

Tuesday - July 10, 1990 - 4:00 P.M.

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor William

G. Moore; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Eugene W. Ellison and William W. Estes; Assistant City Attorney Patsy Brison; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F.

Wolcott, Jr.

Absent: Corporation Counsel William F. Slawter

INVOCATION

The invocation was given by Councilman Price.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes of June 26, 1990 meeting as submitted.

I. PROCLAMATIONS:

A. Proclamation - "Consumer Credit Counseling Week" -

July 16 - 20, 1990

Mayor Michalove proclaimed the week of July 16 - 20, 1990 as

"Consumer Credit Counseling Week" and presented the proclamation to Bob Bennett with the WNC Consumer Credit Counseling Service.

B. Proclamation - "Therapeutic Recreation Week" -

July 9 - 13, 1990

Mayor Michalove proclaimed the week of July 9 - 13, 1990 as

"Therapeutic Recreation Week".

II. PUBLIC HEARINGS:

III. OLD BUSINESS:

A. Report relative to the Globe Furniture Building Facade.

The City Manager said after a fire which destroyed the Globe Furniture building, the building was demolished except for the facade. He said negotiations have taken place with the current owner to obtain an easement to insure the facade will be retained. In exchange for this easement, the City Manager said the owner requires that the City pay for the stabilization costs. He said the retention of the facade would assist in salvaging some of

the urban character on Broadway.

He said following previous discussion the Council authorized

the City Manager to negotiate an easement with the property owner and asked for a firm quote to stabilize the Globe Facade. He said a proposal had been received in the amount of \$9,600 for the stabilization of the facade.

He said the Downtown Commission passed a motion urging the

City to contribute \$5,000 with the private sector donating \$5,000 and that a separate organization be set up to facilitate similar situations. He said the entire amount of the private funds have not been raised, however, he recommended that Council authorize the expenditure contingent upon the remainder of the funds being raised by the private sector.

Councilman Ellison said the sum of \$3,500 had previously

been discussed; therefore, he moved to support funding the stabilization of the facade in an amount not to exceed \$3,500 as previously stated and voted upon provided the private sector raises the remaining funds of \$6,500 by January 1, 1991. This motion was seconded by Councilman Price.

Vice-Mayor Moore said it is his understanding that two

property owners in the downtown area have received notices to remove unsightly remains after recent fires. He said in his opinion the facade on the Globe Furniture Building can be completely rebuilt similar to the current facade. He said six (6) months for the facade to stand in an unsafe condition is too long. He said the buildings and the facade should be removed within ninety (90) days.

Councilman Estes commented that the City should not spend

money on something that can be rebuilt. He said if the private sector wants to retain the facade then they should be responsible for raising 100% of the monies.

At the request of Councilman Bratton the minutes of the

March 13, 1990, meeting regarding the Globe Furniture Building facade were read.

Upon inquiry of Council, Bob Hixson, Chief Building

Inspector, said the facade in its present condition is unsafe.

Councilman Ellison amended his motion to provide that the

private sector raise \$6,500 to stabilize the facade by October 10, 1990. This amendment was accepted by Councilman Price.

Councilman Bratton made a substitute motion to readopt her

motion made at the March 13, 1990 meeting as follows: "to authorize the City Manager to negotiate an easement with the property owner and that staff come back to City Council with the budget amendment to authorize the stabilization work".

Councilman Bratton's motion died for the lack of a second.

Councilman Ellison's motion passed on a voice vote of 5-2,

with Councilman Estes and Councilman Bratton voting "no".

B. Consideration of Janitorial Services.

Mayor Michalove said the awarding of the bids was discussed

at the June 26, 1990 meeting and Council postponed consideration of the bids until July 10, 1990 giving members of Council an opportunity to review requests presented during that meeting.

The City Manager said members of Council were furnished

additional information regarding the janitorial contract. He said it is his understanding that Mr. D's Cleaning Service no longer desires to be involved in the cleaning of the City Hall Building.

Steve Warren, Attorney representing Mr. D's Cleaning

Service, said after reviewing the bidding process he determined that both Mr. D's and SKF Enterprise Inc.'s bids were valid, legal, and proper in all respects. He said the amount bid for the square footage to be cleaned is competitive with other cleaning services in the City. He further read a portion of a letter forwarded to City Attorney Bill Slawter which stated that Mr. D's and SKF Enterprises, Inc. no longer desire to be involved in the political issues connected therewith. He said this letter was also signed by Dorvan Farmer, owner of Mr. D's Cleaning Service and Katre Farmer, owner of SKF Enterprises, Inc.

Bill Anderson, Attorney for Katre Farmer, owner of SKF

Enterprises, Inc., reiterated comments of Steve Warren and further stated that his client no longer desires to be involved in the janitorial contract or bidding process for the City of Asheville.

After discussion, Councilman Ellison moved to reject all

janitorial contract bids and to authorize the City Manager to negotiate, outside the bidding process, a contract for one year with Luxury Services for janitorial services for the City Hall Building based on a fair market value for the services. Further, that if an agreement can not be reached with Luxury Services that the janitorial contract be re-bid following the proper bidding process. This motion was seconded by Vice-Mayor Moore.

Larry Linney, Attorney for Luxury Services, disagreed with

the motion stating that his client submitted a valid, fair and responsible bid and should be awarded the contract based on his bid.

Tony Strickland, owner of Luxury Services, said he would not

be interested in the contract if as a result of the negotiation process the price is too low for the services. He said it has been determined that Mr. D's Cleaning Service has received approximately \$80,000 per year for the cleaning.

Councilman Ellison reminded Mr. Strickland that he has the

right to negotiate for a fair market price.

Mr. Strickland was then given the opportunity to consult

with his attorney on the motion.

Dee Williams, with the Asheville Business Development

Council, said she felt the community needs more support from Council. She said Council should be more assertive and more pro-active and not let the city staff lead them.

Larry Linney reported that he had advised his client to

negotiate the contract, but would request that the contract not be limited to one year as the previous contract was not so limited.

Councilman Ellison amended his motion to provide that the negotiated contract would include an option to renew it on an annual basis, not to exceed a three year term, with set limits on annual increases in the price included in the contract. Vice-Mayor Moore consented to the amendment.

Council requested an annual report from staff on the service contract before it is renewed each year.

Councilman Bratton also requested that staff advise Council members of the results of the negotiations with Luxury Services.

After discussion, Councilman Ellison's motion passed unanimously.

Mayor Michalove requested that Council receive an annual report on all contracts before they are renewed.

C. Report - Council Sign Committee.

Mayor Michalove said on June 5, 1990 the City Council established a committee to review the Sign Ordinance.

Vice-Mayor Moore said the Mayor's Sign Ordinance Revision

Committee held a meeting on Monday, July 2, 1990. He said the Committee discussed the action taken by Council at its June 26 meeting relative to a procedure for possible revision of the sign ordinance. He said the Committee

approved the following recommendations to Council:

1) That the City Attorney, City Manager, and Planning

Director revert to the status of staff support for the Committee.

2) That the Mayor be asked to appoint three more committee members. Recommended (if they can and will serve) are Mike Plemmons, Mike Moser, Jerry Grant.

3) That a public forum on the ordinance be held on Tuesday, July 31, at the Asheville Civic Center to coincide with a short regular meeting of Council.

4) That as soon as practicable after the forum the Mayor's Committee make recommendations to Council as a whole on if and how the ordinance should be revised.

5) That Council make a final determination with respect to revisions and, if necessary, schedule a public hearing on its proposed revisions.

Vice-Mayor Moore moved that the Sign Ordinance Revision Committee's recommendations be accepted. This motion was seconded by Councilman Bratton and carried unanimously.

IV. NEW BUSINESS:

A. Ordinance amending Chapter 19A of the Code of Ordinances of the City of Asheville (Personnel Ordinance)

The City Manager said a draft comprehensive Personnel

Ordinance has been developed. It incorporates the recommendations of several employee committees. The ordinance will be supplemented by Civil Service Rules and Regulations and City-wide personnel policies. He requested that the Council set a public hearing on the proposed ordinance for July 24, 1990.

Pam McGrayne, Personnel Director, explained the process used

to develop the proposed Personnel Ordinance. She said in September, 1988 eight (8) employee committees were established to review current personnel policies and to make recommendations for inclusion in the Personnel Ordinance. She said the proposed ordinance has been presented to the Civil Service Board, department heads, and employees. She said employee sessions regarding the ordinance were not mandatory but there was good participation.

Pam McGrayne highlighted important aspects of the proposed ordinance and answered general questions from members of Council.

Mayor Michalove listed his concerns and comments regarding

the proposed ordinance and said the Civil Service Board commented that the substance of the ordinance is fine; however, they felt the context of the ordinance should be included as part of the Civil Service Rules and Regulations.

After discussion, Councilman Ellison moved to schedule a

public hearing on the proposed Personnel Ordinance for July 24, 1990. This motion was seconded by Councilman Bratton

and carried unanimously.

B. Ordinance No. 1859 - Budget ordinance amendment to appropriate funds for the Rental Rehabilitation Program.

The City Manager said the City has received funding approval

of \$54,000 from HUD through the Rental Rehabilitation Program. This budget ordinance amendment will appropriate the funds into the City budget. The program is subcontracted with the Housing Authority for administration.

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

Councilman Estes moved for the adoption of Ordinance No.

1859. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1859 passed on first and final reading.

Ordinance Book No. 12 - Page 173

C. Ordinance No. 1860 - Ordinance amending Section 25-5 of the Code of Ordinances (Selling and Entertaining on Streets and Sidewalks).

Leslie Anderson, Downtown Development Director, said the revisions to the Code would provide a permitting process for street cart vending, outdoor dining contiguous to restaurants and street entertainment. This will enliven the street atmosphere, provide entrepreneurial opportunities and create pedestrian interest.

She said the Downtown Commission recommends approval of the ordinance. She said they have received requests to include other areas of the City in the ordinance.

Vice-Mayor Moore moved for the adoption of Ordinance No.

1860. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1860 passed on first reading.

Councilman Frank moved to suspend the rules and proceed to the second reading of Ordinance No. 1860. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1860 passed on second reading.

V. CONSENT:

A. Resolution No. 90-89 - Resolution appointing member to the Tourism Development Authority.

SUMMARY: The term of office of Steve Miller will expire on August 30, 1990. This resolution will reappoint

Steve Miller for a 3-year term, term expiring August 30, 1993, or until his successor is duly appointed and qualified.

Resolution Book 18 - Page 160

B. Resolution No. 90-90 - Resolution appointing member to the

Asheville Area Civic Center Commission.

SUMMARY: The term of office of Celine Lurey expired on June

30, 1990. This resolution will reappoint Mrs. Lurey to the Asheville Area Civic Center Commission for a 3-year term, term expiring June 30, 1993, or until her successor is duly appointed and qualified.

Resolution Book 18 - Page 161

**C. Resolution No. 90-91 - Resolution appointing members to the
City of Asheville Police Officers and Firefighters**

Disability Review Board.

SUMMARY: The terms of office of Douglas R. Franklin and Dr.

John A. Henderson will expire on July 19, 1990. This resolution will reappoint Mr. Franklin and Dr. Henderson to the City of Asheville Police Officers and Firefighters Disability Review Board for a 2-year term, term expiring July 19, 1992, or until their successors are duly appointed and qualified.

Resolution Book 18 - Page 162

**D. Resolution No. 90-92 - Resolution appointing members to the
Asheville Regional Airport Authority.**

SUMMARY: The terms of office of Ivor Barrett and Nelson Ferg

expired on June 30, 1990. This resolution will reappoint Mr. Barrett and Mr. Ferg to the Asheville Regional Airport Authority for a 4-year term, term expiring June 30, 1994, or until their successors are duly appointed and qualified.

Resolution Book 18 - Page 163

**E. Resolution No. 90-93 - Resolution appointing members to the
Asheville-Buncombe Crime Stoppers Committee.**

SUMMARY: The terms of office of Joe Haight, Virginia

Washington, and Norma Price expired on June 30, 1990. This resolution will reappoint Mr. Haight, Mrs. Washington, and Mrs. Price to the Asheville-Buncombe Crime Stoppers Committee for a 3-year term, term expiring June 30, 1993, or until their successors are duly appointed and qualified.

Resolution Book 18 - Page 164

**F. Resolution No. 90-94 - Resolution of intent to close a
portion of Beaver Drive and scheduling a public hearing on
August 7, 1990.**

SUMMARY: A petition signed by all property owners along the

unopened portion of Beaver Drive has been received. There would be no adverse effects from closing the right-of-way. The Lakeview Park Commission has been notified of the proposed closing.

Resolution Book 18 - Page 165 - 166

Upon motion of Councilman Frank, seconded by Vice-Mayor

Moore, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

CLAIMS - GLORIA BANKS (TRAFFIC ENGINEERING) - JANICE HARRINGTON (STREETS) - DREW LAWSON (WATER) - GLENDA LANCE (STREETS) - LARRY PENLEY (SEWER) - LINDA ANN CLONTZ (WATER) - MARIE FORE (WATER) - ROBERT WATKINS (WATER)

The City Manager said the City received claims from Gloria

Banks, Janice Harrington, Drew Lawson, Glenda Lance, Larry

Penley, Linda Ann Clontz, Marie Fore, and Robert Watkins.

Mayor Michalove referred the claims to the City Attorney for

investigation and recommendation.

Resolution No. 90-95 - Resolution authorizing the City Attorney to file a Complaint and Declaration of Taking and other related documents in the Buncombe County Superior Court for the condemnation of certain tracts of real property located in the South Asheville and Haw Creek Annexed Areas for the construction and installation of Sewer/Wastewater Lines

The City Manager presented a resolution authorizing the City

Attorney to file a Complaint and Declaration of Taking and other related documents in the Buncombe County Superior Court for the condemnation of certain tracts of real property located in the South Asheville and Haw Creek Annexed Areas for the

construction and installation of Sewer/Wastewater Lines.

Upon motion of Councilman Frank, seconded by Vice-Mayor Moore,

Resolution No. 90-95 was unanimously adopted.

Resolution Book 18 - Page 167-168

Ordinance No. 1861 - Ordinance readopting Ordinance No. 1567 establishing the Asheville Downtown Commission

Mayor Michalove noted that Ordinance No. 1567 provided that the

Asheville Downtown Commission be embodied until June 30, 1990. He said since purposes outlined for the Commission have not been completed there is a need to extend this date. He said the proposed ordinance will extend the Commission until December 31, 1990.

Councilman Price moved for the adoption of Ordinance No. 1861.

This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1861 passed on first

reading.

Councilman Bratton moved to suspend the rules and proceed to the second reading of Ordinance No. 1861. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1861 passed on second reading.

Councilman Bratton moved to suspend the rules and proceed to the third reading of Ordinance No. 1861. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1861 passed on third and final reading.

Ordinance Book 12 - Page 182

Ralph Bishop - Comments relative to evaluation of Council

Ralph Bishop spoke to members of Council relative to an evaluation of Council's accomplishments during their seven (7) months of tenure.

VII. ADJOURNMENT.

Mayor Michalove adjourned the meeting at 6:30 p.m.

MAYOR CITY CLERK
