

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

Regular Meeting

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

Absent: Councilman Walter R. Boland

INVOCATION

The invocation was given by Councilman Tisdale.

APPROVAL OF THE MINUTES - MARCH 4, 1986 MEETING

1. Consideration was given to the approval of the minutes of the March 4, 1986 meeting.

Mayor Bisette announced the approval of the minutes as submitted.

PROCLAMATION - MARCH 10-15, 1986 - "EMPLOY THE OLDER WORKER WEEK"

2. Mayor Bisette read a proclamation proclaiming March 10-15, 1986, as "Employ the Older Worker Week".

Mayor Bisette presented the proclamation to Suzanne Piver, Placement Supervisor with the Employment Security Commission.

PUBLIC HEARING - SITE PLAN - FOREST PLAZA - 932 HENDERSONVILLE ROAD

3. A public hearing was held relative to a site plan of the proposed Forest Plaza (office condominiums and retail complex) to be located at 932 Hendersonville Road.

Mayor Bisette said the Asheville Planning and Zoning Commission at a meeting held December 11, 1985, reviewed the site plan of the proposed Forest Plaza (office condominiums and retail complex) to be located at 932 Hendersonville Road. The site plan was prepared by John Reid, Architect, for Mr. George Morosani, 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 conditions: 1) approval of curb cut on Hendersonville Road from the North Carolina Department of Transportation; and 2) compliance with the Erosion Control Ordinance.

Mayor Bisette opened the public hearing at 4:10 p.m.

The Deputy City Clerk presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission had recommended approval of the site plan subject to approval of curb cut on Hendersonville Road from the North Carolina Department of

Transportation and compliance with the Erosion Control Ordinance. He said Mr. Morosani, Developer, had received a letter from the North Carolina Department of Transportation, dated February 15, 1986, approving the driveway permits. He said the project would entail office condominiums and a retail complex with a proposed parking deck.

John Reid, Architect for the project, said the retail activity in the complex would be similar to businesses already operating along Hendersonville Road. He said buffering would be provided along Seminole Street.

Upon inquiry of Councilman Michalove, Mr. Reid said they were aware of the scheduled widening of Hendersonville Road by the North Carolina Department of Transportation, and it is their understanding that the City would not be requested to acquire the right-of-way for the widening.

Mayor Bissette closed the public hearing at 4:19 p.m.

Councilman Tisdale moved for the approval of the site plan of the proposed Forest Plaza to be located at 932 Hendersonville Road. This motion was seconded by Councilman Price.

Councilman Michalove asked if Councilman Tisdale's motion included the conditions outlined by the Planning and Zoning Commission and his request that the right-of-way currently set aside for the Hendersonville Road widening would be at no cost to the City of Asheville. Councilman Tisdale answered in the affirmative. The motion carried unanimously.

RESOLUTION NO. 86-35 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE AMENDMENT NO. 1 TO FEDERAL AVIATION GRANT AGREEMENT, PROJECT NO. 3-37-0005-02.

4. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville Amendment No. 1 to Federal Aviation Grant Agreement, Project No. 3-37-0005-02.

Mayor Bissette said this amendment would increase the maximum grant obligation by \$3,605 to cover cost overruns in the construction of a vehicle storage building.

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 Bratton, Resolution No. 86-35 was unanimously adopted.

Complete text of Resolution No. 86-35 will be found in Resolution Book No. 15 at Page 452 and 453.

RESOLUTION NO. 86-36 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT BY AND BETWEEN THE CITY OF ASHEVILLE AND MOSER, INC., FOR INSTALLING DRY STANDPIPES IN THE CIVIC CENTER PARKING GARAGE ON RANKIN AVENUE

5. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City an agreement by and between the City of

Asheville and Moser, Inc., for installing dry standpipes in the Civic Center Parking Garage on Rankin Avenue.

Mayor Bissette said State fire codes require the installation of "standpipes" in the Civic Center Parking Garage located on Rankin Avenue. The plans and specifications have been prepared and proposals for the work have been received. It is recommended by City staff that the contract be awarded to the lowest responsible bidder, Moser, Incorporated. He said the total cost would be \$14,755.00 which is currently budgeted. He said this would bring the Civic Center Parking Garage into compliance with the State Fire Code requirements.

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 Councilman Michalove, seconded by Vice-Mayor Frank, Resolution No. 86-36 was unanimously adopted.

Complete text of Resolution No. 86-36 will be found in Resolution Book No. 15 at Page 454.

RESOLUTION NO. 86-37 - RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF MARKET STREET TO VEHICULAR TRAFFIC FOR ST. PATRICK'S DAY EVENT ON MARCH 16, 1986

6. Consideration was given to a resolution authorizing the temporary closing of Market Street to vehicular traffic for St. Patrick's Day event on March 16, 1986.

Mayor Bissette said Cin-Jades, a downtown business, is planning a parade, cookout and small festival on March 16, 1986, to commemorate St. Patrick's Day. This resolution will authorize the section of Market Street from the intersection at College Street to the intersection at Walnut Street to be temporarily closed to vehicular traffic from 6:00 a.m. until 6:00 p.m. on March 16, 1986.

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 Councilman Tisdale, seconded by Councilman Price, Resolution No. 86-37 was unanimously adopted.

Complete text of Resolution No. 86-37 will be found in Resolution Book No. 15 at Page 455.

RESOLUTION NO. 86-38 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACTURAL AGREEMENT WITH PULITZER BROADCASTING COMPANY TO LEASE SPACE FROM THE CITY OF ASHEVILLE AT THE CITY'S WHITE FAWN RADIO TOWER FOR THE PURPOSE OF RECEIVING AND TRANSMITTING TELEVISION SIGNALS IN AND AROUND THE ASHEVILLE-BUNCOMBE COUNTY AREA

7. Consideration was given to a resolution authorizing the Mayor to enter into a contractural agreement with Pulitzer Broadcasting Company to

lease space from the City of Asheville at the City's White Fawn radio tower for the purpose of receiving and transmitting television signals in and

around the Asheville-Buncombe County area.

Mayor Bissette said Pulitzer Broadcasting Company, doing business as WYFF-TV, is desirous of leasing space from the City at its White Fawn site for the purpose of transmitting television signals in and around the Asheville-Buncombe County area. The City and Pulitzer Broadcasting Company have mutually agreed to the terms for such a lease. This resolution will authorize the Mayor to sign an agreement with Pulitzer Broadcasting Company for said purpose. He said the rent will be \$2,400 annually with a \$600 advance deposit payable upon execution of this agreement. Electrical service to WYFF-TV from the City's meter will be approximately \$60 per month.

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 Bratton, Resolution No. 86-38 was unanimously adopted.

Complete text of Resolution No. 86-38 will be found in Resolution Book No. 15 at Page 456.

ASHEVILLE HOUSING AUTHORITY - PRESENTATION OF CHECK FOR PAYMENT IN LIEU OF TAXES

8. Jesse Ray, Sr., Chairman of the Asheville Housing Authority, presented Mayor Bissette with a check from the Asheville Housing Authority, pursuant to an agreement made in 1949 that the Housing Authority present a payment to the City of Asheville as a "payment in lieu of taxes". The check was in the amount of \$33,023.35. Mr. Ray said this makes a total of \$578,469.17 that has been paid to the City of Asheville in lieu of taxes.

Councilman Michalove said he felt this was a good example of what a non-profit organization can do for the City of Asheville for city services they receive. He said the City has a high number of non-profit organizations such as churches, etc., that could make a payment in lieu of taxes.

RESOLUTION NO. 86-39 - RESOLUTION APPOINTING MEMBERS TO THE PLANNING AND ZONING COMMISSION (WANDA HENRY COLEMEN, MICHAEL D. MOSER, AND JAN WIEGMAN)

9. Consideration was given to a resolution appointing Wanda Henry Coleman, Michael D. Moser, and Jan Wiegman as members of the Planning and Zoning Commission.

Mayor Bissette said this resolution will reappoint Wanda Henry Coleman, Michael D. Moser, and Jan Wiegman as members of the Planning and Zoning Commission for two (2) year terms.

Councilman Michalove stated that he would be voting "no" on the resolution. He said at a number of the Alternatives for Asheville meetings, several requests were made that City Council look into the composition of the Planning and Zoning Commission and appoint members from neighborhood organizations. He said it would be his preference to wait until August, 1986, when all the terms would have expired, and take a look at the entire Board as far as representation is concerned.

Upon motion of Councilman Tisdale, seconded by Vice-Mayor Frank, Resolution No. 86-39 passed on a voice vote of 5-1 with Councilman Michalove voting "no".

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.

Councilman Bratton said she had been appointed as a liaison between Asheville City Council and the Planning and Zoning Commission, and she would be attending the Planning and Zoning Commission meetings, and would look at their operating procedures and report back to members of Council. She requested that Mayor Bissette write a letter to the Chairman of the Planning and Zoning Commission informing them of her appointment as a liaison to the Commission.

Complete text of Resolution No. 86-39 will be found in Resolution Book No. **15** at Page **457**.

RESOLUTION NO. 86-40 - RESOLUTION APPOINTING MEMBER TO THE WESTERN NORTH CAROLINA AIR POLLUTION BOARD (FRANKLIN R. SCHUTZ)

10. Consideration was given to a resolution appointing Franklin R. Schutz as a member of the Western North Carolina Air Pollution Board.

Mayor Bissette said this resolution will appoint Mr. Schutz for a six (6) year term. He said Mr. Schutz would be filling the expiring term of Dr. Roy Roberts who has rendered a valuable service for over sixteen years.

Upon motion of Vice-Mayor Frank, seconded by Councilman Tisdale, Resolution No. 86-40 was unanimously adopted.

Complete text of Resolution No. 86-40 will be found in Resolution Book No. **15** at Page **458**.

RESOLUTION NO. 86-41 - RESOLUTION REAPPOINTING MEMBER TO THE ASHEVILLE TRANSIT AUTHORITY (JOHN J. SHERMAN, JR.)

11. Consideration was given to a resolution reappointing John J. Sherman, Jr. to the Asheville Transit Authority.

Mayor Bissette this resolution will reappoint John J. Sherman, Jr. as a member of the Asheville Transit Authority to serve a four (4) year term.

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 Michalove, Resolution No. 86-41 was unanimously adopted.

Complete text of Resolution No. 86-41 will be found in Resolution Book No. **15** at Page **459**.

SCHEDULING PUBLIC HEARING RELATIVE TO EXTENDING HAW CREEK MORATORIUM

12. Councilman Tisdale moved to schedule a public hearing relative to extending the current moratorium in the Haw Creek area for March 25, 1986. This motion was seconded by Councilman Price and carried unanimously.

SCHEDULING PUBLIC HEARING RELATIVE TO HAYWOOD PARK HOTEL PROJECT PHASE II

13. Councilman Tisdale moved to schedule a public hearing relative to the site plan for the Haywood Park Hotel Project Phase II, for March 25, 1986. This motion was seconded by Councilman Price and carried unanimously.

RECOGNITION OF PLANNING STAFF RELATIVE TO ALTERNATIVES FOR ASHEVILLE'S MEETINGS

14. Councilman Price commended the Planning Staff on an outstanding job during the recent public hearings and continuing efforts for Alternatives for Asheville.

RESOLUTION NO. 86-42 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR ENTRY WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

15. Consideration was given to a resolution authorizing the Mayor to execute an agreement for entry with the North Carolina Department of Transportation.

Mayor Bisette said the North Carolina Department of Transportation has developed plans to improve McDowell Street and in order to install proper drainage for the project, the North Carolina Department of Transportation requires an easement across property owned by the City of Asheville on Choctaw Street. He said there is not sufficient time to allow the final easement agreement between the City of Asheville and the North Carolina Department of Transportation to be approved prior to placing the project on the North Carolina Department of Transportation bid list. He said the execution of an agreement for entry will be sufficient to allow the project to be placed on the bid list. He said prior to the project being completed, the North Carolina Department of Transportation will prepare the easement agreements required to officially record the easement required for placement of the drainage system. He said this resolution will authorize the Mayor to execute said agreement for entry.

Upon motion of Vice-Mayor Frank, seconded by Councilman Tisdale, Resolution No. 86-42 was unanimously adopted.

Complete text of Resolution No. 86-42 will be found in Resolution Book No. **15** at Page **460**.

CLAIMS - ELIZABETH BUDZINSKI (WATER) - ROLAND BUNDRICK (STREETS)

The Acting City Manager presented claims received from Elizabeth Budzinski (Water) and Roland Bundrock (Streets).

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

COUNCILMAN BRATTON - REQUEST TO SCHEDULE MEETING WITH REPRESENTATIVES OF THE ASHEVILLE SCHOOL BOARD

Councilman Bratton requested that members of Council schedule a meeting with representatives of the Asheville School Board.

LETTER OF APPRECIATION TO WILLIAM B. CECIL - PURCHASE OF AKZONA BUILDING

Councilman Tisdale requested that Mayor Bissette write a letter to William B. Cecil with the Biltmore Company commending him on his purchase of the Akzona Building and locating his headquarters in downtown.

FLOYD BROCK PRESENTATION RELATIVE TO HUNTLEY CONSTRUCTION COMPANY BID FOR HAW CREEK SEWER PROJECT

Floyd Brock, Attorney representing Huntley Construction Company, said in the fall of 1985, Huntley Construction Company submitted a bid relative to the Haw Creek Sewer Project. He said Mr. Harvey Huntley had presented the bid on Tuesday and was notified on Friday that he was low bidder. He said over the weekend, Mr. Huntley had checked his estimates and found a substantial error. He said on the following Monday he notified the Director of Water and Sewer Services of his error and asked to be excused from the bid. He said, at that time, Mr. Huntley would have rather forfeited his bid bond rather than complete the job at the bid submitted. He said it is his opinion that North Carolina General Statutes 143-129 would allow a bidder to withdraw his bid within seventy-two (72) hours after notification that he was low bidder without forfeiture of bid bond. He said Mr. Huntley is requesting that Council waive his forfeiture of bid bond in the amount of \$6,000.00. He requested that Council carefully review Mr. Huntley's request.

Harold Huff, Director of Water and Sewer Services, reviewed the events that lead up to Mr. Huntley's request. He said the Water and Sewer Staff did not recommend the forfeiture of bid bond, however, the Council considered the matter in detail and the-then-Council decided to ask for the forfeiture of bond.

Mayor Bissette informed Mr. Brock that Council would discuss the request with the Legal Department, and would let him know the decision reached by members of Council.

RALPH BISHOP - ASHEVILLE POLICE DEPARTMENT AND LOTTERY SALES

Ralph Bishop again spoke to members of Council relative to the Asheville Police Department and lottery sales in the City of Asheville.

ADJOURNMENT

Upon motion of Council Tisdale, seconded by Vice-Mayor Frank, the meeting adjourned at 4:55 p.m.

MAYOR CITY CLERK
