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Tuesday - June 13, 1989 - 4:00 P.M.

Regular Meeting

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

M. Michalove; Councilmen Mary Lloyd Frank, Wilhelmina Bratton, 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 Norma T. Price

### **INVOCATION**

The invocation was given by Councilman Bratton.

### **APPROVAL OF MINUTES**

Mayor Bissette announced the approval of the minutes of the June 6, 1989 meeting as submitted.

### **I. PROCLAMATIONS:**

#### **A. Proclamation - "Soap Box Derby Day" -**

**Saturday, June 17, 1989**

Mayor Bissette read the proclamation and presented a

copy to Mike Ray and Peter Phelps with the West Asheville Rotary Club. The West Asheville Rotary Club is sponsoring the Soap Box Derby Day in cooperation with the Asheville Parks, Recreation, and Public Facilities Department.

### **II. PUBLIC HEARINGS:**

#### **A. Public hearing and adoption of the City of Asheville**

##### **Budget for 1989-90.**

Mayor Bissette said this public hearing will allow for

public comments on the City of Asheville Budget for 1989-90. Funding is to be provided to operate city services for the period of July 1, 1989 to June 30, 1990.

Mayor Bissette opened the public hearing at 4:15 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 said since the budget was presented it

has been determined that the tax rate collection may be at 94 percent which would leave a \$140,000 shortfall in the recommended budget since the budget was prepared anticipating a 95 percent collection rate on the 1988-89 levy. He said because the state law allows cities to budget only the amount of tax collection percentage that was achieved the year before, the city could lose another \$140,000 in the coming year by projecting a 94 percent collection rate rather than the 95 percent rate that is now in the proposed budget.

He said the county officials have agreed verbally to

reimburse the city \$270,000 for law enforcement services city taxpayers paid for last year through their county tax bills but did not receive because the sheriff's department doesn't patrol inside the city.

He suggested that action on the budget be delayed until

the county budget is adopted to see if the County appropriates the \$270,000 as agreed upon and to determine whether the county tax office increases its collection rate, which directly affects the amount of tax revenue the city receives each year. He said the proposed budget includes a 2¢ tax rate increase and if the collection rate does not change and the county does not appropriate the \$270,000 the city could be faced with an additional 1-1/2¢ tax rate increase.

Mayor Bissette said he was concerned about the tax

collection rate since it would have a tremendous effect on the budget and most other cities in North Carolina have a collection rate of 97% - 98%.

Ralph Bishop commented on the law enforcement

reimbursement from the County.

Councilman Martin moved to continue the public hearing

on the budget for one week without further advertisement. This motion was seconded by Councilman

Frank and carried unanimously.

### **III. OLD BUSINESS:**

#### **A. Ordinance No. 1768 - Second reading of an ordinance**

##### **rezoning property located at Buckstone Court and I-240.**

Mayor Bissette said the Asheville Planning and Zoning

Commission on May 3, 1989, reviewed and recommended approval of rezoning Ward 8, Sheet 11, Lots 35-1/2 and 53 from R-3 Residential District to CH Commercial Highway District. This ordinance was read on first reading on June 6, 1989.

#### **B. Ordinance No. 1769 - Second reading of an ordinance**

##### **relative to annexing a noncontiguous area on U.S. 19-23**

##### **known as Pawn World Gun Supply.**

Mayor Bissette said the City of Asheville has

received a petition from Mr. DeWayne Roberson requesting annexation of a noncontiguous area known as Pawn World Gun Supply on Highway 19-23. The City Clerk has investigated the petition and has certified that it is sufficient. This ordinance

passed on first reading on June 6, 1989.

Mayor Bissette said the ordinance was previously read on first reading and would not be reread in its entirety.

On a roll call vote of 6-0, Ordinance No. 1768 passed on second reading.

#### **IV. NEW BUSINESS:**

#### **V. CONSENT:**

##### **A. Approval of sale of Disposal Parcel 179 of the East**

##### **Riverside Urban Renewal Project.**

SUMMARY: The Housing Authority has tentatively accepted

a bid from Jennifer Scoville for Disposal Parcel 179 of the East Riverside Urban Renewal Project. Ms. Scoville owns the adjacent property and plans to use the lot, which is too small to build on in conjunction with her property. The minimum price of Parcel 179 is \$530.00. Ms. Scoville's bid is \$530.00. The

area of the lot is 5,894 square feet.

##### **B. Approval of bids for automobile and trucks.**

SUMMARY: Pursuant to N. C. General Statute 143-129,

sealed bids were invited to furnish (1) mid-size sedan for the Water Department, Wastewater Collection Division; (1) 1/2 ton pickup truck for the Civic Center, and (2) cab and chassis with dump body for the Public Works Department, Sanitation Division. Five bids were received. These bids were reviewed by the Purchasing Director and Department Heads, and they recommend awarding the bid to Matthews Ford, Inc., Asheville, N.C. for Items A (Midsize Sedan) and B (1/2 Ton Pickup truck) for a total amount of \$21,074.00 and to Ken Wilson Ford, Inc., Canton, N.C. for Item C (Cab and Chassis with Dump Body) for a total

amount of \$41,684.50.

##### **C. Resolution No. 89-70 - Resolution appointing member to the Asheville-Buncombe Historic Resources Commission.**

SUMMARY: The term of Kenneth Wayne Robinson expires on

July 1, 1989, as a member of the Asheville-Buncombe Historic Resources Commission. This resolution will reappoint him for a 3-year term, term expiring on July 1, 1992, or until his successor is duly appointed and qualified.

**Resolution Book No. 17 Page No. 415**

**D. Resolution No. 89-71 - Resolution appointing members to Board of Electrical Examiners.**

SUMMARY: The terms of E. Frank Davis, Harvey Burleson,

Walter J. Harlow, Jonathan D. Smith and Malachie Cromartie expire on July 1, 1989, as members of the Board of Electrical Examiners. This resolution will reappoint them for a 2-year term, term expiring on July 1, 1991, or until their successors are duly appointed and qualified.

**Resolution Book No. 17 Page No. 416**

**E. Resolution No. 89-72 - Resolution appointing members to the Motion Picture Operators Board of Examiners.**

SUMMARY: The terms of Roy B. Gibbs and William P.

Sudderth expire on

July 1, 1989, as members of the Motion

Picture Operators Board of Examiners. This resolution will reappoint them for a 2-year term, term expiring on July 1, 1991, or until their successors are duly

appointed and qualified.

**Resolution Book No. 17 Page No. 417**

**F. Certificate of appointment to Housing Authority of the City of Asheville.**

SUMMARY: The term of Logan D. Delany expired on June

11, 1989, as member of the Housing Authority of the City of Asheville. This certificate will reappoint him for a 5-year term, term expiring on June 11, 1994, or until his

successor is duly appointed and qualified.

**Resolution Book No. 17 Page No. 418**

**G. Resolution No. 89-73 - Resolution appointing member to the Asheville Civic Center Commission.**

SUMMARY: The term of Mrs. H. C. McQueen expires on June

30, 1989, as members of the Asheville Civic Center Commission. This resolution will reappoint her for a 3-year term, term expiring

on June 30, 1992, or until their successors

are duly appointed and qualified.

**Resolution Book No. 17 Page No. 419**

**H. Resolution No. 89-74 - Resolution appointing members to the Recreation Board for Asheville.**

SUMMARY: The terms of Carolyn Tingle, Marvin A. Nockow,

and Bess Baird expire on June 30, 1989, as members of the Recreation Board for Asheville. This resolution will reappoint them for a 2-year term, term expiring on July 1, 1991 or until their successors are duly appointed and qualified.

**Resolution Book No. 17 Page No. 420**

**I. Resolution No. 89-75 - Resolution calling for a public**

**hearing for the adoption of an ordinance directing the Director of Building Inspections to demolish the dwelling known as 26 Mount Clare Avenue for June 27,**

**1989.**

SUMMARY: Proceedings have heretofore been instituted in

accordance with the City of Asheville Housing Ordinance No. 1370, Section 8-29(B)(2), as authorized by N.C. Gen. Stat. sec. 160A-443(2) and a condemnation hearing held on March 13, 1989. At said hearing, it was determined that the dwelling at 26 Mount Clare Avenue was unfit for human habitation. The owner(s) of this dwelling was given 10 days from receipt of the Order of Finding and Fact to either renovate or demolish the dwelling, and the owner(s) have not complied with said Order in any respect and no improvements are underway or being made upon the property. This resolution will schedule a public hearing on this matter as required by N. C. Gen. Stat.

sec. 160A-364.

**Resolution Book No. 17 Page No. 421**

**J. Scheduling of public hearing relative to continuing a**

**moratorium on the issuance of permits for off-premise advertising signs within the zoning jurisdiction of the City of Asheville for June 27, 1989.**

SUMMARY: On January 10, 1989, the City Council adopted

an ordinance imposing a moratorium on the

issuance of permits for off-premises advertising signs within the zoning jurisdiction of the City of Asheville. This motion will schedule a public hearing to

extend the present moratorium.

Upon motion of Councilman Frank, seconded by Councilman

York, the consent agenda was unanimously approved.

**VI. OTHER BUSINESS:**

**REPORT OF GROUP DEVELOPMENT ACTIONS BY THE PLANNING AND ZONING**

## **COMMISSION**

Carol Albrice, from the Planning Department, said the City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. She said in accordance with the procedure, the action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. She said the following action was taken by the Planning and Zoning Commission at their meeting on

June 7, 1989.

### **(1) CAROLEBROOK APARTMENTS - OLD HAW CREEK ROAD AND MIDDLEBROOK ROAD**

Mrs. Albrice said the Asheville Planning and Zoning Commission on June 7, 1989, reviewed and approved the site plan of **Carolebrook Apartments at the intersection of Old Haw Creek Road and Middlebrook Road** subject to 1) Approval of an erosion control plan by the Planning Department prior to soil disturbance, 2) Execution of an agreement between the City and the Developer providing for the proposed improvements to the Old Haw Creek Road and Middlebrook Road intersection, 3) Addition of a note to the site plan that the wooded areas indicated on the site plan will remain, and

4) An agreement being recorded which provides access to the Hendricks Heights properties.

She said comments were received from Ms. Hilda Gasperson and Mr. M. C. Walsh, Jr. both concerned about existing traffic on Old Haw Creek Road and impact of 200 units, back up of traffic at signal light on Tunnel Road and adequacy of sewer.

Council accepted the recommendation of the Planning and Zoning Commission relative to the Carolebrook Apartments to be located at the intersection of Old Haw Creek Road and

Middlebrook Road.

### **(2) ASHEVILLE MALL - REVISION TO SITE PLAN CONCERNING ENTRANCES**

#### **OFF TUNNEL ROAD**

Julia Cogburn, Planning Director, said the Asheville Planning and Zoning Commission on June 7, 1989, reviewed and approved a revised site plan which leaves the center entrance off Tunnel Road. This entrance had been deleted from an earlier submission. The neighborhood indicated at earlier public hearings that it preferred this access to remain open to take traffic off side roads. She said no public comments were received during the meeting.

Rendell Davis, President of the Kenilworth Forest Association, and Harold Payne, Past-president of the association, commented to members of Council that in their opinion Council should not revise the site plan until such time as the Asheville Mall Group Development plan is settled in the courts. They also expressed concern that the approved site plan for the Asheville Mall has not been adhered to. They also commented on the temporary Certificates of Occupancy that have been issued.

After considerable discussion, Mayor Bissette said the Kenilworth Forest Association would be presented with information relative

to the pending lawsuits and the Certificates of Occupancy.

Council accepted the recommendation of the Planning and Zoning Commission relative to the revised site plan of the Asheville Mall concerning entrances off Tunnel Road.

### **CLAIMS - SHERRY THOMAS (WATER) - MIKE BRUCKNER (STREETS) - WILLIE CROUCH (WATER)**

**- READER WATT (SEWER) - MARJORIE JOHNSON (STREETS) - BEVERLY CONGDON (STREETS) - HERBERT GRANT (SEWER) - JACK SMITH (PARKS) - JOHN SATER (SEWER) - EARL WILSON (PARKS)**

The City Manager presented claims received from Sherry Thomas, Mike Bruckner, Willie Crouch, Reader Watt, Marjorie Johnson, Beverly Congdon, Herbert Grant, Jack Smith, John Sater, and Earl Wilson.

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

**LAWSUIT - CARL WILLIAMS V. M.H. WILSON, C.F. McBRIDE AND CITY OF ASHEVILLE - ALLEGED WRONGFUL ACT - ASHEVILLE POLICE DEPARTMENT**

The City Manager said the city was served with a lawsuit on June 5, 1989 involving Carl Williams v. M.H. Wilson, C.F. McBride and the City of Asheville - alleged wrongful act - Asheville Police Department.

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

**ASHEVILLE FIREFIGHTERS ASSOCIATION - COMMENTS RELATIVE TO PAY PLAN**

David McFee, President of the Asheville Firefighters Association, expressed their frustration over the proposed pay plan. He said the 4 percent across the board is not sufficient and requested a 6 per cent across-the board increase. He said the firefighters recently presented Council with a salary survey which would have been more in line with other cities. He also requested that the City stay with performance evaluation increases of 4 - 6 - 7-1/2 percent. He said under the proposed pay plan a 2 year veteran with the Fire Department will be making the same as a 5 year veteran. He said they would like to have a more honest and fair pay plan.

The City Manager again explained the elements of the total compensation package including time-in-grade and longevity. He said every effort was made to treat all city employees fair and equitable. He said cities with a population over 10,000 is giving an average of 4% for a cost of living increase. He said the proposed merit increases are greater than the average being given by other cities. He said 88-90 percent of city employees receive merit increases.

Mayor Bissette said he and members of Council have always tried to be sensitive to all city employees. He said his main concern is to have a pay plan that is fair and equitable and competitive.

Councilman Bratton again expressed concern about the employees not going through the management chain. She said evidently the system of Council/Manager is not working. She said the Council/Manager system is suppose to be a buffer between the political system.

The firefighters said it is difficult to have a one to one relationship with management.

A citizen spoke in support of the firefighters saying the pay plan should be put to a vote of the people. He said he would be willing to pay extra taxes for more pay for the firefighters.

Ralph Bishop spoke in support of the firefighters getting a salary increase.

**RALPH BISHOP - COMMENTS RELATIVE TO FORMER POLICE CHIEF AND LOTTERY SALES**

Ralph Bishop spoke to members of Council relative to compensation paid to the former Police Chief and the lottery sales in the City of Asheville.

**VII. ADJOURNMENT**

Mayor Bissette adjourned the meeting at 5:35 p.m.

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**MAYOR CITY CLERK**

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