

Tuesday - March 12, 1985 - 4:00 p.m.

## Regular Meeting

Present: Mayor Larry McDevitt, Presiding; Vice-Mayor Wilhelmina Bratton; Councilmen Mary Lloyd Frank, Norma T. Price, Gordon Myers, and Louis Bisette; Corporation Counsel William F. Slawter; City Manager Neal Creighton; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Walter Boland

## INVOCATION

The invocation was given by Scott Fowler.

## APPROVAL OF THE MINUTES - OF THE MARCH 5, 1985 MEETING

1. Approval of the minutes of the March 5, 1985 meeting.

Mayor McDevitt announced the approval of the minutes of the March 5, 1985 meeting as submitted.

## PRESENTATION BY GARRETT ALDERFER - CHAMBER OF COMMERCE

Mr. Garrett Alderfer, Executive Director of the Asheville Area Chamber of Commerce presented members of Council a copy of the "Sunbelt Success Stretching Across America Reaching Around the World 1984 Literature and Promotional Materials Award" from the Southern Industrial Council. He said this award was presented to the Asheville Area Chamber of Commerce for the Chamber's and the City of Asheville's participation in producing the recent "Quality of Life Publication".

Mr. Alderfer said there would be regional and national awards forthcoming, and they would also be shared with members of Council.

## PUBLIC HEARING - UMTA GRANT - OPERATING ASSISTANCE

### **RESOLUTION NO. 85-24 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED**

2. A public hearing was held relative to a resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1984, as amended.

Mayor McDevitt said this public hearing will afford the citizens of Asheville an opportunity to express their opinions relative to an Urban Mass Transportation grant for transit operating assistance. This resolution will approve filing of an UMTA Grant application for 50% funding from the United States Department of Transportation for transit operating assistance for

Fiscal Year 1985. The expenditures for this project will include 50-50 match between local and federal funds.

Local \$492,410

Federal \$492,409

\$984,819

The funds are placed in the correct budget.

Mayor McDevitt opened the public hearing at 4:17 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.

Carl Owenby, with the Asheville Transit Authority, said this was an annual grant received from the Urban Mass Transportation Department for transit operating assistance.

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

Upon motion of Councilman Frank, seconded by Councilman Bisette, Resolution No. 85-24 was unanimously adopted.

Complete text of Resolution No. 85-24 will be found in Resolution Book No. 15 at page 153 and 154.

**ORDINANCE NO. 1501 - AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF ASHEVILLE TO PROVIDE FOR DIRECT ELECTION OF THE MAYOR BY ALL THE QUALIFIED VOTERS OF THE CITY**

3. Consideration was given to the second reading of Ordinance No. 1501, an ordinance amending the Charter of the City of Asheville to provide for direct election of the Mayor by all the qualified voters of the City.

Mayor McDevitt said Resolution No. 83-209 relative to the process for election of the Mayor was unanimously adopted by the City Council of the City of Asheville on December 6, 1983, and said Resolution provided that the City Council go on record endorsing the concept of examining the feasibility of the Mayor being elected by the citizens rather than by the present process of being elected by the seven (7) members of the City Council. The City Council has continued to examine the feasibility of the direct election of the Mayor by all of the qualified voters of the City. A public hearing was held on February 26, 1985 relative to this ordinance. This ordinance passed on firstreading on Marcy 5, 1985.

Mayor McDevitt said this ordinance was previously read on first reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1501 passed on second reading.

Mayor McDevitt said a resolution calling for a vote of the people relative to the ordinance regarding the direct election of the Mayor will be placed on the agenda for consideration at next week's meeting. He said at that time Council members could decide whether or not to place the ordinance on a special ballot to be considered by the qualified voters of the City.

**ORDINANCE NO. 1502 - AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III (ASHEVILLE TRANSIT AUTHORITY), SECTION 2-39 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE**

4. Consideration was given to an ordinance amending Chapter 2, Article III (Asheville Transit Authority), Section 2-39 of the Code of Ordinances of the City of Asheville.

Mayor McDevitt said this ordinance will change the term of members from five (5) years to four (4) years. Any member may be relieved of service at any time, in the discretion of the City Council.

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

Councilman Price moved for the adoption of Ordinance No. 1502. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1502 passed on first reading.

Councilman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1502. This motion was seconded by Councilman Bissette and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1502 passed on second reading.

Councilman Price moved to suspend the rules and proceed to the third reading of Ordinance No. 1502. This motion was seconded by Councilman Bissette and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1502 passed on third and final reading.

Complete text of Ordinance No. 1502 will be found in Ordinance Book No. **10** at page **251**...

**RESOLUTION NO. 85-25 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR TRAFFIC SIGNAL IMPROVEMENTS WITHIN THE CITY OF ASHEVILLE**

5. Consideration was given to a resolution authorizing the Mayor to execute a municipal agreement between the City of Asheville and the North Carolina Department of Transportation for traffic signal improvements within the City of Asheville.

Mayor McDevitt said the North Carolina Department of Transportation and the City of Asheville propose to make certain street and traffic improvements within the City of Asheville under Project 9.8130277, Buncombe County, consisting of the installation of a closed-loop signal system. This project will provide for the installation of new traffic signal equipment in the Central Business District of Asheville on both City and N.C.D.O.T. system streets. The N.C.D.O.T. has agreed to fund the entire project and allow the City to reimburse the Department of Transportation the City's share (estimated to be \$258,020) over a five (5) year period beginning in FY 1986-87.

Bob McDonald, Traffic Engineer, said this new system will replace the existing twenty year old equipment. He said in order of priorities, Patton Avenue would be first, then Biltmore Avenue, Hilliard Avenue and Haywood Street. He said it would take approximately two or two and one-half years to complete the installation of the new controllers.

Mayor McDevitt said members of Council were furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 85-25 was unanimously adopted.

Complete text of Resolution No. 85-25 will be found in Resolution Book No. **15** at page **155** and **156**.

**RESOLUTION NO. 85-26 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR CONSULTANT SERVICES WITH TRAFFIC SYSTEMS INTERNATIONAL, LTD.**

6. Consideration was given to a resolution authorizing the Mayor to enter into a contract for consultant services with Traffic Systems International, Ltd.

Mayor McDevitt said this resolution will authorize the Mayor to enter into an agreement with Traffic Systems International, Ltd. to design, procure and install new traffic signal system in the Central Business District of Asheville. \$25,215.00 is available in the 1984-85 capital budget for the Traffic Engineering Division.

Upon motion of Councilman Frank, seconded by Councilman Myers, Resolution No. 85-26 was unanimously adopted.

Complete text of Resolution No. 85-26 will be found in Resolution Book No. **15** at page **156**.

**SCHEDULING PUBLIC HEARING - ADOPTION OF RESOLUTION REOPENING KENILWORTH DRIVE AT ITS INTERSECTION WITH PICKWICK ROAD**

7. Consideration was given to a motion scheduling a public hearing relative to the adoption of a resolution reopening Kenilworth Drive at its intersection with Pickwick Road for April 2, 1985.

Mayor McDevitt said a petition has been received, signed by numerous residents of the Kenilworth Area and others, requesting that the City Council reopen Kenilworth Drive for the benefit of the motoring public. This resolution, if adopted, will rescind the City Council's action of February 21, 1984 to close Kenilworth Drive and will authorize the reopening of said street at its intersection with Pickwick Road. This public hearing will afford the citizens of the area to voice their opinions on the reopening of the road.

Councilman Bissette moved to schedule a public hearing relative to the adoption of a resolution reopening Kenilworth Drive at its intersection with Pickwick Road for April 2, 1985. This motion was seconded by Councilman Frank and carried unanimously.

**RESOLUTION NO. 85-27 - RESOLUTION APPOINTING MEMBERS TO CABLE TELEVISION STUDY COMMITTEE - (LaMONT DeBRUHL AND DR. RUDY OGLESBY)**

8. Consideration was given to a resolution appointing LaMont DeBruhl and Dr. Rudy Oglesby as members of the Cable Television Study Committee.

Upon motion of Vice-Mayor Bratton, seconded by Councilman Bissette, Resolution No. 85-27 was unanimously adopted.

Complete text of Resolution No. 85-27 will be found in Resolution Book No. 15 at page 157.

**CLAIMS - JAMES KILGORE (PARKING GARAGE)**

The City Clerk presented a claim received from James Kilgore.

Mayor McDevitt referred the claim to the Corporation Counsel for investigation and recommendation.

**COMMENTS BY COUNCILMAN PRICE - MONTFORD PLANNING COMMITTEE**

Councilman Price said she had attended a meeting on Monday night, March 11, 1985. She said the meeting was well attended by Montford residents, and they expressed concerns of reported crimes in the area and requested help from the Asheville Police Department in this area. She said the residents were hopeful that other Council members would attend the meeting being held this week.

**COMMENTS RELATIVE TO CABLE TELEVISION CHANGES**

Mayor McDevitt said during the pre-Council work session, Councilman Bissette was asked to work, on behalf of the City Council, with the City Attorney and the City Manager to look into the situation regarding the cable television franchise and the compliance with the franchise. He said Council would be taking no formal steps until there has been an opportunity for Asheville Cablevision to respond to Councilman Bissette's letter requesting that the channels that were moved from the basic service to a higher priced tier, March 1 be moved back to the basic service. He said a report would be given next week relative to their findings and a response from the company.

He said at that time, Council would decide what, if any, action would be taken. He said a joint City/County Cable Television Study Committee meeting would be held on Wednesday, March 13, 1985, to discuss the recent changes made by Asheville Cablevision. However, Council's concerns relative to the changes in cable television service would be handled by the Council.

Councilman Price said she had received a number of complaints relative to the changes in the service for the basic service.

Vice-Mayor Bratton thanked Councilman Bissette for his efforts and said he would have the Council's complete

support.

Councilman Myers said he was disappointed in Asheville Cablevision's General Manager's comments and said he thought, not only the Council, but the citizens of the community deserve some answers, other than the blunt statement in the newspaper. He said he had not seen such a controversy in some time, and hopes something else is forthcoming of a positive nature.

**COUNCIL WORK SESSION - THURSDAY - APRIL 4, 1985 - 4:00 P.M.**

Mayor McDevitt announced that Council would have a work session on Thursday, April 4, 1985 at 4:00 p.m.

**ADJOURNMENT**

Councilman Price moved to adjourn the meeting at 4:45 p.m. This motion was seconded by Councilman Bissette and carried unanimously.

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MAYOR CITY CLERK

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