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Tuesday - June 27, 1989 - 4:00 P.M.

Regular Meeting

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

M. Michalove; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, and A. Robert York; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Deputy City Clerk Carol Hensley.

Absent: Councilman Russell Martin and Associate City

Manager/City Clerk William F. Wolcott, Jr.

### **INVOCATION**

The invocation was given by Councilman Price.

### **APPROVAL OF MINUTES**

Mayor Bissette announced the approval of the minutes of the June 20, 1989 meeting as submitted.

### **I. PROCLAMATIONS:**

#### **A. Proclamation - "Recreation and Parks Month" -**

**July, 1989**

Mayor Bissette proclaimed July, 1989 as "Recreation and Parks Month".

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

#### **A. Public hearing relative to FY '90 Transit Operating,**

**Planning and Capital Grant Application.**

#### **Resolution No. 89-78 - Resolution authorizing the filing**

**of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended**

#### **Resolution No. 89-79 - Resolution authorizing the filing**

**of an application with the North Carolina Department of Transportation for state funds in support of the planning and capital projects**

Mayor Bissette opened the public hearing at 4:25 p.m.

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The Deputy City Clerk presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Carl Ownbey, from the Planning Department said this is

the annual grant application to UMTA and NCDOT for the Asheville Transit Authority. This year there will be requests for operating, planning and capital funds under Section 9 of the UMTA Act.

Upon inquiry of Vice-Mayor Michalove, Mr. Ownbey said

the grant funds does not including funding for the shuttle system. He said it is his understanding that UMTA will pay a portion of the shuttle system cost.

Mayor Bissette closed the public hearing at 4:29 p.m.

Upon motion of Councilman Bratton, seconded by

Councilman Frank, Resolution No. 89-78 and 89-79 was unanimously adopted.

**Resolution No. 89-78 -**

**Resolution Book No. 17 Page No. 425 - 426**

**Resolution No. 89-79 -**

**Resolution Book No. 17 Page No. 427**

**B. Public hearing relative to the adoption of an ordinance**

**directing the Director of Building Inspections to demolish the dwelling known as 26 Mount Clare Avenue.**

**Ordinance No. 1770 - Ordinance directing the Director of**

**Building Inspections to demolish and remove the dwelling known as 26 Mount Clare Avenue, Asheville, North Carolina**

Mayor Bissette opened the public hearing at 4:29 p.m.

The Deputy City Clerk presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

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The City Attorney said 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.

The City Attorney highlighted the Order of Finding and

Fact and presented photographs of the dwelling. He said no response has been received from the property owners.

A discussion was held relative to the length of time it

takes to have a house demolished when it is unfit for human habitation.

Mayor Bisette closed the public hearing at 4:40 p.m.

Councilman Frank moved for the adoption of Ordinance No.

1770. This motion was seconded by Councilman Price.

On a roll call vote of 6-0, Ordinance No. 1770 passed on first reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the second reading of Ordinance No. 1770. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1770 passed on second reading.

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**C. 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.**

**Ordinance No. 1771 - An Ordinance renewing a moratorium**

**on the issuance of permits for off-premise advertising signs**

Mayor Bisette opened the public hearing at 4:41 p.m.

The Deputy City Clerk presented the notice to the public setting the time and date for the public hearing

Mayor Bisette said 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. Council is considering extending the present moratorium.

Julia Cogburn, Director of Planning, said the Planning

and Zoning Commission has recommended that the moratorium be extended until October 1, 1989.

Mayor Bisette closed the public hearing at 4:43 p.m.

Councilman Frank moved for the adoption of Ordinance No.

1771. This motion was seconded by Councilman Price.

On a roll call vote of 6-0, Ordinance No. 1771 passed on

first reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the second reading of Ordinance No. 1771. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1771 passed on

second reading.

Vice-Mayor Michalove moved to suspend the rules and

proceed to the third reading of Ordinance No. 1771. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1771 passed on

third and final reading.

**Ordinance Book No. 11 Page No. 458-459**

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**D. Continuation of a public hearing relative to City of**

**Asheville Budget for 1989-90.**

**Ordinance No. 1772 - An Ordinance adopting the budget**

**and fixing the tax rate of the City of Asheville for the fiscal year 1989/90.**

Mayor Bissette said this public hearing was continued

from the June 20, 1989 meeting and will allow for public comments on the City of Asheville Budget for 1989-90. The budget ordinance will also be adopted on first and final reading. Funding is provided to operate city services for the period of July 1, 1989 to June 30, 1989.

The City Manager said the budget ordinance which would

be adopted would provide for a 94% tax collection rate. He said the budget also reflects revenue from the County of Buncombe for law enforcement reimbursement.

Jim Barrett, Vice-President of Home Share, a program of

ABCCM, requested that the City provide funding in the amount of \$3,000 for a three month period for the operation of Home Share.

Mayor Bissette suggested that Mr. Barrett talk with the

City Manager after the meeting regarding the request and to talk with the Land-of-Sky Regional Council since they also provide the same type of service.

Mayor Bissette closed the public hearing at 5:00 p.m.

Councilman Bratton moved for the adoption of Ordinance No. 1772. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1772 passed on first and final reading.

**Ordinance Book No. 11 Page No. 460-463**

**III. OLD BUSINESS:**

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**B. Ordinance No. 1769 - Third 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.

Patty Tallerday, from the Planning Department, said an

agreement has been negotiated for the Enka Candler Rescue Squad to provide fire protection and the owner of the property has signed a release waiving garbage service until the entire area which was recently annexed is settled in court.

On a roll call vote of 6-0, Ordinance No. 1769 passed on third and final reading.

**Ordinance Book No. 11 Page No. 453 - 455**

**IV. NEW BUSINESS:**

**A. Ordinance No. 1773 - Ordinance for a year-end budget amendment.**

Mayor Bissette said this budget ordinance amendment will

allow for year-end adjustments to reflect various changes that have occurred in the 1988-89 Budget.

Vice-Mayor Michalove moved for the adoption of Ordinance

No. 1773. This motion was seconded by Councilman Price.

On a roll call vote of 6-0, Ordinance No. 1773 passed on first and final reading.

**Ordinance Book No. 11 Page No. 464**

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**B. Resolution No. 89-80 - Resolution authorizing the City**

**Manager to execute a contract with Systems Consultants, Inc. to provide computer software products and services.**

Mayor Bissette said this contract is to provide the City

with computer applications which meet the City's needs for administrative and financial software.

The City Manager said the contract has increased about

\$100,000 from when it was presented to Council because of the needs for CJIS operations.

Upon motion of Councilman Price, seconded by Councilman

York, Resolution No. 89-80 was unanimously adopted.

**Resolution Book No. 17 Page No. 428**

**B. Resolution No. 89-91 - Resolution authorizing the**

**City Manager to execute a contract with UNYSIS to provide computer equipment and computer software products and services.**

Mayor Bissette said this contract is to provide the

City with new UNYSIS main computers to replace the two current UNYSIS main computers which do not have enough capacity for our processing needs. This contract is to also provide new application software to serve the public safety needs of the City, the

County, and the Courts.

Vice-Mayor Michalove requested that he be excused

from voting on the Unisys contract due to a conflict of interest. Councilman Price moved to excuse Vice-Mayor Michalove from vote and participation on the Unisys contract. This motion was seconded by

Councilman York and carried unanimously.

Upon motion of Councilman Frank, seconded by

Councilman Bratton, Resolution No. 89-91 was unanimously adopted.

**Resolution Book No. 17 Page No. 429**

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**C. Resolution No. 89-92 - Resolution authorizing the**

**City Manager to execute a contract with UNISYS to provide an Uninterruptable Power System.**

Mayor Bissette said this contract is to acquire an

Uninterruptable Power System to provide a stable

electrical supply to the new UNISYS main computers.

Vice-Mayor Michalove requested that he be excused

from voting on the Unisys contract due to a conflict of interest. Councilman Price moved to excuse Vice-Mayor Michalove from vote and participation on the Unisys contract. This motion was seconded by

Councilman York and carried unanimously.

Upon motion of Councilman Frank, seconded by

Councilman Bratton, Resolution No. 89-92 was unanimously adopted.

**Resolution Book No. 17 Page No. 430**

**V. CONSENT:**

**A. Resolution No. 89-93 - Resolution authorizing the City**

**Manager to execute a contract with the American Red**

**Cross for transportation services for the handicapped.**

SUMMARY: The Asheville Area- American Red Cross has

provided public transportation services to qualified handicapped individuals under Section 9 of the Urban Mass Transportation Act for the fiscal year 1988-89. The contract will expire on July 1, 1989. They are willing to extend the current

contract for an additional two months .

**Resolution Book No. 17 Page No. 431-432**

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**B. Scheduling of public hearing relative to rezoning**

**property on Hendersonville Road, request of Buncombe**

**County Board of Education for July 11, 1989.**

SUMMARY: The Asheville Planning and Zoning Commission on

June 7, 1989, reviewed and recommended approval of rezoning Lot 52, Sheet 4, Ward 7, from R-3 Residential District and CS Commercial Service District to CH Commercial Highway District excepting that portion of Lot 52 lying 150 feet from the centerline of Vanderbilt Road and that portion be rezoned from R-3 Residential District to R-1 Residential

District.

Upon motion of Councilman Frank, seconded by Councilman

Michalove, the consent agenda was unanimously approved.

**VI. OTHER BUSINESS:**

**A) Resolution No. 89-85 - Resolution authorizing the City**

**Manager to sign documents necessary to effect the changeover in administrators for the City of Asheville's Employee Medical Benefit Trust.**

The City Manager said this will authorize execution of all

documents relative to the closing of the medical benefits trust account currently maintained at First Union National Bank, and establishing such a similar trust account at a bank convenient to both the City of Asheville and General Administrators for purposes of assuring a troublefree transition from one plan administrator to the other.

Upon motion of Councilman Price, seconded by Councilman

Bratton, Resolution No. 89-85 was unanimously adopted.

**Resolution Book No. 17 Page No. 434**

**B) Resolution No. 89-84 - Resolution authorizing the Mayor of**

**the City of Asheville to execute a cooperative interlocal agreement to establish and implement the Metropolitan Enforcement Group Agency.**

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The City Manager said this will authorize the Mayor to

execute a Cooperative Interlocal Agreement with the North Carolina State Bureau of Investigation, and the County of Buncombe to enforce the drug laws of the State of North Carolina within Buncombe County.

Upon motion of Councilman Price, seconded by Councilman York,

Resolution No. 89-84 was unanimously adopted.

**Resolution Book No. 17 Page No. 433**

**C) Resolution No. 89-86 - Resolution authorizing the Mayor to**

**execute assurances outlined in the Title VI Civil Rights Regulations administered by Urban Mass Transportation Administration.**

The City Manager said this will authorize the Mayor to

execute assurances in compliance with the Title VI Civil Rights Regulations and to file any updated material requested by the Urban Mass Transportation Administration concerning Civil Rights Compliance.

Upon motion of Councilman Bratton, seconded by Councilman

Price, Resolution No. 89-86 was unanimously adopted.

**Resolution Book No. 17 Page No. 435**

**PETITION - WASTEWATER COLLECTION DIVISION - WATER AND SEWER**

**DEPARTMENT REGARDING PAY PLAN**

The City Manager recognized employees from the Wastewater



Collection Division and read a petition presented to the City Manager and Council stating their appreciation for the pay plan and pay increases.

**COUNCIL MEETING - JULY 4, 1989 - CANCELLED**

Mayor Bissette announced that there would be no Council meeting on July 4, 1989 due to the holidays.

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**CLAIMS - STEVE SLUDER (WATER) - DICK PLEMMONS (SEWER) - WENDY'S SEWER)**

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The City Manager presented claims received from Steve Sluder, Dick Plemmons, and Wendy's.

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

**RALPH BISHOP - ASHEVILLE POLICE DEPARTMENT**

Ralph Bishop again spoke to members of Council relative to retirement funds paid to former Police Chief Fred Hensley.

**VII. ADJOURNMENT**

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

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**MAYOR CITY CLERK**

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