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Tuesday - April 4, 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.

Councilman Bratton arrived at the meeting at 5:00 p.m.

Councilman Frank left the meeting at 5:55 p.m.

Absent:

INVOCATION

The invocation was given by Vice-Mayor Michalove.

APPROVAL OF MINUTES - MARCH 28, 1989

Mayor Bissette announced the approval of the minutes of the March 28, 1989 meeting as submitted.

I. PROCLAMATIONS:

A. Proclamation - "Volunteer Week" - April 9-15, 1989

Mayor Bissette read the proclamation and presented a copy to Harriett Winner, Jean Moore, JoAnn Myers, and Bruce Peterson with the Volunteer Service Bureau.

B. Proclamation - "Victim Rights Week" - April 9-15, 1989

Mayor Bissette read the proclamation. He said a copy would be forwarded to Will Annarino and Jan Phillips with the Asheville Police Department, Victim Assistance Division.

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C. Resolution No. 89-49 - Resolution commending Asheville

High School for its participation in the International Exchange Program and recognizing the foreign exchange students and teacher from Japan and other exchange students from Ghana and Peru

Mayor Bissette read the resolution.

Upon motion of Councilman Price, seconded by Councilman

Martin, Resolution No. 89-49 was unanimously adopted.

Resolution Book No. 17 Page No. 392

Mr. O. L. Sherrill, Principal of Asheville High School introduced the teacher from Kofu High School in Japan.

Mayor Bissette presented each student with a welcome letter and a copy of the resolution.

II. PUBLIC HEARINGS:

A. Public hearing relative to an ordinance amending the

Charter of the City of Asheville to provide for nonpartisan elections with two or four year staggered terms.

Mayor Bissette said the North Carolina General Statute

sec. 160A-101 provides that any city may change various aspects regarding its form of government, including the manner in which municipal primaries and elections are conducted. Municipal elections in the City of Asheville are currently conducted on a partisan basis and City Council members serve concurrent two year terms. The City Council intends to consider an ordinance amending the Charter to provide for nonpartisan elections.

Mayor Bissette opened the public hearing at 4:35 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.

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The City Attorney outlined the process Council would

have to follow in order to change the method in which municipal primaries and elections are conducted. He also explained the alternatives members of Council would have in deciding which method to use for the elections.

Rendell Davis, speaking on behalf of the Kenilworth

Forest Homeowners Association, said the Executive Committee of the association met and discussed the proposed amendment for conducting municipal elections. He read a prepared statement opposing nonpartisan elections.

Louis Alexander, 125 Old Charlotte Highway, read a

prepared statement stating that he did not wish to take a position on this issue. However, he said if either party comes out with party platforms that address a specific issue concerning this city he would favor partisan election of City Council and Mayor, but if neither party comes out with a platform that addresses a specific issue concerning this city then he would be against partisan election of City Council and the Mayor.

Ben McKenzie, a local businessman, spoke in favor of

nonpartisan elections. He said he felt this method would enlarge the pool of men and women interested in serving on the City Council.

Harold Holcombe, a local businessman, spoke in favor of

nonpartisan elections. He said he felt members of Council should concentrate on particular issues rather than on party politics.

Bob Lawrence, a local businessman, spoke in favor of

nonpartisan elections. He said he also felt members of Council should address particular issues rather than party politics and they should work together on these issues.

George Tisdale of 65 Shorewood Drive and a former

members of Council, spoke in opposition to nonpartisan elections. He said this method of elections had been tried once before and it did not work. He said a nonpartisan government would be laying the seeds for a clique-type government. He said even if the method of

elections is changed he had never really met someone who is nonpartisan.

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Susan Patterson of 70 N. Liberty Street, speaking on

behalf of the League of Women Voters said a Task Force of their organization conducted a study on partisan and nonpartisan elections. She requested that the League of Women Voters be included in discussions relative to this proposed amendment.

Mel Thomason, a local businessman, spoke in support of

nonpartisan elections. He said party labels obscures positions and puts forth elements of doubt.

Albert Sneed, Attorney, 11 N. Market Street, spoke in

favor of nonpartisan elections. He said in his opinion there has been a breakdown of party systems in the last ten to fifteen years. He said he felt nonpartisan elections would allow more people willing to run for office to run. He said many individuals have suffered because of party affiliations. He said he would not be in favor of district representations or staggered terms at this time. He said Council should address one issue at a time.

Larry McDevitt, resident of Asheville and former Mayor

of Asheville, spoke in favor of nonpartisan elections. He said this would encourage more people to run and that the partisan system seems to be discouraging rather than encouraging participation. He said having partisan elections suggests to the public that there is some partisan agenda to follow and that is misleading. He said neither party has articulated a philosophy of local government that divides them. He said the terms of office was not a concern to him but four years might be a better term. He suggested that Council not go to district representation at this time. He said he felt nonpartisan elections would take care of district representation.

Eugene Ochsenreiter, resident of Asheville and former

Mayor of Asheville, spoke in opposition to nonpartisan elections. He said he felt political contacts are very important in dealing with specific issues concerning the City. He said it would be dangerous to change to nonpartisan elections at this time. He said political parties help stimulate interest and participation in elections and that the existing system should remain.

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Councilman Bratton arrived at the meeting at 5:00 p.m.

Richard Wood, a local attorney and former Mayor of

Asheville, said in his opinion the Council takes a nonpartisan approach to issues but he would not be in favor of nonpartisan elections. He said interest is low in elections right now and political parties help to stimulate interest. He said someone with no conduit for running for office would have a tough proposition particularly with minorities. He said in his opinion the city is small enough and broad based that a ward or district system would not be warranted. He said the existing system should remain.

Allene Highsmith, of Reynolds Place, said changing to

nonpartisan elections would be a charade and that partisan politics is a privilege Americans should cherish. She said you can not take politics out of politics.

Gene Ellison, a local attorney, said he would like to

hear each Council members views on this issue. He said he would also like to know the purpose for changing the system. He said in his opinion Council should consider changing to district representation. He said you can not change the name and think you are changing the game that there is no way to take politics out of politics. He said district representation would be fair instead of nonpartisan elections. He said party politics provide for a check and balance society.

Manuel Kutlokis of Pearson Drive spoke in opposition to

nonpartisan elections. He said members of Council are only effective when politics are involved. He said the Democratic party has done much for individual members of Council and the City of Asheville.

Ernie Thurston of Panola Street spoke in opposition to

nonpartisan elections. He said partisan elections help to build voter participation. He said many times partisan elections are the only time an individual

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citizen is interested in a particular person running for

office. He said Council should consider district representation rather than nonpartisan elections. He said if Council is serious about changing this method they should not make a decision on their own for such a controversial issue but to leave that decision to the voters in a referendum.

Florence Ryan of 301 E. Chestnut spoke in opposition to

nonpartisan elections. She said this method was tried in 1933-35 and did not work.

Steve Welborn, of the NAACP, said he felt Council should

consider district representation rather than nonpartisan elections.

Ralph Bishop spoke in opposition to nonpartisan

elections. He said the system should remain partisan.

Mayor Bissette presented letters from the Democratic

Women's Club and Mr. and Mrs. Ed James in opposition to nonpartisan elections.

Mayor Bissette commented that many people fear party affiliations. He said members of Council would be considering this proposal very carefully during the next week. Councilman Price said she would strongly oppose members of Council making a decision on their own for nonpartisan elections. Mayor Bissette closed the public hearing at 5:51 p.m. and said Council would consider this matter again at next week's meeting.

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III. OLD BUSINESS:

A. Ordinance No. 1758 - Second reading of Ordinance

rezoning property located at 58, 60, and 62 Livingston Street - Mr. L. B. Jackson, Livingston Medical Partnership.

Mayor Bissette said the Asheville Planning and Zoning

Commission on March 1, 1989, reviewed and recommended approval of the request of Mr. L. B. Jackson that Ward 4, Sheet 11, Lots 22, 258 and 289, located at 58, 60 and 62 Livingston Street, be rezoned from R-3 Residential District to OI Office Institutional District. A public hearing was held on March 28, 1989,

and this ordinance passed on first reading.

Mayor Bissette said this ordinance was previously read

on first reading and would not reread in its entirety.

Ken Jackson, representing the Livingston Medical

Partnership, requested that Council conduct the second and third reading of the ordinance at today 's meeting.

Upon inquiry of Council, Larry Holt, Deputy Executive

Director of the Housing Authority, said the Housing Authority is the current owners of the three of the parcels involved in this project and the Housing Authority is in favor of the rezoning and the process being completed today.

Councilman Frank left the meeting at 5:55 p.m.

On a roll call vote of 7-0, Ordinance No. 1758 passed

on second reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the third and final reading of Ordinance No. 1758. This motion was seconded by Councilman Martin and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1758 passed

on third and final reading.

Ordinance Book No. 11 Page No. 433

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IV. NEW BUSINESS:

A. Ordinance No. 1759 - Ordinance amending Section 28-52

(b) of Chapter 28 of the Code of Ordinances of the City of Asheville prohibiting truck traffic on Farrwood Avenue between Merrimon Avenue and Kimberly Avenue.

Mayor Bissette said this ordinance will include

Farrwood Avenue, between Merrimon Avenue and Kimberly Avenue, in the ordinance regulating truck traffic on certain residential streets.

Mayor Bissette said members of Council were previously

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

Councilman Price moved for the adoption of Ordinance

No. 1759. This motion was seconded by Vice-Mayor Michalove.

On a roll call vote of 7-0, Ordinance No. 1759 passed

on first reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the second reading of Ordinance No. 1759. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1759 passed

on second reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the third reading of Ordinance No. 1759. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1759 passed

on third and final reading.

Ordinance Book No. 11 Page No. 434

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V. CONSENT:

A. Resolution No. 89-50 - Resolution authorizing the Mayor

and City Clerk to execute a municipal agreement with the North Carolina Department of Transportation for the Hominy Creek Bridge Project.

Mayor Bisette said this resolution will authorize the

Mayor to execute a Municipal Agreement between the City of Asheville and the N. C. Department of Transportation for the purpose of making improvements to the Hominy Creek Bridge on N. C. 191. The City will be responsible for relocation or adjustment of any municipally-owned utilities, exercise its rights to bring about any relocation or adjustment of franchised, private or publicly-owned utilities, and enforce all traffic operating controls established by the N. C. Department of Transportation.

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Martin, Resolution No. 89-50 was unanimously adopted.

Resolution Book No. 17 Page No. 393

VI. OTHER BUSINESS:

CARNIVAL - NEW ASHEVILLE SPEEDWAY - AMBOY ROAD - APRIL 6-15, 1989

Pursuant to the privilege license ordinance, Councilman

Martin moved to approve a request of Nova Expositions for a carnival to be located at New Asheville Speedway on Amboy Road for April 6 - 15, 1989. This motion was seconded by Councilman Bratton and carried unanimously.

Robert McCurran, with Nova Expositions, said the hours

of operation would be Monday through Friday from 6 p.m. to 11 p.m. and 1 p.m. to 12 p.m. on weekends. He said Nova Expositions would comply with all ordinances of the City of Asheville.

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AUDIT SELECTION - ARTHUR YOUNG, GREENVILLE, SOUTH CAROLINA

Councilman York said he and Councilman Martin had been

meeting with the City Manager and the Audit and Budget Department reviewing auditing firms. He said the they had reviewed ten auditing firms and is recommending Council's acceptance of the firm of Arthur Young from Greenville, South Carolina for a period of three years.

Councilman York moved to accept the firm of Arthur Young

from Greenville, South Carolina as the City of Asheville auditor for a period of three years and that the Mayor be authorized to sign the contract on behalf of the City subject to the City Attorney's review. This motion was seconded by Councilman Martin and carried unanimously.

CLAIMS - RONALD BENNETT (WATER) - KAREN WELLS (SEWER) - SHEILA PENLAND (WATER) - HILLIARD ARROWOOD (SEWER) - JEFFREY JONES (POLICE) - JEREMY WILSON (SEWER) - MARTHA WATKINS (SEWER)

The City Manager presented claims received from Ronald

Bennett, Karen Wells, Sheila Penland, Hilliard Arrowood,

Jeffrey Jones, Jeremy Wilson, and Martha Watkins.

Mayor Bisette referred the claims to the City Attorney

for investigation and recommendation.

REQUEST FOR SIGNS

Councilman Bratton asked the City Manager to look into

the feasibility of installing a sign in the parking garage on Rankin Avenue coming onto College Street to turn right.

Upon inquiry of Councilman Price, the City Manager said

a request was made of the state to install a lighted sign coming from the Airport onto I-26. He said the state approved the request; however, it is now in the federal process since this is a federal highway.

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ROUND TABLE DISCUSSION - DRUG PROBLEMS

Mayor Bissette announced a Round Table Discussion to be

held relative to drug problems on April 28, 1989 at the

Haywood Park Hotel.

RALPH BISHOP - OBTAINING CITY RECORDS

Ralph Bishop commented on his previous request to

obtain records relative to the new parking garages. He asked how the news media received a copy of the records when he was told they would not be available until

June, 1989.

VII. ADJOURNMENT

Mayor Bissette adjourned the meeting at 6:25 p.m.

MAYOR CITY CLERK
