

Tuesday - January 28, 1986 - 4:00 p.m.

Regular Meeting

Present: Mayor Louis Bisette, Presiding; Vice-Mayor Mary Lloyd Frank; Councilmen Wilhelmina Bratton, Walter R. Boland, Kenneth M. Michalove, and George Tisdale; Corporation Counsel William F. Slawter; Acting City Manager William F. Wolcott, Jr.; and Deputy City Clerk Carol Hensley.

Absent: Councilman Norma T. Price

INVOCATION

The invocation was given by Councilman Boland.

APPROVAL OF THE MINUTES - JANUARY 21, 1986 MEETING

1. Consideration was given to the approval of the minutes of the January 21, 1986, meeting.

Mayor Bisette announced the approval of the minutes as submitted.

PROCLAMATION - FEBRUARY 2 - 8, 1986, AS "CATHOLIC SCHOOLS WEEK"

2. Mayor Bisette read a proclamation proclaiming the week of February 2 - 8 as "Catholic Schools Week."

Mayor Bisette presented a proclamation to Mr. Bob McGratton, Principal of the Asheville Community Catholic School.

ORDINANCE NO. 1568 - BUDGET ORDINANCE AMENDMENT TO CLOSE OUT PRIOR YEAR FUND BALANCE FOR ON-GOING CDBG PROJECTS

3. Consideration was given to a budget ordinance amendment to close out prior year fund balance for on-going CDBG projects.

Mayor Bisette said this budget ordinance amendment is to close out prior year CDBG fund balance for on-going projects and appropriate funds to continue Incentive Housing and R-48 Close-out programs. He said \$89,723 of revenue funds is to come from R-48 land sales and existing on-going projects.

Marvin Vierra, with the Community Development Department, explained the budget amendment and the funds involved.

Mayor Bisette said members of Council were previously furnished copies of the ordinance, and it would not be read in its entirety unless there was a specific request to do so.

Councilman Michalove moved for the adoption of Ordinance No. 1568. This motion was seconded by Councilman Boland.

On a roll call vote of 6-0, Ordinance No. 1568 passed on first and final reading.

Complete text of Ordinance No. 1568 will be found in Ordinance Book No. 10 at page 362.

ORDINANCE NO. 1569 - BUDGET ORDINANCE AMENDMENT TO PROVIDE FUNDING TO PURCHASE VIDEO DISPLAY TERMINALS AND PRINTERS

4. Consideration was given to a budget ordinance amendment to provide funding to purchase video display terminals and printers.

Mayor Bissette said this budget ordinance amendment is to provide funding for computer upgrade and purchase of terminals which are now being leased. These terminals can be purchased for the same cost as would be expended within two years of a three-year lease. The total amount is \$11,202.00, from Data Processing funds.

Mayor Bissette said copies of this ordinance were previously furnished to members of Council, and it would not be read in its entirety unless there was a specific request to do so.

Councilman Michalove moved for the adoption of Ordinance No. 1569. This motion was seconded by Councilman Tisdale.

On a roll call vote of 6-0, Ordinance No. 1569 passed on first and final reading.

Complete text of Ordinance No. 1569 will be found in Ordinance Book No. **10** at page **363**.

ORDINANCE NO. 1567 - AN ORDINANCE REPEALING ORDINANCE NO. 1287, KNOWN AS AN ORDINANCE ESTABLISHING THE ASHEVILLE DOWNTOWN COMMISSION AND IN LIEU THEREOF A NEW ORDINANCE BE ADOPTED

5. Consideration was given to the second reading of Ordinance No. 1567, an ordinance amending Ordinance No. 1287, known as an ordinance establishing the Asheville Downtown Commission including its composition, terms of office, and other general provisions.

Mayor Bissette said this amendment will change the composition, powers and purpose of the Asheville Downtown Commission. This ordinance passed on first reading on January 21, 1986.

Mayor Bissette 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.

At the request of the Corporation Counsel, Vice-Mayor Frank moved to amend Ordinance No. 1567 incorporating several typographical and language errors in the ordinance. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1567 passed on second reading.

RESOLUTION NO. 86-13 - RESOLUTION APPROVING AND CONSENTING TO THE CREATION OF A SECURITY INTEREST IN AND COLLATERAL ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE OF AMERICAN CABLE TV INVESTORS TO SECURE INDEBTEDNESS

6. Consideration was given to a resolution approving and consenting to the creation of a security interest in and collateral assignment of the cable television franchise of American Cable TV Investors to secure indebtedness.

Mayor Bissette said American Cable has advised the City that it has refinanced its cable television properties and has requested approval of the City Council to the refinancing insofar as it affects the cable television business of American Cable in the City.

Mayor Bissette said copies of the resolution were previously furnished to members of Council, and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Councilman Boland, seconded by Councilman Tisdale, Resolution No. 86-13 was unanimously adopted.

Complete text of Resolution No. 86-13 will be found in Resolution Book No. **15** at pages **422** and **423**.

RESOLUTION NO. 86-14 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE NECESSARY DOCUMENTS FOR THE PURCHASE OF VIDEO DISPLAY TERMINALS AND PRINTERS

FOR THE CITY OF ASHEVILLE, DEPARTMENT OF FINANCE, DATA PROCESSING DIVISION

7. Consideration was given to a resolution authorizing the City Manager to sign the necessary documents for the purchase of video display terminals and printers for the City of Asheville, Department of Finance, Data Processing Division.

Mayor Bissette said sealed bids were requested to furnish eleven (11) video display terminals and two (2) printers for the Data Processing Division. Burroughs Corporation in Asheville submitted the lowest responsive bid, meeting the City's specifications, terms and conditions. The total amount is \$22,343.00. Funding for this purchase will be provided from the Data Processing Division appropriations, Account Code 50-441-0740.

Mayor Bissette said members of Council were previously furnished copies of the resolution, and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Vice-Mayor Frank, seconded by Councilman Tisdale, Resolution No. 86-14 was unanimously adopted.

Complete text of Resolution No. 86-14 will be found in Resolution Book No. 15 at page 424 and 425.

RESOLUTION NO. 86-15 - RESOLUTION AUTHORIZING THE EMPLOYEE SERVICES MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A WORKERS' COMPENSATION AGREEMENT WITH CITY EMPLOYEE, WILLIAM WILMER

8. Consideration was given to a resolution authorizing the Employee Services Manager to execute on behalf of the City of Asheville a Workers' Compensation agreement with City employee, William Wilmer.

Mayor Bissette said on April 16, 1985, William Wilmer, a City employee, was injured in an accident arising out of and during the course and scope of his employment with the City. From this accident, the employee sustained twenty percent (20%) permanent partial disability of the left arm. This amounts to \$10,502.40, and is budgeted in the Department of Public Works.

Mayor Bissette said copies of this resolution were previously furnished to members of Council, and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Councilman Tisdale, seconded by Vice-Mayor Frank, Resolution No. 86-15 was unanimously adopted.

Complete text of Resolution No. 86-15 will be found in Resolution Book No. 15 at page 426.

RESOLUTION NO. 86-16 - RESOLUTION APPOINTING MEMBERS TO THE POLICEMEN'S PENSION/DISABILITY TASK FORCE

9. Consideration was given to a resolution appointing members to the Policemen's Pension/Disability Task Force.

Mayor Bissette said by Resolution No. 85-197, Council created a Policemen's Pension/Disability Task Force. This resolution will appoint the following individuals to the Task Force: 1) Chief Fred W. Hensley, City Staff Liaison; 2) Lt. Porter V. Fowler, Active Member of the Plan; 3) Capt. James Coffey, Inactive Member of the Plan; 4) Capt. John Best, Inactive Member of the Plan; 5) Mayor Louis Bissette, Board of Examiners Representative; 6) Vice-Mayor Mary Lloyd Frank, Board of Trustees Representative; 7) Councilman Norma T. Price, City Council Liaison; 8) Douglas Franklin, Retirement; Pension Professional Representative.

Mayor Bissette said copies of the resolution were previously furnished to members of Council, and it would not be read in its entirety unless there was a specific request to do so.

Upon motion of Councilman Tisdale, seconded by Councilman Boland, Resolution No. 86-16 was unanimously

adopted.

Complete text of Resolution No. 86-16 will be found in Resolution Book No. **15** at page **427**.

APPROVAL OF CONSENT AGENDA

10. Consideration was given to a motion approving the consent agenda.

Mayor Bissette said the following items are of a routine nature, and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, pursuant to the procedures established in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Schedule a public hearing to rezone property located on the New Leicester

Highway for February 18, 1986.

HIGHLIGHTS: The Asheville Planning and Zoning Commission, at a meeting

held January 8, 1986, considered the petition of Mr. Wayne

Hawkins that portions of Lots 35 and 41, Sheet 36, Ward 12, and Lot 323, Sheet 20, Ward 6, be rezoned from R-3 Residential District to CS Commercial Service District. The property is located on the New Leicester Highway. After review and discussion, the Commission voted to recommend to City Council that Lot 323, Sheet 20, Ward 5, be rezoned from R-3 Residential District to CS Commercial Service District.

Staff advised the Commission that Lots 35 and 41, Sheet 36,

Ward 12 were already zoned Commercial Service in their

entirety.

FISCAL IMPACT: None

B. Schedule a public hearing for a site plan of Crownpointe Mobile Home Park

to be located on North Louisiana Avenue for February 18, 1986.

HIGHLIGHTS: The Asheville Planning and Zoning Commission, at a meeting

held January 8, 1986, reviewed the site plan of Crownpointe Mobile Home Park to be located on North Louisiana Avenue. The site plan was prepared by Ray Anders, R.L.S., for

Mr. Allen Moss, Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the site plan to City Council subject to: 1) deletion of Lot #1 and provision of appropriate landscaping; 2) deletion of Lot #30 and redesign of Lot #31; 3) that a planted buffer and a solid barrier of chain link fence 6' high and slatted be provided on the western boundary as shown at the entrance and lot lines on Lots #30 and #31; 4) redrawing of the plat to include the "common area" and access from this mobile home park prior to going to City Council; and 5) compliance with Erosion

Control Ordinance.

FISCAL IMPACT: None

C. Schedule a public hearing for a site plan of the proposed Barnard Grove

Apartments to be located on Barnard Avenue for February 18, 1986.

HIGHLIGHTS: The Asheville Planning and Zoning Commission, at a meeting

held January 8, 1986, reviewed the site plan of the proposed Barnard Grove Apartments to be located on Barnard Avenue. The site plan was prepared by James Samsel, Architect, for Mr. Kerry Lindsey, Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of the site plan to City Council subject to: 1) documentation of access into the site; and 2) compliance with the Erosion Control Ordinance. The Commission further recommended that parking on one side only

on Fenner Avenue be instituted as soon as possible.

FISCAL IMPACT: None

D. Schedule public hearing to review the site plan of a proposed Asheville

Retirement Center to be located on Hendersonville Road for February 18,

1986.

HIGHLIGHTS: The Asheville Planning and Zoning Commission, at a meeting

held January 8, 1986, reviewed the site plan of a proposed Asheville Retirement Center to be located on Hendersonville Road. The plan was prepared by LandDesign, Inc., Charlotte, N.C., for Oxford Development Corporation, Charlotte, N.C., Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning ordinance.

After review and discussion, the Commission voted to

recommend approval of the site plan to City Council subject to the following: 1) that the site plan be reviewed as a "Conditional Use" in the R-3 Residential District by the Board of Adjustment; 2) that the City Council grant a variance to permit .82 parking spaces per unit as shown on the plans, but that the developer be able to provide two spaces per unit if necessary; 3) that the nursing home site be marked off as a future phase of the project; and 4) compliance with the Erosion Control Ordinance.

FISCAL IMPACT: None

E. Schedule a public hearing relative to rezoning property on Haywood Road

for February 25, 1986. (Behind Ace Appliance on Knight Place)

HIGHLIGHTS: The Asheville Planning and Zoning Commission, at a meeting

held July 10, 1985, considered the petition of Mr. Wayne Smith, of Ace Appliance, that Ward 5, Sheet 6, Lot 99¼, be rezoned from R-3 Residential District to CS Commercial Service District. The property is located behind Ace Appliance on Knight Place. After review and discussion, the Commission voted to recommend to City Council that Ward 5, Sheet 6, Lot 99¼ and Lot 99 be rezoned from R-3 Residential District to CS Commercial Service District. At the Council meeting of August 13, 1985, the petitioner withdrew his request for rezoning. Ace Appliance now wishes for the requested rezoning to be heard by City Council, and this motion will schedule the public hearing for February 25,

1986.

FISCAL IMPACT: None

Upon motion of Councilman Michalove, seconded by Vice-Mayor Frank, the consent agenda was unanimously approved.

CLAIMS - DIANE CARPENTER (WATER) - THOMAS HUNNICUTT (PARKS AND RECREATION) - CHARMAINE ABRAMS (SEWER)

The Acting City Manager presented claims received from Diane Carpenter, Thomas Hunnicutt, and Charmaine Abrams.

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

LAWSUITS - JOHNNY RAY OWENS VS. R.E. GREENE AND J. L. GADDY (SECTION 1983 LAWSUIT - PERSONAL INJURY DUE TO ALLEGED VIOLATION OF CIVIL RIGHTS)

The Acting City Manager said the City was served on January 23, 1986, with a lawsuit in which the City of Asheville is a defendant involving Johnny Ray Owens vs. R. E. Green and J. L. Gaddy relative to Section 1983 lawsuit - personal injury due to alleged violation of civil rights.

Mayor Bisette referred the lawsuit to the Corporation Counsel for investigation and recommendation.

ADJOURNMENT - EXECUTIVE SESSION

Vice-Mayor Frank moved to adjourn the meeting to Executive Session to discuss personnel and real estate matters. This motion was seconded by Councilman Tisdale and carried unanimously.

The meeting adjourned at 4:25 p.m.

MAYOR CITY CLERK
