented to a team for review and recommendation.

After discussion, Councilman Price suggested that the

third reading of the ordinance be postponed until next week giving the City Attorney and the Personnel Director

another opportunity to review the ordinance.

D. Ordinance No. 1727 - Third reading of an ordinance

creating Article 6A of the Code of Ordinances of the City of Asheville providing standards for design review affecting property in and near downtown Asheville.

Mayor Bissette said Downtown Asheville is recognized

as a special place to be protected as a community resource because it represents an important part of Asheville's heritage and because its unusual character creates an identity for Asheville. Downtown Asheville is also the major center of business and cultural activity. This ordinance will establish boundaries of the Downtown Design Review Area and will authorize the Planning and Zoning Commission to establish guidelines for new construction and rehabilitation in the Downtown Design Review Area. All construction work requiring a building permit, sign permit, or zoning review or a variance must be submitted to the Planning and Zoning Commission for review prior to the issuance of the permit. Routine maintenance will not be subject to review, but procedures for

cleaning and painting buildings must be reviewed.

Vice-Mayor Michalove commented that if the projects

meet all guidelines that it should not have to go through the Planning and Zoning Commission process.

Mayor Bissette said the ordinance was previously

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

On a roll call vote of 6-0, Ordinance No. 1727

passed on third and final reading.

Ordinance Book No. 11 Page No. 381-384

IV. NEW BUSINESS:

A. Resolution No. 88-159 - Resolution relative to exchange

of real property with Joseph C. Reynolds and Mountain Investment Company, Inc. for Beaverdam Water Reservoir

Site.

Mayor Bissette said pursuant to the need to procure

a new reservoir site in the Beaverdam Valley area, an Exchange Agreement has been initially agreed upon by and between the Buncombe County Water Authority and Joseph C. Reynolds and Mountain Investment Company, Inc. for the exchange of certain properties off Pincroft Road. The City would convey the current reservoir site, which is inactive, for a new site in the Reynolds subdivision for the placement

of a new reservoir system.

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 Councilman Frank, Resolution No.88-159 was unanimously adopted.

Resolution Book No. 17 Page No. 252

B. Ordinance No. 1732 - Budget ordinance amendment to appropriate funds received from land sales in the R-48 Urban Renewal area for property management costs.

Mayor Bissette said this budget amendment is to

appropriate funds received from land sales in the R-48 Urban Renewal area for property management costs. There is an immediate need to correct a drainage problem in Lyman Hollow.

Vice-Mayor Michalove moved for the adoption of

Ordinance No. 1732. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1732

passed on first and final reading.

Ordinance Book No. 11 Page No. 392

C. Ordinance No. 1733 - Budget ordinance amendment to appropriate funds from Arts Grants for after school program at Burton, Shiloh, Stephens-Lee, Reid and Montford Centers.

Mayor Bissette said this budget amendment in the amount

of \$3,000 is from an Arts Grant for after school program at Burton, Shiloh, Stephens-Lee, Reid and Montford Centers.

Vice-Mayor Michalove moved for the adoption of Ordinance

No. 1733. This motion was seconded by Councilman Bratton.

On a roll call vote of 6-0, Ordinance No. 1733 passed on

first and final reading.

Ordinance Book No. 11 Page No. 393

D. Ordinance No. 1734 - Budget ordinance amendment to appropriate funds provided by grant from N. C. Department of Community Development, Division of Aging for renovations to Senior Opportunity Center restroom to bring them up to handicapped code.

Mayor Bissette said this budget ordinance amendment in

the amount of \$10,000 is for a grant from N. C. Dept. of Community Development, Division of Aging, for renovations to Senior Opportunity Center restroom to bring them up to handicapped code.

Councilman Price moved for the adoption of Ordinance No.

1734. This motion was seconded by Councilman Bratton.

On a roll call vote of 6-0, Ordinance No. 1734 passed on first and final reading.

Ordinance Book No. 11 Page No. 394

E. Ordinance No. 1735 - Budget ordinance amendment to

appropriate funds by grant from N. C. Department of Community Development, Division of Aging for outreach program to area senior clubs and housing projects.

Mayor Bissette said this budget amendment in the amount

of \$15,000 is from a grant from N. C. Department of Community Development, Division of Aging, for outreach program to area senior clubs and housing projects.

Councilman Price moved for the adoption of Ordinance No.

1735. This motion was seconded by Councilman Martin.

On a roll call vote of 6-0, Ordinance No. 1735 passed on first and final reading.

Ordinance Book No. 11 Page No. 395

V. CONSENT:

A. Resolution No. 88-160 - Resolution authorizing the

Purchasing Director to sell surplus motor vehicle and

other surplus property at public auction.

SUMMARY: The Motor Transport Superintendent has

declared twenty-two cars, nine pickup trucks, two dump trucks, one 2 ton truck, one Ford F800 truck and one tractor, as surplus. Various City Departments have declared assorted office furniture, equipment and other miscellaneous items as surplus.

Resolution Book No. 17 Page No. 253

B. Motion approving the sale of Disposal Parcel 94 in the

East End/Valley Street area.

SUMMARY: The Housing Authority has tentatively

accepted a bid for Disposal Parcel 94 in the East End/Valley Street area for residential use for a bid of \$200.00 from Myrtle D. Lee. Disposal Parcel 94 is a fragment left over after completion of Max Street improvements. It is only 2,178 sq. ft. and therefore not buildable. Mrs. Lee is the owner of adjacent property at 6 Circle Street and she plans to use the lot for additional yard space.

C. Resolution No. 88-161 - Resolution authorizing the City

Manager to execute an agreement with Wheeler construction Company, Inc. for the construction of the Thompson Street Sanitary Sewer Relocation Project.

SUMMARY: This project involves the installation of

approximately one thousand one hundred eighty linear feet of twenty-four inch sanitary sewer on Thompson Street. Bids were opened on this project on October 18,

1988 and the lowest responsible bidder was Wheeler Construction Company, Inc., in the amount of \$83,955.00 It is recommended that the City Manager is authorized to execute an agreement with Wheeler Construction Company, Inc., for this project.

Resolution Book No. 17 Page No. 254

D. Resolution No. 88-162 - Resolution authorizing the City

Manager of the City of Asheville to sign contract for

grant funds from the North Carolina Arts Council.

SUMMARY: The North Carolina Arts Council and the

Community Arts Council of Western North Carolina have funds available through the Grassroots Arts Programs for arts programming. The Parks, Recreation, and Public Facilities Department would like to utilize these funds to provide an after-school arts program at Burton Street, Shiloh, Stephens-Lee, Reid, and Montford Recreation Centers.

Resolution Book No. 17 Page No. 255

Upon motion of Councilman Frank, seconded by Vice-

Mayor Michalove the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

ANNOUNCEMENT - COUNCILMAN WALTER BOLAND - RESIGNATION

Mayor Bisette presented the following letter to members

of Council:

October 26, 1988

Mr. Louis Bisette, Mayor

McGuire, Wood and Bisette, PA

P. O. Box 3180

Asheville, North Carolina 28802

Dear Louis:

I hereby submit my resignation from the Asheville City Council.

As you know I do this with considerable regret, but given the current circumstances in my life it seems the wise thing to do.

With warm personal regards.

Sincerely,

/s/ Walter R. Boland

Walter R. Boland

Mayor Bisette said Council will begin the process for replacement for Councilman Boland. He said the City Attorney would be recommending a procedure to follow but the main requirement is that the replacement must be from the same political party which would be a Democrat.

Steve Welborn said the process for the replacement should be fair and just. He said he felt this would be an excellent opportunity for Council to show a good faith effort to appoint a black to City Council.

ANNOUNCEMENT BY MAYOR - PACK PLAZA PROJECT CLOSING

Mayor Bisette announced that after many hours of negotiations the Pack Plaza Project was finally closed. He thanked the staff for their many hours of dedication in getting this project closed.

Members of Council also thanked Mayor Bisette for his efforts in getting the Project closed.

POLITICAL SIGNS - REMOVAL

Upon inquiry of Councilman Price, the City Manager said efforts would be taken to have all political signs removed as stipulated in the ordinance.

RESOLUTION NO. 88-163 - RESOLUTION APPOINTING MEMBER TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

Councilman Frank moved for the adoption of a resolution appointing Helen Mitchell to the Alcoholic Beverage Control Board for a three (3) year term, term expiring November 13, 1991, or until her successor is duly appointed and qualified. This motion was seconded by Councilman Price and carried unanimously.

Resolution Book No. 17 Page No. 256

CLAIMS - GEORGE METHVIN (STREETS) - KIM JONES (WATER) - ARNOLD JONES (SEWER) - LENA WATERS (SEWER) - EMILY MOSS (WATER)

The City Manager presented claims received from George Methvin, Kim Jones, Arnold Jones, Lena Waters, and Emily Moss.

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

RALPH BISHOP - LOTTERY SALES

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

ADJOURNMENT:

Mayor Bisette adjourned the meeting at 5:30 p.m.

MAYOR CITY CLERK
