

Tuesday - December 8, 1992 - 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.

APPROVAL OF THE MINUTES

Mayor Michalove announced the approval of the November 17, 1992, and November 23, 1992, City Council minutes as submitted.

I. PROCLAMATION:

A. RESOLUTION NO. 92-167 - RESOLUTION IN MEMORY OF ETHEL PEARSON DAILEY

Mayor Michalove read the resolution in memory of Ethel Pearson Dailey and presented the resolution to members of her family present. He expressed the City of Asheville's sincere sympathy upon her passing.

Resolution No. 92-167 was adopted by acclamation.

RESOLUTION BOOK 19 AT PAGE 340

B. RESOLUTION NO. 92-168 - RESOLUTION IN MEMORY OF C.L. MOORE JR.

Mayor Michalove read the resolution in memory of former Coach C.L. Moore, Jr., expressing the City of Asheville's sincere sympathy upon his passing.

Resolution No. 92-168 was adopted by acclamation.

RESOLUTION BOOK 19 AT PAGE 341

C. PRESENTATION BY LUCY STRONG AND JANIE WILSON RELATIVE TO GLAD BAG-A-THON PROGRAM

Ms. Janie Wilson, representative from Quality Forward, spoke about Quality Forward's recycling program.

-2-

Ms. Lucy Strong, representative of Glad Wrap and Bags, presented Ms. Wilson with two checks totalling \$4,500 for the Glad Bag-A-Thon Program.

D. RESOLUTION NO. 92-169 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE CHARLES L. JOHNSON

Mayor Michalove read the resolution stating that Charles Johnson has been with the City for 12 years and has requested retirement from his position as Laborer Sr. at the Civic Center. He expressed the City Council's appreciation to

Charles for meritorious service, loyalty and dedication to the City of Asheville and its citizens.

Resolution No. 92-169 was adopted by acclamation.

RESOLUTION BOOK NO. 19 AT PAGE 342

E. RESOLUTION NO. 92-170 - RESOLUTION OF APPRECIATION TO RETIRING EMPLOYEE RICHARD LEDBETTER

Mayor Michalove read the resolution stating that Richard Ledbetter has been with the City for 23 years and has requested retirement from his position as Police Lieutenant in the Police Department. He expressed the City Council's appreciation to Richard for meritorious service, loyalty and dedication to the City of Asheville and its citizens.

Resolution No. 92-170 was adopted by acclamation.

RESOLUTION BOOK NO. 19 AT PAGE 343

F. RESOLUTION NO. 92-172 - RESOLUTION RECOGNIZING THE RETIREMENT OF TAZMANIAN

Police Chief Beavers stated that Tazmanian, the Asheville Police Department K-9 Drug dog, has had to retire. Tazmanian has been a loyal and dedicated employee for both the SBI and the Police Department for 9 years. His efforts have resulted in the seizure of \$186,000 in currency, 12 kilos of cocaine and one vehicle. He has participated in over 15 department sponsored public relations programs and 12 community level drug investigations resulting in numerous arrests.

Resolution No. 92-172 was adopted by acclamation.

RESOLUTION BOOK NO. 19 AT PAGE 345

-3-

II. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO A VARIANCE ON THE RIGHT-OF-WAY WIDTH FOR THE TACO BELL SUBDIVISION

Mayor Michalove opened the public hearing at 4:26 p.m.

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

Ms. Mary Weber, Urban Planner, said that this property is located on 1897 Hendersonville Road. She said the developer has requested a variance for the width of the right-of-way that extends to the rear of the property. The subdivision regulations require a 50 foot right-of-way and the developer is requesting a variance to decrease this to 40 feet. At the Planning and Zoning Commission's meeting on November 4, 1992, they voted to recommend approval of the variance request if a letter was submitted by the Public Works Director agreeing with the request. A letter supporting the variance has been submitted by Assistant Public Works Director Larry Ward.

Upon inquiry of Councilman Moore, David Matney, attorney representing M. Realty Limited Partnership, said that the variance is being requested because in working with Taco Bell's design staff (with all the drive throughs), the property is not wide enough in the back to have 50 feet of right-of-way. He

said it was not enough space for them to meet the parking requirements, the minimum road widths and the minimum building size.

Ms. Ruby Hernandez, Horse Shoe, North Carolina, was concerned about the access to the rear lot behind Taco Bell.

Ms. Weber stated that Ms. Hernandez's concern could not be addressed at this time because it depends on the future development of the rear lot behind Taco Bell.

Mr. Roy Hardee, 7 Gerber Road in Asheville, questioned which side of the property the variance is being requested for.

Mr. William Shuford, 52 Clingman Avenue in Asheville, had a concern about the variance if the property had to be foreclosed on.

City Attorney Slawter explained that the variance runs with the land but if the property owner does not take out a building permit within a certain period of time, the variance is null and void.

-4-

Mayor Michalove closed the public hearing at 4:50 p.m.

Vice-Mayor Ellison moved to grant the variance for a 40 foot right-of-way instead of a 50 foot right-of-way in the Taco Bell Subdivision. This motion was seconded by Councilwoman Field and carried unanimously.

B. PUBLIC HEARING RELATIVE TO 21 HAYWOOD STREET GROUP DEVELOPMENT

Mayor Michalove opened the public hearing at 4:51 p.m.

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

Ms. Mary Weber, Urban Planner, said that this group development request is for the adaptive reuse of

the old Revco building on 21 Haywood Street. The proposal is to construct eight residential units, a retail space, and an office in the 19,000 square foot space. Part of the project was reviewed and approved earlier as a small project. The group development review is for six of the residential units. The project is located in the Central Business Zoning District and required Downtown Design Review.

Ms. Weber said that parking will be accommodated by building a pedestrian bridge to the Rankin Garage where twelve spaces will be rented. The owner has worked with the City's Legal staff to obtain an easement for the bridge.

She said that the site plan meets all of the requirements of the Asheville Zoning Ordinance and that on September 29, 1992, the City Council approved a variance from the standards for construction in the City's Fire District.

Ms. Weber stated that all utilities are available for the project and there will be adequate fire protection. The Asheville Planning and Zoning Commission recommended approval at their November 4, 1992 meeting.

Mr. Jim Samsel, architect, drew what the proposed bridge would look like.

Upon inquiry of Councilman Swicegood, Mr. Samsel said that the City would be

losing one parking space at the entrance of the bridge.

-5-

When Councilman Swicegood questioned what the City's liability would be relative to this bridge, City Attorney Slawter said that in any project the City undertakes there is some potential for liability. However, the agreement between the City and the developer does indemnify the City for any liability and also provides for the developer to provide a minimum of \$1 Million insurance to cover the City if any liability might arise.

Vice-Mayor Ellison stated that the developer has agreed to enclose the bridge which would eliminate his safety concern.

Vice-Mayor Ellison questioned the benefit the City would be receiving if the bridge were built because the City would actually be losing the rent of one parking space.

City Manager Bean said that one benefit would be the ability to lease additional spaces on the top of the parking garage and felt that an additional benefit would be the increased tax value by having the building renovated.

Mr. Don Martell, developer, stated that he would be willing to pay the \$30 per month to the City for the loss of the one parking space. He feels that a major benefit to the City will be the increased of taxes which he estimates the increase of \$1,400 a year to \$13,000 a year. He explained the safety features associated with the parking garage.

Mayor Michalove closed the public hearing at 5:08 p.m.

Councilwoman Field moved to approve the 21 Haywood Street group development project, with the developer paying \$30.00 a month for the loss of the parking space and the developer enclosing the bridge. This motion was seconded by Vice-Mayor Ellison.

Ms. Dee Williams asked the Council to take closer looks at issues when a private developer attaches his building onto a publicly owned building. She felt Councilwoman Field had a conflict of interest because Mr. Martell holds a mortgage on her building which is next to 21 Haywood Street.

When Councilwoman Field asked City Attorney Slawter if she in fact had a conflict of interest since she owned 1/11th of her building, City Attorney Slawter said that it is Council's duty to vote on all matters except where their own personal conduct or financial gain is involved. He felt that merely because she is a partner in a partnership that owes a mortgage to Mr. Martell, there would be no conflict.

-6-

Mr. Barry Olen, member of the Downtown Commission and member of the Downtown Association, spoke in favor of the group development stating that this residential development is good for the downtown area.

At this time, the above motion was voted on and carried unanimously.

C. PUBLIC HEARING RELATIVE TO SUBMISSION OF THE COMPREHENSIVE HOUSING AFFORDABLE STRATEGY TO THE ASHEVILLE REGIONAL HOUSING CONSORTIUM

Mayor Michalove opened the public hearing at 5:18 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, said that the City of Asheville, as Lead Entity for the Asheville Regional Housing Consortium, is required to adopt the Comprehensive Housing Affordable Strategy (CHAS) to be eligible for funding under certain HUD programs. The CHAS identifies housing needs and analyzes institutional capacity and available resources to address the needs. The CHAS also contains five year priorities and a one year plan. The total housing needs within the region covered by the Consortium are 45,678 units. Priority for housing will be for low income rental units.

Mayor Michalove closed the public hearing at 5:25 p.m.

Mayor Michalove said that a resolution to adopt the consolidated CHAS would be considered at the December 15, 1992, meeting.

D. PUBLIC HEARING RELATIVE TO THE FILING OF A GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION FOR SECTION 3 FUNDS FOR DESIGN AND CONSTRUCTION OF A BUS TRANSFER FACILITY AND BUS REPLACEMENT

RESOLUTION NO. 92-173 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO FILE A SECTION 3 DISCRETIONARY GRANT APPLICATION WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, PUBLIC TRANSPORTATION DIVISION

Mayor Michalove opened the public hearing at 5:27 p.m.

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

-7-

Mayor Michalove said that the application will be for the purpose of capital equipment procurement and facility construction for the Asheville Transit Authority. He said the Transit Authority voted unanimously to pursue the move of the facility to Aston Street. The estimated net project cost is \$4,338,000. The federal share is estimated at \$3,470,400 and the state share is estimated at \$433,800. The local share is estimated at \$433,800.

Mayor Michalove felt that the consensus of Council was to move the bus transfer facility from Pritchard Park to Aston Street in accordance with the recommendations of the Transit Authority and Councilmen Moore and Peterson (who are liaisons to the Transit Authority).

City Manager Bean said that as a result of a number of questions being asked by the Council at the hearing held recently, several items have been furnished to the Council, e.g., information for the downtown transfer facilities, site locations for the transfer facility, traffic count information for the Aston Street/Pritchard Park areas, advantages and disadvantages of the Aston Street/Pritchard Park areas, the cost of transfer facility passenger amenities, and operations budget comparison for the transfer facility sites.

By use of charts, City Manager Bean explained the two proposals that would upgrade service at Pritchard Park. He said that Pritchard Park 1, as it presently exists has adequate space for 8 buses around the perimeter. The Park has provided sufficient space for the transferring activity of the transit passenger but does not allow room for any expansion of services. The current configuration of bus islands forces the rider to cross the existing bus lane to access their particular bus. To make the transferring activity safer, a redesign of traffic patterns would be ideal. If the decision is to maintain the

transfer facility at the Park (as it currently exists) and to construct the proposed passenger amenities within the Park area, this decision would eliminate any opportunity for the transit system to expand to a full pulse operation.

He then went on further to explain Prichard Park 2, by saying that the possibility of expanding transit operations to full pulse and provide safe pedestrian circulation at the Park does exist, but there are several disadvantages to this proposal. The existing traffic patterns of the bus and other vehicles would be impacted. Reversing the direction of bus flow to the Park on Patton Avenue and College Street -8-

would create a greater traffic congestion problem that currently exists around the Park. Installation of more traffic and pedestrian signalization would be required and overall implementation of the full pulse concept would impact daily transit operations. Therefore, to change the direction of bus flow and enlarge the Park to allow for a full pulse operation would cause traffic safety hazards, increase the "wall of steel" and/or idling buses, and confine more buses at one time to an enclosed area that needs quality environmental consideration.

City Manager Bean said that if this grant can only be used for the transfer site and bus replacement. He said the estimated cost to build the new Aston Street facility would be \$614,000. He said the minimum cost to do something to Pritchard Park if the bus facility moves will be \$30,000. That will be the cost for demolition of the shelter, the fountains and the islands and also includes money for trees and sod.

At this time (5:45 p.m.) the Council took a five minute recess. The Council resumed its meeting at 5:50 p.m.

Ms. Mary Robertson, felt that all the problems at Pritchard Park will follow the bus facility to Aston Street. She spoke against the move.

Mr. Tim Towery spoke in opposition of the move to Aston Street. He felt there was more security in the downtown area. He urged the Council to upgrade Pritchard Park and felt it would be more cost effective in the long run.

Ms. Jan Stanko, 26 Greenleaf Circle, spoke against the bus facility moving to Aston Street. She hoped the Council would upgrade Pritchard Park.

Ms. Elsie Sweeney, spoke against the move of the bus facility to Aston Street. She felt Pritchard Park was very convenient and asked that it be improved.

Mr. Edison Hill, attorney representing 2 property owners in the Aston Street area, spoke in opposition of the move to Aston Street.

Ms. Dee Williams felt that it would be a tremendous hardship on the riders of the buses to move the facility to Aston Street.

Vice-Mayor Ellison stated that he would vote against the move because this was the first time he saw the two -9-

alternate proposals for Pritchard Park. He felt those should have been available prior to this time. He did, however, express his support of the Asheville Transit Authority.

Councilman Moore stated that he was in favor of the move to Aston Street because he was convinced that the greatest number of bus riders will benefit from this change.

In response to some questions Mayor Michalove had, Mark Rickards, Manager of the Transit Authority, said that bathrooms will be available for riders only, ticket takers will be in radio contact with the police, the new buses will hopefully curb maintenance road calls, and because the buses will not have to go through downtown traffic, buses will get to Aston Street quicker. He said that there will also be a stop at Prichard Park for those who wish to exit the buses there.

City Manager Bean said that since the application will be for the funds to design and plan the bus transfer facility, bus riders will have an opportunity to meet with the architect and help in the design.

Councilman Peterson supported the move to Aston Street not only because he felt it was the best for the greater number of citizens but also because he was in the process from the beginning and saw the hard work and studying that went into a venture like this.

Mr. Larry New, representative of the Chamber of Commerce, read the Chamber's endorsement of the full pulse system.

Ms. Erline McQueen, spoke in support of the move of the bus transfer facility to Aston Street. She felt it would be good to have a nice, secure bus facility with restrooms.

Mayor Michalove closed the public hearing at 6:32 p.m.

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 to adopt Resolution No. 92-173. This motion was seconded by Councilman Peterson and carried on a 6-1 vote, with Vice-Mayor Ellison voting "no."

-10-

Vice-Mayor Ellison moved to support the Asheville Transit Authority and to make the motion unanimous for adoption of Resolution No. 92-173. This motion was seconded by Councilman Moore and carried unanimously. Therefore, Resolution No. 92-173 carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE 346

III. OLD BUSINESS: None

IV. NEW BUSINESS:

A. RESOLUTION NO. 92-174 - RESOLUTION ESTABLISHING THE CITY OPERATIONS ADVISORY COMMISSION

City Manager Bean said that the role of the City Operations Commission ("Commission") is to first review City operations and systems, by department, in accordance with priorities established by City Council, and encourage the employees of each department to discover ways on their own that they can do their jobs in a more effective and efficient manner. Second, the Commission is to seek to discover inefficiencies, if they exist, that cannot be readily solved at the employee level and to recommend corrective actions and/or suggestions that are operational in nature to the City Manager with a copy of City Council. Any recommended corrective actions and/or suggestions that would require a substantial change in any policy established by City Council shall be presented to City Council with a copy to the City Manager.

Mayor Michalove 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. 92-174. This motion was seconded by Councilman Moore and carried on a 6-1 vote, with Mayor Michalove voting "no".

Councilman Moore moved to make adoption of Resolution No. 92-174 unanimous. This motion was seconded by Councilman Worley and carried unanimously. Therefore, Resolution No. 92-174 carried unanimously.

RESOLUTION BOOK NO. 19 AT PAGE

B. ORDINANCE NO. 2000 - ORDINANCE AMENDING CHAPTER 18, SECTION 18-5 OF THE CODE OF ORDINANCES PROHIBITING BEGGING

-11-

City Attorney Slawter gave a report to the Council as requested by the Council at their November 17, 1992, meeting.

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

Councilman Worley moved to adopt Draft B of Ordinance No. 2000, which makes it unlawful for any person to beg by (a) accosting another person or (b) forcing oneself upon the company of another. The ordinance will provide for a grace period of 30 days after date of final adoption and will thereafter provide for the following punishment: (a) payment of court costs only upon a first offense; (b) up to 5 days in jail and up to \$50.00 in fine for a second offense; and (c) up to 30 days in jail and up to \$500.00 in fine for a third or subsequent offense. This motion was seconded by Councilman Moore.

On a roll call vote of 7-0, Ordinance No. 2000 passed on its first reading.

Vice-Mayor Ellison moved to suspend the rules and proceed to the second reading of Ordinance No. 2000. This motion was seconded by Councilman Worley and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 2000 passed on its second reading.

C. ORDINANCE NO. 2001 - AN ORDINANCE AMENDING SECTION 28-82 AND SECTION 28-82.1 OF ARTICLE IV, SPEED REGULATION, OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

City Manager Bean stated that a letter has been received from Douglas L. Pearson, Superintendent of Asheville City Schools, requesting that the enforcement time of the adjusted speed limit in City school zones be from 7:00 a.m. to 9:00 a.m. instead of 7:30 a.m. to 9:00 a.m. He said that with the change to magnet schools in all of the elementary schools, children have to catch buses earlier and walk to school earlier in the morning.

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

Councilman Worley moved for the adoption of Ordinance No. 2001. This motion was seconded by Councilman Moore.

-12-

On a roll call vote of 7-0, Ordinance No. 2001 passed on its first reading.

Vice-Mayor Ellison moved to suspend the rules and proceed to the second reading of Ordinance No. 2001. This motion was seconded by Councilman Worley and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 2001 passed on its second reading.

Councilman Worley moved to suspend the rules and proceed to the third and final reading of Ordinance No. 2001. This motion was seconded by Councilman Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 2001 passed on its third and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 164

E. ORDINANCE NO. 2002 - BUDGET AMENDMENT FOR "LEGACY OF EXCELLENCE" TEAM TRAINING

City Manager Bean said that this budget amendment, in the amount of \$59,000, will provide for the "Legacy of Excellence" team training.

At the request of Council, City Manager Bean explained how the team training will work.

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

Councilman Moore moved for the adoption of Ordinance No. 2002. This motion was seconded by Councilman Worley.

On a roll call vote of 7-0, Ordinance No. 2002 was unanimously adopted on its first and final reading.

ORDINANCE BOOK NO. 13 AT PAGE 165

V. CONSENT:

A. MOTION TO SET A PUBLIC HEARING ON JANUARY 5, 1993, RELATIVE TO REZONING OF 1250 MERRIMON AVENUE FROM R-3 RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT

-13-

B. MOTION TO SET A PUBLIC HEARING ON JANUARY 5, 1993, RELATIVE TO PARTIAL REZONINGS OF 21 AND 29 LAKESHORE DRIVE FROM R-3 RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT

C. MOTION TO SET A PUBLIC HEARING ON DECEMBER 22, 1992, RELATIVE TO PRELIMINARY PLAT APPROVAL AND REQUEST FOR A VARIANCE FOR A REDUCTION IN THE CUL-DE-SAC RIGHT-OF-WAY RADIUS IN FOREST LAKE SUBDIVISION

D. MOTION TO SET A PUBLIC HEARING ON DECEMBER 22, 1992, RELATIVE TO AN ORDINANCE AMENDMENT TO THE MEMBERSHIP AND POWERS OF THE BOARD OF ADJUSTMENT

E. MOTION TO SET A PUBLIC HEARING ON DECEMBER 22, 1992, RELATIVE TO AN ORDINANCE AMENDMENT PROVIDING FOR THE CONSTITUENCY OF THE PLANNING AND ZONING COMMISSION

F. RESOLUTION NO. 92-175 - RESOLUTION OF INTENT TO CLOSE AN UNNAMED, UNOPENED RIGHT-OF-WAY OFF SAND HILL ROAD BETWEEN POPPLE STREET AND DELAWARE AVENUE AND SETTING A PUBLIC HEARING FOR JANUARY 19, 1993

RESOLUTION BOOK NO. 19 AT PAGE 350

G. RESOLUTION NO. 92-176 - RESOLUTION OF INTENT TO CLOSE A PORTION OF KEEVER ROAD AND SETTING A PUBLIC HEARING FOR JANUARY 5, 1993

RESOLUTION BOOK NO. 19 AT PAGE 352

H. RESOLUTION NO. 92-177 - PRELIMINARY RESOLUTION CALLING FOR A PUBLIC HEARING ON JANUARY 19, 1993, TO LEVY SPECIAL ASSESSMENTS FOR THE KITCHEN PLACE PROJECT

RESOLUTION BOOK NO. 19 AT PAGE 354

I. RESOLUTION NO. 92-178 - PRELIMINARY RESOLUTION CALLING FOR A PUBLIC HEARING ON JANUARY 19, 1993, TO LEVY SPECIAL ASSESSMENTS FOR THE BOSTON WAY PROJECT

RESOLUTION BOOK NO. 19 AT PAGE 356

-14-

J. RESOLUTION NO. 92-179 - PRELIMINARY RESOLUTION CALLING FOR A PUBLIC HEARING ON JANUARY 19, 1993, TO LEVY SPECIAL ASSESSMENTS FOR THE SONDLLEY ESTATE PROJECT

RESOLUTION BOOK NO. 19 AT PAGE 358

K. RESOLUTION NO. 92-180 - RESOLUTION AUTHORIZING THE SALE OF A USED VEHICLE TO THE ASHEVILLE AREA RESCUE SQUAD

Summary: The City of Asheville presently owns a 1985 Ford 3/4 ton pickup truck which has been declared surplus by the Fleet Management Division and the Asheville Area Rescue Squad has need of this vehicle.

RESOLUTION BOOK NO. 19 AT PAGE 380

L. RESOLUTION NO. 92-181 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HAYNES ELECTRIC UTILITY CORPORATION FOR BALLFIELD LIGHT INSTALLATION AT VALLEY SPRINGS AND VANCE ELEMENTARY SCHOOL

Summary: The Parks and Recreation Department has determined that it is necessary to upgrade and install ballfield lights at Valley Springs and Vance Elementary School as part of its continuing Capital Improvements Program. Bids were received from Haynes Electric Utility Corporation in the amount of \$118,919; Floyd S. Pike Electric Company in the amount of \$126,850; and Emory Electric Company in the amount of \$139,175. This resolution will authorize the City Manager to enter into a contract with Haynes Electric Utility Corporation in the amount of \$118,919.

RESOLUTION BOOK NO. 19 AT PAGE 361

M. RESOLUTION NO. 92-182 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE AN EASEMENT IN FAVOR OF SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY

Summary: Southern Bell Telephone and Telegraph Company has requested that the City execute a right-of-way site easement on City property located on Airport Road in order to service the Asheville Regional Airport.

RESOLUTION BOOK NO. 19 AT PAGE 362

-15-

N. RESOLUTION NO. 92-183 - RESOLUTION AUTHORIZING THE PURCHASING DIRECTOR TO DISPOSE OF PERSONAL PROPERTY BY PRIVATE SALE

Summary: This resolution will authorize the Purchasing Director to trade in 3 dictaphone model 1100 message repeaters at \$800.00 each and the purchase of 4 dictaphone model 5714/187014 digital message repeater systems at \$2,732.00 each. Purchase and trade-in to be made with Dictaphone Corporation. Total bid of \$10,928 less trade-in of \$2,400 results in a net bid of \$8,528 for the purchase of the 4 new units.

RESOLUTION BOOK NO. 19 AT PAGE 363

O. MOTION AUTHORIZING THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO SELL ONE DISPOSAL PARCEL IN THE EAST END/VALLEY STREET COMMUNITY IMPROVEMENT PROJECT AREA AND ONE DISPOSAL PARCEL AND ONE VACANT HOUSE IN THE HEAD OF MONTFORD REDEVELOPMENT PROJECT AREA

Councilman Moore moved for the adoption of the consent agenda. This motion was seconded by Councilman Worley and carried unanimously.

VI. OTHER BUSINESS:

A. GROUP DEVELOPMENTS

Mr. Tony Nicholson, 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 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 2, 1992:

PACE MEMBERSHIP WAREHOUSE

Ms. Weber said the Shopping Center Group is proposing the construction of a Pace Membership Warehouse to be located at the south corner of the intersection of I-240 and U.S. 74. The 108,000 sq. ft. building will be one story and used for retail sales. The 12.5 acre site is zoned Light Industrial and is bordered by the I-240, U.S. 74, and Norfolk Southern Railroad rights-of way. The main entrance -16-

to the site will be from U.S. 74 and will align with the I-240 access ramp. A secondary entrance will be located on Fairview Road and align with Broadview Road. The proposed development meets the requirements of the Asheville Zoning Ordinance, including parking and landscaping.

At their November 4, 1992, meeting, the Planning and Zoning Commission voted to table their decision on the project until all permits and approvals were obtained. After obtaining approvals for the availability of services from the Water Engineering Department, Metropolitan Sewerage District, and Fire Department and obtaining all necessary approvals from the Norfolk Southern Railroad, the project was reviewed by the Planning and Zoning Commission at their December 2, 1992 meeting. The Commission voted to recommend approval with three conditions. They are as follows:

1. Obtain driveway permits from NCDOT and the City of Asheville.

2. Submit a copy of the license agreement for the railroad crossing to the Planning Department.

3. The license agreement must be approved by the staff of the Planning and Legal Departments.

We have received comments from several surrounding property owners who are concerned about increases in traffic on Fairview Road as a result of the construction of the development.

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

MEMORIAL MISSION HOSPITAL CHILLER

The group development request is for a new building at Memorial Mission Hospital at 509 Biltmore Avenue. The new building will house the cooling system for the hospital. It will be a two stories high and 10,000 square feet.

The building will not require any additional parking or landscaping requirements. The project meets the requirements of the Asheville zoning ordinance. At their December 2, 1992, meeting, the Planning & Zoning Commission recommended approval of the project with two conditions. The conditions are that the developer must get letters of allocation for sewer and water.

-17-

There have been two phone calls regarding the project. The callers wanted further information on the project but expressed no opposition.

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

UNC-A DINING HALL - PARKING DECK

Ms. Weber said the University of North Carolina at Asheville is proposing a dining hall with two levels of parking to be included within the structure. Each level of the building will have 19,000 square feet of gross floor area. The two levels of parking will include 97 parking spaces.

The site location is interior to the campus. No additional access is required to the site. Water and sewer are available on the site and adequate fire protection is available. The project meets all of the requirements of the City's Zoning Ordinance.

The Planning and Zoning Commission originally approved the site plan on April 3, 1991, and the City Council approved it on April 9, 1991. The applicant never obtained a zoning permit so the site plan must be reaffirmed since more than one year has passed. The only changes to the site plan are a slight shift of the building orientation and the relocation of a service road.

At their December 2, 1991, meeting, the Asheville Planning and Zoning Commission voted to reaffirm their approval of the site plan.

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

B. CLAIMS

The City Manager stated that the following claims were received by the City of

Asheville during the week of November 16-20, 1992: Tamara Pressley (Water); Thomas Terry Jr. (Water); Amy Plankenhorn (Water); YMI Cultural Center (Water); Elinor Lytle (Water); Fredrickson Trucking (Water); Virginia Parker (Water); and Joe Meadows (Streets).

He said the following claims were received during the week of November 23-27, 1992: Shirley Edmonds (Fire) and Annette Chamberlain (Water).

-18-

He said the following claims were received during the week of November 30 - December 4, 1992: Crowfields Condos (Sanitation); James Stanley (Water); Mae Monroe (Water); and Toby Cole (Water).

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

C. LAWSUIT

City Manager Bean said that the City was served with a lawsuit on December 7, 1992, in which Jack McIntyre is the plaintiff. He said that this lawsuit has been turned over to the appropriate legal counsel for action.

VII. ADJOURNMENT.

Mayor Michalove adjourned the meeting at 7:04 p.m.

CITY CLERK MAYOR
