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® Tuesday - January 26, 1988 - 4:00 P.M.

Regular Meeting

Present: Mayor W. Louis Bisette, Presiding; Vice-Mayor Kenneth

M. Michalove; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Russell Martin, and Walter Boland; 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 Bratton.

**APPROVAL OF MINUTES OF JANUARY 19, 1988 MEETING**

Mayor Bisette announced the approval of the minutes of the January 19, 1988 meeting as submitted.

**®I. PROCLAMATIONS:**

**®II. PUBLIC HEARINGS:**

**® A. Public hearing relative to closing an unnamed alley**

**parallel to Lexington Avenue and Biltmore Avenue.**

**Resolution No. 88 -14 - Resolution to close an unnamed  
alley parallel to Lexington Avenue and Biltmore Avenue  
in the City of Asheville, North Carolina**

Mayor Bisette said a petition was received from

Linda R. Baker, Clarence E. Parker, and J. A. Sronce to close the unnamed alley parallel to Lexington Avenue and Biltmore Avenue

Mayor Bisette opened the public hearing 4:24 p.m.

The City Manager reviewed the location of the unnamed alley for members of Council.

There being no discussion, Mayor Bisette closed the public hearing at 4:26 p.m.

Mayor Bisette said members of Council were

previously furnished copies of the resolution and it will not be read in its entirety.

Upon motion of Councilman Martin, seconded by Vice-

Mayor Michalove, Resolution No. 88-14 was unanimously adopted.

**Resolution Book No. 17 Page No. 71-72**

**®III. OLD BUSINESS:**

**®IV. NEW BUSINESS:**

**® A. Ordinance No. 1674 - Ordinance amending Ordinance No.**

**1650, previously adopted by the City Council of the City of Asheville, providing for a disability review board for members of the Asheville Policemen's Pension and**

**Disability Fund.**

Mayor Bissette said this ordinance will include

firefighters in the Disability Review Board process to assure the same supplement and eligibility requirements as for police officers previously covered by the old local plan entitled "Asheville Policemen's and Firemen's Pension and Disability

Fund."

The City Manager said for several months

supplemental and eligibility of benefits have been discussed with firefighters. He said the entire area has been explained to the firefighters.

Mayor Bissette explained the composition of the

Disability Review Board.

Councilman Boland moved for the adoption of

Ordinance No. 1674. This motion was seconded by

Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1674

passed on first reading.

Councilman Price moved to suspend the rules and

proceed to the second reading of Ordinance No. 1674. This motion was seconded by Vice-Mayor Michalove and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1674

passed on second reading.

Councilman Price moved to suspend the rules and

proceed to the third and final reading of Ordinance No. 1674. This motion was seconded by Vice-Mayor Michalove and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1674

passed on third and final reading.

**Ordinance Book No. 11 Page No.**

® **B. Resolution No. 88 -15 -Resolution guaranteeing a floor**

**of benefits to former members of the Asheville Firemen's Pension and Disability Fund**

Mayor Bisette said City Council adopted Resolution No.

86-218 which guaranteed a floor of benefits to former members of the Asheville Policemen's Pension and Disability Fund. Former members of the Asheville Firemen's Pension and Disability Fund became members of LGERS as of January 1, 1979, but were not guaranteed a similar floor of benefits. This resolution will provide the same guarantee to former members of the Asheville Firemen's Pension and Disability Fund as provided to former members of the Asheville Policemen's Pension and Disability Fund.

Dave Anders, with the Asheville Fire Department, said

the firefighters who have retired since 1979, who qualify for in-line-of-duty disability retirement benefits should be included in this provision and should be paid retroactive to the date they retired. He said the firefighters voted to go under the Local Government Employees' Retirement System with the understanding that they would not lose any of their past benefits they would have received as members of the former Asheville Firemen's Pension and Disability Fund.

Charles Penny, Assistant City Manager, said if Council

chose to do this it would cost approximately \$160,000.

After discussion, Mayor Bisette said members of Council

had looked at all aspects of these provisions and are concerned with the costs involved, particularly retroactive benefits.

Members of Council requested that the staff look into

Dave Anders request and furnish Council with additional information such as the type of disability retirement received by retirees since 1979 along with administrative alternatives.

Upon motion of Councilman Frank, seconded by Councilman

Price, Resolution No. 88-15 was unanimously adopted.

**Resolution Book No. 17 Page No. 73-74**

® **C. Resolution No. 88 -16 - Resolution authorizing the**

**Mayor to execute a Municipal Agreement with the N. C. Department of Transportation for improvements to McDowell Street (US 25).**

Mayor Bisette said in the current projects included

in the Street & Sidewalk Bond program, new curb and sidewalk is scheduled for McDowell Street. McDowell Street is a State System street and the Municipal Agreement will allow the City to place new curb in areas where there is currently no sidewalk, and the North Carolina Department of Transportation will reimburse the City up to \$20,000 for the cost of placing the curb. Engineering estimates place the cost of replacing the curb at \$18,000; therefore, the \$20,000 maximum should totally cover the cost of

replacing the curb.

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Price, Resolution No. 88-16 was

unanimously adopted.

**Resolution Book No. 17 Page No. 75**

**® D. Approval of sale of disposal parcel 118/165 in the East**

**Riverside Redevelopment Project**

Mayor Bissette said the Housing Authority has

tentatively accepted the following bid for disposal parcel 118/165 in the East Riverside Redevelopment

Project:

Reuse Price Bid Redeveloper

O-I \$53,000 \$53,000 Mountain Area

Hospice

The development will consist of a Hospice inpatient

facility with six beds and office space for the Hospice organization comprising 5,600 sq. ft. of finished area. An additional 4,000 sq. ft. of roughed in area will be included for future development. The estimated cost is \$458,952.00.

Vice-Mayor Michalove moved to approve the sale of

Disposal Parcel 118/165 as recommended by the Housing Authority. This motion was seconded by

Councilman Price and carried unanimously.

**®V. CONSENT:**

**® A. Resolution No. 88-17 - Resolution authorizing the City**

**Manager of the City of Asheville to sign a commitment of site facility use for the nutrition program for older Americans at certain Recreation Centers.**

**SUMMARY:** The Asheville Parks and Recreation Advisory

Board has recommended that this program be

continued.

**® B. Approval of bids for annual contract for bituminous concrete materials.**

**SUMMARY:** Recommendation for award for annual contract for bituminous concrete materials (asphalt) to Asheville Division, APAC - Carolina, Inc. in the amount of \$162,925.00.

**® C. Schedule public hearing relative to Westgate Shopping Center Expansion for February 16, 1988.**

**SUMMARY:** The Asheville Planning and Zoning Commission at a meeting on January 13, 1988, reviewed and approved the site plan of the Westgate Shopping Center Expansion

subject to the following conditions:

1) Proper dedication of Cliff Street;

2) Provision of minimum 6' wide planted

buffer on the west side of Cliff Street between Cliff Street and the parking area and that planted islands a minimum of 6' wide be installed on the east side of Cliff Street on approximately 120' centers.

3) Compliance with sign ordinance and

primary sign be a maximum width of

30"for each post;

4) Inclusion of right-of-way trees on Patton

Avenue; and

5) Compliance with Erosion Control Ordinance.

**® D. Schedule public hearing relative to Carolebrook Apartments for February 16, 1988.**

**SUMMARY:** The Asheville Planning and Zoning Commission at a meeting on January 13, 1988, reviewed and approved the site plan of Carolebrook Apartments subject to the

following conditions:

1) Compliance with Sedimentation and

Erosion Control;

2) A formal resolution of the Hendricks

Heights driveway matter;

3) The City of Asheville's Traffic

Division looking at doing whatever they can on the right-of-way currently held to increase the sight distance down Middlebrook Road (provide sight triangle to NCDOT standards);.

4) The developer providing some

additional landscaping at the dumpster site to more adequately screen the adjacent residential structure across the street.

5) Developer provide bus shelter in

close proximity to Middlebrook Road;

6) Developer endeavor to protect trees

and vegetation currently shown on landscaping plan during formulation of formal plans and since plans are schematic and preliminary that final plans be submitted for staff review;

and

7) Staff review of final design plans for

sign.

Upon motion of Councilman Boland, seconded by

Vice-Mayor Michalove, the consent agenda was

unanimously approved.

**®OTHER BUSINESS:**

**®Resolution No. 88-18 - Resolution authorizing the City Manager to dispose of personal property by private sale**

The City Manager said this resolution will authorize the disposal of certain personal property within the old Plaza Theatre building by private negotiation and sale prior to the scheduled demolition of the old Plaza Theatre building.

Upon motion of Councilman Frank, seconded by Councilman Price, Resolution No. 88-18 was unanimously adopted.

**Resolution Book No. 17 Page No. 77**

**®CITY COUNCIL ANNUAL RETREAT - JANUARY 29, 30, 31, 1988**

Mayor Bissette announced that members of Council would be having their annual retreat at Lake Junaluska on January 29, 30, and 31, 1988.

**®INTERGOVERNMENTAL SERVICES COMMITTEE MEETING - FEBRUARY 2, 1988**

Councilman Frank announced that the Intergovernmental Services Committee would be meeting on Tuesday, February 2, 1988

at 12:30 p.m.

**®CLAIMS - ARNOLD SMITH (WATER) - PETER M. JONES (WATER) - CAIRN BALLARD (CIVIC CENTER) - RUBY JOHNSON (SANITATION)**

The City Manager presented claims received from Arnold Smith, Peter M. Jones, Cairn Ballard, and Ruby Johnson.

**®ADJOURNMENT:**

Upon motion, the meeting adjourned at 5:20 p.m.

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MAYOR CITY CLERK

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