

Tuesday - March 18, 1986 - 4:00 p.m.

Regular Meeting

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

Absent: None

INVOCATION

The invocation was given by Councilman Walter Boland.

APPROVAL OF THE MINUTES - MARCH 11, 1986 MEETING

1. Consideration was given to the approval of the minutes of the March 11, 1986, meeting.

Mayor Bissette announced the approval of the minutes as submitted with the correction of one typographical error.

RESOLUTION NO. 86-43 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PROJECT 9.5130201 (U-503) AND 8.1840901 KNOWN AS CONSTRUCTION AND IMPROVEMENT OF U.S. 25 (MCDOWELL STREET) FROM NEAR VICTORIA ROAD TO SOUTHSIDE AVENUE INTERSECTION

2. Consideration was given to a resolution authorizing the Mayor to execute a municipal agreement with the North Carolina Department of Transportation for Project 9.5130201 (U-503) and 8.1840901 known as construction and improvement of U.S. 25 (McDowell Street) from near Victoria Road to Southside Avenue intersection.

Mayor Bissette said the City of Asheville and the North Carolina Department of Transportation have previously entered into Municipal Agreements dated October 22, 1981, and October 4, 1985, with regard to construction and improvement of U.S. 25 (McDowell Street). The N.C. Department of Transportation has adopted new plans regarding said improvements. It is necessary for the City of Asheville and NCDOT to enter into a new agreement for the above-captioned project which will supersede and rescind the previous Municipal Agreements. This resolution will authorize the Mayor to execute the Municipal Agreement with the North Carolina Department of Transportation.

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. 86-43 was unanimously adopted.

Complete text of Resolution No. 86-43 will be found in Resolution Book No. 15 at page 461 and 462.

RESOLUTION NO. 86-44 - RESOLUTION APPROVING AN AMENDMENT TO THE ASHEVILLE-BUNCOMBE WATER AUTHORITY BY-LAWS

3. Consideration was given to a resolution approving an amendment to the Asheville-Buncombe Water Authority By-laws.

Mayor Bissette said the City-County Water Agreement, dated October 29, 1981, provides that the Authority may amend its By-laws upon the affirmative vote of two of the three governmental bodies: the Asheville-Buncombe Water Authority, the Asheville City Council, and the Buncombe County Board of Commissioners. The Authority desires to amend its By-laws so as to permit a new Authority member appointed to replace a resigning Authority member to

vote within the thirty (30) day period after the resigning Authority member has submitted a written resignation. The Water Authority adopted a resolution on February 18, 1986, approving said amendment. This resolution will approve said amendment to the By-laws of the Water Authority.

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. 86-44 was unanimously adopted.

Complete text of Resolution No. 86-44 will be found in Resolution Book No. **15** at page **463**.

RESOLUTION NO. 86-45 - RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION REQUESTING ANNEXATION OF A NON-CONTIGUOUS AREA RECEIVED UNDER NORTH CAROLINA GENERAL STATUTE SEC. 160A-58.1

4. Consideration was given to a resolution directing the City Clerk to investigate a petition requesting annexation of a non-contiguous area received under North Carolina General Statute Sec. 160A-58.1.

Mayor Bissette said a petition requesting annexation of an area near the intersection of Long Shoals Road and Ledbetter Road and more particularly described in said petition was received on March 21, 1985, by the Asheville City Council. N.C. Gen. Stat. Sec. 160A-58.1 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place. This resolution will direct the City Clerk to investigate the sufficiency of the petition and to certify to Council the result of his investigation.

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 Boland, seconded by Councilman Michalove, Resolution No. 86-45 was unanimously adopted.

Complete text of Resolution No. 86-45 will be found in Resolution Book No. **15** at page **464**.

RESOLUTION NO. 86-46 - RESOLUTION REAPPOINTING MEMBERS TO THE BOARD OF ELECTRICAL EXAMINERS (E. FRANK DAVIS, JR., LARRY KEENAN, WALTER J. HARLOW, J. MICHAEL BOOZER, MALACHIE CROMARTIE)

5. Consideration was given to a resolution reappointing members to the Board of Electrical Examiners.

Mayor Bissette said this resolution will reappoint E. Frank Davis, Jr., Larry Keenan, Walter J. Harlow, J. Michael Boozer and Malachie Cromartie to the Board of Electrical Examiners for a two (2) 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 Price, Resolution No. 86-46 was unanimously adopted.

Complete text of Resolution No. 86-46 will be found in Resolution Book No. **15** at page **465**.

RESOLUTION NO. 86-47 - RESOLUTION REAPPOINTING MEMBERS TO THE BOARD OF EXAMINERS OF MOTION PICTURE OPERATORS (ROY B. GIBBS AND L. B. SIMMONS)

6. Consideration was given to a resolution reappointing members to the Motion Picture Operators, Board of Examiners.

Mayor Bissette said this resolution will reappoint Roy B. Gibbs and L. B. Simmons to the Motion Picture Operators, Board of Examiners for a two (2) year term.

Mayor Bisette 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. 86-47 was unanimously adopted.

Complete text of Resolution No. 86-47 will be found in Resolution Book No. **15** at page **466**.

RESOLUTION NO. 86-48 - RESOLUTION REAPPOINTING MEMBER TO THE BOARD OF TRUSTEES OF THE FIREMEN'S RELIEF FUND (T. CECIL TALLENT)

7. Consideration was given to a resolution reappointing a member to the Firemen's Relief Fund, Board of Trustees.

Mayor Bisette said this resolution will reappoint T. Cecil Tallent to the Firemen's Relief Fund, Board of Trustees for a two (2) year term.

Mayor Bisette 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 Boland, Resolution No. 86-48 was unanimously adopted.

Complete text of Resolution No. 86-48 will be found in Resolution Book No. **15** at page **467**.

SCHEDULING PUBLIC HEARING - SITE PLAN OF HAZELWOOD MOBILE HOME PARK, PHASE II - NORTH LOUISIANA AVENUE

8. Consideration was given to a motion to schedule a public hearing for a site plan of the Hazelwood (Weiss) Mobile Home Park, Phase II, to be located on North Louisiana Avenue for April 8, 1986.

Mayor Bisette said the Asheville Planning and Zoning Commission, at a meeting held February 26, 1986, reviewed the site plan of the Hazelwood (Weiss) Mobile Home Park, Phase II, to be located on North Louisiana Avenue. The site plan was prepared by Associated Land Technologies, Engineer, for Walter Weiss, 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) location of a fire hydrant within the site; 2) removal of four sites on the front of project to meet density requirement and provide open space; and 3) compliance with the Erosion Control Ordinance.

Councilman Tisdale moved to schedule a public hearing relative to the site plan of the Hazelwood Mobile Home Park, Phase II, to be located on North Louisiana Avenue for April 8, 1986. This motion was seconded by Councilman Price and carried unanimously.

REQUEST OF COUNCILMAN TISDALE - MAYOR TO WRITE LETTER TO WILL CURTIS OF THE ASHEVILLE CITIZEN RELATIVE TO EDITORIAL REGARDING BOARD AND COMMISSIONS - CONFLICT OF INTEREST

Councilman Tisdale requested that Mayor Bisette write a letter, on behalf of the Asheville City Council, expressing appreciation for his editorial in the Asheville Citizen on Monday, March 17, 1986, relative to steps taken to eliminate possible conflict of interest situations on various boards and commissions appointed by Asheville City Council.

CLAIMS - ALAN COOPER (WATER) - BETTY DILLINGHAM (STREETS) - BETTY DILLINGHAM (STREETS)

The Acting City Manager presented claims received from Alan Cooper and Betty Dillingham.

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

LAWSUITS - JERRY N. JONES VS. CITY OF ASHEVILLE, BOARD OF ADJUSTMENT

The Acting City Manager said the City was served on March 11, 1986, with a law suit in which the City of Asheville is a defendant involving Jerry N. Jones vs. City of Asheville, Board of Adjustments, (appeals from Board of Adjustment decision).

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

CANCELLATION OF REGULARLY SCHEDULED COUNCIL MEETING FOR APRIL 1, 1986

Councilman Price moved to cancel the regularly scheduled Council meeting for April 1, 1986, due to Easter holidays. This motion was seconded by Vice-Mayor Frank and carried unanimously.

RALPH BISHOP - ASHEVILLE POLICE DEPARTMENT

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

COMMENTS BY BARRY OLIN, WALL STREET MERCHANT

Barry Olin, Wall Street merchant, said he was appearing before Council to apologize for the aggressive attitude and conduct of several of the tenants on Wall Street relative to action taken on eviction notices by the developer of the Wall Street Redevelopment Plan. He said he felt guidelines should be set up for situations of this nature. He said the tenants on Wall Street look forward to working with the developer, the new City Manager, and the new Downtown Coordinator.

ADJOURNMENT

Upon motion of Vice-Mayor Frank, seconded by Councilman Price, the meeting adjourned at 4:25 p.m.

MAYOR CITY CLERK
