

Tuesday - June 24, 1986 - 4:00 p.m.

Regular Meeting

Present: Mayor W. Louis Bissette, Presiding; Vice-Mayor Mary Lloyd Frank; Councilmen Wilhelmina Bratton, Walter R. Boland; Kenneth M. Michalove, Norma T. Price, 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: None

## **INVOCATION**

The invocation was given by Councilman Walter Boland.

## **APPROVAL OF THE MINUTES - JUNE 17, 1986 MEETING**

1. Consideration was given to the approval of the minutes of the June 17, 1986, meeting.

Mayor Bissette said approval of the minutes would be reserved until next week.

## **PROCLAMATION - JULY 7-12, 1986 - "SOAP BOX DERBY WEEK"**

2. Mayor Bissette read a proclamation proclaiming July 7-12, 1986, as "Soap Box Derby Week."

Mayor Bissette presented the proclamation to Carlie Rogers with the West Asheville Rotary Club.

## **ORDINANCE NO. 1589 - AN ORDINANCE ADOPTING THE BUDGET AND FIXING THE**

### **TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1986/87**

3. Consideration was given to an ordinance adopting the budget and fixing the tax rate of the City of Asheville for the Fiscal Year 1986/87. Mayor Bissette said in accordance with the Local Government Budget and Fiscal Control Act, this ordinance will adopt the budget and fix the tax rate for 1986/87. The total budget is \$29,310,026.00.

Mayor Bissette said the budget included a 2% tax increase for the operating budget, which will produce approximately \$350,000 to be used to replace federal and state funding that has been cut back or terminated and to continue City services at their current level. He said the remaining 7% would be used for improvements to streets, sidewalks and storm drains either through repayment of a \$20,000,000 bond debt if voters approve a Public Works bond referendum in September or to fund minor capital improvements if the referendum fails.

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

Councilman Boland commented that he was concerned about the requested increase for the Historic Resources Commission. He said it was his understanding that if the increase is not granted for the Historic Resources Commission budget, the Executive Director's position could be cut back to a part-time position.

Councilman Tisdale said he would not support the 2% tax rate increase because he feels costs can be cut by internal controls and reduce the need for a tax increase, and he said the 7% tax increase for capital improvements should be placed in the budget only if voters approve the September referendum. He said he felt the new City Manager had not had an opportunity to review the various departments regarding operations or their budgets. He said he felt Council members should give the new City Manager an opportunity to investigate the departments and their operations before instituting a tax rate increase. He said he felt internal controls within the City government could be improved substantially, such as the use of City vehicles and energy controls. He said he was concerned about the 16% tax

increase for the City residents, with the Asheville School Board requesting a supplemental tax, the County of Buncombe increasing their taxes, and the State officials imposing a gasoline tax increase. He said he had participated in campaigning for legalizing the sale of liquor in the City of Asheville, and it was promised, at that time, that the revenue earned from the legalized sale of liquor would be used to pave streets in the City of Asheville. He said he would have no objections, and would like for the City of Asheville to earmark all the revenue from the sale of liquor for the improvements of streets, sidewalks, and storm drainage.

MEMORANDUM TO: Doug Bean, City Manager

FROM: Bob Wurst, Director of Audit & Budget

DATE: June 24, 1986

SUBJECT: ABC REVENUES

ESTIMATED ABC REVENUE FOR 1985-86 \$743,000

CITY SHARE 75% 557,250

COUNTY SHARE 25% 185,750

Approximately 17% of revenue comes from Liquor by the Drink or approximately \$94,700 to the City. I can find no restriction on use of funding.

BW:msm

He said it also concerned him that the Powell Bill funds have been thrown in the general fund and they should be used strictly for streets, sidewalks, and storm drainage. He said he felt the City of Asheville should institute many cost savings programs. He questioned why incumbent members of Council had not supported a tax increase last year, during an election year, and is supporting a tax increase this year.

Councilman Bratton said she was concerned about the funding for outside agencies such as the Chamber of Commerce and the Asheville Buncombe Community Relations Council. She said she felt a joint meeting with the County of Buncombe and the City of Asheville is greatly needed to discuss the funding for these outside agencies pursuant to the Water Agreement.

Ralph B. Adams, of 75 Madison Avenue, spoke for the residents of "Precinct 3" stating that his group is definitely opposed to any of these tax increases, and they would also like to know, in detail, how the increased tax funds would be distributed in various precincts.

John Walsh spoke to members of Council offering Council an alternative to raising taxes, stating that he would work in the Water Quality Department for minimum wage.

Willa May Brown, of 93 White Fawn Drive, said she felt the bond issue is necessary, but that it is unfair for City property owners to pay the bond debt. She said she would like Council members to investigate other plans for raising revenues other than raising property taxes.

Captain John Best, retired police officer, spoke to members of Council, requesting that the retired police officers and their survivors be given a "cost of living" increase each year.

Mayor Bisette, responding to Captain Best, said the Police Pension Task Force Committee has been studying the Police Pension Program and should have a recommendation on the benefit package within the next month.

John Sorrells, of 201 East Chestnut Street, suggested that Council eliminate the Historic Resources Commission Executive Director and also the Commission. He said he felt the Historic Resources Commission is a bureaucracy, and it would save money to do away with the Executive Director position and the Commission.

Dorothy Arrowood, 126 Vance Crescent, also suggested that Council eliminate the Historic Resources Commission. She said historic properties designations are needed, but they should be on a volunteer basis.

Capt. Donald Maney, retired police officer, also requested that Council institute a "cost of living" increase each year for retired police officers and their survivors.

Councilman Michalove said he was concerned that the budget, as presented, would be using 1.4 million of the fund balance to balance the budget. He said by using the fund balance each year, the City would eventually not have a fund balance. He said the fund balance being used in this year's budget equates to 8.2% on the tax rate. He said it also concerned him that in the capital budget, there was no money appropriated for street paving when \$1,000,000 was requested. He said before the bond referendum goes to the voters for approval, exact streets and specific information would be given to all citizens.

Councilman Price noted that the City Council has no other alternatives except to go to the City tax payers for revenues. She suggested that the citizens encourage their State legislators to support legislation to authorize municipalities to impose other taxes other than ad valorem taxes.

Councilman Frank said she supported the proposed budget because she felt there were many needs that need to be met within the City of Asheville due to cut-backs at the federal, state, and local levels. She also noted that ad valorem taxes is only one-third of the total budget in revenues.

Councilman Bratton said she supported the proposed budget since all members of Council have had the opportunity to review the entire proposed budget.

Councilman Boland, speaking in favor of the tax increase, said if the voters did not approve the bond referendum in September, a "pay as you go plan" will not meet the needs of the City of Asheville.

Mayor Bissette thanked the City Manager and the City staff for presenting a reasonable budget. He said he felt the increase in the operational budget and the 7% to be used for improvements of streets, sidewalks, and storm drainage was reasonable.

Councilman Boland moved for the adoption of Ordinance No. 1589. This motion was seconded by Councilman Bratton.

On a roll call vote of 6-1, Ordinance No. 1589 passed on first and final reading with Councilman Tisdale voting "No."

Complete text of Ordinance No. 1589 will be found in Ordinance Book No. 11 at page 222 - 225.

## **APPROVAL OF THE WATER AUTHORITY BUDGET**

Mayor Bissette said the Water Authority requires the City of Asheville, the County of Buncombe, and the Water Authority to approve the Water Authority Budget.

After discussion, Councilman Michalove moved to approve the Water Authority budget for 1986/87 along with a request that the Water Authority consider amending the capital budget by appropriating \$350,000 to the Sewer Maintenance Fund. This motion was seconded by Councilman Boland and carried unanimously.

Councilman Price said she was hopeful that the City of Asheville could meet with the County of Buncombe in the very near future to review the requested increase to the Chamber of Commerce, the Asheville Buncombe Community Relations Council, and the Historic Resources Commission.

Councilman Tisdale said he was very disappointed that the Intergovernmental Committee meeting between the City of Asheville and the County of Buncombe has not been scheduled, and it was his hope that Mayor Bisette could help influence the County officials to meet with the City Council members.

After discussion, Councilman Michalove moved that if the Intergovernmental Services Committee between the City of Asheville and the County of Buncombe has not met by July 15, members of Council adjourn the City Council meeting and go to the County Commissioners meeting and ask to be heard under other business. This motion was seconded by Councilman Bratton.

Mayor Bisette commented that it is very difficult to get two governmental bodies together at this time of year since both are working on budgets for the coming year. He said he felt the County Commissioners are willing to meet with the City Council members. He commented that he had never been turned away to discuss any matter with individual County Commission members; however, he felt there was a need for more meetings between the City Council and County Commissioners to discuss numerous problems and issues that affect both the City of Asheville and the County of Buncombe. He said he felt Councilman Michalove's motion would be placing too much pressure on the County Commissioners.

Councilman Tisdale objected to threatening-type tactics and abstained from voting.

Councilman Boland agreed with Mayor Bisette and said he was hopeful that the meeting could be scheduled very soon.

On a voice vote of 5-2, Councilman Michalove's motion passed with Mayor Bisette and Councilman Boland voting "No."

## **PUBLIC HEARING - SITE PLAN - PROPOSED RELOCATION OF KINCO CORPORATION -**

### **EMMA AIRPORT ASSOCIATES SUBDIVISION**

4. A public hearing was held relative to a site plan of the proposed relocation of Kinco Corporation to Lot #7 of the Emma Airport Associates Subdivision.

Mayor Bisette requested that he be excused from participation and vote on the issue relative to the Kinco Corporation since his firm represents this developer.

Councilman Tisdale moved to excuse Mayor Bisette from participation and vote on the matter relative to the site plan of the proposed relocation of the Kinco Corporation. This motion was seconded by Councilman Price and carried unanimously.

Vice-Mayor Frank said the Asheville Planning and Zoning Commission, at a meeting held May 14, 1986, reviewed a site plan of the proposed relocation of Kinco Corporation to Lot #7 of the Emma Airport Associates Subdivision. The plan was prepared by Ashley Engineering Company for Mr. Bob Kinser, 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 project provided that it has no access to Brickyard Road and compliance with the Erosion Control Ordinance.

Vice-Mayor Frank opened the public hearing at 5:34 p.m.

The City Clerk presented the notice to the public, setting the date and time 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 project provided that no access is made to Brickyard Road and there is compliance with the Erosion Control Plan. He said this development would house the Kinco Corporation. He said the Erosion Control Plan had been submitted to the State and approved.

There being no discussion relative to the site plan, Vice- Mayor Frank closed the public hearing at 5:36 p.m.

Councilman Boland moved to approve the site plan and the proposed relocation of the Kinco Corporation to Lot #7 of the Emma Airport Associates Subdivision as recommended by the Planning and Zoning Commission. This motion was seconded by Councilman Price and carried unanimously.

**PUBLIC HEARING - SITE PLAN - PROPOSED SIX UNIT APARTMENT - BARNARD AVENUE**

5. A public hearing was held relative to the site plan of a proposed six-unit apartment to be located on Barnard Avenue.

Mayor Bissette said the Asheville Planning and Zoning Commission, at a meeting held May 14, 1986, reviewed the site plan of a proposed six-unit apartment to be located on Barnard Avenue. The site plan was prepared by Frank McGahren, Engineer, for Mark Carlson, 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 project subject to compliance with the Erosion Control Ordinance.

Mayor Bissette opened the public hearing at 5:40 p.m.

The 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 approved the proposed site plan subject to compliance with the Erosion Control Ordinance. He said in the initial review of the plan, there were some design problems relating to water running around the existing building; however, that has been resolved to the satisfaction of the Planning and Zoning Commission. He said the property is zoned R-3 Residential which would allow ten units. He said there is an existing structure on the property, and it is proposed that six more units would be added. He said access to the project would be from Barnard Avenue.

A discussion was held, instituted by Councilman Boland, relative to the narrowness of Barnard Avenue. Mr. Emrick said measures could be taken to alleviate any problems at the intersection of Edgewood Road and for the narrowness on Barnard Avenue.

A discussion was held relative to the future widening of Barnard Avenue, and it was noted that there was enough right-of-way and property to widen the road.

Mark Carlson, developer of the proposed project, spoke in support of the development presenting his credentials on past performance.

Councilman Michalove said he felt this particular area, near the University of North Carolina at Asheville is growing tremendously, and the Planning and Zoning Commission should be looking at the entire area relative to zoning.

Mayor Bissette closed the public hearing at 5:48 p.m.

Councilman Michalove moved to approve the site plan of the proposed six-unit apartment to be located on Barnard Avenue subject to the recommendations of the Planning and Zoning Commission. This motion was seconded by Vice-Mayor Frank and carried unanimously.

**PUBLIC HEARING - AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO CREATE THE CHESTNUT-LIBERTY STREET AREA AS LOCAL HISTORIC DISTRICT**

6. A public hearing was held relative to consideration of an ordinance amending Chapter 30 of the Code of Ordinances

of the City of Asheville to create the Chestnut-Liberty Street area as local historic district.

Mayor Bissette said this ordinance would designate the Chestnut-

Liberty Street neighborhood as a local historic district. Certificates of Appropriateness would be required by a property owner before any exterior rehabilitation or new construction can take place. At the June 11, 1986, Planning and Zoning meeting, the Commission did not take action on this designation; therefore, the public hearing will be opened and will be continued until July 15, 1986.

Mayor Bissette opened the public hearing at 5:50 p.m.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission had several questions relative to the designation and has scheduled a workshop for the neighborhood residents and the Historic Resources Commission for June 24, 1986, at 1:00 p.m. in the First Floor Conference Room.

Dorothy Arrowood, 126 Vance Crescent Ext., spoke in opposition to the designation of the Chestnut-Liberty Street area as a local historic district. She reiterated that historic preservation should be on a volunteer basis.

Vice-Mayor Frank moved to continue the public hearing without further advertisement until July 15, 1986. This motion was seconded by Councilman Michalove and carried unanimously.

**PUBLIC HEARING - FILING APPLICATION FOR GRANT UNDER URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED (OPERATIONAL ASSISTANCE GRANT)**

**RESOLUTION NO. 86-107 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED**

7. A public hearing was held relative to the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended.

Mayor Bissette said the Secretary of Transportation is authorized to make grants for Mass Transportation projects. The contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs. It is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements. This resolution will authorize the Mayor to execute the necessary

documents in connection with the application and will authorize the City Manager to furnish additional information as the U.S. Department of Transportation may require in connection with the application.

Urban Mass Transportation Admin. \$ 562,936

City of Asheville 562,936

Total Operating Assistance \$1,125,872

Mayor Bissette opened the public hearing at 5:54 p.m.

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

Carl Ownbey, with the Asheville Transit Authority, said this is an annual operational assistance grant used for the operation of the Asheville Transit Authority.

Councilman Price noted that the Transit Authority subsidy has increased by \$73,000 over the last year. She said she felt the increase was primarily due to the liability insurance increasing to \$82,000. She said she felt the Asheville Transit Authority and members of Council should address the issue of the liability insurance problems.

Councilman Michalove said he felt the funding was necessary for the elderly and handicapped in the City of Asheville. He also noted that the federal funding equates to approximately 3% on the City tax rate.

Mayor Bissette closed the public hearing at 5:56 p.m.

Upon motion of Vice-Mayor Frank, seconded by Councilman Price, Resolution No. 86-107 was unanimously adopted.

Complete text of Resolution No. 86-107 will be found in Resolution Book No. 16 at page 36-37.

**RESOLUTION NO. 86-108 - RESOLUTION AUTHORIZING THE EXECUTION OF N.C.D.O.T./**

**M.P.O. AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PURSUANT TO RELEVANT SECTIONS OF THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED**

8. Consideration was given to a resolution authorizing the execution of N.C.D.O.T./M.P.O. Agreement with the North Carolina Department of Transportation pursuant to relevant sections of the Urban Mass Transportation Act of 1964, as amended.

Mayor Bissette said as of July 1, 1986, the North Carolina Department of Transportation will be administering all planning grants. The City of Asheville will no longer need to submit a grant application for the necessary planning funds. The amount needed will be awarded by what is detailed in the Planning Work Program (PWP) submitted each year in March. With this being the first year, some additional assurances (ones that were submitted to UMTA) will be sent with the signed contracts. After this year, all assurances will be incorporated by reference. The funding for these projects will still be from UMTA, N.C.D.O.T., and the City of Asheville.

Urban Mass Transportation Admin. \$25,600

N.C.D.O.T. 3,200

Total Planning Funds \$32,000

Carl Ownbey, with the Asheville Transit Authority, noted that this was a yearly planning grant from the North Carolina Department of Transportation.

Councilman Michalove noted that the funding received equates to approximately 5% on the tax rate.

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. 86-108 was unanimously adopted.

Complete text of Resolution No. 86-108 will be found in Resolution Book No. 16 at page 38 - 39.

**PUBLIC HEARING - AMENDMENT TO CURRENT CAPITAL GRANT CONTRACT FOR URBAN MASS TRANSPORTATION ADMINISTRATION UNDER SECTION 9 OF THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED**

**RESOLUTION NO. 86-109 - RESOLUTION AUTHORIZING THE FILING OF A GRANT AMENDMENT WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED**

9. A public hearing was held relative to amending the current capital grant contract for the Urban Mass Transportation Administration under Section 9 of the Urban Mass Transportation Act of 1964, as amended.

Mayor Bissette said the Secretary of Transportation is authorized to make grants and amendments for mass transportation projects. The contract amendment will impose certain obligations upon the applicant, including the provision of the local share of the project costs. This resolution will authorize the Mayor to file this grant amendment and execute any grant amendment agreements.

Federal share \$769,600

State share 96,200

Local share 96,200

Total cost \$962,000

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

Mayor Bissette opened the public hearing at 6:01 p.m.

Carl Ownbey, with the Asheville Transit Authority, said this amendment would allow for the purchase of additional radios and construction work at the Asheville Transit Authority.

Mayor Bissette closed the public hearing at 6:03 p.m.

Mayor Bissette 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.

Upon motion of Councilman Boland, seconded by Vice-Mayor Frank, Resolution No. 86-109 was unanimously adopted.

Complete text of Resolution No. 86-109 will be found in Resolution Book No. **16** at page **40**.

**RESOLUTION NO. 86-110 - RESOLUTION AUTHORIZING THE FILING OF A GRANT AMENDMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL CAPITAL IMPROVEMENT FUNDS**

10. Consideration was given to a resolution authorizing the filing of a grant amendment with the North Carolina Department of Transportation for additional capital improvement funds.

Mayor Bissette said the North Carolina Department of Transportation is authorized to make grants and amendments for mass transit projects. The City of Asheville has made a grant application amendment to the United States Department of Transportation, Urban Mass Transportation Administration. The federal share will be 80% of the net project cost and the City of Asheville will provide 10% of the net project costs. This resolution will authorize the Mayor to execute and file this grant amendment and any amendment agreements.

Federal share \$769,600

State share 96,200

Local share 96,200

Total cost \$962,000



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

Upon motion of Councilman Boland, seconded by Vice-Mayor Frank, Resolution No. 86-110 was unanimously adopted.

Complete text of Resolution No. 86-110 will be found in Resolution Book No. **16** at page **41**.

**RESOLUTION NO. 86-111 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF ASHEVILLE WITH THE ASHEVILLE CHAPTER OF THE AMERICAN RED CROSS**

11. Consideration was given to a resolution authorizing the Mayor to execute an agreement on behalf of the City of Asheville with the Asheville Chapter of the American Red Cross.

Mayor Bissette said Section 504 of the Rehabilitation Act of 1974 and Section 16(a) of the Urban Mass Transportation Act of 1964, as amended, require that the City provide public transportation services within the corporate City limits to qualified handicapped individuals, including wheelchair users and semi-ambulatory persons. Resolution 86-57 adopted April 8, 1986, the City of Asheville contracted with the American Red Cross to provide transportation for handicapped individuals. This resolution will authorize the Mayor to execute an agreement to continue to provide transportation for qualified handicapped individuals.

The amount is estimated at \$19,700 to be advanced in quarterly payments of \$4,925. Funds for this agreement is included in the fiscal year budget for Asheville Transit Authority operating funds.

Carl Ownbey, with the Asheville Transit Authority, said the amount of funds to be provided for the 86-87 contract with the American Red Cross is 3.5% of the federal funds received from the Urban Mass Transportation Administration.

Mayor Bissette said members of Council were previously furnished copies of this 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. 86-111 was unanimously adopted.

Complete text of Resolution No. 86-111 will be found in Resolution Book No. **16** at page **42**.

**ORDINANCE NO. 1590 - BUDGET ORDINANCE AMENDMENT FOR UMTA CAPITAL BUDGET**

12. Consideration was given to a budget ordinance amendment for UMTA capital budget.

Mayor Bissette said this budget ordinance amendment is to provide for radios, passenger counters and parts room. An additional \$13,000 local match is included in fiscal 1986/87 capital budget.

Carl Ownbey, with the Asheville Transit Authority, said this budget amendment would allow the City's portion of the UMTA capital funds to be used for radios, passenger counters, and parts room.

Mayor Bissette 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.

Vice-Mayor Frank moved for the adoption of Ordinance No. 1590. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1590 passed on first and final reading.

Complete text of Ordinance No. 1590 will be found in Ordinance Book No. **11** at page **26**.

## **APPROVAL OF CONSENT AGENDA**

13. 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.

### **Resolution No. 86-112**

**A. Consideration of a resolution supporting the Western North Carolina Soap Box Derby and authorizing the closing of certain streets in the City of Asheville for said event.**

**HIGHLIGHTS:** The WNC Soap Box Derby Association, an affiliate of the West

Asheville Rotary Club, is sponsoring a Soap Box Derby for

participants in Western North Carolina on July 12, 1986. The West Asheville Rotary Club has requested that College Street between Spruce and Oak Streets be closed between 10:00 a.m. and 2:00 p.m. on June 28, 1986, (Practice Run Date) and July

12, 1986 (Race Date).

**Resolution Book No. 16, page 70.**

### **Resolution No. 86-113**

**B. Consideration of a resolution authorizing the Mayor to sign an agreement with the Skyland Volunteer Fire Department, Inc., for fire protection services in the Airport Annexation Area.**

**HIGHLIGHTS:** On April 2, 1979, the area surrounding the Asheville Airport

was annexed to the City of Asheville. This resolution will authorize the Mayor to enter into an agreement with the Skyland Volunteer Fire Department, Inc., to furnish necessary men and equipment to provide primary fire protection services

for the Airport annexation area.

**FISCAL IMPACT:** Skyland Volunteer Fire Department, Inc., will

provide the service for a fee of \$4,800.00

**Resolution Book No. 16, page 71.**

### **Resolution No. 86-114**

**C. Consideration of a resolution authorizing the Mayor to execute on behalf of**

**the City of Asheville an amendment to the agreement by and between the City of Asheville and the Skyland Volunteer Fire Department for the provision of fire protection service to the newly annexed noncontiguous area located near the intersection of Long Shoals Road and Ledbetter Road.**

**HIGHLIGHTS:** This resolution will authorize the Mayor to execute, on behalf

of the City, an amendment to the agreement between the City of Asheville and the Skyland Volunteer Fire Department to provide fire protection services for successive one year renewals unless either party shall give the other party written notice of its desire to modify or terminate the agreement. This is for a noncontiguous area near the intersection of Long Shoals

Road and Ledbetter Road.

**FISCAL IMPACT:** The annual fee for the period July 1, 1986, through June

30, 1987, shall be based on the Skyland Fire District Tax amount of \$.08 per \$100.00 valuation of the property. FY 86-87 costs for the contracts \$90.40 based on present value of \$113,000.00 Funds are available in the general

operating budget.

**Resolution Book No. 16, page 72.**

**Resolution No. 86-115**

**D. Consideration of a resolution authorizing the City Manager to execute an agreement by and between the City of Asheville and Dr. A. Thomas**

**Hollingsworth for consultant services.**

**HIGHLIGHTS:** This resolution will authorize the City Manager to enter into

a contract with Dr. A. Thomas Hollingsworth to conduct training in objectives-based performance appraisal for up to 150 employees.

**FISCAL IMPACT:** Total cost will be \$6,200.00. Each department will be

billed for the training of its employees at a rate of \$41.33 per employee. No additional appropriation is needed to cover the training costs.

**Resolution Book No. 16, page 73.**

**E. Consideration of a motion relative to bids received for one (1) computer aided drafting/design (CAD) system.**

**HIGHLIGHTS:** Sealed bids were invited to furnish one (1) Computer Aided

Drafting/Design (CAD) system for the Finance Department, City Engineering Division. Alternate bids were invited on an annual maintenance agreement, digitizer, tape backup system and an uninterruptible power supply. Five (5) bids were received; however, MAG Incorporated and Computerland of Asheville bids were disqualified and returned due to improper bid deposit. It is recommended to award this purchase to the

low bidder, Entre Computer Center, Asheville, North Carolina.

**FISCAL IMPACT:** \$15,977.50 - Funds for the purchase of this equipment are

available in the Finance Department, City Engineering Division appropriations account codes 50-722-0740 and

43-722-0740-490.

**F. Consideration of a motion to schedule a public hearing to rezone property**

**located at 1616 Patton Avenue from R-2 Residential District to CH Commercial Highway District for July 15, 1986.**

**HIGHLIGHTS:** The Asheville Planning and Zoning Commission at a meeting held

June 11, 1986, considered the petition of Mr. Bobby Barbour that a portion of Lot 1, Sheet 24, Ward 5, be rezoned from R-2 Residential District to CH Commercial Highway District. The property is located at 1616 Patton Avenue. After review and discussion, the Commission voted to recommend that the petition be denied and that a portion of Lot 1, Sheet 24, Ward 5, be rezoned from CH to R-2 Residential District to provide a buffer on the eastern property line of Lot 1. However, the petitioner has appealed Planning & Zoning Commission's decision and has asked that a public hearing be scheduled so

the rezoning matter can be heard before Council.

**G. Consideration of a motion to schedule a public hearing for the proposed**

**Redevelopment Plan of Wall Street for July 8, 1986.**

**HIGHLIGHTS:** The Asheville Planning and Zoning Commission at a meeting held

April 9, 1985, reviewed the proposed Redevelopment Plan of Wall Street. The site plan was submitted by Glave-Newman-Anderson, of Richmond, Virginia, Architects, for Sunbelt Historic Properties, Winston-Salem, N.C., Developer, in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval of Phase I, subject to compliance with the Erosion Control Ordinance, and to approve

the concept of Phase II, including the parking deck.

**H. Consideration of a motion scheduling a public hearing relative to amending**

**Ordinance No. 322, "an ordinance providing for the zoning of the City of**

**Asheville", as amended to provide buffering requirements for July 8, 1986.**

**HIGHLIGHTS:** The Asheville Planning and Zoning Commission on March 19,

1986, reviewed a buffering amendment to the zoning ordinance proposed by the Asheville Tree Commission. After some modifications, the Commission voted to recommend approval of

the amendment to City Council.

Upon motion of Councilman Michalove, seconded by Councilman Price, the Consent Agenda was unanimously adopted.

**MOTION AUTHORIZING MAYOR TO SIGN AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING RELATIVE TO WALL STREET**

14. At the request of the Corporation Counsel, Councilman Price moved to authorize the Mayor to sign an amended Memorandum of Understanding with Sunbelt or Southeastern Historic Properties relative to the development of Wall Street extending the Memorandum of Understanding for 90 days. This motion was seconded by Councilman Bratton and carried unanimously.

**ORDINANCE NO. 1591 - AN ORDINANCE AMENDING SECTION 28-81.2 (B) OF ARTICLE IV, SPEED REGULATIONS, CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE (GROVEWOOD ROAD)**

15. Consideration was given to an ordinance amending Section 28-81.2 (B) of Article IV, Speed Regulations, Chapter 28 of the Code of Ordinances of the City of Asheville.

Mayor Bisette said this ordinance would provide for a 20 mph speed limit on Grovewood Road.

Councilman Price moved for the adoption of Ordinance No. 1591. This motion was seconded by Councilman Michalove.

On a roll call vote of 7-0, Ordinance No. 1591 passed on first reading.

Vice-Mayor Frank moved to suspend the rules and proceed to the second reading of Ordinance No. 1591. This motion was seconded by Councilman Michalove and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1591 passed on second reading.

Councilman Michalove moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1591. This motion was seconded by Vice-Mayor Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1591 passed on third and final reading.

Complete text of Ordinance No. 1591 will be found in Ordinance No. **11** at page **27**.

**CLAIMS - LANA TUTTLE (WATER)**

The City Manager presented a claim received from Lana Tuttle.

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

**LAWSUIT - RONNIE LEE BROCKWELL (BODILY INJURY - FALL IN WATER METER)**

The City Manager said the City of Asheville was served with a lawsuit involving Ronnie Lee Brockwell relative to a bodily injury from a fall in a water meter.

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

**PRESENTATION RELATIVE TO SIGN ORDINANCE - LIN BROWN**

Lin Brown, of 62 Macon Avenue, spoke to members of Council representing a large group of concerned citizens relative to adequate control of on and off-premise signs within the City of Asheville. She said the group is also concerned about the number of billboards in the City.

Mrs. Brown presented petitions, containing approximately 2,000 signatures which read as follows "We, the undersigned, petition the Asheville City Council and the Buncombe Commissioners to enact a moratorium on the erection of additional billboards and other off-premise advertising signs in Asheville and Buncombe County until such time that tighter controls on such signs can be passed into law, in order to protect our very special roadside scenery that contributes so much to our present quality of life and upon which our tourism economy depends.

Stan Griffin, of Elk Mountain Scenic Highway and owner of a building on All Souls Crescent, spoke in support of a stricter sign ordinance. He said he was also speaking on behalf of the Merchants Association of Biltmore Village.

Doug Swaim, of 296 Montford Avenue, spoke to members of Council relative to stricter sign control. He said the Transportation Improvement Program Plan for the State of North Carolina has scheduled the implementation of a

inter-state logo program for signs. He said this program should be under construction within the next six years. He also spoke in favor of prohibiting billboards on limited access highways.

Upon inquiry of Councilman Tisdale, Mr. Swaim said he had talked to individual members of the Chamber of Commerce and the Tourism Development Association and felt these individual members would support stricter sign control.

Councilman Tisdale suggested that this group present their presentation to the Chamber of Commerce and the Buncombe County Board of Commissioners.

Suzanne Yeager, of 21 Butler Mountain, representing Hill-Gatewood Realtors spoke in support of stricter and tighter sign control and is in complete support of the request for a moratorium on the erection of additional billboards and other off-premise advertising signs until such time tighter controls on signs can be passed into law.

Councilman Bratton, noting that the group represents the coalition of the Carolina Coalition for Scenic Beauty, requested that she be furnished literature on this organization.

Councilman Boland suggested that the Planning Department consider a logo sign program for the City limits of the City of Asheville.

Mayor Bissette thanked the group for presenting their request to the City of Asheville.

#### **ADJOURNMENT**

Upon motion of Councilman Boland, seconded by Councilman Michalove, the meeting adjourned at 6:50 p.m.

MAYOR CITY CLERK

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