

Tuesday - September 24, 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; Corporation Counsel William F. Slawter; City Manager Neal Creighton; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Gordon Myers

## **INVOCATION**

The invocation was given by Councilman Louis Bisette.

## **APPROVAL OF THE MINUTES - SEPTEMBER 17, 1985 MEETING**

1. Approval of the minutes of the September 17, 1985 meeting.

Mayor McDevitt announced the approval of the minutes as submitted.

## **ORDINANCE NO. 1535 - AN ORDINANCE AMENDING ORDINANCE NO. 322, "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED, PROPERTY LOCATED ON CRAVEN STREET (MR. DOUGLAS CLARK, PETITIONER)**

2. Consideration was given to the third reading of Ordinance No. 1535, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended, property located on Craven Street (Mr. Douglas Clark, Petitioner).

Mayor McDevitt said the Asheville Planning and Zoning Commission at a meeting held June 5, 1985, considered the petition of Mr. Douglas Clark, Agent for United Chemical Company, Inc., that Ward 6, Sheet 2, Lot 96 and a portion of Lot 45, be rezoned from R-3 Residential District to LI Light Industrial District. The property is located at Craven Street, Waynesville Avenue and Ridgeway Avenue. After review and discussion, the Commission voted to recommend to City Council that Ward 6, Sheet 2, Portions of Lots 96 and 45, be rezoned from R-3 Residential District to LI Light Industrial District, and that adequate buffering be provided. On September 10, 1985, a public hearing was held and this ordinance passed on first reading. This Ordinance passed on second reading on September 17, 1985.

Mayor McDevitt 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 6-0, Ordinance No. 1535 passed on third and final reading.

Complete text of Ordinance No. 1535 will be found in Ordinance Book No. **10** at page **303** and **304**.

## **ORDINANCE NO. 1437 - AN ORDINANCE PROHIBITING SMOKING ON CITY PUBLIC TRANSPORTATION**

3. Consideration was given to a ordinance prohibiting smoking on City public transportation.

Mayor McDevitt said this ordinance will prohibit smoking on Asheville Transit Authority buses for health and cleanliness reasons.

Carl Ownbey, with the Asheville Transit Authority, said many complaints had been received from the elderly and visitors in the area relative to smoking on City buses. He said signage of "no smoking" is on the buses, but no enforcement is available. He said there are litter problems and cigarette burns on the buses. He said other cities have

adopted ordinances prohibiting smoking on City buses, and they have had no problems with enforcement.

Walter Renfroe, Chairman of the Asheville Transit Authority, said this ordinance would provide enforcement for no smoking on the City buses.

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

Vice-Mayor Bratton moved for the adoption of Ordinance No. 1537. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1537 passed on first reading.

**RESOLUTION NO. 85-171 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE RENTAL AGREEMENTS WITH DRS. McCALL AND WITTEN FOR OFFICE SPACE IN THE CITY BUILDING**

4. Consideration was given to a resolution authorizing the City Manager to execute rental agreements with Drs. McCall and Witten for office space in the City Building.

Mayor McDevitt said this resolution will authorize the City Manager to execute lease agreements with Dr. E. R. S. Witten and Dr. William H. McCall for office space located on the sixth floor of the City Building. He said the monthly fee from Dr. McCall is \$1,034.50 and monthly fee from Dr. Witten is \$247.50.

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 Bisette, Resolution No. 85-171 was unanimously adopted.

Complete text of Resolution No. 85-171 will be found in Resolution Book No. 15 at page 316.

**PROCLAMATION - SEPTEMBER 29 - OCTOBER 5, 1985 - " PRINCE HALL MASONIC WEEK"**

5. Mayor McDevitt read a proclamation proclaiming the week of September 29 - October 5, 1985 as "Prince Hall Masonic Week".

Mayor McDevitt presented the proclamation to Marvin Chambers.

**RESOLUTION NO. 85-172 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT EXTENDING FIRE PROTECTION SERVICES TO THE VETERAN'S ADMINISTRATION MEDICAL CENTER AT OTEEN THROUGH SEPTEMBER 30, 1986**

6. Consideration was given to a resolution authorizing the City Manager to sign an agreement extending fire protection services to the Veteran's Administration Medical Center at Oteen through September 30, 1987.

Mayor McDevitt said by Resolution No. 85-9, dated January 29, 1985, the Mayor was authorized on behalf of the City to sign an agreement with Veteran's Administration Medical Center at Oteen regarding the provisions of certain fire protection services. The present agreement expires September 30, 1985. The Fire Department staff and the local Veteran's Administration Medical Center staff have negotiated a two (2) year extension of the present agreement which expires September 30, 1987. This resolution will authorize the City Manager to execute an agreement with the Veteran's Administration Medical Center for extending fire protection. He said revenues would be increased in the amount of \$12,425.09 for the period October 1, 1985, to September 30, 1986.

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 Boland, Resolution No. 85-172 was unanimously adopted.

Complete text of Resolution No. 85-172 will be found in Resolution Book No. **15** at page **317**.

**RESOLUTION NO. 85-174 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A FEDERAL AVIATION GRANT AGREEMENT, PROJECT NO. 3-37-0005-06**

7. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville a Federal Aviation Grant Agreement, Project No. 3-37-0005-06.

Mayor McDevitt said the Federal Aviation Administration has offered a grant agreement dated September 19, 1985, to the Asheville Regional Airport Authority in the amount of \$180,000.00. The City of Asheville and the County of Buncombe are sponsors of the agreement, and the FAA requires each sponsor to execute the grant agreement. The FAA has approved a project for the airport or planning area consisting of the following: Install fence around fuel farm with automatic gates and sign; acquire snow removal equipment (front end loader); construct sanitary sewer line from emergency equipment storage building to trunk sewer (1,100 L.F.); expand vehicle storage building (30 foot by 40 foot). This resolution will authorize the Mayor to execute said grant agreement.

Mayor McDevitt read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Bisette, Resolution No. 85-174 was unanimously adopted.

Complete text of Resolution No. 85-174 will be found in Resolution Book No. **15** at page **319**.

**CLAIMS - CORNELIA STREETER (STREETS) - JACK McCURRY (WATER) - MRS. JACK STEELE (SEWER) - FRAME SHOPPE (WATER)**

The City Manager presented claims received from Cornelia Streeter, Jack McCurry, Mrs. Jack Steele, and the Frame Shoppe.

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

**RALPH BISHOP - COMMENTS RELATIVE TO THE ASHEVILLE POLICE DEPARTMENT AND THE RESIGNING CITY MANAGER**

Ralph Bishop spoke to members of Council relative to the Asheville Police Department, the resigning City Manager, and lottery sales within the City of Asheville.

**HOLIDAY FOR CITY OF ASHEVILLE - EMPLOYEES - MEMORIAL DAY**

Mayor McDevitt said "almost eighteen (18) months ago, City Council began a total re-examination of our City personnel system. As you recall, we have made a number of changes, including a total personnel reclassification and salary structure. Part of our work included an examination of City holiday policies. We found at that time that Buncombe County and the State of North Carolina had eleven (11) official holidays and the Federal Government had ten (10) official holidays, while the City workers only had eight (8). We decided to re-examine that policy and concluded that additional holidays were in order, both for community significance, and as additional employee benefits. Having adopted one (1) additional holiday to date, bringing City holidays to nine (9), it is my hope that you will adopt my recommendation to you that we complete our work in this area by fixing and holding the number of official City holidays at ten (10). In that connection, I would also recommend that we move today to fill the ten (10) holiday schedule by adopting Memorial Day as a City Holiday. My personal feeling, as well as my informal pool of employees and surrounding community sentiment, suggests that this would be a most appropriate day to emphasize in

our community. In doing this, I do want to clarify a mistaken impression created in recent news articles to the effect that the approval of the King Holiday replaced Memorial Day as a holiday. Such was not the case. Memorial Day has never been a City holiday and the only issue before Council two weeks ago was whether or not to approve the Civil Service Board's action, recommended by us, to establish the King Holiday."

Councilman Frank moved that the Asheville City Council request the Civil Service Board to take the appropriate action pursuant to Section 4 of the Civil Service Law in order to amend Civil Service Rule 17 (j) so as to establish Memorial Day as an additional holiday for City employees. This motion was seconded by Councilman Frank and carried unanimously.

**RESOLUTION NO. 85-173 - RESOLUTION OF APPRECIATION TO NEAL CREIGHTON**

8. Consideration was given to a Resolution of Appreciation to Neal Creighton.

Mayor McDevitt read the resolution.

Mayor McDevitt presented a copy of the resolution and a book entitled "Asheville, a Pictorial History" to resigning City Manager, Neal Creighton.

Upon motion of Vice-Mayor Bratton, seconded by Councilman Bissette, Resolution No. 85-173 was unanimously adopted.

Complete text of Resolution No. 85-173 will be found in Resolution Book No. **15** at Page **318**.

**ADJOURNMENT**

Upon motion of Councilman Price, seconded by Councilman Frank, the meeting adjourned at 4:30 p.m.

---

MAYOR CITY CLERK

---