

Tuesday - March 1, 1994 - 4:00 p.m.

Regular Meeting

Present: Mayor Russell Martin, Presiding; Vice-Mayor Chris Peterson; Councilwoman Barbara Field, Councilman Gary McClure, Councilwoman Leni Sitnick, Councilman Joseph Carr Swicegood and Councilman Herbert J. Watts; City Attorney William F. Slawter; Interim City Manager William B. Farris; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

INVOCATION

Vice-Mayor Peterson gave the invocation.

I. PROCLAMATIONS:

A. RESOLUTION NO. 94-42 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE
MELVIN C. WALSH III

City Manager Farris read the resolution stating that Melvin C. Walsh III has been an employee for 27 years and has requested retirement from his position as Police Officer Senior. He expressed City Council's appreciation to Melvin for his service to the City of Asheville and its citizens.

Councilwoman Field moved for the adoption of Resolution No. 94-42. This motion was seconded by Vice-Mayor Peterson and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 265

B. RESOLUTION NO. 94-43 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE
HAROLD WAITES

City Manager Farris read the resolution stating that Harold Waites has been an employee for 34 years and has requested retirement from his position as Fire Captain. He expressed City Council's appreciation to Harold for his service to the City of Asheville and its citizens.

Councilman Watts moved for the adoption of Resolution No. 94-43. This motion was seconded by Councilwoman Sitnick and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 266

C. RESOLUTION NO. 94-44 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE
MARCUS SNYDER

City Manager Farris read the resolution stating that Marcus Snyder has been an employee for 23 years and has requested retirement from his position as Meter Reader III. He expressed City Council's appreciation to Marcus for his service to the City of Asheville and its citizens.

Councilwoman Field moved for the adoption of Resolution No. 94-44. This motion was seconded by Councilman McClure and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 277

II. PUBLIC HEARINGS:

-2-

A. PUBLIC HEARING TO ZONE SECTION III OF BRAESIDE TO R-1 RESIDENTIAL DISTRICT
ORDINANCE NO. 2082 - ORDINANCE ZONING SECTION III OF BRAESIDE TO R-1
RESIDENTIAL DISTRICT

Mayor Martin opened the public hearing at 4:11 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Verl Emrick, Executive Assistant in the Planning Department, said that the owners of the Braeside III subdivision have petitioned the City to annex the area located off Overlook Road. Annexation of the area was completed as of December 29, 1993, in accordance with the wishes of the owners.

The City's ordinances require that zoning be assigned to all annexed areas. On February 2, 1994, the Planning and Zoning Commission met and recommended that the R-1 Residential District zoning classification be assigned to the area. The vote was unanimous and there was no opposition from the public. This property is also subject to the provisions of the Watershed Protection Overlay Ordinance.

Mayor Martin closed the public hearing at 4:14 p.m.

Mayor Martin stated that members of Council have been previously furnished with a copy of the ordinance and it will not be read.

Councilman Swicegood moved for the adoption of Ordinance No. 2082. This motion was seconded by Councilwoman Sitnick.

On a roll call vote of 7-0, Ordinance No. 2082 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 138

B. PUBLIC HEARING RELATIVE TO REZONING 8 LOTS IN THE VICINITY OF THE
INTERSECTION OF HAZEL MILL ROAD AND LOUISIANA AVENUE FROM R-3 RESIDENTIAL
DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT (PLANNING AND ZONING COMMISSION
RECOMMENDED REZONING TO OI OFFICE INSTITUTIONAL DISTRICT)

ORDINANCE NO. 2083 - ORDINANCE TO REZONE 7 LOTS IN THE VICINITY OF THE
INTERSECTION OF HAZEL MILL ROAD AND LOUISIANA AVENUE FROM R-3 RESIDENTIAL
DISTRICT TO OI OFFICE INSTITUTIONAL DISTRICT

Mayor Martin opened the public hearing at 4:15 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Paul Benson, Urban Planner I, said that the Planning and Zoning Commission, on February 2, 1994, reviewed and recommended approval of rezoning the eight properties located at the intersection of Hazel Mill Road and Louisiana Avenue (PIN Nos. 9638-05-19-6562, 9638-05-19-7310, 9638-05-19-8454, 9638-05-19-5081, 9638-05-19-6169, 9638-05-19-9619, 9638-05-29-0021 and 9638-05-29-0248) from R-3 Residential District to OI Office Institutional District.

-3-

A request was received from the property owners to rezone this property CH Commercial Highway; however, City staff and the Planning & Zoning Commission agreed that OI Office Institutional will be a more appropriate designation for the following reasons: (1) the 2010 Plan indicates the majority of property included within this request is to be developed for institutional use; (2) OI allows for alternative use of property no longer perceived as desirable for residential use; (3) OI standards require open space, limit building coverage and allow for a limited range of use; (4) OI will break up strip commercial zoning along Louisiana Avenue; (5) OI will put less strain on the traffic capacity of Louisiana Avenue, which is projected to have a capacity deficiency by 2020; and (6) OI will verify development patterns at the intersection of Louisiana Avenue and Hazel Mill Road, one corner of which currently has institutional use.

There were several reasons why not to zone the properties to CH Commercial Highway: 1) the street system in this area is not suitable for CH development; 2) these properties do not have sanitary sewer service; service would have to be extended from Patton Avenue at great expense; 3) CH rezoning would lead to the complete strip zoning of North Louisiana Avenue; and 4) CH zoning has been denied in this area in the past.

Planning staff recommended the rezoning of all properties with the exception of the Hyder property on Hazel Mill Road (PIN No. 9638-05-19-6562). He recommended that it remain zoned R-3 Residential District. They felt that since this request does not include the John Queen property (who was not interested in being rezoned), a very poor zone boundary would be formed by the rezoning of the Hyder lot. Also, Hazel Mill Road west of the Louisiana Avenue intersection is a very solid residential area.

Dr. Jesse P. Chapman Jr. referred Council to a letter which was written on February 2, 1994, in opposition of the rezoning to CH Commercial Highway.

Mayor Martin closed the public hearing at 4:20 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Swicegood moved for the adoption of Ordinance No. 2083, rezoning seven lots in the vicinity of the intersection of Hazel Mill Road and Louisiana Avenue (deleting PIN No. 9638-05-19-6562 from the rezoning - to remain zoned R-3 Residential District) from R-3 Residential District to OI Office Institutional. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 2083 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 140

C. PUBLIC HEARING TO REZONE THREE LOTS NEXT TO 185 BRICKYARD ROAD FROM R-2 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT

ORDINANCE NO. 2084 - ORDINANCE TO REZONE THREE LOTS NEXT TO 185 BRICKYARD ROAD FROM R-2 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT

-4-

Mayor Martin opened the public hearing at 4:21 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Paul Benson, Urban Planner I, said that the Planning and Zoning Commission, on February 2, 1994, reviewed and recommended approval of rezoning the three lots located next to 185 Brickyard Road (PIN Nos. 9639-13-04-5778, 9639-13-94-7344 and 9639-13-14-0336) from R-2 Residential District to R-5 Residential District.

An R-2 designation will allow for the creation of affordable housing because manufactured homes and manufactured home parks are permitted uses. Currently, much of the area is developed at a medium to low density residential with a mixture of manufactured and site-built, single family homes. He said that it does fit the development pattern of the area.

Upon inquiry of Councilwoman Sitnick relative to any opposition to the rezoning, Mr. Benson stated that there was opposition, but mostly from the neighboring R-2 residents. They felt it was unfair that mobile homes would be allowed next to them in the R-5 District and they could not put mobile homes in their R-2 District. They was also some concern mentioned about the narrow road.

It was the consensus of Council to have Mr. Benson recommend to the Planning and Zoning Commission look at the possibility of eliminating the left over block of R-2 Residential District zoning in that immediate area.

Ms. Mary Hughes, petitioner of the rezoning, stated that her Realtor felt that if the property were rezoned to R-5 Residential District, it could be developed into a subdivision for double-wide or modular homes.

Mayor Martin closed the public hearing at 4:28 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Field moved for the adoption of Ordinance No. 2084. This motion was seconded by Councilman Watts.

On a roll call vote of 7-0, Ordinance No. 2084 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 142

D. PUBLIC HEARING TO REZONE 59 WEST OAKVIEW ROAD FROM LI LIGHT INDUSTRIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT

ORDINANCE NO. 2085 - ORDINANCE TO REZONE 59 WEST OAKVIEW ROAD FROM LI LIGHT INDUSTRIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT

Mayor Martin opened the public hearing at 4:29 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

-5-

Mr. Paul Benson, Urban Planner I, said that the Planning and Zoning Commission, on February 2, 1994, reviewed and recommended approval of rezoning 59 West Oakview Road (PIN No. 9627-13-13-6048) from LI Light Industrial District to R-2 Residential District.

This designation allows for a low density residential district permitting single and multi-family development on minimum lots of 10,000 square feet, with

maximum densities of 6 units per acre.

Councilman McClure said that he received a phone call about the water line not being properly installed, water line leaks undermining the road and also the increase of traffic on the road. Mr. Benson said that if a site plan comes in for a development in this rezoned area, those type problems be addressed in the group development review process.

Mr. Allen Crowell was concerned about the increase in traffic on Oakview Road and stated that they do intent to keep farming in that area.

Mayor Martin closed the public hearing at 4:33 p.m.

Mayor Martin said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Field moved for the adoption of Ordinance No. 2085. This motion was seconded by Councilman Swicegood.

On a roll call vote of 7-0, Ordinance No. 2085 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 144

B. CONTINUATION OF PUBLIC HEARING TO REVIEW THE SCHEDULE OF RATES AND CHARGES OF TCI CABLEVISION OF ASHEVILLE FOR THE BASIC SERVICE TIER AND ALL EQUIPMENT, INSTALLATION AND OTHER SERVICES USED FOR THE BASIC SERVICE TIER

Mayor Martin said that this public hearing was originally opened on December 14, 1993.

City Attorney Slawter said that through past Council action it was determined that TCI Cablevision was charging more than is permitted by the FCC for basic service tier. TCI was directed to reduce their rates. Council will need to determine whether TCI will provide refunds for the amount overcharged to customers from September 1, 1993, with interest on the refunds computed at applicable rates published by the IRS for tax refunds and additional tax payments.

Mr. Dan Martin, Executive Director of TCI Cablevision, reviewed the letter he sent earlier to the Council requesting that the City delay any further action on local rate regulation until they have had a chance to recalculate the new benchmark rates mandated by the FCC and they have the opportunity to implement the changes. In reference to the proposed rate rebate, they believe that the September 1, 1993, rollback is revenue neutral. The current rates of an average customer show a reduction of \$4.71 or 11.5% in the average customer's monthly bill.

-6-

He said calculating the rebates for basic, expanded and franchise fees as well as the increased costs for equipment on a per subscriber basis back to September 1, 1993, is an almost impossible task and will cause a great deal of disruption and confusion for the average customer, especially when one considers the move is basically revenue neutral.

He said that the FCC rules will be released to them within the next two weeks and the FCC mandated rate change and the City Council 22 cent rate reduction will occur on the June 1 bill (due to their billing cycle). He explained to the Council that if they request the rebate back to September 1, 1993, the

rebate will be approximately \$1.50 per average customer. Rebates for customers with one converter box will see a one-time increase of approximately \$7.00 (equipment charge) and the one-time \$1.50 reduction. In summary, 35% of their customers will receive a one-time reduction of approximately \$1.50 and 65% of their customers will receive a one-time increase of approximately \$7.00 or more, depending on how many converter boxes they have, and the one-time decrease of approximately \$1.50. He said TCI Cablevision's goal is to make their customers happy and stated that out of 526 systems, TCI Cablevision rated #17 in customer satisfaction. He felt the rebate back to September 1, 1993, will not result in the customer's satisfaction. He urged Council again to delay any further action until they have had the chance to recalculate the new benchmark rates mandated by the FCC.

City Attorney Slawter said that Council action to date has only ordered TCI Cablevision to reduce their rates. He was not sure how Mr. Martin felt this would require an increase in some situations.

Assistant City Attorney Patsy Meldrum said that since the new FCC rules are not available yet, she saw no problem in Council continuing the public hearing in order to give the legal staff time to review the new rules. She suggested Mr. Martin furnishing the City Attorney's Office with a full explanation of his comments in order that they can review that also.

Vice-Mayor Peterson asked the City Manager to give a report to the Council on the franchise agreement with TCI Cablevision as it relates to the time frame TCI Cablevision has in which to pay the City its franchise fee.

Upon inquiry of Councilwoman Sitnick on how TCI Cablevision knows how much to pay the City in franchise fees, Mr. Martin said that they pay the City 6% of basic and expanded service and that percentage is part of the 1967 franchise agreement. He said he would be happy to work with the City on an updated franchise agreement.

Councilwoman Field moved to continue the public hearing until April 5, 1994, on the issue surrounding the rebate. This motion was seconded by Councilman Watts and carried unanimously.

Mr. Ralph Bishop commented on the unfairness of the policy set by Council that presentations by the public shall be limited to no more than 10 minutes for the main spokesperson for a group and no more than three minutes for other individuals.

III. UNFINISHED BUSINESS: None

-7-

IV. NEW BUSINESS:

A. ORDINANCE NO. 2086 - ORDINANCE CHANGING THE SPEED LIMIT ON NIXON TERRACE FROM 35 MPH TO 25 MPH

Mr. Jim Ewing, Public Works Director, said that the speed limit along Nixon Terrace is 35 mph. A speed study was completed and the geometry of the street was evaluated for safe vehicular speed.

Bull Mountain Road and Memory Lane currently are posted 25 mph. Radar observations indicate that the 85th percentile speed is 28 mph and pace speed ranges from 21 to 30 mph.

Nixon Terrace is a wide residential roadway that extends downhill from Lindsey

Road to Memory Lane. Children were seen playing in the area. Based upon field observation a reasonable acceptable speed limit, given the 25 mph limit in the area, would be to reduce the allowed speed limit to 25 mph. Police enforcement will be necessary to assure compliance to the reduced speed limit.

Mayor Martin said that members of Council have been previously furnished with a copy of the ordinance and it would not be read.

Councilman Watts moved for the adoption of Ordinance No. 2086. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 2086 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 146

B. ORDINANCE NO. 2087 - ORDINANCE CHANGING THE SPEED LIMIT ON BEECHWOOD ROAD AND CROCKETT AVENUE FROM 35 MPH TO 30 MPH AND ON OAKRIDGE ROAD AND FERNLAWN ROAD FROM 35 MPH TO 25 MPH

Mr. Jim Ewing, Public Works Director, said that a speed study was completed and the geometry of the streets were evaluated for safe vehicular speed. He recommended the speed limit be reduced on Beechwood Road and Crockett Avenue from 35 mph to 30 mph and that the speed limit on Fernlawn and Oakridge be reduced from 35 mph to 25 mph.

Mayor Martin said that members of Council have been previously furnished with a copy of the ordinance and it would not be read.

Councilwoman Sitnick moved for the adoption of Ordinance No. 2087. This motion was seconded by Vice-Mayor Peterson.

On a roll call vote of 7-0, Ordinance No. 2087 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 147

C. RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER N. C. GEN. STAT. SEC. 160A-31 TO ANNEX A CONTIGUOUS AREA LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF RICEVILLE ROAD AND U.S. HIGHWAY 70 AND KNOWN AS THE VETERANS ADMINISTRATION MEDICAL CENTER

City Manager Farris requested that this item be removed from the agenda. He said that it would be placed back on the agenda after City Council had an opportunity to have a worksession regarding the matter.

-8-

D. RESOLUTION NO. 94-45 - RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT AND RELATED DOCUMENTS FOR THE INSTALLMENT PURCHASE OF TWO FIRE TRUCKS

City Manager Farris said that on August 3, 1993, City Council approved the purchase of one 55 foot aerial fire truck and one 75 foot aerial fire truck. The acquisition of these fire trucks via installment purchase has been contemplated in the City's Capital Improvements Program. The current CIP on page 12 includes an appropriation to pay the debt service on the contract. Competitive proposals were requested from 18 banking and other funding sources. Eleven responses were received. The proposal from First Citizens Bank at 3.71% APR is the lowest received. This resolution would permit the Mayor, the Interim City Manager, the City Clerk and/or the Finance Director to sign the documents

necessary to accomplish the installment purchase of the trucks.

Councilwoman Field moved to excuse Councilman McClure from voting due to a conflict of interest. This motion was seconded by Councilman Watts and carried unanimously.

Mayor Martin said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Field moved for the adoption of Resolution No. 94-45. This motion was seconded by Councilman Swicegood and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 268

E. RESOLUTION NO. 94-46 - RESOLUTION AUTHORIZING PARKS AND RECREATION CONSOLIDATION

City Manager Farris said that the resolution authorizes the City Manager to work with the County Manager to develop a plan for consolidating the City and County Parks and Recreation Departments.

The list of services and facilities provided by the City and County parks and recreation departments are very similar and the customer bases served by the two departments overlap in many areas. Therefore, consolidation of the departments may provide some economies of scale that would make it possible to realize some level of cost savings. In addition, consolidation may allow greater flexibility in the use of resources that would actually result in higher quality services.

A recent survey of nearly 500 people by the Asheville department indicates that 79% felt that there would be significant advantages realized in a consolidated department. Sixty-four percent of the respondents were city residents; thirty-six percent were residents of the unincorporated area of the county.

Discussions concerning consolidation have been held with the county manager. We have agreed that the plan should be developed with no preliminary concepts about organization. The fundamental objective is to provide quality parks and recreation services that represent value to our customers and for which the costs are equitably distributed. We have also recognized that the resolution to some organizational issues may require facilitation by a third party.

-9-

Every effort will be made to have a consolidation plan ready for Council's review during the budget process. A reasonable target date for implementation is January, 1995.

Councilman Swicegood felt this was a great way to save tax dollars and also provide better services.

Councilwoman Sitnick felt that, when appropriate, a joint meeting with the County Commissioners and City Council would be in order so that if any questions came up they could be addressed at that time.

Vice-Mayor Peterson and Councilman McClure commended the City Manager for looking at ways to strive for a better government at less cost.

Mayor Martin said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Field moved for the adoption of Resolution No. 94-46. This motion was seconded by Councilwoman Sitnick and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 269

F. BUDGET AMENDMENT TO INCREASE APPROPRIATION FOR CONTRACT NO. 6 TO ALLOW FOR PROFESSIONAL SERVICES CHARGES ORIGINALLY AWARDED AND BUDGETED WITH CONTRACT NO. 4 AND APPROPRIATE A 4% CONTINGENCY FOR THE REMAINDER OF THE PROJECT

At the request of City Manager Farris, this item was deleted from the agenda.

V. CONSENT:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETINGS HELD ON FEBRUARY 15, 1994, AND FEBRUARY 22, 1994

B. MOTION TO RESCHEDULE THE THIRD AND FINAL READING OF ORDINANCE NO. 1958 DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH 10 SUNSET SUMMIT FROM MARCH 15, 1994, TO MARCH 22, 1994

C. RESOLUTION NO. 94-47 - RESOLUTION OF INTENT TO CLOSE EDGEWOOD ROAD BETWEEN OLD TURNPIKE ROAD AND ROSSCRAGGON ROAD AND CALLING A PUBLIC HEARING ON APRIL 5, 1994

RESOLUTION BOOK NO. 21 - PAGE 270

D. RESOLUTION NO. 94-48 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EASEMENT, AND A RELEASE AND QUIT CLAIM AGREEMENT WITH SOUTH ASHEVILLE HOTEL ASSOCIATES LIMITED PARTNERSHIP

Summary: South Asheville Hotel Associates Limited Partnership is the owner of real property in Asheville. There now runs a 24" water line across the property of South Asheville Hotel Associates Limited Partnership. South Asheville Hotel Associates Limited Partnership has installed a new 24" water line to service its property and the property of Mary C. Gladstone. Gladstone has conveyed to South Asheville a water line easement for the newly-installed 24" water line. This resolution -10-

will authorize the City Manager to execute a Release and Quit Claim Agreement and any other related documents to South Asheville for all rights and interest the City may have in the old water line. This resolution will also authorize the City Manager to accept a water line easement from South Asheville for the new water line.

RESOLUTION BOOK NO. 21 - PAGE 271

E. RESOLUTION NO. 94-49 - RESOLUTION AUTHORIZING SUBMISSION OF AN ASHEVILLE REGIONAL HOUSING CONSORTIUM APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR HOME INVESTMENT PARTNERSHIPS PROGRAM GRANT FOR FY 94-95

Summary: This action will authorize submission of the Asheville Regional Housing Consortium's HOME grant application for 1994 funds. The application is submitted by the Lead Entity of the Consortium. Following are the member governments and Community Housing Development Organizations approved by the Consortium Board of Directors for project funds within their jurisdiction: City of Asheville, County of Buncombe, County of Henderson, County of Madison and Mountain Housing Opportunities. As required by HUD regulations 15% of program funds will be awarded to non-profit Community Housing Development organizations. The total HOME grant will be \$1,092,000. The City will receive \$400,000 for program cost and \$66,104 for administrative cost. The total match

for grant is \$284,665 and the City's share of match is \$60,000.

RESOLUTION BOOK NO. 21 - PAGE 272

Councilman Watts moved for adoption of the Consent Agenda. This motion was seconded by Councilman Swicegood and carried unanimously.

VI. OTHER BUSINESS:

A. ORDINANCE NO. 2088 - BUDGET AMENDMENT RELATIVE TO THE HAW CREEK II ANNEXATION SEWER PROJECT

City Manager Farris said that this budget amendment will amend the FY 1993-94 budget by appropriating \$610,000 for the Haw Creek Sewer Line Project.

A construction contract for \$427,000 was awarded to Buckeye Construction Company in January to install the Haw Creek sewer; however, the contract for the project has not been executed pending appropriation of the necessary funds. The additional funds over the construction contract amount will be used for construction phase engineering services, right-of-way acquisition, and a 10% contingency.

The funds to support the appropriation will come from the proceeds of the 1/2 cent local option sales tax which have been earmarked for the project in the Sewer Fund Balance. Any funds remaining after project completion will return to the Sewer Fund.

The sewer improvements installed in this project must be completed by July 1, 1994, in order to meet the requirements of the annexation plan, so it is important for the contract to be executed and the contractor given notice to proceed as soon as possible.

Councilwoman Sitnick suggested some type of policy to make sure that the entire project estimate is appropriated at the beginning of the project.

-11-

Mr. Ralph Bishop asked why the public was not allowed to speak in Council's worksessions. He felt Council made their decisions in their worksessions and when they come into the formal meeting, their minds are already made up. He felt that his comments fell on deaf ears.

Councilwoman Sitnick responded that his comments do not fall on deaf ears and that because of time restraints during Pre-Council, comments need to be brief but certainly no one has been denied the opportunity to be heard as the meetings are open to the public.

Councilwoman Field stated that the Council did not make their decisions ahead of time and always considered comments made by the public.

Mr. Bishop then made several comments relative to full and accurate City Council minutes.

Mayor Martin said that members of Council have been previously furnished with a copy of the ordinance and it would not be read.

Councilman McClure moved for the adoption of Ordinance No. 2088. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 2088 passed on its first and final

reading.

ORDINANCE BOOK NO. 14 - PAGE 148

B. RESOLUTION NO. 94-50 - RESOLUTION AMENDMENT SECTION 7 OF THE CITY OF ASHEVILLE PERSONNEL POLICY

City Manager Farris read the resolution stating that it will amend the City of Asheville's Personnel Policy to include a definition for contract employee. The existing Personnel Policy only includes definitions for part-time and full-time employees. Adding the definition for contract employee will clarify the City's authority to hire employees on contract basis for a specified term or on an on-going basis.

Although the need to use contract employees is infrequent, it is very useful (1) when employees are needed immediately and a current eligibility list does not exist; (2) when specialized skills are needed for a particular project; and (3) by assisting the City in meeting its affirmative action goals.

Councilman Watts felt this amendment was a great move to try to get the City's Affirmative Action Plan up-to-date especially in the Police and Fire Departments.

Councilman Watts moved for the adoption of Resolution No. 94-50. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 273

C. COMMENTS BY RALPH BISHOP

Mr. Bishop commented on the time-limit speaking policy and felt the policy was not being adhered to uniformly. Mayor Martin responded that any member of the public can address the Council in a reasonable fashion and for a reasonable period of time.

-12-

D. REQUEST REGARDING TAX REVALUATION

Mr. Dennis Weaver asked the City Council to adopt a resolution or policy relative to their position on the recent tax revaluation.

Mayor Martin said that Council will consider this request.

E. CLAIMS

City Manager Farris said that the following claims were received by the City of Asheville during the week of February 14-18, 1994: John Schneider (Parks) and Christie G. Rhom (Sanitation).

He said the following claims have been received by the City during the week of February 21-25, 1994: Mary Shivers (Fire), Asheville Wastepaper (Water), Southern Bell (Water), Virginia Marvin (Water), William Boyle (Inspections), Walmark Associates (Water) and L.C. Ray (Water).

He said that these claims would be referred to the appropriate insurers for investigation.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 5:41 p.m.

CITY CLERK MAYOR
