

Tuesday - July 24, 1990 - 4:00 P.M.

Regular Meeting

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

William G. Moore; Councilmen Mary Lloyd Frank, Wilhelmina Bratton, Eugene W. Ellison and William W. Estes; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City

Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Norma T. Price

Councilman Wilhelmina Bratton arrived at 4:27 p.m.

### **INVOCATION**

The invocation was given by Councilman Estes.

### **APPROVAL OF MINUTES**

Mayor Michalove noted that approval of the minutes of the July 17, 1990 meeting has been withheld pending amendments.

### **I. PROCLAMATIONS:**

**A. Proclamation - "Red Cross Swim-A-Cross Week" - July 28 - August 4, 1990 and Saturday, July 28 as "Celebrity Belly Flop Day".**

Mayor Michalove read the proclamation presenting a copy to John Teeter with the American Red Cross.

Mr. Teeter highlighted the events taking place during Swim-A-Cross Week and Celebrity Belly Flop Day.

**B. Resolution No. 90-101 - Resolution recognizing Hershey Track Meet Participants.**

Oralene Simmons with the Parks and Recreation Department

said six (6) individuals from Asheville have placed first in their events at the N.C. Hershey Track Meet at Raleigh, N.C. The N.C. Hershey's Track and Field Meet, held in Raleigh, N.C., had a large number of entries from all of the state of North Carolina. The City of Asheville Parks and Recreation Department hosted the Western Region preliminary meet and the winners of this meet represented Western North Carolina at the state finals in Raleigh. Of those who represented the Asheville area, the following individuals were first

place winners in their respective events:

11 and 12 boys 400 Meter - Gabriel Johnson

13 and 14 boys Standing Long Jump - John Avery

13 and 14 girls Standing Long Jump - Lanette McClain

13 and 14 girls 4 x 100 Relay - Avis Swinton

Adrian Smith

Nikivia Smith

Lanette McClain

Lanette McClain was invited last year to represent the

Southeast Region at the Hershey Track and Field Meet National Finals in Hershey, Pennsylvania. There will be only five people from the Southeastern Region chosen to go to the Hershey finals and these have not yet been announced. However, we would like very much to congratulate these individuals for their outstanding performance in the state finals of the Hershey Track and

Field Meet.

Mayor Michalove read the resolution of recognition and

stated that each of the participants would receive a copy of the resolution.

Upon motion of Councilman Ellison, seconded by

Councilman Frank, Resolution No. 90-101 was unanimously adopted.

### **Resolution Book No. 12 - Page 178**

## **II. PUBLIC HEARINGS:**

### **A. Public hearing relative to the closing of Beaumont**

#### **Street between South Charlotte Street and South Market Street.**

Mayor Michalove said the closing of this section of

Beaumont will allow maximum usage of the area for the Public Works Operations Complex. Access from east end residential area will be available by one additional block of travel for both vehicles and pedestrians.

Mayor Michalove opened the public hearing at 4:13 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.

Jim Ewing, Director of Public Works, presented an area

map showing the surrounding properties and major streets around Beaumont Street. He said in order to proceed with the construction of the Public Works Complex it is advantageous to close Beaumont Street. He said a recent traffic count was conducted which revealed that Beaumont Street is a local and not a collector road. He said under the current design for the Public Works Complex it is necessary to close Beaumont Street and the Public Works Department is

recommending the closing of Beaumont Street.

Councilman Ellison said it is his understanding that

there were several street design plans dating back to 1970 which allowed for Beaumont Street to remain open. He said he would like to review these plans before voting on the closing of Beaumont Street.

Councilman Bratton arrived at the meeting at 4:27 p.m.

The City Manager highlighted the street design plans

previously proposed for that area, placing emphasis on the southern loop which was proposed around the downtown area.

Gerald Green, from the Planning Department, said the

Planning and Zoning Commission reviewed and recommended approval of the proposed Public Works Complex with one of the contingencies being the closing of Beaumont Street and Dixon Alley. He said the Asheville City

Council previously approved the Public Works Complex as recommended by the Planning and Zoning Commission.

Carroll Hughes, from Spaceplan, Architect for the Public

Works Complex, outlined the proposed facility. He said some Public Works activities are currently operating on South Charlotte Street. He said the proposed facility will centralize all divisions of the Public Works Department into one central location. He said several designs were reviewed, including one to close Beaumont and one to leave it open. He said due to safety, the proposed complex will not physically work if Beaumont remains open.

Mr. Hughes said a meeting was held with representatives

of Mt. Zion Church about the complex but not regarding the closing of Beaumont Street. He said their main concern was the viewing of garbage trucks from their homes and the church.

Mr. Hughes said the complex would improve the appearance

of property on Eagle Street and the redesign of Eagle Street would also help traffic in that area.

Larry Holt, Deputy Executive Director of the Housing

Authority, said a presentation was made to the East End Community Club relative to the Public Works Complex. He said the closing of Beaumont Street was addressed and a pedestrian walkway was suggested around the parking lot north of the administration building.

Mr. Holt said to his knowledge no formal presentation

was made to the South Pack Square Committee regarding the Public Works Complex.

Council requested that Mr. Holt go back and review the

plans in the Urban Renewal Projects and the 1977 plan for the Clingman/Valley Street Connector to determine the status of Beaumont Street at that time.

Wanda Henry Coleman, Executive Director of the YMI

Cultural Center and a member of the South Pack Square Committee, said the closing of Beaumont Street should be carefully examined. She said Beaumont Street provides an important link between the East End and South Pack

Square. She said these two areas were once a single

large community that was split first by the widening of South Charlotte Street and now by the Public Works Complex. She said this link is important for the growth of black economic development. She presented petitions from the Mt. Zion Church and St. Johns Church as well as the NAACP requesting that Beaumont Street remain open.

Jim Samsel, Co-Chairman of the South Pack Square

Committee and property owner on Biltmore Avenue, spoke in opposition to the closing of Beaumont Street. He presented documentation that Beaumont Street is heavily used for vehicular and pedestrian traffic.

Jay Stewart, 42-44 Biltmore Avenue, spoke in opposition to the closing of Beaumont Street.

Rev. John Calhoun, of St. John's Baptist Church, spoke

in opposition to the closing of Beaumont Street. He said the Public Works facility should be placed in an industrial area rather than downtown.

John Grant, from the Mt. Zion Baptist Church, speaking

on behalf of the members of the church, presented petitions in opposition to the closing of Beaumont Street. She said the City staff did not communicate the plans for the Public Works facility or the proposed closing of Beaumont Street. He said the members would like to have input into these decisions. He said Beaumont Street is used as an access by the members of the church and for funerals.

Minnie Jones said the Beaumont Street area is a historical landmark and should be preserved.

The City Manager indicated that if Beaumont Street

remains open the Public Works Complex can not be constructed on the proposed site. He said the construction of the facility is a number one priority for the City of Asheville at the present time.

After further discussion, Mayor Michalove closed the public hearing at 5:40 p.m.

Vice-Mayor Moore moved that Council schedule a work

session with the East End Community Club, the South Pack Square Committee, Planning Staff, and the Chairman of the Planning and Zoning Commission to discuss the proposed closing of Beaumont Street and the construction of the Public Works Complex. He said the meeting would be held at the YMI Cultural Center within the next forty (40) days. This motion was seconded by Councilman Ellison and carried unanimously.

Mayor Michalove said the date for the work session would be announced at next week's Council meeting.

## **B. Public hearing relative to an ordinance amending Chapter**

### **19A of the Code of Ordinances of the City of Asheville (Personnel Ordinance).**

Mayor Michalove 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.

Mayor Michalove opened the public hearing at 5:47 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.

Mayor Michalove said comments would be taken at this

public hearing as well as written comments and Council would schedule and announce the first reading of the ordinance at a later date.

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.

Ms. McGrayne said the Civil Service Board, on a vote of

3-2 approved the substance of the ordinance. She said they felt the context of the ordinance should be included as part of the Civil Service Rules and

Regulations.

Mrs. McGrayne said flyers were distributed to each

employee notifying them of this public hearing as well as posters displayed in many locations.

Larry Bopp, Director of Information Services, said he

served as Chairman of the Conditions for Employment Committee, which was represented by seven departments. He said his committee surveyed ten other North Carolina cities as well as city employees to come up with recommendations for conditions for employment.

Jack Ramsey, Fire Department employee, Chairman of the

Leave Committee, said his committee also surveyed other cities, state and federal governments, as well as private enterprise to come up with recommendations for leave time for city employees.

Mike Holcombe, from the Water Department, said he was

Chairman of the Hiring Process Committee. He said his committee reviewed existing Civil Service Rules and Policies, the hiring process of four other southeastern cities, as well as the federal employment selection process in order to come up with recommendations that would be fair to the employee and the employer.

David McFee, President of the Asheville Firefighters

Association, pointed out that if Council adopts the Personnel Ordinance employees would have two sets of rules and regulations. He said the employees of the City do not want the Civil Service Law abolished. He said the proposed rules and regulations in the Personnel Ordinance could be incorporated into the Civil Service Law.

Mr. McFee pointed out several sections of the proposed

ordinance that needed Council's attention. He said the ordinance leaves payroll deductions at the discretion of the City Manager. He said on several occasions the Asheville Firefighters Association has been denied payroll deduction for dues. He said the Fraternal Order of Firefighters and the Fraternal Order of Police have payroll deductions for dues.

He made comments relative to the following sections of

the proposed ordinance:

Section 19A-22 - Employee Procedures - Promotion Process

- as far as drug testing is concerned should be conducted on a fair basis. He said blood tests are accurate; however, urine test are not accurate.

Section 19A-26 - immediate family - hiring - should be clearly defined.

Section 19A-41 - the right to use sick leave or vacation

as a supplement to worker's compensation is being taken away and they are in opposition to that amendment.

Section 19A-55 - Disability should be determined by a doctor rather than by the Personnel Director.

Section 19A-60 - Unsatisfactory Job Performance - should

be better defined. He said an employee should not be disciplined or dismissed because of being physically or mentally incapacitated. He said there could be a fine line in determining discourteous treatment to coworkers. He said inappropriate personal conduct should be better defined.

Section 19A-68 (3) - The selection of a Grievance

Committee should also include the selection of members by an employee and not just the City Manager.

Glen Holcombe, Secretary-Treasurer of the Asheville

Firefighters Association, said the amendment to the Workers Compensation section is a reduction in benefits. He said provisions in the current grievance procedure should be carried forward into the new ordinance, particularly referring to retroactive action. He also said the Association should be allowed payroll deductions for dues. He said the Personnel Ordinance should be a part of the Civil Service Rules and Regulations and not a separate document.

Bob Lovin, Captain at the Fire Department, requested

that additional leave time be allowed for employees in the National Guard and Reserves.

Chief John Rukavina, Chairman of the Discipline and

Grievance Committee, said his committee reviewed the Civil Service law and the current grievance procedure in coming up with recommendations.

Fred McKenzie, from the Inspections Division, asked

Council to take a close look at Section 19A-34 relative to residency requirements. He commented that this requirement

is frequently changed and employees need to be assured what the regulation will be for the future.

Shelia Fellerath, member of the Civil Service Board,

commented that there could be a serious potential conflict if the proposed personnel ordinance is not made a part of the Civil Service Law.

Mayor Michalove closed the public hearing at 6:33 p.m.

Mayor Michalove said members of Council would take the

comments under advisement and schedule the first reading of the ordinance at a later date. He said employees would be notified of the date prior to Council taking any action on the ordinance.

### **C. Public hearing for the financing of a radio**

**communication system.**

### **Resolution No. 90-102 - Resolution authorizing filing an**

**application with the North Carolina Local Government Commission for a proposed financing agreement for radio system acquisition and designating the authorized representative of the City to file the application.**

Mayor Michalove opened the public hearing at 6:34 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.

The City Manager said this resolution will provide

for an application to the Local Government Commission for a lease/purchase arrangement for the acquisition of a radio communication system for the City. He said it is proposed that the financing will be through First Wachovia Leasing in the amount of \$1.6 million for seven (7) years at a rate of 6.9972.

There being no comments, Mayor Michalove closed the

public hearing at 6:37 p.m.

Mayor Michalove said members of Council were

previously furnished copies of the resolution and it

would not be read in its entirety.

Upon motion of Councilman Ellison, seconded by

Councilman Estes, Resolution No. 90-102 was unanimously adopted.

**Resolution Book 18 - Page 179-180**

**III. OLD BUSINESS:**

**IV. NEW BUSINESS:**

**A. Resolution No. 90-103 - Resolution authorizing request**

**for a Planning and Development Grant from Z. Smith**

**Reynolds Foundation for a Downtown Urban Trail.**

The City Manager said the City has taken the lead in

organizing 9 organizations in developing a concept for an urban trail project. The trail would be in the core area of the downtown and tell of the social, political, cultural and architectural history of Asheville -- an experimental local history museum. The grant would provide a consultant to design the direction of

historical research and an oral history component.

Upon inquiry of Council, the City Manager said the

grants would be in the amount of \$9,000 from the Z. Smith Reynolds Foundation and \$750 from the N. C. Humanities Council. He said the City's obligation at the present is \$5,000. He said the City is not obligating to provide funds for the continuation of the project beyond the design stage.

Mayor Michalove said Council is proceeding cautiously

in this action noting that the Council is not making any assurances for continuation of the this project beyond the \$5,000 commitment for the design.

Mayor Michalove said members of Council were previously

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

Upon motion of Vice-Mayor Moore, seconded by Councilman

Bratton, Resolution No. 90-103 was unanimously adopted.

**Resolution Book 18 - Page 181**

**B. Ordinance No. 1862 - Budget Ordinance Amendment - Year-**

**End Capital Budget Amendments.**

The City Manager said these amendments will incorporate

"cleanup" capital budget revisions into the Accounting System. These amendments transfer money appropriated for Capital Projects from the Capital Reserve Fund into the Project Fund.

Mayor Michalove said copies of the ordinance were

previously furnished to members of Council and it would not be read in its entirety.

Vice-Mayor Moore moved for the adoption of Ordinance

No. 1862. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1862 passed

on first and final reading.



**Ordinance Book No. 12 - Page 183**

**C. Sale of Disposal Parcels 48, 144, 145, and 198 in the East End/Valley Street Community Improvement Program.**

The City Manager said the Housing Authority has

accepted a bid on the above mentioned parcels from American Home Services, a partnership composed of David M. Dunn, Barney P. Woodard, Jr., J. William Mills and Charles S. Pinkerton. The bid in the amount of \$89,400.00 is equal to the total minimum price for the four parcels which have a combined area of 4.467 acres. The bid includes a proposal to construct 44 one bedroom apartments dedicated to low-income, elderly occupancy. The proposed redevelopment is in accordance with the

East End/Valley Street Community Improvement Program.

Councilman Ellison moved to approve the sale of

Disposal Parcels 48, 144, 145, and 198 in the East End/Valley Street Community Improvement Program as recommended by the Housing Authority. This motion was seconded by Councilman Estes and carried unanimously.

**V. CONSENT:**

**A. Resolution No. 90-104 - Resolution appointing member to the Disability Review Board.**

SUMMARY: The term of office of Captain J. M. Coffey

as a member of the City of Asheville Police Officers and Firefighters Disability Review Board will expire on June 19, 1990. This resolution will appoint Phyllis F. Martin to

the City of Asheville Police Officers and Firefighters Disability Review Board for a term of 2 years, term expiring on July 19, 1992, or until her successor is duly appointed and qualified.

**Resolution Book 18 - Page 182**

**B. Resolution No. 90-105 - Resolution appointing member to the Asheville Area Civic Center Commission.**

SUMMARY: The term of office of Sally Pearlman, as a

member of the Asheville Area Civic Center Commission, expired June 30, 1990. This resolution will appoint Richard Schumacher to the Asheville Area Civic Center Commission for a 3 year term, term expiring on June 30, 1993, or until his successor is

duly appointed and qualified.

**Resolution Book 18 - Page 183**

**C. Resolution No. 90-106 - Resolution authorizing the City**

**Manager to execute a contract with Hobson Construction Company for replacement of the Murdock Avenue Bridge**

**over Reed Creek.**

SUMMARY: Sealed bids were opened in the Director of

Public Works Office at 10:00 a.m. July 17, 1990. Four bids were received for the Murdock Avenue Bridge Replacement Project. Hobson Construction Company was low bidder in the amount of \$156,587.84. The low bid received from Hobson Construction Company was 27.4% below the engineer's estimate.

BIDS (4)

Hobson Construction Company \$156,587.84

Tennoca Construction Company \$171,178.10

Lyons Construction Company \$228,120.00

Buncombe Construction Company \$247,279.94

**Resolution Book 18 - Page 184**

**D. Resolution No. 90-107 - Resolution authorizing the**

**Mayor to execute a contract with Taylor & Murphy Construction Company for replacement of the Hazel Mill Road Bridge over Southern Railway.**

SUMMARY: Sealed bids were opened in the Director of

Public Works Office at 10:00 a.m. July 17, 1990. Seven bids were received for the Hazel Mill Road Bridge Replacement Project. Taylor and Murphy Construction Company was low bidder in the amount of \$316,001.08. The low bid received from Taylor and Murphy Construction Company was 40.7% below the engineer's estimate.

BIDS (7)

Taylor & Murphy Construction \$316,001.08

Hobson Construction Company \$324,980.45

Simpson Construction Company \$330,442.41

Lyons Construction Company \$347,353.42

Dellinger, Inc. \$352,762.45

Crowder Construction Company \$379,875.95

Buncombe Construction Company \$443,448.81

**Resolution Book 18 - Page 185**

**E. Resolution No. 90-108 - Resolution authorizing the**

**Mayor to execute a contract with Taylor & Murphy Construction Company for replacement of the Thompson Street Bridge over Sweeten Creek.**

SUMMARY: Sealed bids were opened in the Director of

Public Works Office at 10:00 a.m. July 17, 1990. Three bids were received for the Thompson Street Bridge over Sweeten Creek. Taylor and Murphy Construction Company was low bidder in the amount of \$162,247.36. The low bid received from Taylor and Murphy Construction Company was 17.3% below the engineer's estimate.

BIDS (3)

Taylor & Murphy Construction \$162,247.36

Buncombe Construction Company \$167,731.74

Apple Tuck & Associates, Inc. \$183,682.89

**Resolution Book 18 - Page 186**

Upon motion of Councilman Frank, seconded by Councilman

Ellison, the consent agenda was unanimously approved.

**VI. OTHER BUSINESS:**

**A. Report from Sign Revision Committee**

Vice-Mayor Moore, Chairman of the Sign Revision Committee,

made the following report to Council:

The Mayor's Sign Ordinance Revision Committee met at 10 a.m., Friday, July 20, in City Hall. Present were: Members Moore, Frank, Grant, Moser and Plemmons; Staff Members Slawter, Penny,

and Cogburn.

The following decisions were reached:

1. The public forum on experience to date with the sign ordinance will be held at 5:30 p.m. on Tuesday, July 31, 1990, following a regular City Council meeting at 4 p.m. Both meetings will be held in the Banquet Room of the Civic Center.
2. Present and at the center head table for the Forum will be the members of the Mayor's Sign Ordinance Revision Committee.

Appropriate city staff members will be seated at a side head table. All members of council not members of the Sign Ordinance Committee will be urged to remain for the forum as observers and will be seated at another side head table.

3. Discussion at the Forum will be restricted as much as possible to SPECIFIC questions and observations about the ordinance. Speakers will be directed to discuss specifics and to confine their remarks to three minutes unless the chairman sees a valid reason for extending the time.
4. A representative of the Planning Department will be assigned to list the names of speakers who voice specific questions or complaints about the ordinance. The Planning Department also will obtain speakers' phone numbers and mailing addresses so that questions and observations that cannot be answered during the forum because of the press of time can be addressed later.
5. The Forum will be recessed for 30 minutes at approximately 7 p.m. to allow committee and staff members time for a break and some refreshments. The Forum will continue until all present have been given an opportunity to speak.

6. The Planning Department aided by City Clerk will be responsible for advertising the Forum and for the room arrangements.

Following the Forum, the Planning Department will:

1. Start on the task of answering all questions from city sign owners unanswered during the Forum.
2. Collate the most common and/or most significant questions problems aired during the Forum and by the Planning Department since the ordinance took effect.
3. Prepare a report to be used by the committee during its deliberations.

Because of pending vacations and other commitments, the Sign Ordinance Committee will not meet after the Forum until 10 a.m., Monday, August 13. At that time, the Committee will be required to answer two questions. They are:

1. Is any revision necessary?
2. If the answer is yes, what revisions should be made?

The Committee's recommendations will be presented to City Council at its Tuesday, August 14th, meeting.

If the decision is to revise the ordinance in any part, the process that will follow will involve a joint public hearing before City Council and the Planning and Zoning Commission, public notices of the hearing, readoption by City Council, of the revised ordinance, and a reopening of the 9-month window in which sign owners may file suit.

If the Sign Ordinance Committee does recommend revision, a step-by-step process for accomplishing that will be presented by the

Committee to council along with the recommendation to revise.

## **B. Ordinance No. 1863 - Budget Ordinance Amendment - Bridge**

### **Replacement Projects**

The City Manager presented a budget ordinance amendment

appropriating funds for the Murdock Avenue Bridge Project, the Hazel Mill Road Bridge Project, and the Thompson Street Bridge Project. He said 80% of the projects would be funded by the federal government.

Councilman Frank moved for the adoption of Ordinance No.

1863. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1863 passed on

first and final reading.

### **Ordinance Book No. 12 - Page 184**

## **C. City Council Meeting - July 31, 1990 - Civic Center Banquet**

### **Room**

Mayor Michalove announced that the regularly scheduled

meeting for the Asheville City Council for July 31, 1990 will be held at the Asheville Civic Center Banquet Room.

**D. Request of Kitty Boneski - Appropriations for Visits to Vladikavkaz, USSR in connection with the Sister City Program**

Upon the request of Kitty Boneski and after discussion, Vice-

Mayor Moore moved that the City of Asheville assume financial responsibility for three delegates from Vladikavkaz, USSR coming to the States in April, 1991. The financial responsibility would be transportation from Washington DC to Asheville and return plus pocket money. He further moved

that Councilman Wilhelmina Bratton, Carol Alberice and Gerald Green from the Planning Department be the City's official representatives to visit Vladikavkaz in September, 1990. This motion was seconded by Councilman Frank and carried unanimously.

**E. Report - Janitorial Contract - City Hall Building**

The City Manager said negotiations for the Janitorial

Contract have been concluded with Luxury Services. The negotiated contract price is \$49,900. This amount is equal to \$.83 per square foot. The amount is higher than the average which is approximately \$.65; however, it does not make the city contract the highest in the downtown area. The starting date for the janitorial services will be sometime in early August.

**F. June Grant - Damage to Fuddrucker's Sign**

June Grant expressed concern relative to the recent vandalism

to the Fuddrucker's business sign on Charlotte Street. She said the business sign was legal at the present time until due process of law has expired.

Vice-Mayor Moore said Council does not take the vandalism

action lightly and the incident would be very carefully investigated by the Asheville Police Department.

Chris Johanson also expressed concern about the damage done

to the Fuddrucker's business sign.

**G. Request for funding - War on Drug Commission - Pete DeSaix**

Rev. Pete Banyai reported to Council that the Buncombe County

Commissioners have agreed to fund the War on Drug Commission in the amount of \$50,000. He again appealed to Council for the City to help fund the War on Drug Commission.

Councilman Ellison and Councilman Bratton said they wanted to

be assured that any funds the City appropriates to the Drug Commission would be for the direct use of a program and would benefit the people and efforts intended.

**Claims - Charles Lawrence (Water) - Tara Morris (Streets) - Jodi Lunsford (Streets) - Peggy Bornemann (Planning) - City of Asheville - Laura Gentry (Water)**

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The City Manager said the claims were received from Charles

Lawrence, Tara Morris, Jodi Lunsford, Peggy Bornemann, City

of Asheville, and Laura Gentry.

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

**Lawsuit - Florence Robbs - Fall/Water Meter Box**

The City Manager said the City was served with a lawsuit on July 18, 1990 involving Florence Robbs (Fall when shoe caught lid of water meter box).

Mayor Michalove referred the lawsuit to the City Attorney for investigation and recommendation.

**CONTINUATION OF NEW BUSINESS**

**D. Appeal of Charles Parker - Disability Review Board.**

Vice-Mayor Moore announced that, since he had participated in the deliberations and decision of the Disability Review Board concerning the request of Mr. Parker, he would ask to be excused from participation in the consideration of this matter by the City Council in order to avoid the possibility of a conflict of interest. Upon motion of Councilman Bratton, seconded by Councilman Frank, the City Council voted unanimously to excuse Vice-Mayor Moore from participation in consideration of this matter.

Mr. Parker was present at the City Council meeting for the presentation of his appeal, and was represented by his attorney, Joseph A. Ferikes. Following the presentation on behalf of Mr. Parker, the City Council held an executive session to discuss the merits of Mr. Parker's claim, which executive session was called for by motion of Councilman Ellison, seconded by Councilman Estes, and adopted unanimously by the City Council. Following deliberations in executive session, the City Council returned to open session and upon a unanimous vote of 5-0 voted to allow Mr. Parker's appeal and grant him supplemental benefits, based upon Findings of Fact and Conclusions of Law to be prepared by the City Attorney and approved by the City Council. A copy of the transcript of proceedings is on file in the Office of the

City Clerk.

**VII. ADJOURNMENT.**

Mayor Michalove adjourned the meeting at 8:00 p.m.

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**MAYOR CITY CLERK**

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