

Tuesday - December 5, 1995 - 4:00 p.m.

ORGANIZATIONAL SESSION:

Mayor-elect Russell M. Martin welcomed everyone to the organizational session and introduced The Reverend William G. Edwards, Grace Episcopal Church, who gave the invocation.

The Honorable Dennis J. Winner, Senior Resident Superior Court Judge, administered the Oath of Office to the following:

Mayor Russell M. Martin

Councilman M. Charles Cloninger

Councilwoman Barbara Field

Councilman Edward C. Hay Jr.

Councilman Thomas G. Sellers

Councilman James J. Skalski

Councilman Charles R. Worley

RESOLUTION NO. 95-183 - RESOLUTION OF APPRECIATION FOR VICE-MAYOR CHRIS J. PETERSON

Mayor Martin read the resolution.

Upon motion of Councilwoman Field, seconded by Councilman Worley, Resolution No. 95-183 was unanimously adopted.

Mayor Martin said that Mr. Peterson's resolution, plaque, name plates and City pen would be delivered to him.

RESOLUTION BOOK NO. 23 - PAGE 43

RESOLUTION NO. 95-184 - RESOLUTION OF APPRECIATION FOR COUNCILMAN GARY S. "ROCK" McCLURE

Mayor Martin read the resolution.

Upon motion of Councilman Hay, seconded by Councilman Sellers, Resolution No. 95-184 was unanimously adopted.

Mayor Martin presented Mr. McClure with the resolution, a plaque, his name plate and a City pen.

RESOLUTION BOOK NO. 23 - PAGE 44

RESOLUTION NO. 95-185 - RESOLUTION OF APPRECIATION FOR COUNCILWOMAN LENI SITNICK

Mayor Martin read the resolution.

Upon motion of Councilman Worley, seconded by Councilwoman Field, Resolution No. 95-185 was unanimously adopted.

Mayor Martin presented Ms. Sitnick with the resolution, a plaque, her name plate and a City pen.

RESOLUTION BOOK NO. 23 - PAGE 45

RESOLUTION NO. 95-186 - RESOLUTION OF APPRECIATION FOR COUNCILMAN JOSEPH CARR SWICEGOOD JR.

Mayor Martin read the resolution.

-2-

Upon motion of Councilwoman Field, seconded by Councilman Worley, Resolution No. 95-186 was unanimously adopted.

Mayor Martin said that Mr. Swicegood's resolution, plaque, name plate and City pen would be delivered to him.

RESOLUTION BOOK NO. 23 - PAGE 46

RESOLUTION NO. 95-187 - RESOLUTION OF APPRECIATION FOR COUNCILMAN HERBERT J. WATTS

Mayor Martin read the resolution.

Upon motion of Councilwoman Field, seconded by Councilman Hay, Resolution No. 95-187 was unanimously adopted.

Mayor Martin presented Mr. Watts with the resolution, a plaque, his name plate and a City pen.

RESOLUTION BOOK NO. 23 - PAGE 47

ELECTION OF VICE-MAYOR

Councilman Worley nominated Councilwoman Field as Vice-Mayor of the City of Asheville. Councilman Skalski seconded that nomination.

On a vote of 7-0, Councilwoman Field was elected as Vice-Mayor.

Mayor Martin addressed the Council stating that together the goals and objectives necessary for our City to progress into the future can be fulfilled.

Mayor Martin announced that a recess would be held for approximately 20 minutes.

REGULAR MEETING:

INVOCATION

Mayor Martin gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING DECEMBER 1995 AS "NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH" AND DECEMBER 15, 1995, AS "NATIONAL LIGHTS ON FOR LIFE DAY"

Mayor Martin proclaimed the month of December 1995 as "National Drunk and Drugged Driving Prevention Month" and December 15, 1995, as "National Lights on

for Life Day" in the City of Asheville. He presented the proclamation to Mr. John Ingersoll who briefed the Council on some activities that would be taking place during the week.

II. PUBLIC HEARINGS:

III. UNFINISHED BUSINESS:

IV. NEW BUSINESS:

A. RESOLUTION NO. 95-182 - RESOLUTION AUTHORIZING THE PURCHASING DIRECTOR TO DISPOSE OF APPROXIMATELY 20

TONS OF SCRAP METALS BY SEALED BID -3-

Mr. Norwood Dunn, Purchasing Director, said that the Water Resources Department has requested the Purchasing Division to sell approximately 20 tons of assorted scrap metals that are currently stored at their facility on South Charlotte Street. He said the sale would bring in approximately \$1,000 in revenue.

Upon inquiry of Councilman Sellers, Mr. Dunn said that the proceeds from the sale will go back to the Water Department fund.

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

Councilman Worley moved for the adoption of Resolution No. 95-182. This motion was seconded by Vice-Mayor Field and carried unanimously.

RESOLUTION BOOK NO. 23 - PAGE 42

B. RESOLUTION NO. 95-188 - RESOLUTION AUTHORIZING THE SALE OF DISPOSAL PARCEL 82 (FRAGMENT PARCEL AT THE CORNER OF HAZZARD STREET AND PINE STREET) OF THE EAST END/VALLEY STREET COMMUNITY IMPROVEMENT AREA

Mr. Ed Vess said that a bid has been received from Mr. and Mrs. Alfred Logan for the purchase of Disposal Parcel 82 in the East End/Valley Street Community Improvement Area at the established minimum price of \$650.

Disposal Parcel 82 is a fragment parcel at the corner of Hazzard Street and Pine Street comprising 3,049 square feet. It does not meet the minimum standards for a buildable lot. Mr. and Mrs. Logan own a home adjacent to Disposal Parcel 82 and it is their intent to combine that parcel with their lot for additional yard space. Mr. and Mrs. Logan do not plan any construction on this parcel.

After proper advertisement in the paper, no upset bids were received.

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

Vice-Mayor Field moved for the adoption of Resolution No. 95-188. This motion was seconded by Councilman Skalski and carried unanimously.

RESOLUTION BOOK NO. 23 - PAGE 48

V. CONSENT:

At the request of Mr. Ralph Bishop, the approval of the minutes was deleted from the Consent Agenda to be discussed individually.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 24, 1995, THE AMENDED MINUTES OF THE WORKSESSION HELD ON NOVEMBER 8, 1995, THE REGULAR MEETING HELD ON NOVEMBER 14, 1995, AND THE WORKSESSION HELD ON NOVEMBER 21, 1995

This item was deleted from the Consent Agenda to be discussed individually.

-4-

B. RESOLUTION NO. 95-189 - RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING DISPOSAL PARCEL 118 (LOT ON RIDGE STREET) OF THE EAST END/VALLEY STREET COMMUNITY IMPROVEMENT AREA

Summary: Disposal Parcel 118 is a residential lot on Ridge Street comprising of 5,500 square feet. The bid from Zaneta and Mary Redfern for Disposal Parcel 118 includes the proposal to build a home containing 1,296 square feet, four bedrooms and two baths for their personal residence at an anticipated cost of \$50,300. The Redferns have applied for the Incentive Housing Program (\$1 lot) subsidy.

The bid of Zaneta and Mary Redfern in the amount of \$2,500 for the purchase of Disposal Parcel 118 in the East End/Valley Street Community Improvement Area is not less than the established minimum price of \$2,500.

RESOLUTION BOOK NO. 23 - PAGE 49

C. MOTION SETTING A PUBLIC HEARING ON JANUARY 23, 1996, TO REZONE FIVE LOTS OFF DEAVERVIEW ROAD FROM R-3 MEDIUM RESIDENTIAL DISTRICT TO LI LIGHT INDUSTRIAL DISTRICT

D. MOTION RESCHEDULING A PUBLIC HEARING TO REZONE TWO LOTS AT 401 OLD COUNTY HOME ROAD FROM R-3 MEDIUM DENSITY RESIDENTIAL TO CS COMMERCIAL SERVICE DISTRICT FROM DECEMBER 19, 1995, UNTIL JANUARY 9, 1996

Mayor Martin said that members of Council have been previously furnished with copies of the resolutions and they would not be read.

Vice-Mayor moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Worley and carried unanimously.

ITEM PULLED FROM CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 24, 1995, THE AMENDED MINUTES OF THE WORKSESSION HELD ON NOVEMBER 8, 1995, THE REGULAR MEETING HELD ON NOVEMBER 14, 1995, AND THE WORKSESSION HELD ON NOVEMBER 21, 1995

Mr. Ralph Bishop was concerned that the City Manager and City Clerk were raping him of his rights for full and accurate City Council minutes.

Councilman Worley moved for the approval of the minutes of the City Council meetings held on October 24, 1995, November 8, 1995 (amended), November 14, 1995, and November 21, 1995. This motion was seconded by Councilman Cloninger and carried unanimously.

VI. OTHER BUSINESS:

A. COMMENTS BY H.K. EDGERTON RELATIVE TO THE MINORITY BUSINESS PLAN

Mr. H. K. Edgerton read a letter, which was awaiting the President of the

NAACP's signature, requesting an independent outside investigation into the allegation that the City's 1993 minority business study was compromised. He stated that he has conducted a small investigation and "there are people who were directly involved in this -5-

process, up to and including some of the people who are responsible for the final draft of this plan, who have reiterated the fact that there has been some serious wrong-doing in this plan." Mr. Edgerton said that "one of the statements that was made to me is that the City owed \$114,000 so it utilized that as a little bit of leverage to pay the people who did it, especially when it came to the redress process."

Vice-Mayor Field once again stated that as far as she knew what came to the Minority Business Commission was not compromised and if indeed the consultants that the City hired did compromise the plan for any reason, then she felt we have some serious problems with the consultants.

Vice-Mayor Field asked Mr. Edgerton to submit in writing to the City Manager the alleged statistic changes which would have produced inaccurate percentages and any other substantial changes being alleged.

Mayor Martin stated that an internal investigation is being conducted into the allegations and if there is a need for an outside independent body to investigate further, Council will take action on the matter at that time.

When Councilman Hay asked what the status of the internal investigation was, City Manager Westbrook replied that the investigation is approximately 2/3's of the way through and they are discussing it with the City Attorney at this time.

B. COMMENTS BY RALPH BISHOP

Mr. Ralph Bishop commented that he has been unable to get full and accurate City Council minutes. He stated that he will continue to seek redress from the Council.

C. DEVELOPMENT ON THE NATURAL ENVIRONMENT

A marketing manager urged Council to please, with every decision made in the future, to consider the impact of development on our natural environment, especially trees.

D. COMMENTS BY MINNIE JONES

Ms. Minnie Jones welcomed the new Council members and since she is a member of the NAACP too, she offered her services to work with the City, Mr. Edgerton and the NAACP to solve any problems.

E. COMMENTS BY JEAN TROUTMAN

Ms. Jean Troutman asked Councilmembers what their understanding of their job is as a Councilmember. She hoped that this Council would not meet with bankers, lawyers, construction people, developers, commercial property owners and residential property owners and make decisions and then come to a formal meeting and tell the community what the Council is going to do. She did hope that this Council come to the formal meeting and listen to poor people, unemployed people, environmentalists, teachers, people that ride the bus and people that ride bicycles, investigate their facts and then make a decision.

Mayor Martin said that, on behalf of the Council, they listen to all input. Worksessions are held to gather information, listen to people from all walks of

life, and communicate. Only after they listen to the people and investigate on their own, are decisions made in a formal meeting. -6-

Councilman Hay felt comfortable in saying that this Council will not make decisions without first listening to all the information available. He invited Ms. Troutman to observe the Council in the future and if she sees that Council is making decisions without first listening to call their attention to it.

Councilman Skalski was glad that Ms. Troutman addressed the Council. In the discussions that he has had with many people while running for office, he felt it's people like Ms. Troutman that will make the City great.

F. CLAIMS

The following claim was received by the City of Asheville during the week of November 10-16, 1995: Larry Dillingham (Streets).

The following claims were received during the week of November 17-22, 1995: Jimmy Redmond (Water), Andrew Nickell (Water), Christy Adams (Water), Edna B. Ford (Sanitation) and Betty Bass (Water).

These claims have been referred to the Asheville Claims Corporation for investigation.

G. LAWSUIT

The City was served with a Civil Summons and Complaint on November 16, 1995, as follows: Alan O'Donnell v. City of Asheville and MSD (complaint for money owed).

This has been referred to the appropriate in-house counsel for action.

H. CLOSED SESSION

At 5:34 p.m., Vice-Mayor Field moved to go into closed session to consult with the City Attorney in order to preserve the attorney-client privilege, as authorized by G.S. 143-318.11 (a) (3) concerning the matter of the lawsuit filed by the City against Southern International Fireworks Inc. and to consider matters related to a complaint made by an individual City employee, as authorized by G.S. 143-318.11 (a) (6). This motion was seconded by Councilman Worley and carried unanimously.

At 6:03 p.m., Councilman Worley moved to come out of closed session. This motion was seconded by Vice-Mayor Field and carried unanimously.

VII. ADJOURNMENT:

Mayor Martin adjourned the meeting at 6:03 p.m.

CITY CLERK MAYOR
