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® Tuesday - March 7, 1989 - 4:00 P.M.

Regular Meeting

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

M. Michalove; Councilmen Norma T. Price, Wilhelmina Bratton, and Russell Martin; Acting Corporation Counsel Martha McGlohon; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott,

Jr.

Absent: Councilmen Mary Lloyd Frank and A. Robert York;

Corporation Counsel William F. Slawter

INVOCATION

The invocation was given by Councilman Martin.

APPROVAL OF MINUTES - FEBRUARY 28, 1989 MEETING

Mayor Bissette announced the approval of the minutes of the February 28, 1989 meeting.

®I. PROCLAMATIONS:

® A. Proclamation - "Hi-Neighbor Volleyball Week"

March 6 - 12, 1989

Mayor Bissette read a proclamation proclaiming the week of March 6 - 12, 1989 as "Hi-Neighbor Volleyball Week."

Ray Kisiah, Director of Parks, Recreation, and Public

Facilities reviewed the activities taking place during the Hi-Neighbor Volleyball Tournament Week.

Mayor Bissette presented the proclamation to Donny Luke, President of the Asheville Volleyball Club.

® B. Proclamation - Women Voters' Day - March 8, 1989.

Mayor Bissette read the proclamation and presented a copy to Mrs. Shirley Berdie, President of the League of Women Voters.

®II. PUBLIC HEARINGS:

®III. OLD BUSINESS:**® A. Preliminary Subdivision Plat - Sherwood Heights****Extension - located on Elk Mountain Scenic Highway.**

Mayor Bisette said the Asheville Planning and Zoning

Commission on February 12, 1989, reviewed and approved the preliminary plat of Sherwood Heights Extension, subject to the following contingencies:

1. City Council granting a variance from City subdivision street grade standards of 12% to 18%;
2. NCDOT approval of connection to Elk Mountain Scenic Highway;
3. Compliance with Erosion Control Ordinance; and
4. Provision of sufficient water pressure to support fire protection.

Mayor Bisette said this matter was continued from the February 28, 1989 meeting.

Tom Elmore, from the Planning Department, said this

plat is still in the preliminary stage and Council's concern at this time is whether or not to grant a variance from city subdivisions street grade standards of 12% to 18%. He said during the Technical Review Committee the Fire Department and Public Works Department recommended that the 12% street grade standard be met due to the steepness and availability to access the site.

Upon inquiry of Council, Mr. Elmore said the Fire

Department plans to acquire a four-wheel drive fire truck to access such sites.

Gary Davis, with McGill Associates, Engineers for the

site development, said the variance requested is the most technical and reasonable alternative. He said the Public Works Department and the Fire Department did not directly turn down the variance but only expressed concerns about access availability in adverse weather conditions.

Vice-Mayor Michalove moved to approve the requested

variance from City subdivision street grade standards of 12% to 18% for the Sherwood Heights Extension subdivision plat as shown in plans presented and dated December, 1988 from McGill Associates provided that the City Attorney can assure that the City would be under no liability by granting the variance. This motion was seconded by Councilman Price and carried on a voice vote of 4-1, with Councilman Martin voting "no". Councilman Martin said in his opinion there would be potential problems with granting a variance for an 18% slope.

®IV. NEW BUSINESS:**® A. Resolution No. 89-31 - Resolution confirming and**

approving action taken by the Director of Finance to apply to the Local Government Commission for approval of the City of Asheville, North Carolina's proposed voted bond financing and to submit such application to the Local Government Commission.

Mayor Bissette said this resolution is required for the

\$40,000,000 Water Bond Referendum.

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 Martin, seconded by Councilman

Bratton, Resolution No. 89-31 was unanimously adopted.

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® B. Resolution No. 89-32 - Resolution calling a public

hearing on bond order, directing publication of notice of public hearing and filing of a debt statement.

Mayor Bissette said this resolution is required for the

\$40,000,000 Water Bond Referendum.

Mayor Bissette said members of Council were previously

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

The Bond Order was introduced pursuant to **N. C. Gen.**

Stat. sec. 159-54, a copy of the Bond Order being attached to Resolution No. 89-32.

Upon motion of Vice-Mayor Michalove, seconded by

Councilman Bratton, Resolution No. 89-32 was unanimously adopted.

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®V. CONSENT:

®VI. OTHER BUSINESS:

®RESOLUTION NO. 89-33 - RESOLUTION APPOINTING MEMBERS TO THE CITIZEN ADVISORY COMMITTEE FOR THE STORMWATER MANAGEMENT PROGRAM

Mayor Bissette presented a resolution appointing Gary Ashburn and Frank Smith as members of the Citizen Advisory Committee for the Stormwater Management Program. The resolution further appoints George Jensen as Chairman of the committee.

Upon motion of Councilman Bratton, seconded by Councilman Price, Resolution No. 89-33 was unanimously adopted.

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®RESOLUTION NO. 89-34 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE FAIR

HOUSING COMMISSION

Mayor Bissette presented a resolution appointing Claude Drake as a member of the Asheville Fair Housing Commission.

Upon motion of Councilman Bratton, seconded by

Councilman Martin, Resolution No. 89-34 was unanimously adopted.

Resolution Book No. 17 Page No. 353**®CLAIMS - LAVONDA WASHBURN (SEWER) - REBECCA BURNETTE (STREETS)**

The City Manager presented claims received from Lavonda Washburn and Rebecca Burnette.

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

®COMMENTS BY CITY EMPLOYEES - CIVIL SERVICE LAW

David Anders, President of the Asheville Firefighters Association, appeared before Council to express their concerns relative to the proposed abolishment of the Asheville Civil Service Law. He said city employees want to keep the Civil Service Law. He said the law is unique and is envied by local government employees all over the State of North Carolina. He said he realizes there are some problems with the law, but these minor problems can be resolved without abolishing the law in its entirety. He said the Civil Service Law provides a check and balance system for officials and employees. He said the City's management staff should work with the employees to correct the problems in the Civil Service Law. He requested that members of Council consider this proposal carefully.

Tom Aardema, President of the Fraternal Order of Police, spoke in opposition to the abolishment of the Asheville Civil Service Law. He said City of Asheville employees are totally opposed to this proposal. He said he felt this matter is being "rushed into" and careful consideration should be given to this matter. He said management staff and employees should be given time to resolve any problems with the Asheville Civil Service Law. He said the problems can be fixed without abolishing the law in its entirety.

Alan O'Donnell, with the Asheville Police Department, said in his opinion the hiring/firing procedures in the Civil Service Law could be streamlined to eliminate so much "red tape" without abolishing the entire Civil Service System.

Bill Costello, retired Police Officer since 1985, spoke in opposition to the abolishment of the Civil Service Law. He said he was speaking as a citizen and retired police officer that was under the Civil Service System for 27 years. He said the "Rule of 3" under the Civil Service System gives an individual the desire to work harder to reach the top three. He said he understands that procedures in the system can be improved but "if it is not broke there is no need to fix it. He said everyone should join together to work out the problems within the present Civil Service System. He said if the Civil Service Law is abolished one person would hold a lot of power which could be dangerous. He said the City employees need Council's support for

the Civil Service Law.

The City Manager said he agrees with the employees that management and employees should work together and it would be best to discuss these concerns together rather than in a public forum. He said he understands that the employees have a concern for their jobs and are committed to the City of Asheville. He said management needs to hear this type of feed back from the employees. He said he was disappointed that the employees used the political and media route to express their concerns. He said he feels a merit type system is important for professional competence. He said in his opinion it would be better to have the merit system adopted locally rather than as a state law. He said he would meet with the employees to make sure they understand the proposed changes.

Mayor Bissette said he and the Council members understand that this issue is important to the employees as well as the

City Manager and Council. He said it is his desire that everyone work together; however, under the law, the Mayor and Council members can not get involved with specific employee matters.

®FAIR HOUSING LEGISLATION - REQUEST OF COUNTY OF BUNCOMBE

The City Manager said he had received a request from the Buncombe County Commissioners that the City support an amendment to the Fair Housing legislation to extend the legislation county-wide.

Councilman Price moved to support the County of Buncombe's request to amend the Fair Housing legislation to extend the legislation county-wide. This motion was seconded by Councilman Martin and carried unanimously.

®ADJOURNMENT

Mayor Bissette adjourned the meeting at 5:25 p.m.

MAYOR CITY CLERK
