

Tuesday - December 10, 1991 - 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

The invocation was given by Councilman Worley.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the December 3, 1991, organization meeting minutes and also the December 3, 1991, regular meeting minutes.

I. PROCLAMATION

A. PROCLAMATION PROCLAIMING DECEMBER 15, 1991, AS "DELTA AIR LINES DAY"

Mayor Michalove read the proclamation proclaiming December 15, 1991, as "Delta Air Lines Day" and presented it to Mr. Gary Thrailkill.

Mr. Thrailkill passed out information relative to Delta Air Lines and thanked the City Council for its support.

B. PRESENTATION BY REBECCA GILBART, CHAIRMAN OF "FIRST NIGHT ASHEVILLE"

Ms. Rebecca Gilbert, Chairman of "First Night Asheville" passed out information to the Council and stated that "First Night Asheville" is a non-alcoholic celebration which is oriented toward families. She said it will be held on December 31, 1991, starting at 6:00 p.m. on South Pack Square and ending at Midnight with fireworks.

Ms. Tina McGuire, Co-Chairman of "First Night Asheville", outlined the schedule of events which contained a wide variety of entertainment.

C. REPORT RELATIVE TO THE UNITED WAY CAMPAIGN

City Manager Bean stated that the City of Asheville employees not only reached their goal of \$58,000, but -2-

increased last year's goal by 30% more for a total of \$68,000! He boasted that the City of Asheville is now the 5th highest employee giving unit and stated how proud he was of the City employees.

City Manager Bean stated that Robert Griffin from the Asheville Fire Department was the loaned executive for this year's campaign and commended him, the co-chairmen, and all the coordinators of each department for all their work to achieve this outstanding goal.

Mr. George Pfeiffer, Executive Director of the United Way, also spoke very highly of the City's goal and stated that the average give per employee was \$80.00.

II. PUBLIC HEARINGS: None

III. OLD BUSINESS: None

IV. NEW BUSINESS

A. RESOLUTION NO. 91-198 - RESOLUTION AUTHORIZING THE PURCHASE DIRECTOR TO DISPOSE OF PERSONAL PROPERTY BY PRIVATE SALE

Mr. Charles Penny, Assistant City Manager, said that the Police Department currently has three old tripod mounted machine guns and one old submachine gun which are of little value to the Department. He said the Department wishes to sell these old weapons and use the proceeds to purchase new weapons for their Emergency Response Team.

Mayor Michalove said that members of Council were previously furnished copies of this resolution and it would not be read in its entirety.

Upon motion of Councilman Moore, seconded by Councilman Worley, Resolution No. 91-198 was unanimously adopted.

RESOLUTION BOOK NO. 19 AT PAGE 55

B. BIDS FOR ONE SIDE-LOADING REFUSE COLLECTION VEHICLE FOR THE PUBLIC WORKS DEPARTMENT

Mr. Charles Penny, Assistant City Manager, stated that one bid and six no bids were received for the purchase of one side-loading refuse collection vehicle with 20 cubic yard capacity for the Public Works Department. He said the reason that only one bid was actually received was because the other six bidders could not comply with the City's specification for the high density compaction. He -
3-

recommended awarding the bid to Lodel-South, Inc., Rockingham, North Carolina, for a 1992 'Lodal' model Evo-Mag-20-TS side-loading refuse collection vehicle in the amount of \$102,321. He stated that money has been budgeted in the Capital Improvement Plan and the purchase of this side-loader will reduce the number of people to man a regular collection vehicle from 3 to 2.

Upon inquiry of Vice-Mayor Ellison, Mr. Penny stated that it would cost almost as much money to lease the vehicle as it would be to purchase one.

Upon inquiry of Councilman Peterson relative to the surplus vehicles, Mr. Penny explained the City's surplus sale that is held one a year.

Councilman Moore moved to accept the bid of Lodel-South, Inc., Rockingham, North Carolina, for a 1992 'Lodal' model Evo-Mag-20-TS side-loading refuse collection vehicle in the amount of \$102,321. This motion was seconded by Vice-Mayor Ellison and carried unanimously. A copy of the summary of the bids is attached to and made a part of these minutes as Appendix "A".

C. BIDS REGARDING THE AWARD OF A CONSTRUCTION CONTRACT FOR STORM DRAINAGE IMPROVEMENTS ON WEST CHAPEL CIRCLE

RESOLUTION NO. 91-199 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH WHEELER CONSTRUCTION COMPANY, INC., FOR THE PROJECT KNOWN AS WEST CHAPEL CIRCLE STORM DRAINAGE PROJECT

Mr. Charles Penny, Assistant City Manager, said that bids for the construction of the West Chapel Circle Storm Drainage Project were first received on October

1, 1991, but fewer than three bids were received. He said the project was readvertised and bids were again received on October 18, 1991. He said the City Council rejected all bids received on October 18, 1991, due to the bids exceeding the funds available for the project. Therefore, the project was again advertised and bids were received on November 22, 1991. He said the Department of Water and Engineering has received these most recent bids and has recommended that the bid for the work be awarded to Wheeler Construction Company, Inc., as the lowest responsible bidder, in the amount of \$41,433. He said that funds are available in the Community Development Block Grant Fund.

Upon inquiry of Councilman Peterson, Mr. Penny stated that this project would help one house and a trailer park consisting of approximately 10-12 trailers.

-4-

Mayor Michalove said that members of Council were previously furnished copies of this resolution and it would not be read in its entirety.

Upon motion of Vice-Mayor Ellison, seconded by Councilwoman Field, Resolution No. 91-199 was unanimously adopted.

RESOLUTION BOOK NO. 19 AT PAGE 56

V. CONSENT: None

VI. OTHER BUSINESS

A. ANNOUNCEMENT OF APPOINTMENT TO THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE

Mayor Michalove announced the appointment of Mrs. Peggy Cook, Vice-President of Nursing at St. Joseph's Hospital, to serve as a member of the Housing Authority of the City of Asheville, term to expire on June 11, 1995.

B. POLICY ON TIME LIMITATIONS FOR SPEAKERS

Mayor Michalove asked the Council to consider broadening the City Council policy as it relates to individuals who would like to be heard in the Council meetings. He said normally the Council follows the policy that if it is an agenda item, particularly if it's a public hearing, the Council permits the key spokesman for the group on the issue to have 10 minutes to speak and then limits the comments from further members of the audience on the same topic to 3 minutes. He would like to broaden that policy for all matters coming before the Council - not only for printed agenda items, but for other business items, that we limit the comments to 3 minutes for individuals and 10 minutes for spokespersons for groups. In addition, if an individual cannot complete what they have to say within those time limits, the Council will gladly receive written information as it pertains to their particular interest or request. Councilwoman Field made a motion that the City Council Rules of Procedure be amended to so provide. Councilman Moore seconded the motion and it carried unanimously.

C. GROUP DEVELOPMENTS

Mr. Don Sherrill, Urban Planner, said the City Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. He said in accordance with -5-

this procedure, the action of the Commission shall be final unless the City

Council determines at their meeting to schedule a public hearing on the matter. He said the following actions were taken by the Planning and Zoning Commission on December 4, 1991.

1. ASHEVILLE SCHOOL DINING HALL/STUDENT CENTER

Mr. Sherrill said that this group development request

involves the construction of a new 26,000 sq. ft. dining hall/student center facility for the Asheville School. Asheville School is located on Asheville School Road off U. S. 19/23 in West Asheville. The site lies within the City's Office Institutional Zoning District. The dining hall/student center facility will replace an existing building that will be demolished. The new building will be three stories in height.

He said the project meets all of the City's zoning requirements. Water, sewer and fire protection services are available to the site. The proposal includes a new service entrance from U. S. 19/23 to the dining hall. The new driveway entrance will be used only as a service entrance to the new building. Existing trees provide excellent buffering from the neighboring properties. The erosion control plan has been reviewed and approved by the City Erosion Control staff.

He said the Planning Department received a number of calls from neighboring residents inquiring about the project prior to the Planning and Zoning meeting. After receiving information about the development proposal, the residents expressed no opposition to the project. No public comment was voiced at the Planning and Zoning meeting.

He said that at their December 4, 1991 meeting, the Asheville Planning and Zoning Commission voted to recommend approval of the group development request subject to the Developer receiving approval by the City and the North Carolina Department of Transportation for the proposed driveway entrance.

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action.

2. NEW FEDERAL BUILDING IN DOWNTOWN ASHEVILLE

Mr. Sherrill said this group development request is a proposal to construct a new Federal Building in downtown Asheville. The proposal has been submitted by the General -6-

Services Administration. The project involves the construction of a six-story, 264,000 square foot office building at the intersection of Patton Avenue and North French Broad Avenue. The proposed building would contain offices and storage space that are currently located in the Grove Arcade.

He said the site is 3.5 acres in area and lies within the City's Central Business District (CBD) and the City's Downtown Design Review area. City Council previously adopted a resolution for the closing of Post Street between North French Broad Avenue and Otis Street.

He said the development standards for the Central Business District do not require building setbacks. The CBD is exempt from the parking requirements contained in the City's Zoning Ordinance, however, the plans include a parking area containing 151 spaces. The parking area is elevated from North French Broad Avenue. Driveway entrances will be located off N. French Broad Avenue and Otis Street. The loading and service areas are to be located under the parking area and would be accessed from N. French Broad.

He said the landscaping plans submitted include 41 street trees along Patton Avenue, North French Broad Avenue, and Otis Street. The parking area includes 23 parking lot trees to be located within an island directly behind the proposed building. Trees will also be planted within a plaza area to be located at the intersection of Patton Avenue and Otis Street. Trees will be used to screen the parking area from the back of the old post office building that is located along Otis Street.

He said the Metropolitan Sewerage District has approved the requested allocation for sanitary sewer services. An application for letter of commitment for water availability is in process. Adequate fire protection is available to the site. The proposed building will contain a sprinkler system. The proposed driveway entrances have been approved by the City Public Works Department.

He said that at their December 4, 1991 meeting the Planning and Zoning Commission voted to approve the Downtown Design Review request and the group development request subject to the future design of the two public spaces

located at the corner of North French Broad Avenue and Patton Avenue and also within the plaza area at the corner of Patton Avenue and Otis Street, to be reviewed by staff.

He also said that the Commission voted to recommend approval of the group development request subject to the following three contingencies:

-7-

1. GSA work out a right-of-way encroachment agreement with the City of Asheville for the placement of steps in the right-of-way along Patton Avenue;
2. Approval of letter of commitment for water availability by the Asheville Water Authority; and
3. GSA continue to work with the City staff as plans are finalized to achieve consistency with the City Streetscape Plans along with planned improvements scheduled for Patton Avenue.

Mayor Michalove said that because this is a major project in the downtown area, a public hearing might be appropriate.

Councilwoman Field moved to schedule a public hearing relative to the group development of the new Federal Building in downtown Asheville for January 21, 1992, at 5:00 p.m. This motion was seconded by Councilman Worley and carried unanimously.

3. MEMORIAL MISSION EAST BUILDING EXPANSION AND HEART CENTER

Mr. Sherrill said this group development proposal involves two large scale additions to Memorial Mission Hospital.

He said the East Building Expansion is an 85,624 sq. ft. addition between the main building and the east parking deck (currently under construction). This addition will contain one floor below grade and three floors above grade.

He said the Heart Center is a 90,144 sq. ft. addition to be located on the north side of the main building. The Heart Center will contain four floors above grade.

He said the Memorial Mission Campus is located within the City's Office Institutional Zoning District. The two additions proposed meet all setback, parking, and landscaping requirements. No new driveway entrances are proposed.

He said that a letter of commitment for water availability has been approved. A letter of commitment for sanitary sewer allocation has been requested from the Metropolitan Sewerage District. The request is being reviewed by the MSD staff. Adequate fire protection is available to the site.

-8-

He stated that at their December 4, 1991 meeting, the Asheville Planning and Zoning Commission voted to recommend approval of the group development request for the East Building Expansion and the Heart Center subject to approval of sewer allocation by the Metropolitan Sewerage District.

Council accepted the report of the Planning and Zoning Commission, thereby approving the project by taking no action.

D. COMMENTS BY RALPH BISHOP

Mr. Ralph Bishop expressed his disappointment on the time limitation for addressing the Council.

VII. ADJOURNMENT

Mayor Michalove adjourned the meeting at 5:30 p.m.

CITY CLERK MAYOR
