

Tuesday - June 11, 1985 - 4:00 p.m.

Regular Meeting

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

Absent: Councilman Gordon Myers; Corporation Counsel William F. Slawter.

Mayor McDevitt - arriving later in meeting.

INVOCATION

The invocation was given by Councilman Mary Lloyd Frank.

APPROVAL OF THE MINUTES - June 4, 1985 MEETING

1. Approval of the minutes of the June 4, 1985, meeting.

Patsy Brison, Acting Corporation Counsel, requested that the minutes of the June 4, 1985, meeting, page 173, last paragraph, reflect that the Attorney for the Developer of the Sunset Point Condominiums was Penn Dameron instead of Ken Dameron; and that the last sentence of the paragraph should state that he (the Attorney) needs further opportunity to prepare for the presentation to be made to Council, rather than the Developer.

Councilman Boland moved to approve the minutes of the June 4, 1985, meeting as amended. This motion was seconded by Councilman Bisette and carried unanimously.

BUNCOMBE ALTERNATIVES - RECOGNITION OF ANTHONY WILLIS

Councilman Frank introduced Mary Murray, Executive Director of Buncombe Alternatives who recognized Anthony Willis from England who is participating in the U.S. Kingdom Exchange Project in conjunction with Buncombe Alternatives.

PROCLAMATION - RAPE PREVENTION MONTH - JUNE, 1985

2. Vice-Mayor Bratton read the proclamation proclaiming the month of June, 1985, as "Rape Prevention Month."

Vice-Mayor Bratton presented the proclamation to Cassandra Provone with the Rape Crisis Center for Asheville.

Councilman Price said it was her privilege to sit on the Board for the Rape Crisis Center in Asheville, N.C. She said this Center provides educational and emotional support for rape victims. She said she hoped this proclamation will increase the emphasis on the problem and turn our statistics around. She said she was very pleased with the Asheville Center for our community.

ORDINANCE NO. 1521 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED - PROPERTY LOCATED ON NORTH BEAR CREEK ROAD (MR. T. F. DULA PETITION)

3. Consideration was given to the second reading of Ordinance No. 1521, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning for the City of Asheville" as amended - property located on North Bear Creek Road (Mr. T. F. Dula petition.)

Vice-Mayor Bratton said the Asheville Planning and Zoning Commission at a meeting held May 1, 1985, considered

the petition of Mr. T. F. Dula that Ward 6, Sheet 20, Lot 69-1/4 be rezoned from LI Light Industrial District to R-3 Residential District. The property is located on North Bear Creek Road. After discussion, the Commission recommended that the property be rezoned as petitioned. This ordinance was read on first reading on June 4, 1985.

Vice-Mayor Bratton 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 5-0, Ordinance No. 1521 passed on second reading.

Councilman Price moved to suspend the rules and proceed to the third reading of Ordinance No. 1521. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1521 passed on third and final reading.

Complete text of Ordinance No. 1521 will be found in Ordinance Book No. **10** at page **278-279**.

ORDINANCE NO. 1510 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED - PROPERTY LOCATED ON GASHES CREEK AND I-40 (GEORGE BEVERLY PETITION)

4. Consideration was given to the third reading of Ordinance No. 1510, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning for the City of Asheville" as amended - property located on Gashes Creek and I-40 (George Beverly petition.)

Vice-Mayor Bratton said the Asheville Planning and Zoning Commission at a meeting held March 13, 1985, considered the request of Mr. George Beverly, Agent, that Ward 13, Sheet 33, Lot 68, and Ward 13, Sheet 34, Lot 11, be rezoned from R-2 Residential District to OI Office Institutional District. The property is known as Hemphill Knoll at Gashes Creek and I-40. After review and discussion, the Commission voted to recommend to City Council that a portion of Lot 68, Sheet 3, Ward 13, and a portion of Lot 11, Sheet 34, Ward 13, be rezoned from R-2 Residential District to OI Office Institutional District. This would leave a 100 foot strip of R-2 buffer on the southern border abutting the Blue Ridge parkway and Lot 78, Sheet 33, Ward 13, and on the northwestern margin abutting Lots 37-1/4 and 8-1/4, Sheet 33, Ward 13. At the April 23, 1985, meeting, the first reading of this ordinance was postponed until May 28, 1985. This ordinance was read on first reading on May 28, and on second reading June 4, 1985.

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

On a roll call vote of 5-0, Ordinance No. 1510 passed on third and final reading.

Complete text of Ordinance No. 1510 will be found in Ordinance Book No. **10** at page **259-260**.

ORDINANCE NO. 1520 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED - PROPERTY LOCATED AT NORTHWEST CORNER OF CHARLOTTE AND CHESTNUT STREETS (NEAL HANKS)

5. Consideration was given to the second reading of Ordinance No. 1520, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning for the City of Asheville" as amended - property located at northwest corner of Charlotte and Chestnut streets (Neal Hanks).

Vice-Mayor Bratton said the Asheville Planning and Zoning Commission at a meeting held on April 17, 1985, considered the petition of Mr. W. Neal Hanks, Agent, that Ward 2, Sheet 26, portion of Lot 124, be rezoned from R-4 Residential District to CG Commercial General District. The property is located at the northwest corner of Charlotte and Chestnut streets. This ordinance was read on first reading on May 28, and on second reading June 4, 1985.

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

On a roll call vote of 5-0, Ordinance No. 1520 passed on third and final reading.

Complete text of Ordinance No. 1510 will be found in Ordinance Book No. **10** at page **277-278**.

BIDS - CORRUGATED STEEL PIPE FOR PUBLIC WORKS

6. Consideration was given to bids received for corrugated steel pipe for Public Works Department, Street Division.

Vice-Mayor Bratton said sealed bids were received to furnish the Street Division with 48", 15", 18" and 12" corrugated steel pipe and 48" band couplers. Four (4) bids were received. The Public Works Director has reviewed the bids and recommends awarding a contract to the low bidder, Armco, Inc., Asheville, N.C. in the amount of \$12,925.70. Funds for this purchase are available in the Public Works, Street Division appropriation (Account Code 10-427-038).

Larry Ward with the Public Works Department said there were four (4) bids received which were as follows:

BIDDER BID

Armco, Inc. \$12,925.70

Silverman Company \$13,451.25

Municipal and Utilities \$13,674.24

Republic Drainage \$14,863.15

Councilman Price moved to award the contract to the low bidder, Armco, Inc. in the amount of \$12,925.70. This motion was seconded by Councilman Bisette and carried unanimously.

BIDS - SALT AND SAND SPREADERS - PUBLIC WORKS DEPARTMENT, STREET DIVISION

7. Consideration was given to bids for four (4) each salt and sand spreaders for the Public Works Department, Street Division.

Vice-Mayor Bratton said sealed bids were received to furnish four (4) each salt and sand spreaders for the Public Works Department, Streets Division. Five (5) bids were received. Clark Brown, Public Works Director has reviewed the bids and recommends a contract be awarded to Gimco International, Inc., Monroe, N.C. in the amount of \$24,909.52. Funds for this purchase are available in the Public Works, Street Division appropriation (Account Code 50-427-074).

Larry Ward, with the Public Works Department, presented the bids as follows:

BIDDER BID

N. C. Equipment, Asheville, N.C. \$25,980.00

N. C. Equipment, Asheville, N.C. \$27,976.00

Gimco International, Monroe, N.C. \$24,909.52

Arden Equipment, Arden, N.C. \$29,995.00

Public Works Equipment, Monroe, N.C. \$28,552.00

Councilman Frank moved to award the bid to Gimco International, Inc. in the amount of \$24,909.52. This motion was seconded by Councilman Bissette and carried unanimously.

RESOLUTION NO. 85-84 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICE AGREEMENT FOR OPENING AND CLOSING GRAVES AT RIVERSIDE CEMETERY

8. Consideration was given to a resolution authorizing the City Manager to enter into a service agreement for opening and closing of graves at Riverside Cemetery.

Vice-Mayor Bratton said the City of Asheville Parks, Recreation and Public Facilities Department desires to enter into a service agreement to provide for the opening and closing of graves at Riverside Cemetery. American Vault Company has provided these services in a satisfactory manner since Spetember, 1982, and will continue to do so for FY 1985/86 for the same fees.

Funds are available within the Riverside Cemetery budget for this service. The fee is \$100.00 per grave. Also, the City has the right to request on an "as needed basis" inurnments, at a rate of \$25.00 each.

Vice-Mayor Bratton 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. 85-84 was unanimously adopted.

Complete text of Resolution No. 85-84 will be found in Resolution Book No. **15** at page **220**.

RESOLUTION NO. 85-85 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CLEAR DAY, INC. FOR PROFESSIONAL WINDOW CLEANING SERVICE FOR THE CITY HALL BUILDING

9. Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Clear Day, Inc. for professional window cleaning service for the City Hall Building.

Vice-Mayor Bratton said the City of Asheville has determined that it would be beneficial to contract window cleaning service. Twenty-six (26) bid requests were sent to prospective vendors with only two (2) companies returning bids. It is recommended to award the contract to Clear Day, Inc. as they were the lowest responsible bidder.

Funds are available within the operating budget for the custodial project for a one time cleaning interior and exterior of windows - \$1,400.00.

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

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

Complete text of Resolution No. 85-85 will be found in Resolution Book No. **15** at page **221**.

RESOLUTION NO. 85-86 - RESOLUTION AUTHORIZING THE PURCHASING DIRECTOR TO DISPOSE OF CERTAIN PERSONAL PROPERTY VALUED AT LESS THAN \$5,000 BY PRIVATE NEGOTIATION AND SALE (TURN OUT GEAR FOR THE FIRE DEPARTMENT)

10. Consideration was given to a resolution authorizing the Purchasing Director to dispose of certain personal property valued at less than \$5,000 by private negotiation and sale (turn out gear from the Asheville Fire Department).

Vice-Mayor Bratton said N.C. Gen. Stat. Sec. 160A-226 provides that a municipality may dispose of personal property valued at less than \$5,000 for any one item or group of similar items by private negotiation and sale. The Asheville Fire Department has accumulated assorted firefighter "turn out gear" consisting of 119 helmets, 123 coats, 142 pants and 20 face shields and has declared such property to be nonuseable surplus personal property. The entire group of

items are valued at less than \$5,000. This sale will generate approximately \$5,000 in revenues.

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

Upon motion of Councilman Frank, seconded by Councilman Bisette, Resolution No. 85-86 was unanimously adopted.

Complete text of Resolution No. 85-86 will be found in Resolution Book No. **15** at page **222**.

Mayor McDevitt arrived at the meeting at 4:35 p.m.

RESOLUTION NO. 85-87 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH SKYLAND VOLUNTEER FIRE DEPARTMENT, INC. FOR FIRE PROTECTION SERVICES IN THE AIRPORT ANNEXATION AREA

11. Consideration was given to a resolution authorizing the Mayor to sign an agreement with the Skyland Volunteer Fire Department, Inc. for fire protection services in the Airport annexation area.

Mayor McDevitt said the area surrounding the Asheville Airport was annexed to the City April 2, 1979. The City is thereby required to provide fire protection for this area. The Skyland Volunteer Fire Department, Inc., has agreed to provide primary fire protection services under contract with the City for the Airport annexation area. He said the contract is authorized by N.C. General Statute Section 69-25.14. Skyland will provide contracted protection for a fee of \$4,800.00 for 1985-86. These funds have been requested in the FY 1985-86 budget.

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 Boland, seconded by Councilman Frank, Resolution No. 85-87 was unanimously adopted.

Complete text of Resolution No. 85-87 will be found in Resolution Book No. **15** at page **223**.

RESOLUTION NO. 85-88 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR LOSS PREVENTION SERVICES WITH POINSETT SELF-INSURANCE SALES AND SERVICE

12. Consideration was given to a resolution authorizing the City Manager to enter into an agreement for loss prevention services with Poinsett Self-Insurance Sales and Service.

Mayor McDevitt said this will renew our existing agreement for loss prevention services with Poinsett Self-Insurance for our Worker's Compensation program. Cost of the agreement is \$6,500.00 and is budgeted for FY 1984/85.

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 Frank, seconded by Councilman Boland, Resolution No. 85-88 was unanimously adopted.

Complete text of Resolution No. 85-88 will be found in Resolution Book. No. **15** at page **224**.

RESOLUTION NO. 85-89 - RESOLUTION AUTHORIZING THE CLOSING OF ALCLARE COURT FOR NEIGHBORHOOD BLOCK PARTY

13. Consideration was given to a resolution authorizing the closing of Alclare Court for a neighborhood block party.

Mayor McDevitt said the residents of Alclare Court are planning a Neighborhood Block Party on Saturday, June 29, 1985. The residents have

requested that Alclare Court be closed from 3:00 P.M. until 12:00 midnight.

This closing will not create any hardship or inconvenience for residents of the area.

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

Upon motion of Councilman Bisette, seconded by Councilman Price, Resolution 85-89 was unanimously adopted.

Complete text of Resolution 85-89 will be found in Resolution Book

No. 15 at page 225.

CLAIMS - RUTH BRIDGES (WATER) - CONTRACT CARPETS (WATER) - LUNETTA DAVIS (WATER) - JOHN FRYE (STREETS) - GAIL HIPSHIRE (SEWER) - CHERYL HAHN (PARKS AND RECREATION) - SHERLYN ALLEN (PARKS AND RECREATION)

The City Manager presented claims received from Ruth Bridges, Contract Carpets, Luneta Davis, John Frye, Gail Hipshire, Cheryl Hahn, and Sherlyn Allen.

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

LAWSUITS - DAVID AND RACHEL MILLER VS. CITY OF ASHEVILLE (DAMAGE TO PROPERTY) - JUDY ANN HENSLEY VS. CITY OF ASHEVILLE (BODILY INJURY)

The City Manager said the City was served with summonses in connection with lawsuits involving David and Rachel Miller vs. City of Asheville relative to damage to property due to alleged negligence in maintenance of storm drainage system and Judy Ann Hensley vs. City of Asheville relative to bodily injury - alleged negligence in maintenance of water meter lid.

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

PROCLAMATION - JUNE 14, 1985 - "FLAG DAY"

Mayor McDevitt proclaimed June 14, 1985, as "Flag Day" in the City of Asheville.

PROCLAMATION - "BUZZ PETERSON DAY" - June 11, 1985

Mayor McDevitt proclaimed Tuesday, June 11, 1985, as "Buzz Peterson Day."

COUNCIL RECESS

Vice-Mayor Bratton moved that the meeting be recessed until 5:00 p.m. to discuss the 1985-86 budget. This motion was seconded by Councilman Frank and carried unanimously.

RESOLUTION NO. 85-90 - RESOLUTION APPROVING THE SALE AND CONVEYANCE OF CERTAIN PROPERTIES LOCATED IN THE PACK PLAZA REDEVELOPMENT AREA BY THE ASHEVILLE HOUSING AUTHORITY TO PACK PLAZA ASSOCIATES LIMITED PARTNERSHIP

14. Consideration was given to a resolution authorizing the sale and conveyance of certain properties located in the Pack Plaza Redevelopment area from the Asheville Housing Authority to Pack Plaza Associates Limited partnership.

Mayor McDevitt said the Asheville Housing Authority has acquired certain properties pursuant to the implementation of the redevelopment plan for the Pack Plaza Redevelopment area. The Asheville Housing Authority has held a public hearing and made certain findings in order to convey certain parcels in the Pack Plaza Redevelopment area to a prospective developer. This resolution will authorize the sale and conveyance of those properties of the Pack Plaza Redevelopment area under the terms and conditions set forth in the resolution of the Asheville Housing Authority. The funds extended for this conveyance is pursuant to the City/County loan in the Master Agreement and funds have already been budgeted.

Larry Holt, Executive Director of the Asheville Housing Authority, read the following letter and resolution from the Housing Authority of the City of Asheville.

June 11, 1985

The Honorable Larry S. McDevitt

Mayor, City of Asheville

Post Office Box 7148

Asheville, North Carolina 28807

Dear Mayor McDevitt:

The Housing Authority of the City of Asheville has adopted a Resolution authorizing the sale of certain real estate located in the South Pack Plaza Redevelopment Project to Pack Plaza Associates Limited Partnership, subject to final approval of the sale and conveyance by the City Council of the City of Asheville. A copy of the Resolution adopted by the Commissioners of the Housing Authority which describes the real estate proposed to be sold, the terms and conditions of the sale, and the proceedings held prior to adoption of the Resolution is enclosed.

The Housing Authority respectfully requests that the City Council of the City of Asheville consider this matter and take such action as it finds appropriate.

HOUSING AUTHORITY OF THE CITY OF ASHEVILLE

BY:

Chairman

Enclosure

RESOLUTION AUTHORIZING SALE OF LAND TO PACK PLAZA ASSOCIATES LIMITED PARTNERSHIP

WHEREAS, the Housing Authority of the City of Asheville, acting in its capacity as a redevelopment commission, has prepared, approved, and adopted a Redevelopment Plan (hereinafter called the Redevelopment Plan) for the Pack Plaza Redevelopment area (hereinafter called the Redevelopment Project), on July 2, 1984; and

WHEREAS, the City Council of the City of Asheville has approved and adopted the Redevelopment Plan for the Project on July 24, 1984; and

WHEREAS, a copy of the Redevelopment Plan and proceedings pertaining thereto is recorded in the Office of the Register of Deeds of Buncombe County, North Carolina, in Deed Book 1383 at Page 391; and

WHEREAS, the Housing Authority of the City of Asheville has proceeded with and is proceeding with the implementation of the Redevelopment Plan and has acquired portions of Disposal Parcels 1 and 2 and all of Disposal Parcel 3 as shown on the property disposal map which is a part of the Redevelopment Plan, and a copy of which map

is attached to and incorporated in this Resolution as Exhibit A; and

WHEREAS, the real property which constitutes portions of Disposal Parcels 1 and 2 and all of Disposal Parcel 3 and which is the subject of this Resolution is described on Exhibit B attached to and incorporated in this Resolution; and

WHEREAS, the Housing Authority of the City of Asheville is authorized by Chapter 317 of the 1979 Session Laws enacted by the General Assembly of North Carolina to sell property within redevelopment areas at private sale, and the Housing Authority of the City of Asheville is proceeding with the sale of the real property described in Exhibit B of this Resolution pursuant to Sections 2 and 4 of said Chapter 317; and

WHEREAS, the real property described in Exhibit B of this Resolution has been appraised by William T. Duckworth, Jr., MAI, SREA, who is a qualified real estate appraiser, and the fair, actual value of said real property has been appraised by Mr. Duckworth at One Million One Hundred Fifty-Two Thousand Two Hundred Dollars (\$1,152,200.00); and

WHEREAS, the contemplated use of said real property is set forth in the Redevelopment Plan; and

WHEREAS, Pack Plaza Associates Limited Partnership, a Maryland limited partnership, wishes to purchase said real property at private sale; and

WHEREAS, the Housing Authority of the City of Asheville has, on May 24, 1985, authorized the holding of a public hearing on June 11, 1985, regarding the private sale of said real estate to Pack Plaza Associates limited partnership and has caused notice of such public hearing to be published in The Asheville Citizen-Times, a newspaper published in the City of Asheville and Buncombe County, for two successive calendar weeks, with the first such publication having been made on May 27, 1985, and the second such publication having been made on June 3, 1985; and

WHEREAS, the Housing Authority of the City of Asheville has, at its June 11, 1985, meeting conducted a public hearing regarding the proposed sale of said real estate to Pack Plaza Associates Limited Partnership and has received and considered the information submitted at said public hearing.

NOW, THEREFORE BE IT RESOLVED by the Housing Authority of the City of Asheville as follows:

1. That the Housing Authority of the City of Asheville finds that Pack Plaza Associates Limited Partnership is the only known available, qualified and willing developer for the contemplated use of the real property described in Exhibit B of this Resolution provided for in the Redevelopment Plan.
2. The Housing Authority of the City of Asheville finds that the use or development of the real property described in Exhibit B proposed by Pack Plaza Associates Limited Partnership is reasonably necessary in order to assure development which will have the desired beneficial effect upon neighborhood property, the redevelopment project, and the community as a whole.
3. The Housing Authority of the City of Asheville finds that the proposed use or development of the real property described in Exhibit B by Pack Plaza Associates Limited Partnership will assure that said property will not remain unused for an unduly long period and will result in a return to the City of Asheville and County of Buncombe ad valorem tax rolls at a substantially greater assessed valuation and at an earlier date than uses or redevelopment obtained by other methods of disposition.
4. The Housing Authority of the City of Asheville finds that the fair, actual value of the real property described in Exhibit B is One Million One Hundred Fifty-Two Thousand Two Hundred Dollars (\$1,152,200.00)
5. That the real property described in Exhibit B shall be sold at private sale to Pack Plaza Associates Limited Partnership at a purchase price of One Million Two Hundred Seven Thousand Five Hundred Twenty-Two Dollars and Eighty-Five Cents (\$1,207,522.85), which purchase price the Housing Authority of the City of Asheville finds to be not less than the fair, actual value of said real estate.

6. That the Chairman and Secretary be, and they are hereby, authorized to execute, attest, seal, acknowledge, and deliver any and all documents and writings necessary to effectuate the sale of said real estate to Pack Plaza Associates Limited Partnership, including, but not limited to, a contract for the sale and purchase of said real estate and a deed for said real estate, in such form as may be approved by the Chairman, Secretary, and attorney of the Housing Authority of the City of Asheville.

7. That this resolution is subject to final approval of the sale and/or conveyance of such real estate by the City Council of the City of Asheville.

8. That this Resolution shall be effective upon adoption.

I move the adoption of the foregoing Resolution:

Hunter B. Watson

Commissioner

Seconded by: Phillip F. Crouch

Commissioner

Read, approved, and adopted this 11th day of June, 1985.

Margaret M. Shook

Vice-Chairman

ATTEST:

David Jones, Jr.

Secretary

Mr. Holt described the property to be conveyed as the ABC Store on South Market Street, the Cochran property on Eagle Street, Barber Shop and Reliable Loan Company on Biltmore Avenue, the Bunn property on Biltmore Avenue, the Jones property on Biltmore Avenue, the Fotos property on Pack Square, the Plaza Theater, the Bassett property on the Square, the Brown property on the Square, and the Adler property on the Square. He said the price to be received from the conveyance of the property is \$1,207,522.85. He said this is not less than the fair market value of \$1,152,200 which was appraised by the W. T. Duckworth Company.

Mike Panyard, with the Pack Plaza Associates Limited Partnership said he was looking forward to the project with anticipation.

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

Upon motion of Vice-Mayor Bratton, seconded by Councilman Frank, Resolution No. 85-90 was unanimously adopted.

Complete text of Resolution No. 85-90 will be found in Resolution Book No. **15** at page **226**.

At the request of the Acting Corporation Council, Councilman Frank moved to amend Resolution No. 85-90 to include in the second "WHEREAS" that this would be pursuant to Sections 2 and 4 of the 1979 Session Laws. This motion was seconded by Councilman Bissette and carried unanimously.

PUBLIC HEARING - 1985-86 - ANNUAL OPERATING BUDGET

ORDINANCE NO. 1523 - AN ORDINANCE ADOPTING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1985/86

15. A public hearing was held relative to the 1985-86 Annual Operating Budget.

Mayor McDevitt opened the public hearing at 5:16 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.

Bob Wurst, Director of Audit and Budget, outlined the proposed 1985-86 budget stating that the budget is presented with a 59½ tax rate per \$100 assessed valuation.

Mr. Wurst explained the new pay/performance plan which would be adopted as a part of the 1985/86 budget. He said the City staff would be implementing and planning for a full performance graded system. He said the performance system would be based on unsatisfactory to outstanding with some employees receiving more than 5% and some receiving less than 5%. He said City Council would set annually the amount an employee would receive at the mid-point salary range. He said this proposed budget maintains longevity for City employees in a different form. He said longevity pay would be added to an employee's base salary. He said due to concerns of the employees this year, an administrative recommendation would be that "any employee who is currently eligible to receive a lump-sum payment for longevity in December,

1985, may still do so provided they file a written request on or before June 28, 1985. A form will be provided for this purpose. The option is effective for the fiscal year ending 1986 only. If selected, longevity shall be paid according to current policy and therefore would not be added to base pay in calculating performance increases during fiscal year ending 1986. The request, once made, is irrevokable." He said the Asheville Municipal Credit Union would be offering a variety of savings programs during 1986 for automatic payroll deductions for those employees who wish to receive a separate check during the Christmas season.

Mr. Wurst also explained the proposed new group health insurance program which would contain several cost containment features such as outpatient surgery and pre-admission certification.

At the request of several Council members, Mr. Wurst said he would present a form to the employees to select one of two options relative to their longevity pay.

Upon inquiry of Councilman Price, Mr. Wurst explained the group health insurance that would be available to the pre-65 retirees.

Mayor McDevitt asked if there were any comments from non-employee members of the public. There being no comments from non-employee members, Mayor McDevitt opened the floor for employee comments on the 1985/86 budget.

David Anders, President of the Asheville Firefighters Association, objected to the new pay plan method of receiving salary increases stating that this would result in favoritism, poor morale, and an increase in employee grievances. He said he did not think this would be advantageous to the employees. He said in particular, he did not think that the merit raise system was going to be satisfactory. He said this was the main concern of the Firemen. He said the Firemen feel the performance pay plan is totally unacceptable and that the City of Asheville would see more dissent and grievances that at any time in the City's history. He said it was unfair for supervisors or department heads to determine what increases his subordinates should receive because there may be personality conflicts between some supervisors and workers and close relationships or friendships between others that affect the supervisor's judgement on raises. He said as to the proposed group health insurance plan, he did not see any reason why the City could not afford better health care benefits.

James Woody, Company Commander, with the Asheville Fire Department, presented members of Council with a

memo showing pay discrepancies within the Asheville Fire Department.

Brenda DeBruhl with the Water Department, said she was concerned that an older employee could sometimes make less than a younger employee with this particular pay plan.

Mr. Horace Tower with the Asheville Police Department asked if the present proposed budget had a cost of living increase for the City employees. Mr. Wurst replied to Mr. Tower that it did not.

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

Upon inquiry of Mayor McDevitt, the City Manager and Sam Graves, Director of Management Services, said the City staff is looking into isolated cases of pay discrepancies.

A discussion was held relative to pay discrepancies.

Vice-Mayor Bratton said she did not think information was getting to the employees from the Department Heads. She asked if a measurement tool was in place to objectively make job performance evaluations.

In response to Vice-Mayor Bratton, Mr. Graves said there would be a year-long training process for supervisors to fairly analyze performance of an employee. He said criteria would be developed for supervisors to use.

Councilman Price said after the criteria is established, she felt this should be reviewed by Council before being implemented.

Councilman Frank said she hoped if there are employees out of step with the pay plan, the corrections would be made fairly.

Upon inquiry of Councilman Bisette, Mr. Graves said pay increases would be given on an employees anniversary date.

Councilman Frank moved for the adoption of Ordinance No. 1523. This motion was seconded by Councilman Bisette.

On a roll call vote of 6-0, Ordinance No. 1523 passed on first reading.

ADJOURNMENT

Upon motion of Vice-Mayor Bratton, seconded by Councilman Frank, the meeting adjourned at 7:15 p.m.

MAYOR CITY CLERK
