

Tuesday - June 2, 1987 - 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.

Absent: None

INVOCATION

The invocation was given by Vice-Mayor Mary Lloyd Frank.

APPROVAL OF THE MINUTES - MAY 26, 1987 MEETING

Consideration was given to the approval of the minutes of the May 26, 1987, meeting.

Mayor Bissette announced the approval of the minutes with several noted corrections.

PRESENTATION BY ASHEVILLE HOUSING AUTHORITY - PAYMENT IN LIEU OF TAXES

Mrs. Earl Shook, member of the Asheville Housing Authority, and David Jones, Executive Director of the Housing Authority, presented Mayor Bissette with a check in the amount \$54,929.29, less \$7,433.67 for collection of sanitation services, as payment in lieu of taxes. Mrs. Shook noted that the Housing Authority has refunded over \$225,000.00 to the City as payment in lieu of taxes since 1951.

I. PROCLAMATIONS

A. MONTH OF JUNE, 1987, AS "RAPE PREVENTION MONTH"

Mayor Bissette proclaimed the month of June, 1987 as "Rape Prevention Month". He said a copy of the proclamation would be forwarded to the Rape Crisis Center.

B. JUNE 5 - 7, 1987, AS "UNITED STATES POSTAL SERVICE CAREER AWARENESS"

At the request of the United States Postal Service, Mayor Bissette proclaimed June 5 - 7, 1987 as "United States Postal Service Career Conference Days".

C. JUNE 1 - 6, 1987, as "MANAGEMENT WEEK"

Mayor Bissette proclaimed June 1 - 6, 1987 as "Management Week".

Mayor Bissette presented the proclamation to Wilma Momkes and Tom Parker, with the Chapter Relations of the National Management Association.

RESOLUTION NO. 87-96 - RESOLUTION HONORING ASHEVILLE HIGH SCHOOL'S MEN'S TENNIS TEAM, 4-A STATE CHAMPIONSHIP 1987

Mayor Bissette read a resolution honoring Asheville High School's Men's Tennis Team for winning the 4-A State Championship in Chapel Hill on Thursday, May 28, 1987.

Upon motion of Vice-Mayor Frank, seconded by Councilman Price, Resolution No. 87-96 was unanimously adopted.

Complete text of Resolution No. 87-96 will be found in Resolution Book No. 16 at Page 353.

Mayor Bissette recognized Brigitte Worden, coach for the men's tennis team, and tennis team members John Bristow and Todd Bagley.

ORDINANCE NO. 1632 - BUDGET ORDINANCE AMENDMENT APPROPRIATING FUNDS FOR LAND ACQUISITION FOR WALL STREET PROJECT

The City Manager noted that the City is in the process of closing on properties for the Wall Street Parking Garage and it is necessary to appropriate the funds to purchase the properties. He said the funding would be \$500,000 from general revenue sharing and \$325,000 from the sale of properties, however, this would be reimbursed by bond proceeds. He said the closing cost for the Wall Street project is \$778,779.50.

Councilman Boland moved for the adoption of Ordinance No. 1632. This motion was seconded by Councilman Price.

On a roll call vote of 7-0, Ordinance No. 1632 passed on first and final reading.

Complete text of Ordinance No. 1632 will be found in Ordinance No. **11** at page **133**.

II. PUBLIC HEARINGS

A. PUBLIC HEARING RELATIVE TO CLOSING CERTAIN ALLEYS AND PORTIONS OF AN

ALLEY IN THE BLOCK BOUNDED ON THE NORTH BY WALNUT STREET, ON THE EAST BY RANKIN AVENUE, ON THE SOUTH BY COLLEGE STREET AND ON THE WEST BY HAYWOOD STREET.

Mayor Bissette said the City Council deems it in the best interest of the City to permanently close the alleys. Said alleys are under the sole and exclusive authority and control of the City of Asheville and are not under the authority and control of the North Carolina Department of Transportation. The closing will not be either detrimental or contrary to the public interest of the property rights of any individual in the vicinity of the alleys and the closing will not deprive any individual of reasonable means of ingress and egress to his property.

Mayor Bissette opened the public hearing at 4:23 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.

The City Manager, by the use of a map, showed the location of the alleys proposed to be closed for the construction of the Rankin Street Parking Garage.

Albert Sneed, Attorney representing Daniels Business Service, Inc., said his client owns property in the vicinity of the alley proposed to be closed. He said his client does not want to stand in the way of the construction of the parking garage; however, the closing of the alley would be detrimental to his client's property rights and would deprive him of ingress and egress to his business.

He said his client has used the proposed alley for purposes of ingress and egress for many years for shipping and delivery of goods.

Alfred Miller, former owner of Daniels Business Service, said he had also used the alley for shipping and delivery since 1924.

Bill Culbertson, employee of Daniels Graphics, said tractor-trailer rigs use the alley and have used the alley daily since 1951 for delivery of printing goods.

David Aiton, with Danie Johnson Architects, showed members of Council drawings as to how the alley is currently

used by Daniels Business Service.

Jim Daniels, owner of Daniels Business Service, said if the alley in question is closed there won't be room for the tractor trailer rigs to approach his business. He said if the trucks cannot approach the business, the business will cease to exist and if the businesses aren't there, there will not be the need for a parking deck downtown.

John Tyson, legal counsel for Revco Drugstores, owner of property at 19-20 Haywood Street stated that his client owns property adjoining the alley proposed to be closed. He said his client has occupied that building for 18 years and has used the alley for delivery and service. He said it is his understanding that the plan calls for the narrowing of the alley that handles the large trucks delivering to the rear entrance to the Revco drugstore fronting Haywood Street and the rear of the old Bon Marche building farther up Haywood. He said the closing of the alley or the narrowing would be a violation of the public interest and deprive the individual property owners of ingress and egress.

Lou Millen, owner of T. S. Morrison Company, spoke in support of the construction of the Rankin Street Parking Garage.

John Powell, Attorney representing Frank Laughran Estates and owner of Bon Marche buildings, expressed concern over the narrowing of the alley that services the rear of the old Bon Marche buildings.

Bill Duckworth, rental agent for the Laughran heirs, and Myers Arnold, said the alley in question is a major direct access to the rear of several businesses. He said he felt the alley and proposed parking deck could be engineered in some way to allow the property owners ingress and egress to their property.

Betty Kdan, with High County Crafters on Haywood Street, asked members of Council whether or not she would be able to use the stairway during construction of the parking garage.

John Cooper, with Enwright Associates, said his company had completed the design for the Rankin and Wall Street Parking Decks. He said he had

looked into all the problems expressed by the businesses and into several alternatives to those problems. He said any of the alternatives would be impractical and extremely expensive to the City.

A lengthy discussion was held relative to the alternatives to closing the alley and resolving the problems of existing businesses in the area.

Councilman Michalove moved to continue the public hearing for one week without further advertisement giving the City Manager and Enwright Associates an opportunity to discuss alternatives and solutions to the existing businesses' concerns. This motion was seconded by Councilman Boland and carried unanimously.

At the request of Councilman Boland, Mr. Daniels said he would solicit alternative ideas from architects of his choosing and present the findings at next week's meeting.

Mayor Bissette requested that John Cooper give members of Council a cost estimate on a "notch" in the deck that would allow Daniels' trucks to maneuver in the alley and also cost estimates for widening the alley.

III. OLD BUSINESS

None scheduled.

IV. NEW BUSINESS

A. ORDINANCE NO. 1633 - ORDINANCE REPEALING PARKING RATES ESTABLISHED IN THE ASHEVILLE CODE OF ORDINANCES SECTION 28-128 AS AMENDED

Mayor Bissette said this ordinance will repeal the entire Section 28-128 as amended in order to allow for the

establishment of a new policy regarding rates to be charged for off-street parking. He said this ordinance would be effective at 12:00 p.m. on June 30, 1987.

Mayor Bissette said members of Council were previously furnished copies of the ordinance and it would not be re-read in its entirety. He said any individual requesting a copy of the ordinance would be furnished one at no cost.

Councilman Boland moved for the adoption of Ordinance No. 1633. This motion was seconded by Councilman Michalove.

On a roll call vote of 7-0, Ordinance No. 1633 passed on first reading.

Councilman Michalove moved to suspend the rules and proceed to the second reading of Ordinance No. 1633. This motion was seconded by Vice-Mayor Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1633 passed on second reading.

Councilman Michalove moved to suspend the rules and proceed to the third reading of Ordinance No. 1633. This motion was seconded by Vice-Mayor Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1633 passed on third and final reading.

Complete text of Ordinance No. 1633 will be found in Ordinance Book No. **11** at page **134**.

B. RESOLUTION NO. 87-97 - RESOLUTION ESTABLISHING POLICY REGARDING RATES TO BE CHARGED FOR ALL OFF-STREET PARKING IN THE CITY OF ASHEVILLE

Mayor Bissette said the City Council has established a downtown parking enterprise fund for the purpose of accounting for downtown parking as a self-supporting operation. Parking rates should be adequate to support the cost for providing parking services and should be reviewed periodically to determine if they are adequate and competitive. A new rate schedule for off-street parking will be in effect July 1, 1987. The rate schedule will be incorporated in the City's fees and charges manual for reference and be reviewed and adopted annually with the fees and charges manual.

Mayor Bissette said members of Council were furnished copies of the resolution and it would not be read in its entirety. He said any individual requesting a copy of the resolution would be furnished one at no cost.

Upon motion of Vice-Mayor Frank, seconded by Councilman Michalove, Resolution No. 87-97 was unanimously adopted.

Complete text of Resolution No. 87-97 will be found in Resolution Book No. **16** at page **354**.

C. RESOLUTION NO. 87-98 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE ON BEHALF OF THE CITY OF ASHEVILLE FOR PROPERTY AT ASHEVILLE REGIONAL AIRPORT FOR WIND SHEAR TOWER

Mayor Bissette said the Federal Aviation Agency desires to construct, as a safety aid, a series of Wind Shear Towers in and around the Asheville Regional Airport. One of the towers is to be located on City of Asheville property adjacent to the airport. The FAA requests a lease to be executed for this 20' x 20' piece of property. The FAA has further requested that since this additional safety aid is in the best interest of the Asheville Regional Airport and the City of Asheville that there be no monetary consideration in the form of rental. This resolution will authorize the Mayor to execute said lease agreement.

Mayor Bissette said members of Council were previously furnished copies of the resolution and it would not be read in its entirety. He said any individual requesting a copy of the resolution would be furnished one at no cost.

Upon motion of Councilman Michalove, seconded by Councilman Bratton, Resolution No. 87-98 was unanimously adopted.

Complete text of Resolution No. 87-98 will be found in Resolution Book No. 16 at page 355.

**D. RESOLUTION NO. 87-99 - RESOLUTION IDENTIFYING AREAS AS BEING UNDER
CONSIDERATION FOR ANNEXATION BY THE CITY OF ASHEVILLE**

Mayor Bissette said pursuant to Part III, Article 4-A of Chapter 160A of the General Statutes of North Carolina, this resolution will identify areas

that the City of Asheville is considering for future annexation.

Verl Emrick, Director of Planning, by the use of a map, outlined the boundaries around the City that will be considered for annexation in the next three years.

Upon motion of Councilman Michalove, seconded by Councilman Boland, Resolution No. 87-99 was unanimously adopted.

Complete text of Resolution No. 87-99 will be found in Resolution Book No. 16 at page 356.

**E. RESOLUTION NO. 87-100 - RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE
AN OFFER FOR THE LEASE OF PROPERTY BY THE CITY OF ASHEVILLE TO THE ASHEVILLE-
BUNCOMBE DEVELOPMENT CORPORATION IN CONNECTION WITH THE
CONSTRUCTION OF THE WALL STREET AND RANKIN AVENUE PARKING GARAGES**

Mayor Bissette said the City of Asheville has negotiated an offer to lease property to the Asheville-Buncombe Development Corporation. The offer provides for the lease of property upon the condition that the Asheville-Buncombe Development Corporation cause to be constructed upon each of said properties, a parking garage complex, both of which will be leased to the City by the Asheville-Buncombe Development Corporation, with the lease payments to be based upon the expenses incurred by Asheville-Buncombe Development Corporation in connection with the garages. He said this resolution will direct the City Clerk to advertise a notice of the negotiated offer.

Mayor Bissette said members of Council were previously furnished copies of the resolution and it would not be read in its entirety. He said any individual requesting a copy of the resolution would be furnished one at no cost.

Upon motion of Councilman Bratton, seconded by Councilman Price, Resolution No. 87-100 was unanimously adopted.

Complete text of Resolution No. 87-100 will be found in Resolution Book No. 16 at page 357.

V. CONSENT AGENDA

None scheduled.

VI. OTHER BUSINESS

PUBLIC HEARINGS SCHEDULED

CHEROKEE PLACE SHOPPING CENTER US 74 - FAIRVIEW ROAD - SITE PLAN

MILKCO, INC. - 220 DEAVERVIEW ROAD - SITE PLAN

STOWAWAY WAREHOUSES - WILMINGTON ROAD - SITE PLAN

Councilman Price moved to schedule public hearing for the Cherokee Place Shopping Center site plan, Milkco, Inc. site plan and the Stowaway Warehouses on Wilmington Road site plan for June 16, 1987. This motion was seconded by Councilman Tisdale and carried unanimously.

CIVIL SERVICE BOARD ELECTION RESULTS

The City Manager noted that an election was held on Thursday, May 28, 1987, by the employees of the Classified Service and George Bancroft and David Ward, were elected as members of the Civil Service Board.

REQUEST OF PLANNING & ZONING COMMISSION RELATIVE TO AMORTIZATION OF NON-CONFORMING SIGNS

Councilman Price moved to ask the Planning & Zoning Commission to make a recommendation to City Council concerning the feasibility of amending the zoning ordinance to provide for the amortization of non-conforming signs. This motion was seconded by Councilman Boland and carried unanimously.

WAYNE WARREN - ASHEVILLE POLICE DEPARTMENT

Wayne Warren, with the Asheville Police Department, spoke to members of Council relative to the salary levels of employees of the Asheville Police Department. He said a survey was conducted which revealed that the Asheville Police Department topped 22% in the loss of personnel in the past 17 months. He said the Asheville Police Department is losing experienced personnel and 89% of the employees stated pay as the #1 reason for leaving. He said he feels service to the citizens of Asheville is being hampered by the loss of this experienced personnel. He said the majority of the officers leaving are staying in the law enforcement career but are leaving for more money. He said this was going to have a long-term effect on the City of Asheville. He said at present two-thirds of the bureau has less than five years experience. He requested that Council consider these facts in the upcoming budget.

Upon inquiry of Councilman Tisdale, Mr. Warren said he was speaking as President of the Police Benevolent Association.

Mayor Bissette told Mr. Warren Council would look into his concerns.

CLAIMS - CHARLES SMITH (STREETS) - WILLIAM BLOUNT (TRAFFIC ENGINEERING) - CARRIE SIRCEY (WATER)

The City Manager presented claims received from Charles Smith, William Blount, and Carrie Sircey.

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

LAWSUIT - GERRI LYNN MOORE VS. CARL LEROY DAVIS AND THE CITY OF ASHEVILLE

(BODILY INJURIES RESULTING FROM AUTOMOBILE ACCIDENT)

The City Manager said the City was served with a lawsuit on May 29, 1987, as a party in the Geri Lynn Moore vs. Carl Leroy Davis and the City of Asheville case regarding bodily injuries resulting from an automobile accident.

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

ADJOURNMENT

Mayor Bissette adjourned the meeting at 7:20 p.m.

Mayor City Clerk
