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® Tuesday - February 21, 1989 - 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 A. Robert York; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City

Manager/City Clerk William F. Wolcott, Jr.

Absent: None

## **INVOCATION**

The invocation was given by Vice Mayor Michalove.®

## **I. PROCLAMATIONS:**®

### **A. Presentation of United Way Plaques.**

Mayor Bissette said seven City Departments or Divisions have been designated "Fair Share Award" winners by United Way of Asheville and Buncombe County.

John Rukavina, City-wide Coordinator for United Way, said the divisions being recognized today had contributed their "fair share," which is equivalent to at least one (1) hour's pay per month from each employee. He said he believed this reflects the employees' commitment to betterment of the community.

Mayor Bissette presented the plaques to the following employees on behalf of their divisions. Mayor Bissette expressed his appreciation to the employees for their contributions and noted that City Manager Doug Bean will be Chairman for the 1989 United Way Campaign in Asheville and Buncombe County.

1. Bob Wurst of the Audit and Budget Division of the General Administration Department.
2. Rae Ferguson and Steve Evans of the Asheville Police Department.
3. Ray Kisiah of the Recreation Cultural Programs of the Parks, Recreation and Public Facilities Department.
4. Noel Calloway of the Parking Services Division of the Downtown Development Department.
5. Harold Huff and Paul Gilewicz of the Bee Tree Reservoir Division of the Water and Wastewater Services.

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## **II. PUBLIC HEARINGS:**

### **®III. OLD BUSINESS:**

® **A. Resolution No. 89-21 - Resolution approving the incorporation of the Town of Fletcher.**

Mayor Bissette read the resolution. He said the Fletcher community has requested the Asheville City Council to

support their efforts to become an incorporated area.

Vice Mayor Michalove said when representatives first came to City Council several months ago he voted against supporting Fletcher's request for incorporation and that he still cannot support the incorporation. However, he said he would like for the record to reflect the reasons he can't support the incorporation and the concerns he has.

Vice Mayor Michalove said if you look at the area on a map, Asheville is bordered on the North by the Towns of Woodfin and Weaverville, on the East by Swannanoa and Black Mountain, and on the South by Biltmore Forest. He said the philosophy of the State law is that metropolitan and urban needs are different from rural needs. He said in cities throughout the northeast township lines run right up against one another and this is causing jurisdictional problems. He said he felt today's vote on this issue should reflect a look at what lies ahead 10-15 years from now. He cited the Hendersonville Road project and participation in the project by the Town of Biltmore Forest as a prime example of the type of problems the City can run into when more cities are making decisions about roads.

Vice Mayor Michalove said the City limit line as of August 31, 1988 was 2 miles from the Fletcher Community identified for incorporation, and under the present study for annexation currently underway, the City limit line is approximately 1.2 miles from the proposed incorporation. He said Fletcher's proposed boundary would be contiguous to a proposed future City limit line on its northern boundary and a portion of its western boundary would be adjacent to the existing limits at the Asheville Airport. He quoted the following excerpt from the 1980 Joint Annexation Study Commission. "...by both Constitution and Statute, North Carolina has appropriately given preference to expanding cities as opposed to creating new ones. Both discourage incorporating new cities and towns near existing

ones...and within five miles of one with over 50,000 population..."

Vice Mayor Michalove said the history of annexation in North Carolina had allowed for orderly growth of municipalities. He said the philosophy of annexation was to provide local governmental services to citizens in areas that are urbanely developed. He said numerous studies have upheld the fact of annexing urban areas as opposed to the creation of smaller incorporated areas in a major urban environment. He said the law has been tested in a number of court cases and has withstood the scrutiny of numerous study commissions established by the General Assembly since 1959.

Vice Mayor Michalove said the history of incorporation in North Carolina was also addressed in the 1980 Joint Study Commission. He said the report cites the example of growth in the City of Raleigh. He said in 1900 Raleigh's population was 13,600 and today is estimated at 160,000. He said if Raleigh's boundaries had not been expanded over this period and the surrounding area had grown as it has, Raleigh could be encircled today with 12 cities equal to its 1900 size, by 15 cities the size of Garner, or even a larger number of overlapping special districts. He said the Joint Commission concludes on the subject of incorporation by stating "...the State's policy of encouraging annexation - which means enlarging the existing water plant rather than building a new one or enlarging an existing police force rather than creating a new one - seems clearly in the best interest of all citizens when done with the safeguards that are built into North Carolina's annexation statutes..."

Vice Mayor Michalove pointed out annexation across the Henderson County line could result in problems with overlapping legislative districts, judicial districts, school and tax districts. However, he said at the current time, there is not a prohibition of cities crossing county lines and cited several cities that are located in more than one county.

Vice Mayor Michalove said the Fletcher area has developed primarily because of money spent to develop the Airport, MSD sewer facilities, and services of Asheville water to the area.

Vice Mayor Michalove said if you look at terrain of area surrounding Asheville, there are few growth areas we can go into. For these reasons and concerns, he said he could not support the resolution supporting the incorporation of Fletcher.

Councilman Price encouraged those in attendance to continue

to work toward improvements and to be active participants with the Land-of-Sky Regional Council.

Councilman Martin said when the issue was first addressed by Council, he had opposed the incorporation is because the City runs the risk of having our growth area to stop where it is now. He said another concern was that Fletcher would be trying to annex into Buncombe County. For this reason, he said the City Council is insisting on a provision in the Fletcher Incorporation Charter that prohibits Fletcher from annexing into Buncombe County at any time in the future or including any territory within the confines of Buncombe County. He said the City of Asheville has no intention of going into Henderson County, but wants the freedom of going to the county line.

Mayor Bissette said it is unrealistic for the City of Asheville to consider annexing across county lines. He wished those in attendance the very best on their incorporation efforts, and said the City of Asheville would be willing to give any help the community may need.

Councilman Bratton said she had supported the incorporation of Fletcher from the beginning. She wished the community well and said she looked forward to working with them and having them as a neighbor. Because of the problem with school district lines, she said it was just not feasible to move across county lines.

Councilman Bratton moved for the adoption of Resolution No. 89-21. This motion was seconded by Councilman York.

Resolution No. 89-21 was adopted on a 6-1 voice vote with Vice Mayor Michalove voting "no".

Mr. Robert G. Parrish, Sr., Chairman of the Fletcher Improvement Committee, thanked Council for adopting the resolution to allow their incorporation. He said Fletcher will have mutual concerns and interests and wants to cooperate with the City of Asheville.

**Resolution Book No. 17, Page 336 and 337**

**®IV. NEW BUSINESS:**

**® A. Resolution No. 89-22 - Resolution authorizing the**

**Director of Finance to apply to the Local Government Commission for approval of the City's proposed voted bond financing and to submit such application to the**

**Local Government Commission.**

Mayor Bissette said this resolution is the first step to begin the process for the \$40,000,000 Water Bond Referendum and will authorize the Director of Finance to apply to the Local Government Commission for approval of the City's proposed voted bond financing and to submit such application to the Local Government Commission.

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. 89-22 was unanimously adopted.

**Resolution Book 17, Page 338**

**® B. Resolution No. 89-23 - Resolution directing the**

**publication of notice of intention to apply to the Local**

**Government Commission for approval of bonds.**

Mayor Bissette said this resolution will direct the City Clerk to publish the notice of intent to apply to the Local

Government Commission for the approval of bonds.

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 Frank, seconded by Councilman Price, Resolution No. 89-23 was unanimously adopted.

**Resolution Book 17, Page 339**

**® C. Ordinance No. 1751 - Budget ordinance amendment for**

**Downtown Development Budget.**

Mayor Bissette said this budget amendment in the amount of \$150,000 will increase the Downtown Development Budget to reflect revenues and expenses from 1988 festivals.

Mayor Bissette said members of Council were previously furnished copies of the ordinance, and it would not be read in its entirety.

Councilman York moved for the adoption of Ordinance No. 1751. This motion was seconded by Councilman Martin.

On a roll call vote of 7-0, Ordinance No. 1751 passed on first and final reading.

**Ordinance Book No. 11, Page 423**

**® D. Ordinance No 1752 - Budget Ordinance amendment**

**appropriating \$23,500 for a grant from the Z. Smith**

**Reynolds Foundation for Victim Assistance.**

Mayor Bissette said this budget amendment in the amount of \$23,500 is to appropriate grant funds received from the Z. Smith Reynolds Foundation for Victim Assistance.

Mayor Bissette said members of Council were previously furnished copies of the ordinance, and it would not be read in its entirety.

Councilman Frank moved for the adoption of Ordinance No. 1752. This motion was seconded by Councilman Michalove.

On a roll call vote of 7-0, Ordinance No. 1752 passed on first and final reading.

**Ordinance Book No. 11, Page 424**

**® E. Ordinance No. 1753 - Budget Ordinance amendment**

**appropriating \$20,000 for a grant from the Janirve**

**Foundation for Victim Assistance.**

Mayor Bissette said this budget amendment in the amount of \$20,000 is to appropriate grant funds received from the Janirve Foundation for Victim Assistance.

Mayor Bissette said members of Council were previously furnished copies of the ordinance, and it would not be read in its entirety.

Councilman Frank moved for the adoption of Ordinance No. 1753. This motion was seconded by Councilman Michalove.

On a roll call vote of 7-0, Ordinance No. 1753 passed on first and final reading.

**Ordinance Book No. 11, Page 424**

**®V. CONSENT:**

**® A. Resolution No. 89-24 - Resolution authorizing the City**

**Manager to apply for a victim assistance grant through  
the Z. Smith Reynolds Foundation.**

Mayor Bissette said this grant in the amount of \$23,500 will allow a volunteer program to assist victims of crime as they cooperate with the criminal justice system; specifically the Asheville Police Department. This will provide for the establishment of a volunteer program, thereby increasing the number of victims receiving the services in the areas of crisis intervention, information and referral, counseling and criminal justice support and will increase program awareness.

**Resolution Book 17, Page 340**

**® B. Resolution No. 89-25 - Resolution authorizing the City**

**Manager to apply for a victim assistance grant through  
the Janirve Foundation.**

Mayor Bissette said this grant in the amount of \$20,000 will allow the Asheville Police Department to increase the number of

victims receiving the services of the Victim Assistance Program and to improve the quality of service delivery. This will also provide for the professional services of a Victim's Case Manager and a Crime Victim's Counselor on a part-time basis.

**Resolution Book 17, Page 341**

**® C. Scheduling of public hearing relative to an UMTA Grant**

**for the Bus Transfer Relocation for March 28, 1989.**

Mayor Bissette said a motion is needed to schedule a public hearing on March 28, 1989 relative to an UMTA Grant for the Bus Transfer Relocation.

Mayor Bissette asked the City Manager to provide the Council with a time schedule on the current study and the grant application process for the Bus Transfer facility.

**® D. Resolution No. 89-26 - Resolution authorizing the City**

**Manager of the City of Asheville to sign an agreement and commitments of site facility use for the nutrition  
program for older Americans at Reid Memorial, Senior  
Opportunity, and West Asheville Recreation Centers.**

Mayor Bisette said the Buncombe County Council on Aging and the Asheville Parks, Recreation, and Public Facilities Department have been working cooperatively with this program at several recreation centers, and this cooperation has resulted in improved services for the elderly in Asheville and Buncombe County. This resolution will authorize the continuance of this program during the fiscal year of July 1, 1989 through June 30, 1990.

**Resolution Book 17, Page 342**

**® E. Resolution No. 89-27 - Resolution calling for a public**

**hearing for the adoption of an ordinance directing the Director of Inspections to demolish the dwelling known as 20 Dallas Street for March 21, 1989.**

Mayor Bisette said this resolution will call for a public hearing for the demolition of 20 Dallas Street, which has been totally destroyed by fire.

**Resolution Book 17, Page 343 and 343.**

**® F. Scheduling of public hearing relative to rezoning**

**property located at 218 East Chestnut Street, petition of Chris Peterson, for March 21, 1989.**

Mayor Bisette said this motion will schedule a public hearing on March 21, 1989, relative to rezoning property located at 218 East Chestnut Street, petition of Chris Peterson.

**®VI. OTHER BUSINESS:**

**®CLAIMS - SLUDER FURNITURE (WATER), CHARLES WEBB (SEWER), FRANCES SHEARER (WATER), JERRY WISE (WATER), WILLIAM WILCOX (SEWER), JEFFREY SINGLETON (SEWER) AND JOSEPH MOORE (WATER)**

The City Manager presented claims received from Sluder Furniture, Charles Webb, Frances Shearer, Jerry Wise, William Wilcox, Jeffrey Singleton and Joseph Moore.

Mayor Bisette referred the claims to the City Attorney for investigation and recommendation.

**®DAVID ANDERS - PRESIDENT OF ASHEVILLE FIRE FIGHTERS ASSOCIATION  
- PRESENTATION OF SALARY SURVEY**

David Anders, President of the Asheville Fire Fighters Association presented the Mayor and City Council Members with a copy of a salary survey that was conducted by the Association. He asked that Council consider this material as they review the pay study information they will be receiving from Municipal Advisors, Inc.

Ralph Bishop spoke in support of a pay increase for the Fire Fighters.

**®VII. ADJOURNMENT**

Mayor Bisette adjourned the meeting at 5:15 P.M.

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**MAYOR CITY CLERK**

