

((1))

Tuesday - August 22, 1989 - 4:00 P.M.

VILLAGE HALL - SKYLAND FIRE DEPARTMENT

Regular Meeting

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

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

INVOCATION

The invocation was given by Councilman Martin.

APPROVAL OF MINUTES

Mayor Bissette announced the approval of the minutes of the August 15, 1989 meeting as submitted.

GOOMBAY FESTIVAL - AUGUST 25 - 16, 1989

Mayor Bissette encouraged everyone to participate in the "Goombay Festival" in downtown on August 25 - 26, 1989.

TROLLEY CARS

Mayor Bissette said the Asheville trolley cars would be arriving in Asheville this week and a special formal "welcome" would be held Wednesday afternoon at 6:00 p.m. He said the cars would be refurbished and prominently placed in the City.

I. PROCLAMATIONS:

A. Proclamation - "Statehood Day- Postal Service" - August 23, 1989.

Mayor Bissette read the proclamation and presented a copy of Bob Herron with the Asheville Post Office.

Mr. Herron highlighted the events taking place to

commemorate the issuance of the North Carolina

Bicentennial Statehood Stamp.

II. PUBLIC HEARINGS:

A. Public hearing relative to minority businesses.

Mayor Bissette said Senate Bill 308, adopted effective

June 28, 1989, required any construction project in excess of \$100,000 to include minority participation provisions based upon guidelines adopted by the City specifying the actions that will be taken to ensure a good faith effort in the recruitment and selection of minority businesses. As enacted on June 28, the law applied immediately and would therefore require a public hearing and the adoption of such guidelines prior to the execution of any such contract by the City. Following the publication of the notice of public hearing with regard to this matter, the legislature amended the law to provide additional time within which to establish the guidelines. This delay in the time within which the guidelines must be established will hopefully allow the minority and women owned business committee to complete its recommendation before the adoption of the guidelines by the City Council. It is therefore recommended that Council take no action at this time, with further consideration to be given later this year, following

receipt of recommendations from the committee.

III. OLD BUSINESS:

A. Ordinance No. 1780 - Second reading of an ordinance

amending the City Charter of the City of Asheville

pursuant to North Carolina General Statute Sec. 160A-102 to provide for election of the Asheville City Council by the nonpartisan election and runoff election method as set forth in North Carolina General Statute Sec. 163-293.

Mayor Bissette said the City Council intends to consider

an ordinance amending the Charter of the City of Asheville to provide for municipal elections within the City of Asheville to be conducted by nonpartisan election and runoff election as provided in N.C. Gen. Stat. sec. 163-293. This ordinance passed on first reading on August 15, 1989.

B. Ordinance No. 1781 - Second reading of an ordinance

amending the City Charter of the City of Asheville pursuant to North Carolina General Statute Sec. 160A-102 to provide for election of members of City Council by district as authorized by North Carolina General Statute

Section 160A-101(6)c.

Mayor Bissette said the Council intends to consider an ordinance amending the Charter to provide for municipal elections with the City of Asheville to be conducted by district as authorized by N. C. Gen. Stat. sec. 160A-1-1 (6) c. This ordinance passed on first reading on

August 15, 1989.

Councilman Frank said after hearing input from the

citizens she now feels there is mass confusion about district representation and everyone needs to be more educated about nonpartisan elections and district representation before the issue is put on the ballot. She said she is in favor of

establishing a study commission on these issues. She said for these reasons she would be voting against the ordinances.

The following individuals appeared before Council

stating they also felt there is mass confusion about district representation and the issue should have further research:

Joe Webster, Asheville Chapter NAACP

Clarence Benton

Liddy Sidnick - 90 Gertrude Place

Hazel Fobes - League of Women Voters

The following individuals appeared before Council in favor of pure district representation and opposing the proposal outlined by Council for four members of Council to be elected by district and two at-large members. They also spoke relative to a petition being circulated in the community which has been filed with the Board of Elections which could require a vote of the people on pure district representation if the petition contains the sufficient number of signatures:

Rev. Lynwood Leverette

Roseleen Fetty

George Tisdale - 65 Shorewood Drive

John Walsh - 26 Ivy Street

Members of Council expressed concern that they are being pressured into taking action on nonpartisan elections and district representation when they also feel the issues need further study. They said if they do not take action on what they feel is the best alternative the petition being circulated, which has not been formally presented, could force a vote on the issues on the November ballot. They indicated that election of six district representatives and an at-large mayor could dilute minority voting strength that has remained stable for many years and divide neighborhoods.

Members of Council urged the organizer of the petition to take some legal action to suspend the petition allowing Council to withdraw their counterproposal and agree to form a commission to examine alternative forms of elections. They said this action could be taken prior to the third reading of the ordinances.

On a roll call vote of 6-1, Ordinance No. 1780 passed on second reading with Councilman Frank voting "no".

On a roll call vote of 6-1, Ordinance No. 1781 passed on

second reading with Councilman Frank voting "no".

OAK FOREST HOMEOWNER'S ASSOCIATION - COMMENTS

Harris Leonard, President of the Oak Forest Homeowner's

Association, said since the residents in the area have been annexed the city staff has been very responsive to their needs. He did suggest that when schedules are

released to citizens that one person be responsible for

getting schedules and information to citizens.

C. Ordinance No. 1779 - Third reading of an ordinance

amending Chapter 25 (Streets and Sidewalks) of the Code of Ordinances of the City of Asheville regarding group

demonstrations.

Mayor Bissette said this amendment will allow group demonstrations during daylight hours for as long as a month without paying the additional administrative fee so long as there are five or fewer individuals involved. For parades or demonstrations in excess of five persons, a separate fee would still be required each day.

Mayor Bissette said this ordinance was previously read on first and second readings and will not be reread in its entirety unless there was a specific request to do so.

On a roll call reading of 7-0, Ordinance No. 1779 passed on third and final reading.

Ordinance Book 11, Page 471

IV. NEW BUSINESS:

A. Ordinance No. 1782 - Budget Ordinance amendment for

Downtown Image Campaign

Mayor Bissette said this budget amendment will transfer funds from Festival Reserve Funds to a newly created account activity - Downtown Image Campaign.

Mayor Bissette said this ordinance was previously distributed to members of Council and would not be read in its entirety unless there was a specific request to do so.

Council Price moved for the adoption of Ordinance No. 1782. This motion was seconded by Vice Mayor Michalove.

On a roll call vote of 7-0, Ordinance No. 1782 passed on first and final reading.

Ordinance Book 11, Page 475

B. Ordinance No. 1783 - Budget Ordinance amendment for

Moonlight Over Downtown

Mayor Bissette said this budget amendment will transfer funds from Festival Reserve Funds to "Moonlight Over Downtown" for 1990.

Mayor Bissette said this ordinance was previously distributed to members of Council and would not be read in its entirety unless there was a specific request to do so.

Council Frank moved for the adoption of Ordinance No. 1783. This motion was seconded by Councilman York.

On a roll call vote of 7-0, Ordinance No. 1783 passed on first and final reading.

Ordinance Book 11, Page 476

C. Ordinance No. 1784 - Budget Ordinance amendment to

provide funds to reimburse FAA for Airport Property.

Mayor Bisette said this budget amendment will provide funds to reimburse the FAA for Airport Property originally purchased with grant funds.

Mayor Bisette said this ordinance was previously distributed to members of Council and would not be read in its entirety unless there was a specific request to do so.

Council Price moved for the adoption of Ordinance No. 1784. This motion was seconded by Councilman Martin.

On a roll call vote of 7-0, Ordinance No. 1784 passed on first and final reading.

Ordinance Book 11, Page 477

D. Resolution No. 89-127 - Resolution authorizing the

amendment of the FY 90 Urban Mass Transportation Grant Application under Section 9 of the UMTA Act of 1964, as

amended.

Mayor Bisette said this resolution will authorize the amendment of the FY '90 Urban Mass Transportation Grant Application under Section 9 of the UMTA Act of 1965, as amended. The grant application contained planning elements for transit programs. The Long Range Public Transportation Plan element appropriated \$21,000 for a consultant study

of the transit system and the downtown transfer site. NCDOT recommends we increase this element's cost to \$55,000 (additional Section 9 planning elements totaling \$7,600 are not changing).

Mayor Bisette said this resolution was previously distributed to members of Council and would not be read in its entirety unless there was a specific request to do so.

There was a discussion relative to the site of the bus transfer station.

Upon motion of Councilman Frank, seconded by Councilman Price, Resolution No. 89-127 was unanimously adopted.

Resolution Book No. 17, Page 483

E. Ordinance No. 1785 - Budget Ordinance amendment to

increase grant funds under Section 9 of the UMTA Act of

1964, as amended.

Mayor Bisette said the grant application contained planning elements for transit programs. The Long Range Public Transportation Plan element appropriated \$21,000 for a consultant study of the transit system and the downtown transfer site. NCDOT recommends we increase this element's cost to \$55,000. (Additional Section 9 planning elements totaling \$7600 are not changing.)

Mayor Bisette said this ordinance was previously distributed to members of Council and would not be read in its entirety unless there was a specific request to do so.

Council Bratton moved for the adoption of Ordinance No. 1785. This motion was seconded by Councilman Martin.

On a roll call vote of 7-0, Ordinance No. 1785 passed on first and final reading.

Ordinance Book 11, Page 478

F. Ordinance No. 1786 - Budget Ordinance amendment to provide allocation for Land-of-Sky Senior Services Grant for Outreach.

Mayor Bissette said grant funds will be used for outreach services to Harvest House and Senior

Opportunity Center as well as providing programs for seniors at Battery Park Apartments, Vanderbilt Apartments, Bartlett Arms, Aston Towers, and similar housing areas for senior citizens. This budget amendment is in the amount of \$15,000.00.

Mayor Bissette said this ordinance was previously distributed to members of Council and would not be read in its entirety unless there was a specific request to

do so.

Council Martin moved for the adoption of Ordinance No. 1786. This motion was seconded by Vice Mayor Michalove.

On a roll call vote of 7-0, Ordinance No. 1786 passed on first and final reading.

Ordinance Book 11, Page 479

G. Approval of sign permit for 56 Central Avenue

Condominium Association

Mayor Bissette said consideration of the sign permit for 56 Central Avenue has been scheduled for a later date.

H. Ordinance No. 1787 - Budget Ordinance amendment to provide allocation for Land-of-Sky Senior Services Grant for renovations.

Mayor Bissette said grant funds will be used to upgrade heating system and install central air conditioning system at Harvest House.

Mayor Bissette said this ordinance was previously distributed to members of Council and would not be read in its entirety unless there was a specific request to

do so.

Council Martin moved for the adoption of Ordinance No. 1787. This motion was seconded by Vice Mayor Michalove.

On a roll call vote of 7-0, Ordinance No. 1787 passed on first and final reading.

Ordinance Book 11, Page 480

V. CONSENT:

A. Resolution No. 89-128 - Resolution authorizing the City Manager to enter into agreements necessary to conduct the French Broad Riverfest.

Mayor Bisette said this resolution will authorize the City Manager to enter into agreements necessary to conduct the French Broad Riverfest.

Resolution Book No. 17, Page 484

B. Resolution No. 89-129 - Resolution authorizing the City

Manager of the City of Asheville to enter into a contract with Buncombe County Child Development for the purchase of Afterschool Child Care in the Afterschool

Programs in certain city elementary schools.

Mayor Bisette said this resolution will authorize the City Manager of the City of Asheville to enter into a contract with Buncombe County Child Development for the purchase of Afterschool Child Care in the Afterschool Programs in certain city elementary schools.

A discussion was held, initiated by Councilman Bratton, as to whether or not this is a duplication of services. Ray Kisiah, Director of Parks, Recreation, and Public Facilities, explained that this agreement is necessary in order for the City to be funded for Afterschool care for individuals that can not afford the services. He said this is not a duplication of services.

Resolution Book No. 17, Page 485

C. Resolution No. 89-130 - Resolution authorizing the City

Manager of the City of Asheville to make application for and enter into an agreement with the Land-of-Sky Regional Council for Senior Citizens Grant Funds for

Outreach Services.

Mayor Bisette said the senior citizen grant funds will be used to provide outreach services to Harvest House and Senior Opportunity Center on a daily basis as well as providing programs for seniors at Battery Park Apartments, Vanderbilt Apartments, Bartlett Arms, Aston

Towers, and similar housing areas for senior citizens.

D. Resolution No. 89-131 - Resolution authorizing the City

Manager of the City of Asheville to make application for and enter into an agreement with the Land-of-Sky Regional Council for Senior Citizens Grant Funds for

renovations.

Mayor Bisette said the senior citizen grant funds will be used to upgrade the heating system and install central air conditioning at Harvest House.

Upon motion of Vice Mayor Michalove, seconded by Councilman Frank, the consent agenda was unanimously adopted.

VI. OTHER BUSINESS:

A. Resolution No. 89-132 - Resolution of the Council of the

City of Asheville, North Carolina, extending an invitation to the City of Kislovodsk, Russia, to become a Sister

**City and inviting the people of Kislovodsk,
Russia, to participate in the program.**

Mayor Bissette read the resolution. He said this resolution will extend an invitation to the City of Kislovodsk, Russia, to become a Sister City to Asheville and will also invite the people of Kislovodsk to participate in the program. He said copies of the resolution would be sent to the Mayor and Council of the City of Kislovodsk, Russia, to the Sister Cities International organization in Washington, D.C., to the

Embassy in Russia, and the U.S. Embassy in Russia.

Upon motion of Councilman Frank, seconded by Councilman Bratton, Resolution No. 89-132 was unanimously adopted.

Resolution Book No. 17, Page 488

B. Councilman Price - Request for Report on I-26 Ramp

Connector

Councilman Price requested a report on the needed improvements to the I-26 ramp connector.

C. Councilman York - Report People for Justice Task

Force Committee

Councilman York said the People for Justice Task Force

Committee has met and will meet again this week. Thus far, he said there has been a good line of communication and exchange of ideas. He said he is really encouraged about the success of the Task Force.

D. Claims- Bill Blevins (Police) - Donna Seymour

(Sanitation)

The City Manager presented claims received from Bill Blevins and Donna Seymour.

E. Lawsuits - Dan C. Worley v. City of Asheville

The City Manager said the City was served with a lawsuit

on August 18, 1989 involving Dan C. Worley v. City of Asheville regarding an appeal from a Civil Service Board decision.

VII. ADJOURNMENT

Mayor Bissette adjourned the meeting at 6:30 p.m.

MAYOR CITY CLERK
