

Tuesday - February 25, 1986 - 4:00 p.m.

Regular Meeting

Present: Mayor Louis Bisette, Presiding; Vice-Mayor Mary Lloyd Frank; Councilmen Norma T. Price, Wilhelmina B. Bratton, Walter R. Boland, Kenneth Michalove, and George M. Tisdale; Corporation Counsel William F. Slawter; Associate City Manager/City Clerk William F. Wolcott, Jr.; Deputy City Clerk Carol Hensley.

Absent: None

INVOCATION

The invocation was given by Councilman Michalove.

APPROVAL OF THE MINUTES - FEBRUARY 25, 1986 MEETING

1. Consideration was given to the approval of the minutes of the February 25, 1986 meeting.

Mayor Bisette announced the approval of the minutes as submitted.

PROCLAMATION - "CHILD PASSENGER SAFETY AWARENESS WEEK" - WEEK OF FEBRUARY 24

2. Mayor Bisette read a joint proclamation proclaiming the week of February 24, 1986 as "Child Passenger Safety Awareness Week".

Mayor Bisette said this is a joint proclamation by the City of Asheville, Town of Biltmore Forest, Black Mountain, Montreat, Weaverville, Woodfin, and Buncombe County.

Mayor Bisette recognized Mayor Michael Begley from the Town of Black Mountain; Mayor Reese Lasher, Town of Weaverville; and Mayor Kermit Penley, Town of Woodfin; who were in attendance at the meeting.

PROCLAMATION - FEBRUARY 28, MARCH 1, AND MARCH 2, 1986 AS "SOUTHERN CONFERENCE BASKETBALL TOURNAMENT WEEK"

2a. Mayor Bisette read a proclamation proclaiming February 28, March 1 and 2 as "Southern Conference Basketball Tournament Week".

Mayor Bisette presented the proclamation to Barrie Sneed, Chairman of the Southern Conference for the Junior League.

Barrie Sneed thanked members of Council for the proclamation, and for City Council's recent action in allowing free on-street metered parking during the conference tournament.

PROCLAMATION - MARCH, 1986 - "YOUTH ART MONTH"

3. Mayor Bisette read a proclamation proclaiming March, 1986 as "Youth Art Month".

Mayor Bisette presented the proclamation to Mary K. Israel, State Chairman for Youth Art Month.

RECOGNITION OF NEW CITY MANAGER - DOUG BEAN

Mayor Bisette recognized Doug Bean, Asheville's new City Manager, effective April 1, 1986.

PUBLIC HEARING - REZONING PROPERTY ON HAYWOOD ROAD BEHIND ACE APPLIANCE ON KNIGHT PLACE

ORDINANCE NO. 1574 - AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED -

PROPERTY LOCATED ON KNIGHT PLACE

4. A public hearing was held relative to rezoning property on Haywood Road behind Ace Appliance on Knight Place.

Mayor Bisette said the Planning and Zoning Commission, at a meeting held July 10, 1985, considered the petition of Ace Appliance, that Ward 5, Sheet 6, Lot 99-¼, be rezoned from R-3 Residential District to CS Commercial Service District. The property is located behind Ace Appliance on Knight Place. After review and discussion, the Commission voted to recommend to City Council that Ward 5, Sheet 6, Lot 99-¼ and Lot 99 be rezoned from R-3 Residential District to CS Commercial Service District. At the Council meeting of August 13, 1985, the petitioner withdrew his request for rezoning. Ace Appliance now wishes for the requested rezoning to be heard by City Council.

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

The Deputy City Clerk presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission had previously considered the rezoning of Lot 99-¼ and Lot 99. He said the rezoning was requested to allow for expansion of Ace Appliance Company. He said negotiations for the sale of the property never took place, but since that time re-negotiations for the purchase of the property by Douglas Holcombe, from Ace Appliance Company, have taken place and Ace Appliance Company wishes to continue with the requested rezoning. He said since the property in question abuts residential property, a buffer would be required.

Upon inquiry of Vice-Mayor Frank, Mr. Emrick said there was no existing buffer on the property in question.

Upon inquiry of Councilman Tisdale, Mr. Emrick said notices were sent to all adjacent property owners relative to the rezoning, and four notices were returned. He said three were in favor and one from James D. Sparks, of 127 Pennsylvania Avenue, voiced objection to the rezoning of the property.

Councilman Price voiced concern relative to rezoning Lot 99 since the property owner has not petitioned for the property to be rezoned. However, she felt it would be best to rezone Lot 99 since there would be some protection by buffering.

Douglas Holcombe, with Ace Appliance Company, spoke in favor of the rezoning, stating that the adjacent property owners would be protected by buffering and fencing.

Upon inquiry of Ralph Bishop, Mr. Emrick said the petition for rezoning was still valid.

Mayor Bisette closed the public hearing at 4:35 p.m.

Councilman Tisdale moved for the adoption of Ordinance No. 1574. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1574 passed on first reading.

ORDINANCE NO. 1572 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED - PROPERTY LOCATED ON LEICESTER HIGHWAY (MR. WAYNE HAWKINS PETITION)

5. Consideration was given to the second reading of Ordinance No. 1572, an ordinance amending Ordinance No. 322,

known as "an ordinance providing for the zoning of the City of Asheville" as amended, property located on Leicester Highway (Mr. Wayne Hawkins petition).

Mayor Bissette said the Planning and Zoning Commission at a meeting held January 8, 1986, considered the petition of Mr. Wayne Hawkins that portions of Lots 35 and 41, Sheet 36, Ward 12, and Lot 323, Sheet 20, Ward 6, be rezoned from R-3 Residential District to CS Commercial Service District. The property is located on the New Leicester Highway. After review and discussion, the Commission voted to recommend to City Council that Lot 323, Sheet 20, Ward 5, be rezoned from R-3 Residential District to CS Commercial Service District. Staff advised the Commission that Lots 35 and 41, Sheet 36, Ward 12 were already zoned Commercial Service in their entirety. This ordinance passed on first reading at the February 18, 1986 meeting.

Mayor Bissette said this ordinance was previously read on first reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1572 passed on second reading.

BIDS - DIESEL ENGINE TRACTOR WITH SAFETY CAB

6. Consideration was given to a motion relative to bids received for a diesel engine tractor with safety cab.

Mayor Bissette said sealed bids were invited to furnish one (1) Diesel Engine Tractor and alternate bids for this unit with an optional safety cab for Parks, Recreation and Public Facilities use with their side arm mower. Requests for bids included that the tractor must be compatible, including mounting parts, to a Terrain King model "A" side arm mower. Three (3) bids were received; however, John Deere Company in Conyers, Georgia notified the Purchasing Division of an error in their bid and requested that their bid be withdrawn and bid security returned. This request was made within seventy-two hours after the bids were opened. It is recommended to award this contract to the lowest bidder meeting specifications, Farm Equipment Company of Asheville, Incorporated.

The Acting City Manager said the diesel engine tractor would be used by the Parks and Recreation Department for their right-of-way clearing operation.

The bid summary is as follows:

ITEM NO. DESCRIPTION BIDDER PROPOSED PRODUCT MODEL NO. BID AMOUNT

1 Tractor Less *John Deere Co. John Deere 2550 \$10,849.20

Safety Cab Atlanta, GA

1-A Tractor With *John Deere Co. John Deere 2550 \$13,779.05

Safety Cab

1 Tractor Less Farm Eqmt. Co. Ford 5610 \$14,005.00

Safety Cab Asheville, NC (LA414M)

1-A Tractor With Farm Eqmt. Co. Ford 5610 \$16,400.00

Safety Cab Asheville, NC (LA414M)

1 Tractor Less Arden Eqmt. Co. Kubota M6950F \$20,419.59

Safety Cab Arden, NC

1-A Tractor With Arden Eqmt. Co. Kubota & M6950F \$24,924.59

Safety Cab Arden, NC Sims with cab

*John Deere Company has requested to withdraw their bid due to an error made in bidding. Their bid did not include necessary mounting parts for the Terrain King Mower. This request was received within the 72 hours following the bid opening.

Vice-Mayor Frank moved to approve the bid and award the contract for the diesel engine tractor with safety cab to Farm Equipment Company in the amount of \$16,400.00. This motion was seconded by Councilman Price and carried unanimously.

SALE OF DISPOSAL PARCELS 3 AND 186 IN THE EAST RIVERSIDE URBAN RENEWAL PROJECT IN THE EAST END/VALLEY STREET COMMUNITY IMPROVEMENT PROGRAM

7. Consideration was given to a motion approving the sale of disposal parcels 3 and 186 in the East Riverside Urban Renewal Project in the East End/ Valley Street Community Improvement Program.

Mayor Bisette said the Housing Authority has tentatively accepted the following bids for certain disposal parcels in the East Riverside Urban Renewal Project and the East End/Valley Street Community Improvement Project.

PARCEL REUSE PRICE BID REDEVELOPER

3 Commercial \$15,250.00 \$15,250.00 Floral Design Unlimited

of Asheville, Inc.

186 Church \$56,500.00 \$56,000.00 New Mt. Olive Missionary

Baptist Church

Disposal Parcel 3 is a commercial site located in the East End/Valley Street Community Improvement Program Area. The proposed development will consist of a 2,500 square foot building designed for use as a flower shop, adequate parking and appropriate landscaping.

Disposal Parcel 186 is located in the East Riverside Project Area. The proposed development will consist of a church building including sanctuary, office, kitchen and classroom space, adequate parking and appropriate landscaping.

Mayor Bisette said, during pre-Council meeting, Council members decided to delay consideration of the sale of Disposal Parcel 3 until next week.

Councilman Bratton moved to approve the sale of Disposal Parcel 186 as recommended by the Housing Authority. This motion was seconded by Councilman Boland and carried unanimously.

CLAIMS - HAROLD REDMOND (WATER/SEWER/STREETS/FIRE) - JOAN PRESSLEY (SEWER) - MRS. WALLACE TRAVIS (WATER) - RAYMOND ALLEN (STREETS) - ELLSWORTH MORMAN (WATER)

The Acting City Manager presented claims received from Harold Redmond, Joan Pressley, Mrs. Wallace Travis, Raymond Allen, and Ellsworth Morman.

Mayor Bisette referred the claims to the Corporation Counsel for investigation and recommendation.

COMMENTS BY GARY FIELDS - REGARDING PROPERTY LOCATED AT 76 LANVALE AVENUE

Mr. Gary Fields of 86 Lanvale Avenue read the following letter of invitation to members of Council relative to problems relating to the property at 76 Lanvale Avenue.

The Concerned Howeowners of Lanvale Avenue 252-4933

Bill Wolcott February 24, 1986

Acting City Manager

City of Asheville

Ref/Property 76 Lanvale Avenue - problems

Mr. Wolcott,

The homeowners of Lanvale Avenue are in need of your help. An apartment in a house located at 76 Lanvale Avenue has been rented by its owner to a ring of known prostitutes which are, with their trade, terrorizing what was once a quiet and safe neighborhood.

Neighbors can no longer feel secure in their homes nor feel safe of their property. We can't allow our children to play unattended, or walk from neighbor to neighbor without adult protection. All of us have lost sleep while loud music, profane language, door slamming, drunk drivers and noise from truck loads of "clients" being shuttled to and from the house of prostitution

shattered the early morning hours.

The house is without water, (the renters haul water in gallon jugs),

the smell of human waste can be detected from the street, windows are missing or broken and, we are told, the furnace in the house does not work. The only furniture in the house is mats and mattresses. The yard is littered with beer bottles and cans which spill into the street.

Even though police have raided the house more than once, and response to complaints of loud noise, the problem remains.

Thus, the signed, Lanvale homeowners would like for you to meet with us on March 8, 1986, 2:00 pm at 86 Lanvale Avenue, to discuss the problem and construct a solution which is legal, fair and longlasting. Similar invitations will be addressed to the house's owner in Florida, caretaker in Asheville and mortgage holder in Atlanta as well as both Police Chief Fred Hensley and Sheriff Tom Morrissey.

Please help us to cleanup Lanvale. Prostitution is illegal whether on Ashland Avenue or Lanvale Avenue. We need your help,

please come.

Mr. Fields said that he had talked with the Acting City Manager and the Chief of Police relative to the problems at 76 Lanvale Avenue. He said the Police Department had been very cooperative with the neighborhood in trying to deal with the problems.

Mayor Bissette said the Acting City Manager had brought this matter to Council's attention during their pre-Council meeting and Council has requested a report from the Chief of Police and the Director of Inspections relative to 76 Lanvale Avenue by Tuesday, March 4, 1986. He said the City of Asheville intends to enforce all State laws and City laws and would proceed with corrective actions at 76 Lanvale Avenue.

Upon inquiry of Councilman Price, Mr. Fields said the Litter Enforcement Control Officer had been contacted relative to litter problems around 76 Lanvale Avenue.

Councilman Bratton informed Mr. Fields that if small children were involved with the problems at 76 Lanvale Avenue she would suggest that the neighbors contact the Department of Social Services, Pat Webb, Supervisor in the

Buncombe County Social Services Department.

Paul Hollar, of Lanvale Avenue, spoke relative to the problems at 76 Lanvale Avenue stating that this was a nice neighborhood and they would like to keep it that way.

RALPH BISHOP - LOTTERY SALES IN THE CITY OF ASHEVILLE - ASHEVILLE POLICE

DEPARTMENT

Mr. Ralph Bishop again spoke to members of Council relative to lottery sales in the City of Asheville and the Asheville Police Department.
