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® Tuesday - February 14, 1989 - 4:00 P.M.

Regular Meeting

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

M. Michalove; Councilmen Mary Lloyd Frank, Norma T. Price, Russell Martin and A. Robert York; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F.

Wolcott, Jr.

Absent: Councilman Wilhelmina Bratton

### **INVOCATION**

The invocation was given by Mayor Bisette.

### **APPROVAL OF MINUTES - FEBRUARY 7, 1989**

Mayor Bisette announced the approval of the minutes of the February 7, 1989 meeting as submitted.

### **®I. PROCLAMATIONS:**

### **®II. PUBLIC HEARINGS:**

**® A. Public hearing relative to closing a portion of Centre Street.**

**® Resolution No. 89-18 - Resolution closing a portion of Centre Street**

Mayor Bisette said a petition has been received

from all property owners along the unopened right-of-way of Centre Street between Harnett Street and Clinton Avenue, requesting that the portion be closed. This portion has been reviewed by the Operational Departments of the City and no objections to closing the petitioned portion of

Centre Street have been received.

Mayor Bisette opened the public hearing

at 4:18 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.

Jim Ewing, Director of Public Works, said this

portion of Centre Street is currently un-open and no objections have been received relative to the closing of the street. He said the street was posted with the notice of intent to close.

Mayor Bissette closed the public hearing at

4:20 p.m.

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

Upon motion of Councilman Price, seconded by Councilman Frank, Resolution No. 89-18 was unanimously adopted.

**Resolution Book No. 17 Page No. 332-333**

**® B. Public hearing relative to floodway revisions to Smith**

**Mill Creek.**

Mayor Bissette said staff has reviewed the plans and calculations regarding this project. The plans indicate that no increase in flood levels will be caused by the project. Staff recommends approval of

the project subject to the following contingencies:

1) Owner to obtain all appropriate Federal, State and local permits; and

2) Owner to meet all FEMA requirements, and to provide FEMA with all documentation and fees necessary pursuant to amending the Floodway Boundary and Floodway Maps, and Flood Insurance Rate Maps to the area affected by the project.

Mayor Bissette opened the public hearing at

4:21 p.m.

Mayor Bissette said the engineer for the property owner has requested that consideration of the floodway revisions to Smith Mill Creek be postponed for about a month.

Councilman Martin moved to continue the public

hearing relative to floodway revisions to Smith Mill Creek until March 14, 1989 without further advertisement. This motion was seconded by

Councilman Frank and carried unanimously.

**®III. OLD BUSINESS:**

**® A. Resolution No. 89-19 - Resolution authorizing the condemnation of property in the Hazel Mill Bridge Replacement Project.**

Mayor Bisette said this resolution will authorize the

Asheville Housing Authority to condemn, if necessary, the C. G. Johnson Heirs property on Hazel Mill Road for the Hazel Mill Road Bridge Replacement Project. Offers and negotiations for the acquisition of this property have not resulted in an agreeable settlement and condemnation appears to be the only remaining method of acquisition.

Mayor Bisette said members of Council were previously

furnished copies of the resolution and it would not be

read in its entirety.

Upon motion of Councilman York, seconded by Vice-

Mayor Michalove, Resolution No. 89-19 was unanimously adopted.

**Resolution Book No. 17 Page No. 334**

**® B. Resolution authorizing the condemnation of property in**

**the Murdock Avenue Bridge Project.**

Mayor Bisette said this resolution will authorize the

Asheville Housing Authority to condemn, if necessary, the properties at 191 and 200 Murdock Avenue owned by the Congregation Beth Isreal and O'Donald for the Murdock Avenue Bridge Project. Offers and negotiations for the acquisition of this property have not resulted in an agreeable settlement and condemnation appears to

be the only remaining method of acquisition.

It was the consensus of Council to postpone action

on this resolution until March 14, 1989 in order to

obtain additional information about the project.

**® C. Resolution authorizing the condemnation of property in**

**the Chestnut Street Bridge Project.**

Mayor Bisette said this resolution will authorize the

Asheville Housing Authority to condemn, if necessary, the properties on Broadway owned by Robert C. & Betty Lawrence and Maxine M. Klutts for the Chestnut Street Bridge Replacement Project. Offers and negotiations for the acquisition of this property have not resulted in an agreeable settlement and condemnation appears to be the only remaining method of acquisition.

It was the consensus of Council to postpone action on

this resolution until March 14, 1989 in order to obtain

additional information about the project.

**®IV. NEW BUSINESS:**

**® A. Ordinance No. 1750 - Budget Amendment for Emergency**

**generators for White Fawn and Skyland Towers.**

Mayor Bisette said this budget amendment in the

amount of \$25,000 and will provide funding to bring new towers at White Fawn and Skyland on line. Generators will provide 24 hour back-up to public

safety and commercial usage of sites.

Mayor Bisette said members of Council were

previously furnished copies of the ordinance and it would not be read in its entirety.

Councilman Price moved for the adoption of Ordinance

No. 1750. This motion was seconded by Councilman Martin.

**Ordinance Book No. 11 Page No. 422**

**®V. CONSENT:**

**® A. Bids for annual contract for bituminous concrete materials (asphalt).**

SUMMARY: Recommendation for award of a bid for an

annual contract for bituminous concrete materials (asphalt) to Asheville Division, APAC- Carolina, Inc., Asheville, North

Carolina in the amount of \$176,425.00.

**® B. Bids for one street sweeper and one street flusher for Public Works Department.**

SUMMARY: Recommendation for award of bid to North

Carolina Equipment Company, Charlotte, North Carolina for a 1989 Johnston model

600 Sweeper mounted on a 1988 Ford model Cab and Chassis in the amount of \$89,723.00 and to A. E. Finley & Associates, Inc., Charlotte, North Carolina for a 1989 Etnyre model Flusher mounted on a 1989 Ford model Cab and Chassis in the amount of

\$57,825.00.

Mayor Bisette summarized the consent agenda items and upon motion of Vice-Mayor Michalove, seconded by Councilman Frank, the consent agenda was unanimously approved.

**®VI. OTHER BUSINESS:**

**®ANTI-LITTER CAMPAIGN**

Councilman Frank and Councilman Martin reported that they had been to the County Commissioner's meeting this afternoon to solicit their cooperation in an upcoming Anti-Litter Campaign. Councilman Martin said he would like to get all governmental agencies in Western North Carolina involved in the project for an extensive Anti-Litter Campaign

that would benefit not only

Asheville but all of Western North Carolina.

**®RALPH BISHOP - LITTER ON KENILWORTH KNOLL**

Ralph Bishop said he had previously told members of Council about the litter on Kenilworth Knoll around the Asheville Racquet Club.

He said no one had checked into this complaint

**®ASHEVILLE SCHOOL BOARD APPOINTMENTS - DEADLINE FOR SUBMITTING**

**APPLICATIONS**

Council members agreed to set a deadline of Tuesday, February 21, 1989 at 5:00 p.m. for individuals to submit their applications

for possible appointment to the Asheville School Board.

**®RESOLUTION NO. 89-20 - RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF ASHEVILLE TO SIGN AN APPLICATION FOR GRANT FUNDS FROM THE NORTH CAROLINA ARTS COUNCIL**

Mayor Bissette read a resolution authorizing the City Manager to sign an application for grant funds from the North Carolina Arts Council through the Grassroots Arts Program. He said these funds in the amount of \$3,500 will be used to develop a children's Living The Dream Theatre and an adult celebration featuring minority artists in the literary and performing arts. He said in-kind contributions would be from the Parks, Recreation, and Public Facilities Department.

Upon motion Of Councilman Price, seconded by Councilman Martin,

Resolution No. 89-20 was unanimously adopted.

**Resolution Book No. 17 Page No. 335**

**®CLAIMS - JACK MEADOWS (WATER) - JOYCE ELLIS (SEWER) - VELMA STANLEY (SEWER) - CALVIN PARTON (WATER) - JAMES AGNEW (WATER) - ARDEN TOWN VILLAS (WATER) - ALBERT ANDERSON (WATER) - AUDREY DOTSON (WATER) - NANCY RACE (WATER)**

The City Manager presented claims received from Jack Meadows, Joyce Ellis, Velma Stanley, Calvin Parton, James Agnew, Arden Town Villas, Albert Anderson, Audrey Dotson, and Nancy Race.

Mayor Bissette referred the claims to the City Attorney for investigation and recommendation.

**®LAWSUITS - WAYNE E. WARREN (APPEAL OF CIVIL SERVICE BOARD DECISION) - JAMES LEE HARPER (COMPLAINT FOR RETURN OF PERSONAL PROPERTY)**

The City Manager said the City was served with lawsuits involving Wayne E. Warren relative to an appeal of a Civil Service Board decision and James Lee Harper involving a complaint for return of personal property.

Mayor Bissette referred the lawsuits to the City Attorney for investigation and recommendation.

**®RESIDENTS OF GRAYSTONE ROAD - REQUEST OF CITY TO TAKE OVER WATER AND SEWER LINES**

Residents of Graystone Road off Stratford Road presented members of Council with a petition requesting that the City of Asheville assume responsibility of the water and sewer lines in the area which are presently serviced by the Woodfin Water District.

They indicated that the problems with the Woodfin Water System is as follows:

1. We are given no notice of pressure changes in our water. Low

water pressure or no water at all has caused us a lot of inconvenience. High pressure surges recently, on the other hand, has resulted in blown pressure release valves on ten hot water heaters on Graystone Road in a five day time span despite numerous and constant phone complaints to the Woodfin Water Department. No attempt was made in the five day period to correct the problem or prevent further damage by issuing warnings to other customers on the same line. As a result, ten of us on Graystone Road have had plumbing bills, ruined carpets and flooded basements. Charles Anderson of the Woodfin Water District publicly announced that they would assume no responsibility for these damages.

2. We are given no notice of water quality changes or flushings

which result in high sediment and iron content in the water. The result to our laundry and appliances is disastrous.

3. Leaks in service lines and water mains are not promptly

repaired resulting in wasted water. In the recent pressure surge leaks in two service lines on Stratford Road and Graystone Road went un-corrected for five days despite repeated reports to the Woodfin Water Department about the problem. Thousands of gallons of water ran down Stratford and Graystone Roads. Corrective action came only after threats of legal action if the leaks weren't repaired. This wasted water came through the Woodfin water meter from the Asheville Water System and the cost will eventually have to be picked up by Woodfin customers.

4. Response to complaints is most unsatisfactory. Woodfin

always puts the responsibility for the problem back on the customer: it's our location on the system; our hot water heaters are the problem; our plumbers are incompetent or that we have bad pipes. Other excuses we have received are that the weather is too cold, are we sure we are really having these problems and even their response of "I don't know".

5. We are concerned that water testing is not conducted in the

proper manner. It is a weakness of the system in North Carolina that each District tests its own water at its own convenience. Independent tests in the last week has shown that Woodfin Water barely meets the minimum standards. Since iron dissipates chlorine, we fear that during times of high iron content, our water may fall below minimum standards.

6. We want fluoride in our water.

7. We feel that the Woodfin Water and Sewer District's financial

status should be examined. Is ongoing maintenance and replacement of pipes being neglected and is there a financial plan for present and future problems?

8. Since Woodfin takes the position that they are not

responsible for pressure and quality damages, must we assume that they would not be responsible for damages in the future? We must have someone to take responsibility for our water.

Mayor Bissette said it is his understanding that there are approximately 425 City of Asheville residents currently on the Woodfin Water System. He said the Asheville-Buncombe Water Authority would have to be in a position to accept

and maintain these lines and the Woodfin Water District would have to agree to transfer the lines. He said the City staff would look into these requests and a report would be given during the Pre-Council work session next week.

Vice-Mayor Michalove requested that Council members be furnished a list of the citizens of Asheville that are currently on the Woodfin Water System.

**®RALPH BISHOP - FREEDOM OF SPEECH**

Ralph Bishop spoke to members of Council relative to his right to address members of Council without interruption.

**®VII. ADJOURNMENT**

Mayor Bissette adjourned the meeting at 4:50 p.m.

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**MAYOR CITY CLERK**

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