

Tuesday - June 19, 1990 - 4:00 P.M.

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor

William G. Moore; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Eugene W. Ellison and William W. Estes; 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 Vice-Mayor Moore.

A moment of silence was also held in memory of Cornelis

Hunt, Mayor Pro-Tem of Brevard, N. C. upon his recent passing.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes

of the June 12, 1990 meeting as submitted.

I. PROCLAMATIONS:

A. Resolution No. 90-78 - Resolution of appreciation for recent retiree, Harold Garland.

Mayor Michalove recognized Harold Garland and read the

resolution which stated that Harold Garland has been with the City for 18 years. He worked in the Inspections Division of the Fire Department as a

Building Inspections Assistant.

Upon motion of Councilman Price, seconded by Vice-Mayor

Moore, Resolution No. 90-78 was unanimously approved.

Mayor Michalove presented the resolution to Mr. Garland.

Resolution Book No. 18 - Page 146

B. Resolution No. 90-79 - Resolution of appreciation for recent retiree, William Thompson.

Mayor Michalove recognized William Thompson.

Bob Hixon, Director of Inspections, read the resolution

which stated that William Thompson has been with the City for 17-1/2 years. He worked in the Inspections Division of the Fire Department as an Electrical

Inspections Specialist until he retired in June, 1990.

Upon motion of Councilman Frank, seconded by Councilman

Price, Resolution No. 90-79 was unanimously approved.

Mayor Michalove presented the resolution to Mr.

Thompson.

Resolution Book No. 18 - Page 147

II. PUBLIC HEARINGS:

A. Continuation of a public hearing relative to the closing a portion of Irving Street.

Resolution No. 90-80 - Resolution closing a portion of Irving Street

Mayor Michalove said a petition was received from David

Thompson and wife, Betty Thompson, and the Grace Memorial Church of Asheville requesting that a portion of Irving Street be closed. This public hearing was opened on June 12, 1990 but was continued until June 19, 1990 to determine if any water and/or sewer line easements are necessary. It has been determined that water and sewer line easements will be necessary and the

proposed resolution provides for these easements.

Jim Ewing, Director of Public Works, said the resolution

provides for the retention of a 10' wide easement for the water and sewer lines in the portion of Irving Street proposed to be closed. He said other than the retention of these easements the Public Works Department does not have a problem with the closing of this portion of Irving Street.

Mayor Michalove closed the public hearing at 4:24 p.m.

Upon motion of Councilman Ellison, seconded by

Councilman Frank, Resolution No. 90-80 was unanimously approved.

Resolution Book 18 - Page 148-149

III. OLD BUSINESS:

A. Ordinance No. 1855 - Second reading of an ordinance for the levy and collection of business licenses taxes.

Mayor Michalove said this ordinance will revise the

Revenue Ordinance to comply with changes mandated by the State to become effective July 1, 1990. He said the ordinance was read on first reading on June 12, 1990 and the staff had furnished members of Council with a detailed report on the revisions.

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

On a roll call vote of 7-0, Ordinance No. 1855 passed on second reading.

Councilman Price moved to suspend the rules and proceed

to the third and final reading of Ordinance No. 1855. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1855 passed on third and final reading.

Ordinance Book 12 - Page 129 - 166

IV. NEW BUSINESS:

A. Ordinance No. 1856 - Ordinance adopting the City of

Asheville 1990-91 Annual Budget.

The City Manager said the proposed budget reflects

decisions made by Council through the Budget Worksession today. He said the budget provides for a 60-cent tax rate which is a 6-cent tax increase. He said the increase is needed for the City to be fiscally

responsible. He said if Council increases taxes 6 cents this year, the new jobs and programs added to the city government that have to be maintained next year, plus inflation, employee pay increases, and continued growth, will require a 4-cent raise in 1991-92.

Mayor Michalove outlined the service enhancements included in the budget.

Councilman Bratton moved for the adoption of Ordinance

No. 1856. This motion was seconded by Vice-Mayor Moore.

Gordon Peed, with the Council of Independent Business

Owners Budget Committee, read a position statement from CIBO requesting no increase in taxes.

Barry Olin, owner and merchant in downtown; Chuck

Tessier, incoming President for the Downtown Association; and Charlene Blevins of 88-1/2 N. Lexington Avenue, thanked Council for the support and funding of downtown projects.

Rev. Pete Banyai, Chairman of the War on Drugs

Commission, expressed concern that the budget does not provide any funding for the War on Drugs Commission. He made a strong appeal to members of Council to reconsider funding for the Commission.

Councilman Ellison said he was concerned that the budget

requested by the War on Drugs Commission contains \$67,000 in salaries and benefits for two staff members. He said fundings should address the problem in the community and suggested that the commission be on a volunteer basis like most other boards and commissions.

Rev. Banyai said he would have liked to have had the

opportunity to address Council's concerns before a final decision was made on the budget.

Councilman Bratton said she would rather see the money

for the Drug Commission go for police protection and programs in the city's housing projects.

Mayor Michalove said the Drug Commission could answer

the concerns of Council about the program and Council

could possibly reconsider the funding.

Chris Peterson, 136 Evelyn Place, spoke in opposition to

the budget stating that he had reviewed the budget and feels the budget can be trimmed.

Pat Smith, Co-Chairman of the Streetscape Task Force,

expressed appreciation for Council funding the lighting program for downtown.

Grace Pless expressed appreciation for Council funding

revitalization of downtown.

Ralph Bishop spoke to Council about not funding the War

on Drug Commission.

Laurie Masterson, requested that Council fund a small

operating budget, in the amount of \$200, for a Sister City Committee in an effort to promote the City of Asheville becoming a Sister City. She said other cities in North Carolina have sister cities. She also requested that Council sponsor a Council representative in the amount of \$2,500, to visit a potential sister city in Russia.

Mayor Michalove said he would like to see funding for

the Sister City program come from private sources.

On a roll call vote of 7-0, Ordinance No. 1856 passed on

first and final reading.

Ordinance Book No. 12 - Page 167 - 170

V. CONSENT:

A. Resolution No. 90-81 - Resolution authorizing the City

Manager to execute on behalf of the City of Asheville a contract with DAP Security, Inc. for School Crossing Guards.

SUMMARY: In September, 1989, the City of Asheville

entered into a one year contract with D.A.P. Security to provide school crossing guards for

all City schools. D.A.P. now wishes a two year contract so they will know how many guards and equipment they need to budget.

Resolution Book 18 - Page 150

B. Resolution No. 90-82 - Resolution adopting the Municipal

Records Retention and Disposition Schedule and authorizing the Mayor to execute an agreement with the North Carolina Department of Cultural Resources to adopt

the Schedule.

SUMMARY: In June of 1985, the City of Asheville adopted

the North Carolina Department of Cultural Resources Municipal Records Retention and Disposition Schedule. This Schedule allows the destruction of certain municipal records after a specified retention period without the necessity of obtaining prior approval from the North Carolina Department of Cultural resources, Division of Archives and History. The adopted Schedule expires on the 25th day of June, 1990. The readoption of the schedule is therefore, necessary.

Resolution Book 18 - Page 151

C. Resolution No. 90-83 - Resolution of intent to close

Academy and Center Streets and scheduling a public

hearing for July 17, 1990.

SUMMARY: N. C. DOT designs for improvements to

Hendersonville Road would result in excessive grades and additional right of way to connect Academy Street and Center Street to the new roadway. Dead ending each of these streets will eliminate the excessive grades and additional right of way acquisition and still provide access to Hendersonville road via Yorkshire and Fairview Streets.

Resolution Book 18 - Page 152-153

D. Resolution No. 90-84 - Resolution authorizing the Chief

of Police to execute a mutual aid agreement with the Atlantic Beach Police Department and the Sampson County

Sheriff's Department.

SUMMARY: The National Association of Attorneys General

will hold a summer conference in Asheville from July 8 -11, 1990. The North Carolina Justice Academy is planning the conference. Three members of the staff of the Justice Academy are sworn officers. They are Steven Johnson and

Dave Cloutier with the Atlantic Beach Police Department, and Earl Hardy, with the Sampson County Sheriff's Department. These three officers are going to coordinate the security detail for the conference. The majority of the security will be provided by the State Bureau of Investigation, aided by the Asheville Police Department. This mutual aid pact will give the three sworn coordinators full authority during the conference.

Resolution Book 18 - Page 154

Upon motion of Vice-Mayor Moore, seconded by Councilman

Price, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

Claims - Industrial Truck Sales and Service (Water) - Grace Hess

(Water) - Donald DeAndrea (Water)

The City Manager presented claims received from

Industrial Sales and Service, Grace Hess, and Donald

DeAndrea.

Mayor Michalove referred the claims to the City Attorney

for investigation and recommendation.

CONTINUATION OF NEW BUSINESS

B. Appeal of Dillard Searcy - Disability Review Board

Vice-Mayor Moore announced that, since he had participated in

the deliberations and decision of the Disability Review Board concerning the request of Mr. Searcy, he would ask to be excused from participation in the consideration of this matter by the City Council in order to avoid the possibility of a conflict of interest. Upon motion of Councilman Bratton, seconded by Councilman Frank, the City Council voted unanimously to excuse Vice-Mayor Moore from participation in

consideration of this matter.

Mr. Searcy was present at the City Council meeting for the

presentation of his appeal, and was represented by his attorney, Gary A. Dodd. Following the presentation on behalf of Mr. Searcy, the City Council held an executive session to discuss the merits of Mr. Searcy's claim, which executive session was called for by motion of Councilman Ellison, seconded by Councilman Estes, and adopted unanimously by the City Council. Following deliberations in executive session, the City Council returned to open session and upon a unanimous vote of 6-0 voted to allow Mr. Searcy's appeal and grant him supplemental benefits, based upon Findings of Fact and Conclusions of Law to be prepared by the City Attorney and approved by the City Council. A copy of the transcript

of proceedings is on file in the Office of the City Clerk.

VII. ADJOURNMENT.

The meeting adjourned at 8:00 p.m.

MAYOR CITY CLERK
