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Tuesday - June 6, 1989 - 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, 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:

**INVOCATION**

The invocation was given by Councilman Frank.

**APPROVAL OF MINUTES**

Mayor Bisette announced the approval of the minutes of the May 23, 1989 meeting as submitted.

**I. PROCLAMATIONS:**

**A. Resolution No. 89-66 - Resolution in memory of Bob**

**Waters.**

Mayor Bisette read a resolution expressing Council's

sorrow over the recent passing of Bob Waters, Western Carolina University's coach for more than twenty years.

Upon motion of Councilman York, seconded by Councilman

Price, Resolution No. 89-66 was unanimously adopted.

**Resolution Book No. 17 Page No. 411**

**B. Proclamation - "Management Week" - June 5 - 10, 1989**

Mayor Bisette read the proclamation and presented a

copy to Jim Tyson and Iris Wardlaw with the National

Management Association.

**C. Proclamation - "Rape Prevention Month" - June, 1989.**

Mayor Bisette read the proclamation and presented a

copy to Leigh Dudazik, Executive Director for Rape Crisis Center for Buncombe, Madison, and Henderson Counties.

**D. Presentation of award by Quality Forward.**

Susan Roderick with Quality Forward presented William F.

Wolcott, Jr., Associate City Manager with an Environmental Excellence Award from Quality Forward for his outstanding efforts in the landscape work around the Municipal Parking decks. Mr. Wolcott was instrumental in the construction of these projects.

**II. PUBLIC HEARINGS:**

**A. Public hearing relative to rezoning property located at**

**Buckstone Court and I-240.**

**Ordinance No. 1768 - Ordinance rezoning property located**

**at Buckstone Court and I-240.**

Mayor Bissette said the Asheville Planning and Zoning

Commission on May 3, 1989, reviewed and recommended approval of rezoning Ward 8, Sheet 11, Lots 35-1/2 and 53 from R-3 Residential District to CS Commercial Service District.

Mayor Bissette opened the public hearing at 4:20 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.

Don Sherrill, from the Planning Department, presented

the recommendation of the Planning and Zoning Commission. He also reviewed the surrounding zoning and uses of property. He said the rezoning would be in accordance with the 2010 plan.

Mayor Bissette closed the public hearing at 4:26 p.m.

Councilman Martin moved for the adoption of Ordinance

No. 1768. This motion was seconded by Vice-Mayor Michalove.

On a roll call vote of 7-0, Ordinance No. 1768 passed on first reading.

**B. Public hearing relative to amendment to sign package -**

**Westgate Shopping Center Group Development**

Mayor Bissette said the Asheville Planning and Zoning

Commission on May 3, 1989 reviewed the request of the Property Manager of Westgate Shopping Center to amend the sign package to permit the Spa Health Club to have a sign 31 square feet. The Commission voted to recommend that the request be denied and that signage of 25 square feet be permitted in accordance with the original approval which

stipulated signage to conform with the Zoning Ordinance.

Mayor Bissette opened the public hearing at 4:28 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.

Don Sherrill, from the Planning Department, presented

the recommendation of the Planning and Zoning Commission that the request for a 6 square foot variance be denied and that signage of 25 square feet be permitted as original approved.

Richard Drexler, Property Manager for Westgate

Corporation, said he had been with Westgate since March,

1989. He said the sign request is from a major tenant of Westgate, Spa Health Club.

Several members of Council expressed concern that the

sign was erected without first obtaining a sign permit.

Mayor Bissette closed the public hearing at 4:40 p.m.

After discussion, Councilman Price moved to approve the

request to allow for a 31 square foot sign for the Spa Health Club. This motion was seconded by Councilman Bratton.

On a voice vote of 4-3, Councilman Price's motion failed

with Councilmen York, Price, and Bratton voting "aye" and Mayor Bissette, Vice-Mayor Michalove, Councilman Frank and Councilman Martin voting "no".

### **C. Public hearing relative to amendment to sign package-**

#### **Oakley Plaza Shopping Center Group Development**

Mayor Bissette said the Asheville Planning and Zoning

Commission on May 3, 1989 reviewed the request of Crawford Sign Company to amend the sign package of Oakley Plaza Shopping Center to permit the Mandarin Plaza Chinese Restaurant to have a sign either 72 square feet, 40.25 square feet or 31.25 square feet. The Commission voted to recommend that the request be denied and that signage of 30 square feet be permitted in accordance with the original signage approval of 1 square foot of attached wall signage per linear foot of building frontage.

Mayor Bissette opened the public hearing at 4:42 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.

Don Sherrill, from the Planning Department, presented

the recommendation of the Planning and Zoning Commission. He said since the Commission meeting Crawford Sign Company has agreed to accept the recommendation of the Planning and Zoning Commission. However, the request

would still need to have Council's

approval since it is different from the original sign package approved by Council.

Mayor Bissette closed the public hearing at 4:46 p.m.

Councilman Frank moved to amend the sign package of

Oakley Plaza Shopping Center to permit the Mandarin Plaza Chinese Restaurant to have signage of 30 square feet in accordance with the original signage approval of 1 square foot of attached wall signage per linear foot of building frontage. This motion was seconded by Councilman Martin and carried unanimously.

**D. Public hearing relative to annexing a noncontiguous area**

**on U.S. 19-23 known as Pawn World Gun Supply.**

**Ordinance No. 1769 - An ordinance annexing a**

**noncontiguous area on U. S. 19-23 known as Pawn World Gun Supply.**

Mayor Bissette said the City of Asheville has received a

petition from Mr. DeWayne Roberson requesting annexation of a noncontiguous area known as Pawn World Gun Supply on Highway 19-23. The City Clerk has investigated the petition and has certified that it is sufficient.

Mayor Bissette opened the public hearing at 4:47 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, from the Planning Department, presented

a detailed map of the property proposed for annexation. She said the property is within 1.98 miles to the nearest city limit line. She also presented a brief video of the property . She said the property is a one acre lot with mixed use.

Upon inquiry of Council, Ms. Tallerday said the

petitioner wishes to be annexed into the City since he can not operate a pawn shop in the county. She said the State had first informed him that he could; the petitioner paid the state for his licenses and now they are saying that he can not operate in the county.

Ms. Tallerday said it would be in the best interest of

the City to negotiate a contract with Enka Volunteer Fire Department for fire services at a cost of \$78.00 per year. She said the Buncombe County Sheriff's Department has agreed to continue furnishing police protection at no cost. She said the streets will become city system streets. She said revenues for the property will be \$1,117.00 plus fees and licenses.

Councilman York suggested that prior to the third

reading of the ordinance, the City Attorney come up with an agreement with the petitioner to waive garbage pick up pending the outcome of the entire annexation area which is in court at the present time.

Mayor Bissette closed the public hearing at 4:56 p.m.

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.

1769. This motion was seconded by Councilman York.

On a roll call vote of 7-0, Ordinance No. 1769 passed on first reading.

### **III. OLD BUSINESS:**

#### **A. Ordinance No. 1765 - Third reading of an ordinance**

**relative to rezoning property at 43 Oakley Place, petition of Darrell Redmond by Carla Taylor, Agent.**

Mayor Bissette said the Asheville Planning and Zoning

Commission on April 5, 1989 reviewed and recommended approval of rezoning Lot 19, Sheet 6, Ward 6, from R-3 Residential District to CS Commercial Service District.

Mayor Bissette said the ordinance previously passed on first and second readings and would not be reread in its entirety.

On a roll call vote of 7-0, Ordinance No. 1765 passed on third and final reading.

**Ordinance Book No. 11 Page No. 449**

#### **B. Ordinance No. 1766 - Third reading of an ordinance**

**relative to regulating the operating or maintenance of automobile graveyards and junkyards in the zoning jurisdiction of the City of Asheville.**

Mayor Bissette said the Asheville Planning and Zoning

Commission on April 5, 1989 reviewed and recommended adoption of the ordinance. This ordinance previously passed on first and second reading.

Mayor Bissette said the ordinance previously passed on first and second readings and would not be reread in its entirety.

Mack Jones from Sweeten Creek Road spoke in opposition

to the ordinance. He said he had also opposed the zoning of his property when it was originally zoned since the zoning made his business a nonconforming use. He said his property should be zoned to Heavy Industrial to allow for his junkyard.

Mayor Bissette told Mr. Jones that the staff would look

into the zoning of his property.

On a roll call vote of 7-0, Ordinance No. 1766 passed on third and final reading.

**Ordinance Book No. 11 Page No. 450**

**C. Ordinance No. 1762 - Second reading of an ordinance**

**amending Article 13 of Chapter 30 of the Code of Ordinance of the City of Asheville to create the Albemarle Park Historic District.**

Mayor Bissette said the Asheville Planning and Zoning

Commission on April 5, 1989 reviewed the request of the Albemarle Park-Manor Grounds Association, through the Historic Resources Commission, that their area be designated a local historic district. The Commission voted to recommend approval of the designation and to exclude the property on Charlotte Street south of the Gatehouse zoned CG Commercial General.

Mayor Bissette said at the May 16, 1989 meeting Council

remanded the six (6) properties on Charlotte Street to the Planning and Zoning Commission for further consideration. He said Council also postponed the second reading of the ordinance until June 6, 1989 to give the property owners an opportunity to meet with Jim Daniels and R. L. Bailey, owners of some of the lots facing on Charlotte Street.

Rich Matthews, property owner in Albemarle Park, said it

is his understanding that R. L. Bailey and Jim Daniels still do not want their properties included in the historic district. He requested that Council remand the entire area to the Planning and Zoning Commission for further consideration and still give more time to work with Mr. Bailey and Mr. Daniels.

Vice-Mayor Michalove commented that Council has still

reserved the right to consider including the six (6) lots at a later date by their previous action to remand the properties to the Planning and Zoning Commission. He said Council, in his opinion, should still consider individual property rights. He said he would be in favor of continuing with the second reading of the ordinance.

Councilman Martin moved to remand the entire area to the

Planning and Zoning Commission for further consideration. This motion was seconded by Councilman Frank and carried on a voice vote of 6-1, with Vice-

Mayor Michalove voting "no".

**IV. NEW BUSINESS:**

**A. Resolution No. 89-67 - Resolution authorizing the City**

**Manager to execute a contract on behalf of the City of Asheville with General Administrators, Inc. for Group Health Insurance.**

Mayor Bissette said General Administrators, Inc.

proposes a rate considerably less than Blue Cross/Blue Shield to administer our plan at the same benefit level. In addition they agreed to a six months contract which would allow us to work toward the implementation of the cafeteria plan by January 1, 1990.

John Miall with the Management Services Division said the references received on General Administrators, Inc. was outstanding.

James Brunson, with General Administrators, Inc., said his company currently administers many plans and will provide no loss - no gain benefits to the employees.

Upon motion of Councilman Frank, seconded by Councilman Price, Resolution No. 89-67 was unanimously adopted.

**Resolution Book No. 17 Page No. 412**

**B. Resolution No. 89-68 Resolution authorizing the condemnation of property in the Murdock Avenue Bridge Replacement Project.**

Mayor Bissette said the Asheville Housing Authority has been unsuccessful in negotiating a settlement with the owner of Parcel 4 of the Murdock Avenue Bridge Replacement Project. Condemnation of Parcel 4 is necessary to acquire the portion required for replacement of the Murdock Avenue Bridge.

Upon motion of Vice-Mayor Michalove, seconded by Councilman Price, Resolution No. 89-68 was unanimously adopted.

**Resolution Book No. 17 Page No. 413**

**C. Resolution No. 89-69 - Resolution authorizing the condemnation of property in the Hazel Mill Road Bridge Replacement Project.**

Mayor Bissette said the Asheville Housing Authority has been unsuccessful in negotiating a settlement with the owner of Parcel 5 of the Hazel Mill Road Bridge Replacement Project. Condemnation of Parcel 5 is necessary to acquire the portion required for replacement of the Hazel Mill Road Bridge over Southern Railway.

Upon motion of Vice-Mayor Michalove, seconded by Councilman Price, Resolution No. 89-69 was unanimously adopted.

**Resolution Book No. 17 Page No. 414**

**ACTION RELATIVE TO AMENDING SITE PLAN FOR OAKLEY PLAZA (FORMERLY THE CHEROKEE PLAZA)**

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Mayor Bissette was excused from participation and vote on the amendment to the site plan for Oakley Plaza due to a conflict of interest.

Vice-Mayor Michalove presided over the meeting during

this issue.

Councilman Bratton moved to amend the site plan for the

Oakley Plaza (formerly the Cherokee Place) Shopping Center, originally approved June 9, 1987, so as to provide for the developer's participation in sewer construction in the sum of \$30,000.00, to provide for an expenditure of \$6,000.00 by the developer in additional landscaping to be approved by City Planning Staff, and to delete the requirement that the developer participate in the construction of public sidewalks. In addition, the City Manager shall be authorized to execute an agreement with the developer providing for these improvements. This motion was seconded by Councilman

Frank and carried unanimously.

## **VI. OTHER BUSINESS:**

### **CLAIMS - KENNETH MCAFEE (WATER) - GENEVA LAMB (WATER) - MAXINE WEAVER (WATER)**

The City Manager presented claims received from Kenneth McAfee, Geneva Lamb, and Maxine Weaver.

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

### **LAWSUITS - PETER R. FALCIGNO, JOAN HOLMES VS. CITY OF ASHEVILLE (SEWER BACKUP)**

The City Manager said the city was served with a small claims action on May 25, 1989 involving Peter R. Falcigno, Joan Holmes v. City of Asheville relative to a sewer backup.

Mayor Bissette referred the action to the City Attorney for

investigation and recommendation.

### **STATEMENT BY PRESIDENT OF THE FRATERNAL ORDER OF POLICE - PAY PLAN**

Tommy Aardema, President of the Fraternal Order of Police, read a prepared statement which in essence said the new pay plan is totally unacceptable to the members of the Fraternal Order of Police. He said the pay plan is an insult to members of the Asheville Police Department. He said they are requesting a 12.5% cost-of-living increase; merit pay of 4% - 6% - 7.5% and longevity in the amount of \$250 for employees employed for five (5) years and \$50.00 for each year thereafter. He said this plan would provide adequate pay for the police officers.

Mr. Aardema said the police officers scheduled a rally today in front of the City Building in opposition to the pay plan.

Ms. Lennie Sidnick, from the Grove Park area, spoke in support of the police officers proposal and in general.

The City Manager said that a City Council meeting was not the forum or the place for him to speak to employees about administrative issues. He apologized for the employees taking this approach to the pay plan issue. He commented that the pay plan is adopted every year when the budget is adopted and is subject to annual appropriations. He said \$1 million has been put into the budget to implement the new pay plan. He again highlighted the new pay plan. He said every city employee would be attending sessions on the new pay plan and given a printout of the pay schedule.

Mayor Bissette said he wanted to be certain that pay plan is competitive. He said as long as he knows that every employee is on a competitive level with cities in this region he would be satisfied or at least as satisfied as he can be given the political reality that there is only so much money to go around. He said if the plan is competitive he feels the

Council has fulfilled their responsibility.

Councilman Bratton said employees are the most valuable product and she expressed concern that the employees feel they can not express their concerns to management rather than Council.

Vice-Mayor Michalove said he was also concerned that the employees feel they have to bypass management. He said he felt this process is unhealthy and employees and managers should create a communication process. He asked that this process begin as quickly as possible.

Councilman Martin said in his opinion the employees have a right to object to the plan, however, procedures have not been followed

to make those objections.

Councilman Frank said she felt the proposed pay plan is fair and reasonable.

Councilman York said he also felt the pay plan should be competitive and in his opinion it is fair and reasonable. He said he would like for the communication dialogue to improve between employees and management.

## **VII. ADJOURNMENT**

At 6:15 p.m. Vice-Mayor Michalove moved to adjourn the meeting and for Council to go into executive session. This motion was seconded by Councilman Bratton and carried unanimously.

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**MAYOR CITY CLERK**

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