

Tuesday - April 24, 1990 - 4:00 p.m.

Regular Meeting

Present: Vice-Mayor William G. Moore, Presiding; Councilmen

Wilhelmina Bratton, Mary Lloyd Frank, Eugene W. Ellison and William W. Estes; City Attorney William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: Mayor Kenneth M. Michalove and Councilman Norma Price

### **INVOCATION**

The invocation was given by Councilman Frank.

### **APPROVAL OF THE MINUTES**

Vice-Mayor Moore announced the approval of the minutes of the March 27, 1990, City Council meeting. He stated that the April 10, 1990, minutes were not available to approve.

### **INTRODUCTION OF STUDENT**

Charles Penny, Assistant City Manager, introduced Mr. Haywood Spangler, Secretary of Exterior for UNC-Asheville for the 1990-91 school year. He said that Mr. Spangler's position is new and he will be working closely with the community and UNC-Asheville.

### **I. PROCLAMATIONS:**

#### **A. Proclamation proclaiming the month of April 1990 as "New Homes Month."**

Vice-Mayor Moore proclaimed the month of April 1990 as "New Homes Month" in the City of Asheville and had the pleasure of presenting the proclamation to Mr. Bob Selby, President of the Home Builders of Greater Asheville, and Mr. Tom Vorys, Vice-President of the Home Builders of Greater Asheville.

#### **B. Proclamation proclaiming the week of May 1 - 7, 1990, as "Respect for Law Week."**

Vice-Mayor Moore proclaimed the week of May 1 - 7, 1990, as "Respect for Law Week" in the City of Asheville and had the pleasure of presenting the proclamation to Officer Pete Bradley of the Asheville Police Department.

Officer Bradley invited the City Council to a "Respect for Law Week" luncheon to be held on Thursday, May 3, 1990, at 12:30 p.m. at the Sheraton.

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#### **C. Proclamation proclaiming the week of April 22 - 28, 1990, as "Volunteer Week."**

Vice-Mayor Moore proclaimed the week of April 22 - 28, 1990, as "Volunteer Week" in the City of Asheville and had the pleasure of presenting the proclamation to Ms. Harriette Winner, Director of Volunteer Services at the American Red Cross. Ms. Winner introduced Mr. Bruce Peterson, from the Council on Aging, and Ms. Joyce Hamilton, from Memorial Mission Hospital.

#### **D. Proclamation proclaiming the week of April 22 - 29, 1990, as "Days of Remembrance of the Victims of the Holocaust."**

Vice-Mayor Moore proclaimed the week of April 22 - 29, 1990, as "Days of Remembrance of the Victims of the

Holocaust" in the City of Asheville and stated that the original proclamation had been presented on April 23, 1990, by Mayor Michalove to Rabbi Blumming at the Beth-Ha Tephilla Temple.

**E. Proclamation proclaiming April 28, 1990, as "March of Dimes Walk America Day."**

Vice-Mayor Moore proclaimed April 28, 1998, as "March of Dimes Walk America Day" and presented the proclamation to Ms. Donna Beck and Ms. Mary Mack from the Asheville March of Dimes.

**F. Proclamation proclaiming April 24, 1990, as "General Federation of Woman's Clubs Centennial Day."**

Vice-Mayor Moore proclaimed April 24, 1998, as "General Federation of Woman's Clubs Centennial Day." Vice-Mayor Moore stated that Councilman Price has been elected as President of the

North Carolina General Federation of Woman's Clubs.

**G. Proclamation proclaiming April 29, 1990, as "Cancer Survivors' Day."**

Vice-Mayor Moore proclaimed April 29, 1998, as "Cancer Survivor's Day" and presented the proclamation to Mr. Ray Long, board member of the Life After Cancer-Pathways.

**H. Resolution No. 90-55 - Resolution of appreciation to Wayne Weaver Cook.**

Vice-Mayor Moore read a resolution recognizing Wayne Weaver Cook, who has been employed with the City of Asheville since July 1, 1975. He was a Plumbing Inspections Specialist in the Inspections Division and will retire on May 1, 1990.

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Upon motion of Councilman Ellison, seconded by Councilman Frank, Resolution No. 90-55 was unanimously adopted.

**Resolution Book No. 18 - Page 118.**

**III. OLD BUSINESS:**

**A. Report from Citizens/Police Advisory Committee**

Mr. Bob York stated that the Citizens/Police Advisory Committee was appointed by City Council to study the relationship between the community as a whole, the black community in particular, and the Police Department. He said that the charge was to determine the problems, analyze the causes, and recommend solutions. He stated that a preliminary report was presented on September 18, 1989, which made recommendations in six areas. He said that those are being addressed at the Police Department. He said that one additional recommendation is now being made and that is to have the City Council appoint a permanent Citizens/Police Advisory Panel.

Their reasons for this new recommendation is that (1) a critical communications link has now been established, (2) that the committee is now serving as a problem-solving vehicle, and (3) that the work of the committee is long term in nature.

The Citizens/Police Advisory Committee recommends:

1. Establishment of a permanent Citizens/Police Advisory Committee.

2. The Panel shall include the following membership:

A. Five area representatives from the north, east,

south, west, and central areas of the City of Asheville;

B. A councilmember;

C. A youth representative (President of student body of Asheville High);

D. The Director or Chairperson of the Community Relations Council;

E. A police officer;

F. Two ad hoc seats, to be temporarily filled for a specific problem, incident, event;

G. The City Manager and Police Chief as staff to the Panel.

3. A method must be determined for the appointment/

selection of the Panel members. The committee recommends that the City Council appoint 3 or 4 members and then allow the Panel to select 1 or 2 additional

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members. The membership must be reflective of the racial makeup of the community.

4. The Committee recommends that a chair, vice-chair, and

recording secretary should be appointed, and that the chair should rotate through the geographical representatives. The City of Asheville Police Department will provide clerical support for the Panel.

5. The Panel should schedule regular meetings, with the frequency, date and time to be determined by the Panel.

6. The Committee recommends at least the following duties

and responsibilities for the Panel, with others to be determined by the City Council and the Panel:

A. To serve as Ombudsman;

B. To mediate for problems;

C. To serve as liaison between the police and community over concerns;

D. To serve as an advocate for programs, ideas, and

methods to improve the relationship between the police and the community;

E. To serve such other functions as falls within the

province of the Panel;

F. To disseminate information to the community and to

the government officials of Asheville.

Councilman Estes suggested that a student from each high school be appointed to the Panel, not only one youth representative from Asheville High. Mr. York said that the Committee would take his suggestion under advisement.

Vice-Mayor Moore thanked the Committee, on behalf of the City Council, for their hard work as it related to their report.

### **B. Third reading of an ordinance regulating the operation of horse-drawn carriages in the City of Asheville.**

Vice-Mayor Moore stated that the ordinance is still being worked on and the third and final reading will not be considered at the meeting.

## **IV. NEW BUSINESS:**

### **A. Resolution No. 90-56 - Resolution allowing the Asheville Police Department to participate in a Mutual Aid Agreement with 24 Western North Carolina law enforcement agencies.**

Police Chief Gerald Beavers stated that 24 law enforcement agencies in western North Carolina (all who participate in the

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Smoky Mountain law enforcement forum) have talked about putting together a mutual aid agreement for the entire section on many issues. He stated that this agreement will provide the mechanism for the participating law enforcement agencies to come to the immediate aid of the requesting agencies for such matters as natural disasters, lost persons, manhunts or for such everyday problems as undercover officers. He stated that Buncombe County has now agreed to become a participant in this agreement and the agreement will be amended to include them as a party.

Upon inquiry of Vice-Mayor Moore, Chief Beavers stated that all the officers will be certified law enforcement officers and depending on the type of assistance needed, will be trained in that specific area.

Upon inquiry of Councilman Ellison, City Attorney William F. Slawter explained the insurance liability aspects of the agreement for officers.

Upon motion of Councilman Frank, seconded by Councilman Estes, Resolution No. 90-56 was unanimously adopted.

### **Resolution Book No. 18 - Pages 119 & 120.**

### **B. Sale of Disposal Parcel 121 in the East End/Valley Street Community Development Improvement Program.**

City Manager Douglas O. Bean stated that the Housing Authority has tentatively accepted a bid in the amount of \$650.00 for Disposal Parcel 121 in the East End/Valley Street Community Development Improvement Program. He said that the bid was received from Mr. Sidney E. Shorter who is the owner of the adjoining residential property and plans to use this parcel in conjunction with his adjoining property. Mr. Bean stated that this is not a buildable lot.

Upon motion of Councilman Ellison, seconded by Councilman Frank, the sale of Disposal Parcel 121 was unanimously approved.

**C. Ordinance No. 1843 - An Ordinance Amending Chapter 12 of the Code of Ordinances of the City of Asheville (Fire Prevention and Protection).**

City Manager Douglas O. Bean stated that this ordinance requires testing of hydrants on private property which are not part of the fire hydrant system maintained and operated by the Water Authority. He asked Mike Jones of the Asheville Fire Department to explain the ordinance in more detail for the Council.

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Mike Jones, Assistant Fire Chief, explained that the City now maintains public hydrants but not private hydrants. He stated that public hydrants are checked and tested annually but there are no comparable provisions for private hydrants installed by an owner or a builder. He stated that since the Fire Department must rely on operation of these hydrants at fires, they are now requesting that these hydrants be tested as well.

Upon inquiry of Councilman Frank about fees for this testing, Assistant Fire Chief Jones stated that it would be up to the Asheville-Buncombe Water Authority to determine what, if any, fees will be charged.

Upon inquiry of Councilman Estes relative to the Woodfin situation, Assistant City Manager Charles Penny stated that he is working on a report and will be submitting it to the Council in the near future.

Vice-Mayor Moore said members of Council were previously furnished with copies of this ordinance and it would not be read in its entirety.

Councilman Ellison asked the City Attorney to amend this ordinance before second reading to expand the requirement of testing other hydrants within the City limits which are used by the Asheville Fire Department which are not maintained and operated by the Asheville-Buncombe Water Authority.

Councilman Ellison moved for the adoption of Ordinance No. 1843. This motion was seconded by Councilman Frank.

On a roll call vote of 5-0, Ordinance No. 1843 passed on its first reading.

**D. Resolution No. 90-57 - Resolution authorizing the City Manager to sign a contract with Dillard Excavating Company, Inc., for the project known as South Swannanoa Sewer Project.**

City Manager Douglas O. Bean said that bids were received for the construction of the South Swannanoa Interceptor Sewer Project and that Dillard Excavating Company Inc. was the lowest responsible bidder for this Project.

Assistant City Manager Charles Penny stated that construction should be ready to begin on June 1, 1990. He said that there were a few items still needing to be obtained but he saw no problem in getting them.

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Upon inquiry of Councilman Ellison, Mr. Bean explained the reason for the approximate \$40,000 amount over what the Engineering Division estimated, that being that the Metropolitan Sewerage District changed the specifications. He did state, however, that the Metropolitan Sewerage District will be reimbursing the City of Asheville back for this project.

Upon motion of Councilman Bratton, seconded by Councilman Frank, Resolution No. 90-57 was unanimously adopted.

**Resolution Book No. 18 - Page 121.**

**E. Ordinance No. 1844 - An Ordinance Amending Ordinance Nos. 1650, 1674 and 1738 which provide for a Disability Review Board for members of the Asheville Policemen's and the Asheville Firemen's Pension and Disability Funds.**

City Attorney William F. Slawter stated that under the old pension systems, members who were denied benefits could appeal to the City Council and then to Superior Court. He stated that when the Disability Review Board was set up, it was patterned after those old systems. At the request of City Council, he has now prepared an amendment to the Disability Review Board ordinance deleting City Council from the appeal process.

Mr. Slawter stated that this amendment would be made effective for all determinations made by the Disability Review Board at any of the Board hearings held after the April 5, 1990, hearing of the Disability Review Board. He further stated any person claiming benefits wishing to appeal from a determination made by the Disability Review Board at any of the Board hearings held on or before April 5, 1990, may waive their appeal to the Asheville City Council as formerly provided, and appeal directly to the Superior Court from a determination of the Disability Review Board. He said that such a waiver of the right to appeal to the Asheville City Council shall be in writing and filed by the claimant with the City Clerk.

Upon inquiry of Councilman Bratton, Mr. Slawter felt there was no opposition from any of the claimants the Council has been involved with to date, based upon the fact that their attorney recommended this amendment.

Vice-Mayor Moore said members of Council were previously furnished with copies of this ordinance and it would not be read in its entirety.

Councilman Ellison moved for the adoption of Ordinance No. 1844. This motion was seconded by Councilman Frank.

On a roll call vote of 5-0, Ordinance No. 1844 passed on its first reading.

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Councilman Ellison moved to suspend the rules and proceed to the second reading of Ordinance No. 1844. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1844 passed on its second reading.

Councilman Ellison moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1844. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1844 passed on its third and final reading reading.

**Ordinance Book No. 12 - Pages 114 & 115.**

**V. CONSENT:**

**A. Scheduling public hearing relative to the rezoning of property on Shiloh Road at the request of Perry M. Weaver for May 8, 1990.**

**B. Resolution No. 90-58 - Resolution authorizing the Mayor to execute an application and related documents for a grant from the North Carolina Department of Crime Control and Public Safety through the Governor's Crime Commission Office for the City of Asheville Police Department's Victim Assistance Unit.**

**Resolution Book No. 18 - Pages 122 & 123.**

When Councilman Bratton inquired whether she would be in a conflict of interest position with regard to voting on this resolution (she being a member of the Crime Commission), City Attorney Slawter stated that she would not be in conflict.

Upon motion of Councilman Ellison, seconded by Councilman Frank, the consent agenda was unanimously adopted.

**VI. OTHER BUSINESS:**

**A. Ordinance No. 1845 - Budget ordinance amendment relative to the funding of the South Swannanoa Sewer Interceptor Project.**

City Manager Douglas O. Bean stated that this budget ordinance amendment would revise the Sewer Master Plan to reflect the current cost estimate for the South Swannanoa Sewer Interceptor Project. He again stated that the Metropolitan Sewerage District will be reimbursing the City of Asheville back for the cost of this project.

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Vice-Mayor Moore said that members of Council were previously furnished with copies of this ordinance and it would not be read in its entirety.

Councilman Ellison moved for the adoption of Ordinance No. 1845. This motion was seconded by Councilman Estes.

On a roll call vote of 5-0, Ordinance No. 1845 passed on its first and final reading.

**Ordinance Book No. 12 - Page 116.**

**B. Claims**

The City Manager said claims were received from Mr. Alton Alligood (Sewer), Ms. Suzanne King (Streets), Ms. Peggy Yoder (Water), Mr. John Carroll (Streets), Ms. Valerie Horton (Water), Mr. Bonson Ramsey (Traffic Engineering), Ms. Georgia Gates (Water), and Ms. Debra Weaver (Water).

Vice-Mayor Moore referred the claims to the City Attorney for appropriate action.

**C. Request of Mr. Ralph Bishop**

Mr. Ralph Bishop read and presented a notarized letter dated April 24, 1990, to William F. Wolcott, Jr., City Clerk. The letter was making a written request for a certified and verbatim transcript of that portion of the City Council meetings of February 20, 1990, and February 27, 1990, when he addressed the City Council. The letter also asked for a certified verbatim transcript of the reply or statements made to him at those Council meetings by Mayor Michalove. It further requested a certified verbatim transcript of the City Attorney's answers to him on February 27, 1990. He stated that the letter was being presented to the City Clerk pursuant to "G.S. 160A-72, G.S. 132-6 and Rule 29 of the City Council Rules."

**VII. ADJOURNMENT.**

Councilman Bratton moved to adjourn the meeting at 5:20 p.m. This motion was seconded by Councilman Frank and carried unanimously.

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MAYOR CITY CLERK

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