

Tuesday - February 18, 1992 - 4:00 p.m.

Asheville Civic Center - Banquet Room

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

Councilman Swicegood gave the invocation.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the February 4, 1992, City Council minutes.

I. PROCLAMATIONS:

A. RECOGNITION OF 1991 B*E*S*T EMPLOYEE.

City Manager Bean congratulated Ernie Hewitt of the Planning Department as being selected as the 1991 B*E*S*T Employee and presented him with a plaque. Mr. Hewitt saw a collision in which a pickup truck was overturned. Mr. Hewitt smelled gasoline, rushed to the overturned vehicle and pulled the occupant to safety.

B. RECOGNITION OF KATHY GLASS FOR RECEIVING THE 1991 DATA PROCESSING PROFESSIONAL OF THE YEAR AWARD.

City Manager Bean congratulated Kathy Glass of the Finance Department as being selected by the North Carolina Local Government Information Systems Association as the 1991 Data Processing Professional of the Year.

C. CERTIFICATE FOR CITY MANAGER INTERN BEN WAX.

City Manager Bean presented Ben Wax with a Certificate of Achievement for completing the City Manager's Internship Program for the Fall quarter of 1991.

D. PROCLAMATION PROCLAIMING THE WEEK OF FEBRUARY 23-29, 1992, AS "NATIONAL RETAIL BAKERS WEEK."

Mayor Michalove read a proclamation proclaiming the week of February 23-29, 1992, as "National Retail Bakers -2-

Week" and presented Mr. Dotson Wright from Rollin' Pin Bakery with the proclamation. Mayor Michalove and members of the City Council thanked Mr. Wright for bringing punch and a beautifully decorated "City Hall" cake to the meeting.

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO REZONING OF 773 EMMA ROAD FROM R-5 RESIDENTIAL

DISTRICT TO LI LIGHT INDUSTRIAL DISTRICT.

ORDINANCE NO. 1960 - ORDINANCE AMENDING ZONING OF PROPERTY LOCATED AT 773 EMMA ROAD (PIN 9629-20-92-6230)

Mayor Michalove opened the public hearing at 4:21 p.m.

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

Ms. Carol Alberice, Urban Planner, stated that on January 8, 1992, the Planning and Zoning Commission unanimously recommended approval of the rezoning request submitted by Mr. James Jones Jr. to rezone a 10.13 acre tract northeast of the intersection of Hazel Mill and Dryman Mountain Road and Emma Road from R-5 Residential District to LI Light Industrial District. She said that this property is located adjacent to the existing Emma Air Strip - Industrial Park currently zoned LI Light Industrial. She said that there were no comments of opposition to the rezoning request.

Mr. James Jones Jr., owner of the property, spoke in support of the rezoning request.

Mayor Michalove closed the public hearing at 4:31 p.m.

Mayor Michalove stated that Council has received a copy of the ordinance prior to the meeting and it would not be read in its entirety.

Vice-Mayor Ellison moved for the adoption of Ordinance No. 1960. This motion was seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 1960 passed on its first reading.

Vice-Mayor Ellison moved to suspend the rules and proceed with the second reading of Ordinance No. 1960. This motion was seconded by Councilman Worley and carried unanimously.

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On a roll call vote of 7-0, Ordinance No. 1960 passed on its second reading.

B. PUBLIC HEARING RELATIVE TO OVERMAN APARTMENTS GROUP DEVELOPMENT REVIEW.

Mayor Michalove opened the public hearing at 4:33 p.m.

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

Mr. Don Sherrill, Urban Planner, said that on January 8, 1992, the Planning and Zoning Commission recommended approval of the site plan. He said that this group development request is a proposal to locate a four-unit apartment building on three contiguous lots along Chatham Road. The site is approximately one-half acre in size and the terrain is sloping. The proposed site lies within the City's R-3 Medium Density Residential District. The proposed building includes two stories and a total gross floor area of 2800 square feet. The plan meets all parking, landscaping and setback requirements. Buffers will be placed along two sides of the project and existing trees along the rear portion of the lot are to be preserved. Water and sewer services are available and water flow and pressure are adequate for fire protection. The driveway entrance has been approved by the Public Works Department.

Mr. Sherrill stated that a number of neighboring residents have expressed opposition to the location of the apartment building on Chatham Road. He said that issues that have been expressed include increased traffic on a narrow winding roadway (Chatham), the possibility of additional on-street parking, problems with the existing water line, crowded conditions, removal of existing trees, fencing, and possible Section 8 Housing.

Mr. Gary Heubner, 167 Chatham Road, spoke in opposition to the location of the apartment building. He felt that the construction of this apartment building would open the door for many more multiple housing units. He was concerned about the increased traffic on Chatham Road and the possibility of additional on-street parking. He mentioned that Chatham Road already has problems with the water line in the street.

Mayor Michalove closed the public hearing at 4:33 p.m.

Councilwoman Field moved to accept the recommendation of the Planning and Zoning Commission and approve the site plan for Overman Apartments. This motion was seconded by Councilman Moore and carried unanimously.

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C. PUBLIC HEARING RELATIVE TO AMENDING RULE 3 OF THE RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION OF THE CITY OF ASHEVILLE (PROMOTIONAL APPOINTMENTS).

RESOLUTION NO. 92-8 - RESOLUTION AMENDING RULE 3 OF THE RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION OF THE CITY OF ASHEVILLE.

Mayor Michalove opened the public hearing at 4:47 p.m.

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

Ms. Pam McGrayne, Personnel Director, stated that on December 3, 1991, the Asheville Civil Service Board adopted a revised Rule 3 (e) regarding promotional appointments in the Classified Service. She said the rule as revised allows former Classified Service employees to receive promotional consideration when they are no longer City employees at the time of appointment because of (1) a reduction in force under Civil Service Rule 6 or Section 35 of the City Personnel Policy; or (2) a permanent transfer to an outside organization under a contractual arrangement authorized by the City Council or City Manager.

Upon inquiry of Councilman Worley, Ms. McGrayne stated that the maximum time in which the consideration would be given would be two years.

Vice-Mayor Ellison expressed some concern about the amendment if it would unfairly impact current City employees.

Mayor Michalove closed the public hearing at 4:57 p.m.

Mayor Michalove stated that Council has received a copy of the resolution prior to the meeting and it would not be read in its entirety.

Councilman Moore moved for the adoption of Resolution No. 92-8. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 19 - PAGE 80

III. OLD BUSINESS:

A. BIDS FOR 31 VEHICLES CONSISTING OF 15 POLICE VEHICLES, 4 SEDANS AND 12 TRUCKS (VARIOUS SIZES).

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City Manager Bean said that the Purchasing Director recommended awarding the bid to Parkway Chevrolet, Inc., Asheville, North Carolina, in the amount of \$295,650.54; Matthews Ford Inc., Asheville, North Carolina, in the amount of \$17,799.84; Harry's Cadillac Pontiac GMC, Asheville, North Carolina, in the amount of \$15,399.00; and Carolina Truck and Body Company, Asheville, North Carolina, in the amount of \$63,960.00.

City Manager Bean said that some concerns were expressed by members of Council relative to pending litigation involving the anti-lock brakes on the Chevrolet police vehicles. He said that City Attorney Slawter and Police Chief Beavers have reviewed all the information available and have found nothing to date to disqualify the lowest bidder (Parkway Chevrolet Inc.) from being awarded the bid for the 15 police vehicles.

City Attorney Slawter stated that State law requires that bids be awarded "to the lowest responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract." Although this language does not in all cases require that a bid be awarded to the lowest bidder, there must be significant evidence to justify awarding the bid to someone else. There is no statutory interpretation in the case law of North Carolina setting specific standards as to when such a bid may be rejected. In deciding whether to accept or reject a bid, the City Council does have some discretion, but that discretion is limited, and a bid cannot be arbitrarily rejected. If the lowest bid were rejected, and that bidder challenged that rejection in court, the City could be in a tough position if they did not have significant evidence to support the basis for the rejection.

He said that in the case of the automobile bids currently under consideration by the City Council, questions have been raised regarding the safety of the Chevrolet automobiles. The only information that he had been able to locate on this issue as an article which appeared in the December 20, 1991, issue of AutoWeek. He said the problem is described as a lack of training, rather than problems with the anti-lock brakes themselves. That article indicates that police officers are not used to the anti-lock brakes, and that some training should be provided to them.

He said that he has not seen any information that would lead him to believe that there is a legal basis for rejecting the bids on the Chevrolet automobiles. It does appear, however, that the officers who will be driving the cars should be provided training in the operation of the anti-lock brake systems.

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He said that he has talked to Ed Robinson with the Buncombe County garage and he said that neither the County nor the State Highway Patrol had encountered any problems with the Chevrolet cars.

Vice-Mayor Ellison stated that there is no information available to them to show that the Chevrolet automobiles do not meet the specifications. He quoted "9C1 Police Package" Caprice sedan - locks up nearly 60 percent of the nation's cop car business" from the AutoWeek article.

Police Chief Beavers stated that he has spoken with the Sheriff's Department, the Buncombe County Shop and the Highway Patrol and they have not encountered any problems with the Chevrolet cars. He said that the awarding of these bids appeared to be a good police package. He said that he has obtained a short "informational" video tape on how to use the anti-lock brakes which all officers will be required to watch. He said that he has found nothing about the Chevrolet vehicles that is unsafe.

Police Chief Beavers explained the policy on high speed chases in the City, upon inquiry of Councilwoman Field.

Mr. Ronnie Davis, spokesman for the police officers, stated that the Fords without anti-lock brake systems stopped quicker than the Chevrolets with the anti-lock brake systems. He felt that the City would have to incur the expense of training the officers on the use of anti-lock brakes. He stated several problems with the Chevrolets, i.e., problems with interference with radar, heaviness of the doors, no place in the car for support, and the possibility of stocking parts. He felt that there would also be a problem for the officers when they have to change cars from day to day - one day driving a Ford with no anti-lock brake system and then the next day driving a Chevrolet with an anti-lock brake system.

Ms. Leni Sitnick felt that the officers should have the best cars available.

Councilman Moore moved to go into executive session at 5:30 p.m. for 15 minutes. This motion was seconded by Councilwoman Field and carried unanimously.

Council reconvened the meeting at 6:00 p.m.

Councilman Moore moved to accept the recommendation of the Purchasing Director in awarding the bids as follows:

Parkway Chevrolet, Inc., Asheville, North Carolina, in the -7-

amount of \$295,650.54; Matthews Ford Inc., Asheville, North Carolina, in the amount of \$17,799.84; Harry's Cadillac Pontiac GMC, Asheville, North Carolina, in the amount of \$15,399.00; and Carolina Truck and Body Company, Asheville, North Carolina, in the amount of \$63,960.00. A copy of the complete bid summary is attached as Exhibit "A".

IV. NEW BUSINESS:

A. CONSIDERATION OF A MOTION TO APPROVE THE COMMUNITY DEVELOPMENT BLOCK GRANT PRIORITY RATING SYSTEM FOR FISCAL YEAR 1993.

Ms. Annette Coleman, Chairman of the Housing and Community Development Committee, stated that during March, the City will be receiving applications from agencies desiring to receive Community Development Block Grant ("CDBG") funding for the coming year. She said the City will be receiving \$1,342,000 from HUD through the CDBG program for the year beginning July 1, 1992. The funding must be used for activities that benefit low and moderate income persons or aid in the prevention or elimination of slums and blight. At least 70% of the funding must be used for activities that benefit low and moderate income persons. She said the Housing and Community Development Committee has recommended approval of the same priority rating system used last year. She said this system places the highest priority on activities designed to improve or expand the affordable housing stock of the City.

Mr. Larry Holt, representative of the Housing Authority of the City of

Asheville, explained the procedure the Housing Authority utilizes when illegal activity occurs in Housing Authority units.

Upon inquiry of Councilman Worley, Vice-Mayor Ellison (member of the Housing and Community Development Committee) said that one reason for the 40% priority rating on improving existing substandard housing is because it is less expensive to fix a house than build a new one.

Councilman Moore moved to approve the Priority Rating System for CDBG applications for Fiscal Year 1993 that has been recommended by the Housing and Community Development Committee of the City of Asheville. This motion was seconded by Councilman Peterson and carried unanimously.

B. CONSIDERATION OF A MOTION OF SUPPORT TO FORM CONSORTIUM WITH BUNCOMBE COUNTY AND OTHER UNITS OF LOCAL GOVERNMENT THEREIN FOR THE PURPOSE OF APPLYING FOR HOUSING FUNDS THROUGH THE HOME INVESTMENT PARTNERSHIP PROGRAM.

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Mayor Michalove stated this request will be postponed until the March 3, 1992, meeting.

C. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT AND ANY CHANGE ORDER WITHIN THE BUDGETED AMOUNT WITH HOBSON CONSTRUCTION COMPANY, INC., FOR THE PROJECT KNOWN AS PEBBLE CREEK CONDOMINIUMS CREEK BANK STABILIZATION PROJECT.

Mayor Michalove stated that this resolution will be deleted from consideration.

D. RESOLUTION NO. 92-9 - RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA, PROVIDING FOR THE ISSUANCE OF \$19,000,000 WATER BONDS, SERIES 1992 OF THE CITY OF ASHEVILLE, NORTH CAROLINA.

City Manager Bean said that voters approved a \$26,000,000 bond referendum on November 5, 1991 and that all preliminary steps required by the Local Government Commission have been accomplished. He said that this resolution establishes the legal framework for the bonds to be sold by the Local Government Commission.

Mayor Michalove stated that Council has received a copy of the resolution prior to the meeting and it would not be read in its entirety.

Councilman Worley moved for the adoption of Resolution No. 92-9. This motion was seconded by Councilman Moore and carried unanimously.

RESOLUTION BOOK NO. 19 - PAGE 82

E. RESOLUTION NO. 92-10 - RESOLUTION STATING THE INTENT OF THE CITY OF ASHEVILLE TO CONSIDER THE ANNEXATION OF AN AREA KNOWN AS THE BEAVERDAM RUN ANNEXATION AREA AND FIXING THE DATE OF A PUBLIC HEARING ON THE QUESTION OF ANNEXATION

City Manager Bean said that the resolution of intent to annex Beaverdam Run Condominiums is the first step that will begin the annexation process that could be concluded by the end of June. Following the adoption of a resolution of intent, the staff will prepare a plan of services that will need to be approved by the City Council. At that point in time, the City staff will hold a community meeting to go through the process of annexation and describe the plan of -9-

services with the residents of the community. This will take place prior to the actual public hearing with the residents having an opportunity to come before the City Council to tell their feelings about annexation.

He said the reason why Beaverdam Run is being considered at this point in time is because in 1988 the City Council adopted an ordinance annexing a large portion of the Beaverdam Area. Initially Beaverdam Run was included in this annexation, but had to be excluded based on a lack of density. Many of the residents in Beaverdam accused the City of purposely excluding this condominium area for some political reasons. In reality, based on our detailed investigation, Beaverdam Run had not developed to an extent that it met the statutes. This was articulated in meetings to the public, and the Council stated that as soon as Beaverdam Run was developed to meet the statutes that they would proceed with the annexation of this area. With this phase of annexation, the proposed Beaverdam annexation program will be completed as initially proposed by the City.

Ms. Patty Tallerday, Senior Planner, described the annexation area by use of a map. She said that the annexation area contains the Beaverdam Run Condominium Project (103 condominiums) and 11 residences along the northside of Beaverdam Road.

Upon inquiry of Councilman Peterson relative to notice to the affected property owners, Ms. Tallerday said that (1) the City will put a notice in the newspaper with a description and a map; (2) will also notify every property owner by first class mail with a map included; and (3) hold a community meeting to go through the plan of services for the area.

Mayor Michalove stated that Council has received a copy of the resolution prior to the meeting and it would not be read in its entirety.

Councilman Moore moved for the adoption of Resolution No. 92-10 setting the public hearing for April 7, 1992, at 4:00 p.m. in the Banquet Room of the Asheville Civic Center. This motion was seconded by Councilwoman Field and carried on a 5-2 vote, with Councilmen Peterson and Swicegood voting "no".

RESOLUTION BOOK NO. 19 - PAGE 91

F. CONSIDERATION OF AGREEMENT WITH CAROLINA POWER & LIGHT COMPANY FOR UNDERGROUND UTILITY LINES FOR THE PATTON AVENUE REHABILITATION PROJECT.

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City Manager Bean said that Carolina Power & Light Company has indicated that they are willing to expend a considerable sum of money as part of the Patton Avenue Rehabilitation Project so long as the City is willing to provide a limited amount of services.

He said the City has been asked to coordinate with APAC the opening of the trench for the placement of utility lines and to then fill the trench and provide a utility patch. The City received a quote from APAC to do this work, and they gave the City a price of \$200,000. The City then investigated the possibility of using City crews and determined that the time it would take for City crews would seriously impair the City's ability to provide other services throughout the City.

He said we then approached CP&L and asked if they could get a quote from their subcontractor, who provides this service throughout Buncombe County. CP&L has received a quote through M.B. Haynes to do all of the trenching at a cost of \$95,000. The City would then be responsible for filling the trench and

providing for the patch and for other coordination tasks. He felt that this is certainly something that is within our capability to do. In return for this expense and work on the part of the City, CP&L is willing to expend \$230,000 to complete the underground project on Patton Avenue.

Councilman Worley commended CP&L for participating in this Project with the City.

Vice-Mayor Ellison moved to authorize the City Manager to execute an agreement with Carolina Power & Light Company providing for the relocation of utilities in the area of the Patton Avenue Resurfacing Project. This motion was seconded by Councilman Moore and carried unanimously.

G. ORDINANCE NO. 1961 - BUDGET ORDINANCE AMENDMENT RELATIVE TO CAPITAL PROJECTS.

City Manager Bean said that this budget amendment is to establish appropriations in the General Capital Projects Fund in order to proceed with projects that were budgeted in the General Capital Fund. It will also establish an appropriation for capital in the Information Services Fund to allow Information Services to purchase needed equipment.

Mayor Michalove stated that Council has received a copy of the ordinance prior to the meeting and it would not be read in its entirety.

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Councilman Moore moved for the adoption of Ordinance No. 1961. This motion was seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 1961 passed on its first and final reading.

ORDINANCE BOOK NO. 13 - PAGE 29

V. CONSENT:

A. RESOLUTION NO. 92-11 - RESOLUTION AMENDING SECTION 21 OF THE CITY OF ASHEVILLE PERSONNEL POLICY (PROMOTIONAL APPOINTMENTS).

Summary: On December 3, 1991, the Asheville Civil Service Board adopted a revised Rule 3 (e) regarding promotional appointments in the Classified Service. The rule as revised allows former Classified Service employees to receive promotional consideration when they are no longer City employees at the time of appointment because of (1) a reduction in force under Civil Service Rule 6 or Section 35 of the City Personnel Policy; or (2) a permanent transfer to an outside organization under a contractual arrangement authorized by the City Council or City Manager. This Rule was approved by Resolution No. 92-8, therefore, Section 21 of the City Personnel Policy must also be revised to reflect this change.

RESOLUTION BOOK NO. 19 - PAGE 94

B. RESOLUTION NO. 92-12 - RESOLUTION OF INTENT TO CLOSE 15-FOOT ALLEY ON HAMPDEN, BEVERLY AND KENSINGTON ROADS IN THE CITY OF ASHEVILLE, NORTH CAROLINA, AND SETTING A PUBLIC HEARING FOR MARCH 17, 1992.

RESOLUTION BOOK NO. 19 - PAGE 96

C. RESOLUTION NO. 92-13 - RESOLUTION REAPPOINTING MEMBERS TO THE BOARD OF

ADJUSTMENT.

Summary: The terms of Ernest Melin and Ellen Lyda, as members of the Board of Adjustment, expired on January 21, 1992. This resolution will reappoint Mr. Melin and Ms. Lyda for three year terms each, terms expiring on January 21, 1995.

RESOLUTION BOOK NO. 19 - PAGE 98

D. RESOLUTION NO. 92-14 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL.

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Summary: The term of Dwight Mullen, as a member of the Asheville-Buncombe Community Relations Council, expired on December 31, 1991. This resolution will appoint Mr. Gary Ashburn for a term of three years, term expiring on December 31, 1994.

RESOLUTION BOOK NO. 19 - PAGE 99

E. RESOLUTION NO. 92-15 - RESOLUTION REQUESTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO REMOVE CERTAIN STREETS IN THE BEAVERDAM ANNEXATION AREA FROM THE STATE STREET SYSTEM AND PLACE THEM UPON THE CITY STREET SYSTEM.

Summary: The Beaverdam annexation area became a part of the City on May 31, 1991. These roads need to be taken off the State Street System and placed on the City Street System. The streets can be claimed on the City's street mileage report for 1992 and will receive Powell Bill funds from the State.

RESOLUTION BOOK NO. 19 - PAGE 100

F. RESOLUTION NO. 92-16 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE BRIDGE INSPECTION PROGRAM.

Summary: The Federal Highway Administration Highway Act requires bridges which are public to be inspected every two years. The resolution will authorize the Mayor to execute a municipal agreement with the North Carolina Department of Transportation to have the City's bridges inspected throughout their program. The City has used this process to accomplish the required bridge inspections since 1980.

RESOLUTION BOOK NO. 19 - PAGE 102

Councilman Worley moved for the approval of the consent agenda. This motion was seconded by Councilwoman Field and carried unanimously.

VI. OTHER BUSINESS:

A. ORDINANCE NO. 1962 - ORDINANCE AMENDING ORDINANCE NO. 1884 REGARDING THE COMPOSITION OF THE ASHEVILLE DOWNTOWN COMMISSION.

City Attorney Slawter said that this amendment changes the composition of the Commission as follows (underlining denotes change):

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(1) Two members of City Council appointed by the Council.

(2) Two members of the Buncombe County Board of Commissioners appointed by the Board.

(3) Seven members appointed by the City Council from the private sector of the community, one of which shall be the President of the Asheville Downtown Association. Provided, however, that in the event that an at-large member shall during his or her term be elected President of the Asheville Downtown Association, an alternate member shall be appointed by the City Council to fill the term that would otherwise have been held by the President of the Asheville Downtown Association.

(4) Chairman appointed by the City Council from the community.

Mayor Michalove stated that Council has received a copy of the ordinance prior to the meeting and it would not be read in its entirety.

Vice-Mayor Ellison moved for the adoption of Ordinance No. 1962. This motion was seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 1962 passed on its first reading.

Councilman Worley moved to suspend the rules and proceed to the second reading of Ordinance No. 1962. This motion was seconded by Councilman Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1962 passed on its second reading.

Councilman Worley moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1962. This motion was seconded by Councilman Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1962 passed on its third and final reading.

ORDINANCE BOOK NO. 13 - PAGE 33

B. RESOLUTION NO. 92-17 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE DOWNTOWN COMMISSION

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City Manager said that this resolution will (1) reappoint Ms. Barbara Field for a two year term, term expiring December 31, 1993; (2) appoint Ms. Dee Williams (who is replacing Ms. Claudia Tucker) for a two year term, term expiring December 31, 1993; and (3) appoint Mr. Theo Pritchett to fill the term that would otherwise have been held by the President of the Asheville Downtown Association (since Barry Olen was elected President of the Asheville Downtown Association) for a one year term, term expiring December 31, 1992.

Mayor Michalove stated that Council has received a copy of the resolution prior to the meeting and it would not be read in its entirety.

Councilwoman Field moved for the adoption of Resolution No. 92-17. This motion was seconded by Councilman Worley and carried unanimously.

RESOLUTION BOOK NO. 19 - PAGE 103

C. GROUP DEVELOPMENT REVIEW - MEMORIAL MISSION HOSPITAL PARKING DECK EXPANSION

Mr. Don Sherrill, Urban Planner, said that this group development request

involves an expansion to the East Parking Deck which is currently under construction on the Memorial Mission Campus, along Biltmore Avenue. The East Parking Deck was approved by City Council through the group development process in January of 1991. The original approval included a variance on the front setback along Biltmore Avenue. The proposal included five levels of parking with 605 parking spaces.

He said the current group development request involves an addition to the original parking deck proposal. The expansion would continue the five levels of parking along Doctors Drive. The expansion includes approximately 300 parking spaces. No variances are required for the expansion. All setback and landscaping standards have been satisfied.

He said that at the Planning and Zoning Commission's meeting on February 5, 1992, they voted to approve the group development request for the East Parking Deck Expansion subject to two contingencies:

(1) Receipt of a letter from the Asheville Fire Marshal, stating that adequate flow and pressure are available for fire protection.

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(2) Approval of a driveway permit for the Doctor's Drive entrance by the City Public Works Department.

He said that both of the above approvals are in the process and should be completed shortly. He also stated that no public comment has been received regarding this project.

It was the consensus of Council to postpone the action on this group development request until March 3, 1992, in order to give the staff time to notify active neighborhood groups (in particular the Kenilworth Neighborhood Association).

D. PETITION FROM EDGEWOOD NEIGHBORHOOD ASSOCIATION

Mayor Michalove presented a petition which he received to the City Clerk from the Edgewood Neighborhood Association with regard to the safety of sidewalks.

E. BEAVER LAKE HEIGHTS SUBDIVISION

City Manager Bean said that the homeowners of Beaver Lake Heights Subdivision have asked for an amendment to the subdivision approval to delete the residential sprinkler requirement due to an improvement in the public water supply system in the subdivision. In order to adequately notify the public of this amendment, the City Manager asked for a public hearing to be set.

Vice-Mayor Moore moved to set a public hearing on March 3, 1992, at the Hillcrest Community Center, at 4:00 p.m. to consider approval of an amendment to the subdivision plat for Beaver Lake Heights Subdivision. This amendment was seconded by Councilman Moore and carried unanimously.

F. LENI SITNICK

Ms. Leni Sitnick asked the Council (1) to consider using both sides of the paper for printing of agendas; (2) to use unbleached recycled paper for printing; (3) for sidewalks on Weaver Boulevard (between Merrimon Avenue and Broadway); (4) to appoint a member of the Tree/Greenway Commission on the Planning and Zoning Commission and the Board of Adjustment; (5) not to overlap the City Council meetings with the meetings held by the Buncombe County Board

of Commissioners; and (6) to advertise upcoming board and commission appointment vacancies in the proposed City Page.

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G. CLAIMS

City Manager Bean stated that the following claims were received by the City of Asheville during the week of February 3-7, 1992: Tony Riels (Water); Marjorie S. Harwood (Water); LaPescella Ashford (Water); and Alice Wynhoff (Water).

He also stated that the following claims were received by the City of Asheville during the week of February 10-14, 1992: Tony Reed (Water); Southern Bell (Water) and Cathy Payton (Water).

He said that these claims have been referred to the appropriate insurers for investigation.

H. LAWSUIT

City Manager Bean said that a lawsuit has been received by the City of Asheville on February 14, 1992, in which Alan E. O'Donnell is the Plaintiff. He said that this lawsuit has been referred to the appropriate legal counsel for action.

VII. ADJOURNMENT

Mayor Michalove adjourned the meeting at 6:50 p.m.

CITY CLERK MAYOR
