

Tuesday - April 29, 1986 - 4:00 p.m.

Regular Meeting

Present: Mayor W. Louis Bisette, Presiding; Councilmen Wilhelmina Bratton, Walter R. Boland; Kenneth M. Michalove, and George M. Tisdale; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Mary Lloyd Frank and Councilman Norma T. Price.

INVOCATION

The invocation was given by Mayor Louis Bisette.

APPROVAL OF THE MINUTES - APRIL 22, 1986 MEETING

1. Consideration was given to the approval of the minutes of the April 22, 1986 meeting.

Mayor Bisette announced the approval of the minutes as submitted.

PROCLAMATION - MAY 1 - 7, 1986 - "RESPECT FOR LAW WEEK"

2. Mayor Bisette read a proclamation proclaiming May 1 - 7, 1986 as "Respect for Law Week".

Mayor Bisette presented the proclamation to Officer Logan with the Optimist Club.

PROCLAMATION - MAY 2, 1986 - "LAW DAY USA"

3. Mayor Bisette read a proclamation proclaiming May 2nd as "Law Day USA".

Mayor Bisette presented the proclamation to David Gantt, Attorney.

Mr. Gantt said on May 2nd, attorneys would be available in the Law Library to provide free legal service to individuals requesting assistance.

He said this would be called "Free Day".

PROCLAMATION - MONTH OF MAY, 1986 - "BICYCLE MONTH"

4. Mayor Bisette read a proclamation proclaiming the month of May as "Bicycle Month".

Mayor Bisette asked that a copy of the proclamation be forwarded to Claudia Nix, member of the Youth Service Action Group.

PROCLAMATION - MAY 4 - 10, 1986 AS "EXTENSION HOMEMAKERS WEEK"

5. Mayor Bisette read a proclamation proclaiming May 4, 1986 as "Extension Homemakers Week".

Mayor Bisette presented the proclamation to Mary Jo Drake, with the Extension Homemakers Association.

PROCLAMATION - MAY 4 - 10, 1986 AS "DISABILITIES AWARENESS WEEK" - MAY 7, 1986 "NATIONAL BARRIERS AWARENESS DAY IN ASHEVILLE"

6. Mayor Bissette read a proclamation proclaiming May 4 - 10, 1986, as "Disabilities Awareness Week" and May 7 as "National Barriers Awareness Day in Asheville".

Mayor Bissette presented the proclamation to Donna Cator, Vice Chairman of the Disabilities Awareness Week Committee.

RESOLUTION NO. 86-71 - RESOLUTION APPOINTING PRICE WATERHOUSE AS AUDITORS FOR FISCAL YEAR ENDING JUNE 30, 1986

7. Consideration was given to a resolution appointing Price Waterhouse as auditors for fiscal year ending June 30, 1986.

Mayor Bissette said the City of Asheville appointed Price Waterhouse as its auditors for the fiscal years ending June 30, 1984 and 1985, on the basis of a proposal of services for a three year period commencing with the fiscal year ended June 30, 1984. Price Waterhouse has satisfactorily performed their duties for the fiscal years ended June 30, 1984 and 1985. The City hereby names the accounting firm of Price Waterhouse as its auditor for the fiscal year ending June 30, 1986, and also authorizes the Mayor to execute all documents. The annual audit by independent auditors is required by N. C. State statutes. The funds for these services have been appropriated and the proposed fee will not exceed \$29,100.00.

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

Upon motion of Councilman Boland, seconded by Councilman Michalove, Resolution No. 86-71 was unanimously adopted.

Complete text of Resolution No. 86-71 will be found in Resolution Book No. 16 at page 21.

RESOLUTION NO. 86-72 - RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE ASHEVILLE HOUSING AUTHORITY FOR CITY PARKING LOT #21

8. Consideration was given to a resolution authorizing the execution of a lease agreement with the Asheville Housing Authority for City Parking Lot #21.

Mayor Bissette said the property formerly leased from T. C. Smith Company, located on South Lexington Avenue, is now owned by the Asheville Housing Authority. The Housing Authority is interested in continuing the lease of this property with the City at a rate of \$1.00 per year. This resolution will authorize the Mayor to execute a Lease Agreement with the Asheville Housing Authority for this parking lot.

The City Manager said this action would have a positive fiscal impact on the budget in the amount of \$3,400.00.

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

Upon motion of Councilman Tisdale, seconded by Councilman Boland, Resolution No. 86-72 was unanimously adopted.

Complete text of Resolution No. 86-72 will be found in Resolution Book No. 16 at page 22.

RESOLUTION NO. 86-73 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF

THE CITY OF ASHEVILLE A CONTRACT AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH BLUE RIDGE STRUCTURE COMPANY FOR THE PROJECT KNOWN AS GLEN FALLS ROAD BRIDGE REPLACEMENT PROJECT

9. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville a contract and any change order within the budgeted amount with Blue Ridge Structure Company for the project known as Glen Falls Road Bridge Replacement Project.

Mayor Bissette said Glen Falls Road Bridge is located upon a City System street and is in need of replacement due to its age and present condition. This bridge is included in the Federal Aid Off-System Bridge Replacement Program. Bridge replacement and design plans have been prepared and approved by City, State and Federal officials. Low bidder for the project is Blue Ridge Structure Company. This resolution will authorize the Mayor to execute a contract and any change order within the budgeted amount for this project. Total contact amount is \$73,240.70.

Upon inquiry of Councilman Tisdale, the City Manager said the City of Asheville will be reimbursed 80% of the contract amount from the state from the Bridge Replacement Program.

Mayor Bissette noted that the construction period for the replacement project would be 180 days. He said traffic would be closed on Glen Falls Road Bridge during construction.

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

Upon motion of Councilman Bratton, seconded by Councilman Michalove, Resolution No. 86-73 was unanimously adopted.

Complete text of Resolution No. 86-73 will be found in Resolution Book No. 16 at page 23.

RESOLUTION NO. 86-74 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BY AND BETWEEN SUNBELT HISTORIC PROPERTIES LIMITED PARTNERSHIP AND THE CITY OF ASHEVILLE

10. Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville an amendment to the Memorandum of Understanding by and between Sunbelt Historic Properties Limited Partnership and the City of Asheville.

Mayor Bissette said the City of Asheville and Sunbelt Historic Properties Limited Partnership entered into a Memorandum of Understanding dated December 10, 1985, setting forth the responsibilities of each party with regard to a redevelopment project for the Wall Street area. The parties ow desire to amend that Agreement with regard to the City's funding of

certain public improvements in the project. This resolution will authorize the Mayor to execute an amendment to the Memorandum of Understanding.

Mayor Bissette also noted that this amendment would not change the Wall Street Project in any way. He said this amendment would divide the Memorandum of Understanding into two phases, and allow for the commencement of phase I immediately. He said this amendment would also change the expiration date for the Memorandum of Understanding from April 30, 1986 to June 30, 1986.

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

Upon motion of Councilman Bratton, seconded by Councilman Michalove, Resolution No. 86-74 was adopted on a voice vote of 4-1, with Councilman Tisdale voting "no".

Councilman Tisdale said his negative vote had nothing to do with the developer for the Wall Street area, however, he voted against the initial Memorandum of Understanding and voted against the amendment because he had reservations about the financing of the project.

Complete text of Resolution No. 86-74 will be found in Resolution Book No. 16 at page 24.

RESOLUTION NO. 86-75 - RESOLUTION REGARDING SELECTION OF A BOND COUNSEL

11. Consideration was given to a resolution regarding the selection of a Bond Counsel.

Mayor Bissette said Articles 4, 5 and 7 of Chapter 159 of the General Statutes of North Carolina authorize North Carolina local governments to issue bonded debt and sets forth procedures in authorizing and issuing bonds. The North Carolina Local Government Commission must approve all North Carolina local government bond sales. The North Carolina Local Government Commission instructions state that employment of bond counsel is necessary for the appropriate issuance of bonds. There is no fiscal impact effect on the operating budget. Bond Counsel fees will be paid from the capital project(s) funded by any bond issue. Sale of bonds, which requires the employment of bond counsel, will provide funds to positively impact the community by improving community physical assets.

Mayor Bissette said the selection of a Bond Counsel is the first step in the process for preparing for a bond issue to be put before the citizens of the City of Asheville, if Council so desires. He said, at the present time, no decisions have been made by Council as to what would be included in the bond issue or the amount of the bonds.

The City Manager said after an extensive research, it would be his recommendation to select the firm of Smith, Helms, Mullis, and Moore, a North Carolina firm from Greensboro.

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 Bratton, Resolution No. 86-75 was unanimously adopted.

Complete text of Resolution No. 86-75 will be found in Resolution Book No. 16 at page 25.

RESOLUTION NO. 86-76 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BY AND BETWEEN THE CITY OF ASHEVILLE AND DOUGLAS O. BEAN

12. Consideration was given to a resolution authorizing the Mayor to execute an employment agreement by and between the City of Asheville and Douglas O. Bean.

Mayor Bissette said this agreement sets forth the terms and conditions of the employment of Douglas O. Bean as City Manager. He said the agreement does not

set forth a specific time period.

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

Upon motion of Councilman Tisdale, seconded by Councilman Boland, Resolution No. 86-76 was unanimously adopted.

Complete text of Resolution No. 86-76 will be found in Resolution Book No. 16 at page 26.

RESOLUTION NO. 86-77 - RESOLUTION ESTABLISHING THE ASHEVILLE CABLEVISION COMMISSION

13. Consideration was given to a resolution establishing the Asheville Cablevision Commission and appointing members to said commission.

Mayor Bissette said the Asheville City Council desires to establish an Asheville Cablevision Commission. This Commission will include a representative of the City Council, the General Manager of Asheville Cablevision, the Chairman of the Asheville-Buncombe Cable Television Committee, and two (2) additional representatives from the community. The responsibility of the Commission will be to monitor Asheville Cablevision's compliance with the terms of its franchise agreement and to provide regular communications between Asheville Cablevision and the City of Asheville. This resolution also will appoint members to The Asheville Cablevision Commission.

Mayor Bissette said this resolution would appoint Councilman George Tisdale as a representative of City Council; Joe Haight, as General Manager of Asheville Cablevision; W. P. "Pete" Winslow; Chairman Representative of the Asheville-Buncombe Cable Television Committee; Minnie E. Jones, community representative; and Pearce Weaver as a community representative to serve at the pleasure of Council. He said this resolution would also specify that the representative of City Council shall serve as Chairman of the Asheville Cablevision Commission.

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 Councilman Boland, Resolution No. 86-77 was unanimously adopted.

Complete text of Resolution No. 86-77 will be found in Resolution Book No. 16 at page 27 and 28.

COMMENTS RELATIVE TO INTERGOVERNMENTAL COMMITTEE OF CITY OF ASHEVILLE AND COUNTY OF BUNCOMBE

Mayor Bissette said Council had recently reenacted the Intergovernmental Committee of the City of Asheville and County of Buncombe in order that the committee could discuss matters of mutual concern to both the City and County. He said it was hopeful that the committee could meet on a monthly basis. He said the committee members would be Councilman Boland, Vice-Mayor Frank, Councilman Tisdale, Commissioner Montgomery, and Commissioner Sobol.

COMMENT BY COUNCILMAN BRATTON RELATIVE TO ESTHER ROWE

Councilman Bratton noted that Esther Rowe, J. J.'s mother on "Good Times" would be making public appearances in the City of Asheville for the next few days.

RESOLUTION NO. 86-78 - RESOLUTION AUTHORIZING THE SALE BY THE COUNTY OF BUNCOMBE OF TAX LOT IDENTIFIED AS WARD 1, SHEET 1, LOT 282 (VELVET STREET)

Consideration was given to a resolution authorizing the sale by the County of Buncombe of Tax Lot identified as Ward 1, Sheet 1, Lot 282 on Velvet Street.

Mayor Bissette read the resolution stating that the City of Asheville and the County of Buncombe entered into an agreement dated November 5, 1984 to set forth the responsibilities of the City and County with regard to prior responsibilities of the Buncombe County Board of Tax Supervision. He said pursuant to that agreement the County is authorized to sale and convey all property heretofore titled in the name of the Buncombe County Board of Tax Supervision to such person or party and for such price on such terms as the Board of County Commissioners shall deem for the best interests of the City of Asheville, subject to the prior approval of the City. He said pursuant to Resolution No. 85-224 the City approved the sale by the County of a certain number of lots at a price not less than the current tax valuation. He said other lots titled in the name of the Buncombe County Tax Supervision and located within the city limits of the City of Asheville were retained for the City's use pursuant to recommendation of City staff and approval of the City Council. He said it has now been determined that the tax lot identified as Ward 1, Sheet 1, Lot 282 does not need to be retained and it can be released by the City.

Upon motion of Councilman Boland, seconded by Councilman Tisdale, Resolution No. 86-78 was unanimously adopted.

Complete text of Resolution No. 86-78 will be found in Resolution Book No. 16 at page 29 and 30.

SCHEDULING PUBLIC HEARING - FINAL SUBDIVISION PLAT FOR EMMA AIRPORT ASSOCIATES, INC.

Councilman Michalove moved to schedule a public hearing relative to the final subdivision plat for Emma Airport Associates, Inc. for May 13, 1986. This motion was seconded by Councilman Tisdale and carried unanimously.

CLAIMS - DORIS H. MACE (STREET) - JUDY SHAFT (WATER) - W. RUSTY ERICKSON (PARKS) - SANDRA OWENBY (STREET) - DIANNA NORDSTROM (WATER)

The City Manager presented claims received from Doris H. Mace, Judy Shaft, W. Rusty Erickson, Sandra Owenby, and Dianna Nordstrom.

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

JEANNIE CALLOWAY - SISTER CITY PROGRAM - SOVIET UNION

Jeannie Calloway appeared before Council stating that the City of Asheville had been paired with the City of Kislovodsk in the Soviet Union. She said approximately fifteen people from Asheville with various backgrounds and interests have made travel arrangements to visit this sister city during the month of May. She said they would be taking gifts to be given out in Kislovodsk and the individuals traveling have given over \$500 "out of pocket expenses" for these gifts. She requested that the City of Asheville provide an allocation of funds in the amount of \$500 for additional gifts from the Folk Art Center such as quilts and tapes, etc. to take to the people in Kislovodsk.

Mayor Bissette asked that Mrs. Calloway request the funding from the City Manager, and Council would give her an answer next week relative to her request

for funding.

BILL BASS - PROPERTY MANAGER FOR DEERWOOD CONDOMINIUMS REQUESTS

Bill Bass, with Raintree Properties, said his company is property manager for Deerwood Condominiums on Hendersonville Road. He said the condominiums are now in the City of Asheville. In the way of background information, Mr. Bass said Deerwood Condominiums owns their own lighting system, has no problems with police or fire protection, does not have City garbage pick-up (pays Skyland Refuse Collection \$5.15 per month per unit for garbage pick-up), the roads in the condominium area are privately maintained and there has been very little expenditures by the City for the condominium project. He said the City of Asheville receives approximately \$500 per unit per year in taxes. He requested, on behalf of the property owners at Deerwood Condominiums, assistance in maintaining the street lighting system in the amount of \$116 per month and assistance in garbage pick-up in the amount of \$7 per month per unit. He said the total being requested would be \$413 per month or \$4,956 per year.

Mayor Bisette told Mr. Bass that Council would look into their request and report back to them in the next couple of weeks.

RALPH BISHOP OBTAINING CITY RECORDS - LOTTERY SALES

Ralph Bishop again spoke to members of Council relative to his right to obtain certain City records, and the lottery sales in the City of Asheville. He also requested a copy of the employment agreement with Douglas O. Bean as City Manager.

ADJOURNMENT

Upon motion of Councilman Tisdale, seconded by Councilman Boland, the meeting adjourned at 5:15 p.m.
