

Tuesday - October 26, 1993 - 4:00 p.m.

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor Eugene W. Ellison; Councilwoman Barbara Field; Councilmen William G. Moore, Chris J. Peterson, Joseph Carr Swicegood and Charles R. Worley; City Attorney William F. Slawter; City Manager Douglas O. Bean; and Associate City Manager/City Clerk William F. Wolcott Jr.

Absent: None

INVOCATION

Vice-Mayor Ellison gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING OCTOBER 28, 1993, AS "ASHEVILLE AREA CHAMBER OF COMMERCE DAY"

Mayor Michalove proclaimed October 28, 1993, as "Asheville Area Chamber of Commerce Day" and presented it to Steve Holt, Executive Vice-President, Chuck Fuller and Judy Swann.

B. RESOLUTION NO. 93-156 - RESOLUTION PROCLAIMING OCTOBER 27, 1993, AS "UNFUNDED MANDATES DAY"

Mayor Michalove proclaimed October 27, 1993, as "Unfunded Mandates Day" and read the resolution. City Manager Bean said that this resolution, on behalf of the City Council, resolves to redouble our efforts to inform and work with members of our Congressional delegation to educate them about the impact of federal mandates and actions necessary to reduce their burden on our citizens.

Councilwoman Field moved to adopt Resolution No. 93-156. This motion was seconded by Councilman Moore and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 150

II. PUBLIC HEARINGS:

A. PUBLIC HEARING TO REZONE 271 LEICESTER HIGHWAY FROM R-3 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT

ORDINANCE NO. 2054 - ORDINANCE REZONING A LOT LOCATED AT 271 LEICESTER HIGHWAY

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Mayor Michalove opened the public hearing at 4:12 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Ms. Carol Pennell, Urban Planner II, explained that this is a single graded lot (PIN No. 9629-18-41-3229) with a relocated one-story vacant structure fronting New Leicester Highway and bordered by Harrisland Drive. This is currently zoned R-3 but located in the City's extraterritorial jurisdiction boundaries. The widening of Leicester Highway is currently in progress.

The 2010 Plan shows this as a low density residential land use. There is extensive neighborhood opposition to a rezoning. On October 6, 1993, the Planning and Zoning Commission amended the original request which was from R-3 Residential District to OI Office Institutional District to R-3 Residential District to R-4 Residential District by a vote of 5-1.

Ms. Pennell read a letter she received from Cheryl and Murray Wagner voicing strong objection to the rezoning. She also stated that she has received letters in support of the rezoning.

Ms. Elizabeth Graham, member of the Planning and Zoning Commission, briefed the Council on why the Planning and Zoning Commission changed the rezoning from OI to R-4. She spoke about the topography of the lot and the traffic counts on Leicester Highway. She explained that the first original request was from R-3 Residential District to CH Commercial Highway, then R-3 to OI and finally from R-3 to R-4. She said that after the petitioner was more informed about the R-4 uses, he said that he would be agreeable to the R-4 zoning.

Ms. Pennell read the differences between an OI zoning versus an R-4 zoning.

Upon inquiry of Vice-Mayor Ellison about some guidelines relative to growth on Leicester Highway, Ms. Graham felt that the upcoming unified development ordinance would address this issue.

Mr. Melvin Whitmire, husband of petitioner Agnes Whitmire, spoke in support of the rezoning from R-3 to R-4.

Ms. Myra Ramsey, owner of property which adjoins the back of the subject lot, stated her concerns about the rezoning.

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Mayor Michalove closed the public hearing at 4:36 p.m.

Mayor Michalove said that members of Council have been previously furnished with a copy of the ordinance at it would not be read.

Councilman Swicegood moved for the adoption of Ordinance No. 2054 which rezones 271 Leicester Highway from R-3 to R-4. This motion was seconded by Councilman Peterson.

On a roll call vote of 6-1, with Councilman Moore voting "no", Ordinance No. 2054 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 40

B. PUBLIC HEARING RELATIVE TO A VARIANCE REQUEST FOR MIDLANDS OF LAKEVIEW PARK SUBDIVISION

Mayor Michalove opened the public hearing at 4:38 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

Mr. Gerald Green, Senior Planner, said that Stratford Properties, Inc., has submitted a preliminary plat for the Midlands of Lakeview Park, a 19-lot subdivision located at the intersection of Stratford Road and Merrimon Avenue. The 16.6 acre parcel is zoned R-1 Residential as is the surrounding property. Access to the property will be provided by extending Pineacre Boulevard, currently a dead-end street, into the development and creating two cul-de-sacs.

The proposed lots exceed the standards established by the Asheville Zoning Ordinance and other applicable regulations.

The developers are requesting a variance to permit the proposed street to have a right-of-way width of 40 feet instead of 50 feet as required by the Subdivision Regulations. The requested 40 foot right-of-way width will match the 40 foot right-of-way width on the existing section of Pineacre Boulevard. Public Works has reviewed the request for a reduced right-of-way width and has no objections.

The Planning and Zoning Commission unanimously approved the preliminary plat with the recommendation that the requested variance be granted.

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The Asheville Planning and Zoning Commission on October 6, 1993, reviewed and recommended approval of the preliminary plat with two conditions: 1) Final design of the planters at the entrance and in the cul-de-sac must be approved by the Fire Department and the Public Works Department; and 2) The variance request to permit a 40 ft. street right-of-way must be approved by City Council.

Councilman Moore questioned why the developer could not build the street with the required 50 foot right-of-way width. Mr. John Davis, developer, stated that he could, but the existing Pineacre Boulevard has a 40 foot right-of-way width and he wanted to match the existing street. He felt that the 50 feet right-of-way width would place much more restrictions on the lots and the building sites.

Councilwoman Field suggested a bike path or a pedestrian access to Stratford Road, which John Davis, developer, responded that a bike path might be a possibility.

Mr. Davis responded to questions from Councilman Peterson relative to stormwater drainage.

Mayor Michalove closed the public hearing at 4:52 p.m.

Vice-Mayor Ellison moved to grant a variance of 10 feet, from the required 50 foot right-of-way width for subdivision streets, for Pineacre Boulevard in Midlands of Lakeview Park Subdivision. This motion was seconded by Councilman Worley and carried on a 6-1 vote, with Councilman Moore voting "no".

C. PUBLIC HEARING ON THE QUESTION OF ANNEXATION OF PROPERTY LOCATED NORTH OF OVERLOOK ROAD, PURSUANT TO N. C. GEN. STAT. SEC. 160A-31 (SECTION FOUR OF BRAESIDE AT BILTMORE PARK)

ORDINANCE NO. 2055 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, BY ANNEXING A CONTIGUOUS AREA LOCATED ON OVERLOOK ROAD KNOWN AS SECTION FOUR OF BRAESIDE AT BILTMORE PARK

Mayor Michalove opened the public hearing at 4:53 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date of the public hearing.

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Mr. Paul Benson, Urban Planner, said that on September 27, 1993, the City received a petition from Biltmore Dairy Farms, Inc., the owners of Section Four

of Braeside at Biltmore Park Subdivision (a portion of PIN No. 9645.03.34.7424) requesting annexation into the City of Asheville. This property has been subdivided into 18 lots by plat recorded with the Buncombe County Register of Deeds on September 21, 1993.

On October 12, 1993, the City Clerk certified that the petition was valid in that it was signed by the owners of real property being requested for annexation and that the property was contiguous to the Asheville city limits as required by N. C. Gen. Stat. sec. 160A-31 (a).

The developer is installing approximately 1,400 linear feet of 6-inch water line along Red Fox Circle and 500 linear feet of 8-inch water line on Schenck Drive. These lines are being constructed to Asheville-Buncombe Water Authority standards and will be maintained by the Water Authority.

The developer is installing approximately 1,320 linear feet of 8-inch sewer line along Red Fox Circle, 1,500 linear feet of 8-inch sewer line on the western boundary of Section Four, a sewer lift station and 650 linear feet of ".5" sewer force main. These lines have been designed and installed in accordance with MSD standards. Presently, these sewer lines drain to a sewage lift station and are pumped into an MSD maintained system. The pump station, however, does not comply with MSD's requirements. Therefore, the entire sewage system is private. Plans are being made to extend gravity sanitary sewers to this section. When this happens, the pump station can be abandoned and the sewer lines considered for ownership by MSD.

Fire protection will be provided by the City of Asheville Fire Department beginning on the effective date of annexation.

Police protection will be provided by the City of Asheville Police Department beginning on the effective date of annexation.

Streets are being constructed to NC DOT standards and are expected to be accepted by the State for maintenance prior to the effective date of annexation. The City will assume maintenance of the State maintained streets upon the effective date of annexation.

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Solid waste collection services will be provided by the City to individual residences according to the same policies in effect in the City at the time of annexation.

The petitioner is requesting adoption of the ordinance on October 26, 1993, with an effective date of April 26, 1994.

Mayor Michalove closed the public hearing at 4:55 p.m.

Mayor Michalove said that members of Council have been furnished with a copy of the ordinance and it would not be read.

Councilman Worley moved for the adoption of Ordinance No. 2055. This motion was seconded by Councilwoman Field.

On a roll call vote of 7-0, Ordinance No. 2055 passed on its first and final reading.

ORDINANCE BOOK NO. 14 AT PAGE 42

D. PUBLIC HEARING RELATIVE TO THE MINORITY BUSINESS DISPARITY STUDY

This public hearing was held at the end of the meeting.

III. UNFINISHED BUSINESS:

A. THIRD READING OF ORDINANCE NO. 1958, AN ORDINANCE DIRECTING THE DIRECTOR OF BUILDING INSPECTIONS TO DEMOLISH 10 SUNSET SUMMIT

Vice-Mayor Ellison moved to continue this matter until December 21, 1993, due to a pending lawsuit. This motion was seconded by Councilwoman Field and carried unanimously.

IV. NEW BUSINESS:

A. RESOLUTION NO. 93-157 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO CAMBRIDGE INTERESTS INC. FOR A PEDESTRIAN BRIDGE CONNECTING PROPERTY OWNED BY CAMBRIDGE INTERESTS INC. TO THE RANKIN AVENUE PARKING DECK

City Manager Bean said that Cambridge Interests Inc. is the owner of a tract of land formerly occupied by Penney's Department Store which is described in that deed recorded in Deed Book 1473 at Page 164 in the Office of the Register of Deeds for Buncombe County, North Carolina. A 20 foot alley -7-

adjoins the property to the east thereof. The City of Asheville owns a parking garage deck which adjoins the alley to the east. Cambridge Interests Inc. desires to erect a pedestrian bridge connecting the improvements located on their property with the parking deck to provide access to and from the property in the parking deck. The City of Asheville is willing to allow such construction and access to the parking deck, subject to the terms and conditions in the agreement between the parties.

This agreement contains the same language as the agreement for the 21 Haywood Street project and its pedestrian bridge, except for changes which mostly relate to it being a different project. A significant change, however, is that the 21 Haywood Street agreement required a security gate and this agreement only allows for a security gate. The sum and substance of the terms and conditions remain as were negotiated previously with the property owner.

Councilwoman Field inquired about a possible conflict of interest because she owns 1/11th of the adjacent property.

Councilman Moore moved to excuse Councilwoman Field from voting in this matter due to a conflict of interest. This motion was seconded by Councilman Worley.

City Attorney Slawter's opinion was that there was no conflict because there was no monetary gain for her.

The motion to excuse Councilwoman Field from voting was defeated on a vote of 2-4, with Vice-Mayor Ellison, Councilmen Peterson, Swicegood and Worley voting "no".

Mayor Michalove said that members of Council have been furnished with a copy of the resolution and it would not be read.

Vice-Mayor Ellison moved for the adoption of Resolution No. 93-157, including an amendment in the agreement that would require a security gate. This motion was seconded by Councilman Peterson and carried unanimously.

RESOLUTION BOOK NO. 21 AT PAGE 152

B. RESOLUTION NO. 93-158 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE

AGREEMENTS BETWEEN MEMORIAL MISSION HOSPITAL AND ST. JOSEPH'S HOSPITAL FOR PURPOSES OF ESTABLISHING A MANAGED CARE NETWORK FOR EMPLOYEE HEALTH BENEFITS

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Mayor Michalove asked City Attorney Slawter about a possible conflict of interest because of his being an employee of St. Joseph's Hospital. It was City Attorney Slawter's opinion that there might be a conflict of interest and advised the Mayor accordingly.

Councilman Moore moved to excuse Mayor Michalove from voting on this matter due to a conflict of interest. This motion was seconded by Councilman Worley and carried unanimously.

City Manager Bean was proud to announce an innovative, revolutionary plan to provide a fully integrated health care program to City of Asheville employees. This unique public/private partnership represents the beginning of a relationship that will serve as a model of health care reform, now and into the future.

The "Shared Vision" partnership with Memorial Mission and St. Joseph's hospitals is the first of its kind in Western North Carolina. It will use local health care resources to save money while maintaining freedom of choice for employees and maintaining high quality of care.

Memorial Mission Hospital approached the City about establishing a comprehensive managed care network. Using this framework, the City invited both Mission and St. Joseph's hospitals to respond to a formal "request for proposal" A City of Asheville employee committee was developed to evaluate the proposals and to make recommendations for counter proposals. The product that emerged was a fully integrated managed care program with expected savings to the City of \$300,000 to \$500,000 over the next two years. The program allows City employees to choose not only which physician they prefer, but which hospital they want to use.

Vice-Mayor Ellison said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Moore moved for the adoption of Resolution No. 93-158. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 21 AT PAGE 153

C. RESOLUTION NO. 93-159 - RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING THE AMENDED AND RESTATED FACILITIES AND EQUIPMENT LEASE AGREEMENT AND RELATED MATTERS

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City Manager Bean said that on November 14, 1989, City Council authorized the execution of a Facilities and Equipment Lease Agreement for the purpose of renovating City Hall Building and upgrading the City computers.

Wachovia Bank, the holder of this agreement, has agreed to lower the interest rate to 4.95 percent effective November 1, 1993. This change will result in a savings in total debt service over the remaining life of the issue (nominal savings) of \$342,155. The net present value (NPV) savings is \$262,442. The City will incur \$33,500 in costs to implement this transaction.

City Manager Bean gave a comprehensive refundings report to Council which

showed that the City would have a total debt service savings of \$1,955,381.

Mayor Michalove said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Peterson moved for the adoption of Resolution No. 93-159. This motion was seconded by Councilman Worley and carried unanimously.

Councilman Peterson commended the City Manager for keeping tabs on interest rates in order to save money.

RESOLUTION BOOK NO. 21 AT PAGE 155

D. ORDINANCE NO. 2056 - BUDGET ORDINANCE TO ESTABLISH AN APPROPRIATION FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

City Manager Bean said that this budget amendment is to establish an appropriation of \$345,800 for the Selective Traffic Enforcement Program (S.T.E.P.) The City Council authorized the application for the S.T.E.P. grant which will provide grant funding for five police officers with the associated vehicle and operating costs in the amount of \$229,300 by Resolution No. 93-75 on June 8, 1993. Notice has been received of acceptance of the application and this action sets up the appropriation for expenditure of the grant funds. Local match of \$46,500 is provided from General Fund Contingency making the total appropriation of \$345,800.

Vice-Mayor Ellison commented that this is a commitment for longer than three years because the City will be hiring five additional police officers and after the program ends, the City wouldn't want to fire the five officers hired for this program.

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Mayor Michalove said that members of Council have been previously furnished with a copy of the ordinance and it would not be read.

Councilwoman Field moved for the adoption of Ordinance No. 2056. This motion was seconded by Councilman Moore.

On a roll call vote of 7-0, Ordinance No. 2056 passed on its first and final reading.

ORDINANCE BOOK NO. 14 - PAGE 46

E. ORDINANCE NO. 2057 - BUDGET ORDINANCE TO SET UP APPROPRIATIONS FOR THE CONSTRUCTION OF THE FRENCH BROAD RIVER PARK

City Manager Bean said that this budget amendment is to set up the entire appropriation of \$403,510 to complete the development of the French Broad River Park. Revenues to support the \$403,510 cost include a grant of \$75,000 from the Water Conservation Fund, \$100,000 from RiverLink, and \$227,010 from the City's Capital Improvement Program. The City has budgeted \$190,000 for this project and the remaining \$37,101 will come from future proposed projects in the Park's Capital Improvement Program.

Ms. Karen Cragolin, Executive Director of RiverLink Inc., went into detail of this phase of the French Broad River Park development. She used designs and site plans to show that this phase of the Park would consist of the construction of restroom facilities, trail, picnic shelter, parking lot, playground, and fishing access areas to be located at the confluence of the

Swannanoa and French Broad Rivers.

She answered questions relative to the possible use of the play area for a soccer field and questions regarding security of the Park.

Councilman Worley commended Ms. Cragnolin for all her hard work and preparation in the development of this Park.

Mayor Michalove said that members of Council have been previously furnished with a copy of the ordinance and it would not be read.

Councilman Peterson moved for the adoption of Ordinance No. 2057. This motion was seconded by Councilman Moore.

On a roll call vote of 7-0, Ordinance No. 2057 passed on its first and final reading.

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ORDINANCE BOOK NO. 14 - PAGE 49

F. RESOLUTION NO. 93-160 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH A & B CONSTRUCTION FOR DEVELOPMENT OF THE FRENCH BROAD RIVER PARK

City Manager Bean said that base bids and alternates were solicited and received for the construction of the French Broad River Park as follows: A & B Construction - \$350,935; Hickory Construction - \$365,580; and H & M Construction - \$514,000. This resolution will authorize the City Manager to enter into an agreement with A & B Construction, the lowest responsible bidder, for the development of a park area on the west bank of the French Broad River.

Mayor Michalove said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Moore moved for the adoption of Resolution No. 93-160. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 21 - PAGE 159

V. CONSENT:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 12, 1993

B. RESOLUTION NO. 93-161 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS BETWEEN THE CITY OF ASHEVILLE VARIOUS ENTITIES FOR THE LEASE OF SPACE AT THE CITY'S TOWER SITES

Summary: Ansel's Refrigeration, Arch Southeast Communications, Dial Page, Fredrickson Motor Express, North Carolina Arboretum, Unicom Corporation (Beep-One), WHNS-TV 21 and WYFF previously entered into a lease agreement with the City of Asheville for the purpose of leasing transmittal space at the City's various tower sites. These lease agreements will soon terminate. The City has been negotiating with these entities over the terms of a new lease agreement and they each wish to renew their lease. This resolution will authorize the City Manager to execute said lease agreements.

RESOLUTION BOOK NO. 21 - PAGE 160

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C. RESOLUTION NO. 93-162 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT EXTENDING THE LAW ENFORCEMENT AUTHORITY OF THE DEPARTMENT OF PUBLIC SAFETY AT THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE

Summary: The Board of Trustees of the University of North Carolina at Asheville have requested that the City of Asheville allow it to exercise law enforcement authority to all property and buildings owned or leased by the University located within the City's jurisdiction. City staff has reviewed the University's request and recommends granting the response.

RESOLUTION BOOK NO. 21 - PAGE 161

D. RESOLUTION NO. 93-163 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR RAILROAD CROSSING SIGNALS

Summary: The North Carolina Department of Transportation has recommended the installation of railroad crossing signals at Twentieth Street at Norfolk Southern Railway Crossing No. 720 396T. The Federal Highway Administration will pay 90% of the eligible project costs. The City will be responsible for the non-federal share of the estimated project costs and one-half of the annual maintenance cost.

RESOLUTION BOOK NO. 21 - PAGE 165

E. RESOLUTION NO. 93-164 - RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION AND TO EXECUTE A GRANT AGREEMENT FOR GRANT FUNDS FROM THE NORTH CAROLINA ARTS COUNCIL

Summary: This resolution will authorize the City Manager to sign an application for \$2,000 in grant funds from the NC Arts Council (Grassroots) Arts Program for a youth photography program in the Shiloh community.

RESOLUTION BOOK NO. 21 - PAGE 166

F. MOTION SETTING A PUBLIC HEARING FOR NOVEMBER 9, 1993, RELATIVE TO AMENDING SECTION 30-9-10B OF APPENDIX A OF THE CODE OF ORDINANCES REGARDING NONCONFORMING SIGNS

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G. MOTION SETTING A PUBLIC HEARING FOR NOVEMBER 9, 1993, RELATIVE TO AMENDING SECTION 30-9-3D.6 OF THE CODE OF ORDINANCES REGARDING POLITICAL SIGNS

H. MOTION SETTING A PUBLIC HEARING FOR NOVEMBER 9, 1993, RELATIVE TO REZONING PORTIONS OF A LOT LOCATED AT 1899 HENDERSONVILLE ROAD FROM R-2 RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT AND FROM R-2 RESIDENTIAL DISTRICT TO OI OFFICE INSTITUTIONAL DISTRICT.

Councilman Moore moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Field and carried unanimously.

VI. OTHER BUSINESS:

A. MOTION SETTING PUBLIC HEARING ON NOVEMBER 16, 1993, FOR APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION FOR FUNDS TO PROCURE SHELTERS AND BENCHES FOR THE TRANSIT SYSTEM

Councilman Worley moved to set a public hearing on November 16, 1993, for

application to the Federal Transit Administration for funds to procure shelters and benches for the transit system. This motion was seconded by Councilwoman Field and carried unanimously.

B. COMMENTS BY ALAN O'DONNELL RELATIVE TO POLICE OFFICERS INJURED IN THE LINE OF DUTY

Mr. Alan O'Donnell read a prepared statement to the Council relative to police officers injured in the line of duty and solicited Council's support and implementation of changes in the worker's compensation program.

City Manager Bean said that the City is currently in litigation over this and is not able to respond in open session.

C. RALPH BISHOP

Mr. Ralph Bishop spoke about problems he has encountered in receiving records at the Fire Department.

D. POLICE CHIEF PETITION

City Manager Bean stated that Councilman Peterson presented him with a petition endorsing a candidate for the position of Police Chief.

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E. CHARTER CHANGE

Vice-Mayor Ellison moved to initiate the process for making any amendments that might be necessary so as to make the City Charter to be consistent with state law regarding runoff elections. This motion was seconded by Councilman Moore and carried unanimously.

At this time (5:50 p.m.), Mayor Michalove asked to be excused due to a meeting relative to the upcoming bond issue. Vice-Mayor Ellison moved to excuse Mayor Michalove. This motion was seconded by Councilman Moore and carried unanimously.

F. CLAIMS

City Manager Bean said that the following claims were received by the City of Asheville during the week of October 11-15, 1993: David Georgia (Police), Catherine Austin (Sanitation), Westminster Presbyterian Church (Water), Namon Radford (Water), Mrs. Grady Wilson (Water) and Janice Rogers (Streets).

He said the following claims have been received by the City during the week of October 18-22, 1993: Raymond Rigsby (Civic Center), Gerald Dean (Water), Sharon Martin (Parking Garage), Annette Mills (Streets), Virginia Maura (Streets) and Joseph Schandler (Water.)

He said that these claims would be referred to the appropriate insurers for investigation.

PUBLIC HEARING

PUBLIC HEARING RELATIVE TO THE MINORITY BUSINESS DISPARITY STUDY

Vice-Mayor Ellison opened the public hearing at 6:00 p.m.

City Clerk Wolcott presented the notice to the public setting the time and date

of the public hearing.

Mr. Marvin Vierra, Community Development Director, summarized the history surrounding this study.

An extensive report was given by Research and Evaluation Associates, Inc., which study concluded that (1) disparity exists between both ethnic minority- and white -15-

women-owned firms with white men-owned firms in City contracting and procurement; (2) disparity has been due to racial and gender discrimination; and (3) discrimination was passive in character and represented traditional practices.

They then explained the recommendations for improvement, i.e., (1) revise minority participation goals; (2) enhance "narrow tailoring" of Plan; (3) expand race neutral initiatives; (4) strengthen the roles and responsibilities of the City departments; (5) expand the roles of the Minority Business Coordinator; (6) provide staff training; and (7) clarify that good faith efforts are required by minority as well as majority prime contractors.

At this time (6:20 p.m.), Councilman Swicegood left the meeting.

Upon inquiry of Councilwoman Field, Dr. Edward Hester said that the adoption of the Minority Business Plan definitely made a difference.

Mr. Vierra responded to questions from Council which related to the City's contract with the State for purchases.

Vice-Mayor Ellison pointed out that many of the recommendations made for improvement can start without cost, i.e., expanding the role of the Minority Business Coordinator and strengthen the roles and responsibilities of the City's departments.

Ms. Katheryn Devereux, Devereux Grading and Excavating, questioned how and when the City was going to start implementing these recommendations.

Mr. Joe Webster, member on the Minority Business Commission, hoped the Council would implement the recommendations soon so that changes in practices can be made. He also suggested a quarterly monitoring system be implemented.

Ms. Leni Sitnick spoke in support of the recommendations and hoped that strict penalties would be imposed.

Mr. Rubin Falk spoke about economic problems.

Mr. H. K. Edgerton spoke in support of the recommendations and thanked Council for hiring a Minority Business Coordinator.

Mr. Robert Edgerton felt that the study was a start to changing the practices and hoped that Council would implement the recommendations soon.

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Mr. Nelson Lordman, Lordman Construction Company, said he resented being hired to satisfy anyone's quota, but would rather be hired for the quality of his work.

Mr. Clarence Benton hoped that Council would start implementing the recommendations for change and said that it was time to start being fair.

Vice-Mayor Ellison closed the public hearing at 7:10 p.m.

Vice-Mayor Ellison said that the Council would be having a worksession to consider all the recommendations and comments made at this public hearing.

On behalf of the City Council, Vice-Mayor Ellison thanked Research and Evaluation Associates, Inc., for their work on this study.

OTHER BUSINESS

BROADWAY HIGHWAY PROJECT

Ms. Betty Lawrence, accompanied by some 100 people, read a prepared statement to the Council urging them to use their influence to keep Broadway a two-lane road instead of a four-lane boulevard. She presented the Council with 72 letters which supported keeping Broadway a two-lane road.

She presented a resolution of endorsement of a reevaluation of the design of the Broadway Highway Project for the Council to consider. Vice-Mayor Ellison said that the Council would talk about considering the resolution at their regular meeting on November 9, 1993.

The Council thanked Ms. Lawrence and her group for handling this matter in such an orderly fashion.

VII. ADJOURNMENT:

Vice-Mayor Ellison adjourned the meeting at 7:40 p.m.

CITY CLERK MAYOR
