

Tuesday - August 28, 1990 - 4:00 P.M.

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor

William G. Moore; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Eugene W. Ellison and William W. Estes; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate

City Manager/City Clerk William F. Wolcott, Jr.

Absent:

INVOCATION

The invocation was given by Councilman Price.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes of the August 21, 1990 meeting as submitted.

I. PROCLAMATIONS:

A. Resolution No. 90-118 - Resolution in memory of John A.

Dusenbury, Sr.

Mayor Michalove read a resolution in memory of John A.

Dusenbury, Sr., a prominent civic leader who recently passed away.

Upon motion of Councilman Frank, seconded by Vice-Mayor

Moore, Resolution No. 90-118 was unanimously approved.

Resolution Book No. 18 - Page 198

B. Resolution No. 90-119 - Resolution in memory of Harold

F. Brownlee

Mayor Michalove read a resolution in memory of Harold F.

Brownlee, former Councilman who recently passed away.

Upon motion of Councilman Bratton, seconded by

Councilman Price, Resolution No. 90-119 was unanimously approved.

Resolution Book No. 18 - Page 199

III. OLD BUSINESS:

A. Resolution relative to the closing of Academy and Center**Street at their intersection with Hendersonville Road.**

Mayor Michalove said the N. C. Department of

Transportation's designs for improvements to Hendersonville Road would result in excessive grades and additional right-of-way to connect Academy Street and Center Street to the new roadway. Closing these streets, where they intersect with Hendersonville Road, will eliminate the excessive grades and the need for additional right-of-way acquisition, but will still provide access to Hendersonville Road via Yorkshire and Fairview Streets. A public hearing was held relative to

this matter on July 17, 1990.

Charles Penny, Assistant City Manager, said as requested

by the Council, he talked with Gene Edmonds from the North Carolina Department of Transportation relative to the installation of a traffic signal at Old West Chapel Road and Hendersonville Road. He said the state does not feel comfortable about the placement of a light at this time. He said they have agreed to conduct another traffic count at Old West Chapel Road, Yorkshire Street and Fairview Road to determine if the counts warrant a traffic signal. He said they do feel that by the completion of the project these areas will warrant a traffic signal.

Mr. Penny said the state is also investigating the

feasibility of placing the cul-de-sac at the bottom on the hill on Center Street behind the old Ingle's Building. He said the state is also going to provide a driveway entrance for the Christmas Shop on

Hendersonville Road.

Gene Edmonds with the North Carolina Department of

Transportation said it would take several weeks for all this information to be pulled together.

After discussion, Mayor Michalove said action on the

resolution would be postponed until September 25, 1990.

II. PUBLIC HEARINGS:**A. Public hearing relative to amendments to Article 9 of****Chapter 30 of the Code of Ordinances of the City of Asheville (Sign Regulations).****Ordinance No. 1863 - An Ordinance Repealing Ordinance****No. 1801 (Sign Regulations) and adopting a new Sign Ordinance reestablishing sign regulations for the City of Asheville.**

Mayor Michalove said the Sign Revision Committee has

reviewed comments from a public forum held on the Sign Ordinance (adopted December 4, 1989) and has proposed that the ordinance be repealed and readopted with some revision.

Mayor Michalove opened the public hearing at 4:18 P.M.

The City Clerk presented the notice to the public

setting the time and date for the public hearing and the affidavit of publication.

The City Attorney advised that Council is limited in

their scope of action to specifically dealing with the repeal of the current sign ordinance and readoption of a new sign ordinance with the eight (8) amendments that were provided for in the notice to the public.

Mayor Michalove said the City Council has determined it

to be in the best interest to extend the time period within which a person must bring a cause of action as to the validity of a zoning ordinance under N.C. Gen. Stat. sec. 160A-364.1 by repealing Ordinance No. 1801 and adopting on this same date an ordinance reestablishing sign regulations. He said this action would give individuals nine (9) months from today's date to bring a

cause of action. He said the reestablishment of a new Sign Ordinance would also change the amortization schedule for nonconforming signs to five (5) to seven (7) years from today's date rather than the December 4, 1989 date.

Vice-Mayor Moore noted that at a special called meeting

of the Planning and Zoning Commission held on August 27, 1990, the Commission unanimously recommended the repeal of the current Sign Ordinance and the reestablishing of a new Sign Ordinance which would include the eight (8) proposed amendments.

Julia Cogburn, Director of Planning, reviewed the proposed amendments.

Harold Holcombe, Vice-President of Council of

Independent Business Owners, requested that all nonconforming signs be "grandfathered".

Jerry Hobbs also requested that a "grandfather" clause be added in the ordinance to provide for nonconforming signs.

Miles Thompson said the size of the building and the distance the business is from the road should be considered when provisions for temporary signs are considered.

Mayor Michalove said the city staff would look into Mr. Thompson's request.

Mayor Michalove closed the public hearing at 4:47 P.M.

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

Vice-Mayor Moore moved for the adoption of Ordinance No. 1863. This motion was seconded by Councilman Frank.

A discussion was held relative to provisions for historic and landmark signs. It was noted that the Sign Ordinance could be amended at any time.

On a roll call vote of 7-0, Ordinance No. 1863 passed on first reading.

Vice-Mayor Moore moved to suspend the rules and proceed to the second reading of Ordinance No. 1863. This motion was seconded by Councilman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1863 passed on second reading.

Councilman Frank moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1863. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1863 passed on third and final reading.

Ordinance Book No. 12 - Page 184 - 228

III. OLD BUSINESS (CONT'D)

B. Ordinance No. 1840 - Third reading of an ordinance regulating the operation of horse-drawn carriages in the City.

Mayor Michalove said the Code, as it is currently

written, does not provide for the operation of horse-drawn vehicles in the City. He said the Council desires to have a horse-drawn carriage ordinance and is now considering the types of restrictions that should be placed on a carriage business. He said this ordinance previously passed on first and second readings and since that time numerous meetings have been held to determine the restrictions.

Patsy Brison, Assistant City Attorney, reviewed the following reports, as requested by Council, and recommendations for inclusion in the horse-drawn carriage ordinance:

MEMORANDUM TO: Doug Bean, City Manager

FROM: Patsy Brison, Assistant City Attorney

DATE: August 15, 1990

SUBJECT: Horse-Drawn Carriage Business Ordinance

Certain issues were raised by the public and by the City Council members at the City Council meeting on May 1 with regard to the above-referenced ordinance. Those issues and how they have been addressed are set forth as follows:

1. Address concerns raised by Jack Westall in his letter of April 30, 1990. Those concerns were addressed as follows:

A. What is the intent of the inclusion of the

last sentence in Section 10 (A) with regard to hold harmless language being included on the permit given to the businesses?

The City needs some method of

receiving hold harmless statements

from the permit holders.

B. Why is a chauffeur's license required in Section

11 (C)?

This was included as there was some

sentiment to use language from the ordinance of Covington, Kentucky. Covington, Kentucky, required it because there is a State law requiring that type of license for people who drive such things as buses, cabs, limos, etc.. It is not required, however, for transporting other persons in non-motorized vehicles such as horse-drawn carriages. Covington, Kentucky, decided

to require it anyway.

North Carolina no longer has a

chauffeur's license category, but now has three different categories of driver's licenses. Those categories are based upon the gross vehicle weight rating of the vehicles and do not relate to whether or not someone is transporting passengers for hire. A

Class "C" license is the one required for normal passenger vehicles, excluding motorcycles, and that is the one we would recommend requiring for drivers of horse-drawn carriages. There is also a new category in North Carolina - commercial driver license - but it would not be required for horse-drawn vehicles. The last sentence of Section 11 (C) would now be changed to read as follows: "An applicant must show that he has a current North Carolina Class "C" license and that the license is not

under suspension or revocation."

C. A concern was raised about the 30 hours of

training required before a driver's permit could be issued. A suggested amendment to

Section 11 (D) would read as follows:

Each applicant for a driver's

permit shall file with the Carriage Inspector a sworn affidavit that he/she has successfully completed an apprenticeship of 40 hours with horse-drawn carriages, which

includes, but is not limited to:

(1) The proper method of

fitting a harness to a horse and hitching and unhitching a properly

harnessed horse.

(2) Has ridden with a driver

permitted hereunder during the first 24 hours of the apprenticeship to observe the proper handling and driving of a horse-drawn carriage and has been trained in emergency situations for unexpected animal behavior.

(3) Has driven horse-drawn

carriage under the supervision of a driver permitted hereunder for the last 16 hours of the apprenticeship.

(4) Is familiar with the

traffic regulations and designated horse-drawn carriage routes.

In lieu of the apprenticeship

requirements, an applicant may file with the Carriage Inspector a sworn affidavit that he/she has had previous experience driving a horse-drawn carriage, exceeding 40 hours therein, including a detailed description, satisfactory to the Carriage Inspector, of that experience.

D. A concern was raised about the visibility of

turn signals for a distance of 1,000 feet and a need for a fire extinguisher on board as set forth in Section 13 - No changes are suggested.

E. A concern was raised about the requirement

for polyurethane shoes in Section 18 (C). Section 18 (C) could be amended to read as follows:

Each animal shall have its hooves

properly trimmed and shod for street surfaces, with the horseshoes designed to keep the animal from slipping on the pavement.

OR

** Each animal shall have all hooves

properly trimmed and shod for street surfaces, with the horseshoes to be a type of polyurethane shoes designed to keep the animal from slipping on the pavement; provided, however, the Carriage Inspector may determine, however, that another horseshoe proposed by the permit holder to applicant is adequate to keep the animal from slipping on the

pavement.

NOTE: Council chose the second recommendation.**

F. Concerns were raised about the requirement

for taking the temperature of horses set forth in Section 18 (I). An amendment to

Section 18 (I) could read as follows:

No animal shall become overheated

in a manner which endangers its health and safety. The temperature of each animal pulling a horse-drawn carriage shall be taken immediately prior to being used to pull horse-drawn carriages for that day and shall be taken no less often than two (2) hours during the time period it is used to pull horse-drawn carriages for that day. A log of these temperatures and the time the temperatures are taken shall be maintained by the permit holder and shall be provided to the Carriage Inspector on a monthly

basis.

G. Concerns were raised about the temperatures

set forth in Section 18 (J) with regard to when the carriages could be operated. An amendment to Section 18 (J) could read as

follows:

No animal shall pull horse-drawn

carriages in temperatures below 25 degrees F under calm conditions or its equivalent when adding in a wind chill factor, or when the apparent temperature, combining the air temperature with the relative humidity, is above 90 degrees F. All determinations of the temperatures as set forth in this Section shall be based upon information from the National Climatic Center for weather in the

Asheville, North Carolina area.

2. Determine why the Covington, Kentucky, ordinance

limits horses to working 5 days out of 7 days

instead of 6 days out of 7 days.

There was no particular reason for that,

according to officials in Covington, Kentucky. In order to allow horses to be worked 6 days out of 7 days, Section 18 (K) would be amended to read as

follows:

Animals used to pull horse-

drawn carriages shall be given

a 10 minute rest period at the end of 2 consecutive labor hours and potable water shall be made available during the rest period. Labor hours are defined as hours the animal is in harness for the horse-drawn carriage business. No animal shall be kept in harness for the horse-drawn carriage business for periods in excess of 8 successive labor hours without

a minimum of 3 successive hours out of harness. No animal shall be in harness for the horse-drawn carriage business for more

than 6 days in a 7 day period.

3. Include a representative or representatives of

animal rights group on the Carriage Permit Advisory Board. Expand the membership of the Board. Section 29 would be amended to read as

follows:

The City Council shall appoint a

Carriage Permit Advisory Board composed of five (5) members, one of whom shall be a licensed veterinarian who shall have experience in the care and treatment of horses and one of whom shall be a representative of a local animal rights group, such as the SPCA. The Board shall be responsible for assisting the Carriage Inspector in making sure that the horse-drawn carriage businesses and drivers permitted hereunder comply with the requirements of this Chapter and may make recommendations to the City Council with regard to amendments to this Chapter to insure the safe and humane operation of the horse-drawn carriage businesses permitted hereunder. In addition, the Board shall be authorized to assist the Carriage Inspector in investigating complaints filed with the City against horse-drawn carriage businesses and drivers permitted

hereunder.

4. Amend the ordinance to authorize the Carriage

Permit Advisory Board to conduct inspections of the stables, at least once a year, and at other

times whenever complaints are filed, and provide that this annual inspection be other than the annual inspection performed by the veterinarian under the zoning ordinance. Add a procedure for

registering complaints.

A new Section 2 would be added to the

ordinance and the remaining sections renumbered sequentially. That section

would read as follows:

Section 2 - Carriage Inspector

The Carriage Inspector is

hereby authorized to inspect horse-drawn carriages, and to grant permits to companies and to drivers under the provisions of this Chapter. Pursuant to applicable law, the Carriage Inspector is directed to conduct inspections of the stables where the horses are kept for horse-drawn carriage businesses permitted hereunder at least once a year, and at other times whenever complaints are filed in order to determine compliance with this Chapter. These inspections shall be separate from those inspections of the stables required by veterinarians under Section 30-7-1 (L) of the Code of Ordinances. The Carriage Inspector is also authorized to receive and hear any complaints with regard to compliance with this Chapter

by those permitted hereunder.

5. Add civil penalties.

Section 28 of the ordinance provides for

revocation of the permits in the event of failure to comply with the requirements of the ordinance. In addition the Code of Ordinances for the City of Asheville includes a general provision that, unless otherwise specified, violation of a City ordinance constitutes a misdemeanor.

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MEMORANDUM TO: Doug Bean, City Manager

FROM: Patsy Brison, Assistant City Attorney

DATE: August 15, 1990

SUBJECT: Ordinances Regulating Horse-Drawn Carriage

Businesses

At the City Council meeting on May 1, Council members asked for certain reports and information on these ordinances. The reports and information on those is as follows:

1. Prepare a summary of all ordinances which the City of

Asheville has, or is in the process of adopting, which would affect horse-drawn carriage businesses. Those applicable ordinances would be as follows:

A. The new ordinance regulating the operation of

horse-drawn carriages.

B. The amendment to the zoning ordinance to

allow stables for horse-drawn carriage businesses as conditional uses in certain zoning districts (Central Business District, Commercial Service District, Light Industrial

District and Heavy Industrial District).

C. The privilege license ordinance. Operators

of the businesses would need to obtain a privilege license, which would be based upon

gross receipts.

D. The animal control ordinance. A written

permit is required to be issued by the animal control officer before you can keep horses in the City limits. The animal control officer is responsible for inspecting the premises where the permit for keeping livestock is desired. In making such inspection, the animal control officer ascertains whether or not the premises, including any stables, sheds or other enclosures, are in a clean,

sanitary and healthful condition.

E. Construction or renovations of any building

as a stable would have to meet local and

State Building Code requirements.

F. Applicable traffic regulations from Chapter 28 of the Code of Ordinances.

Other than the above, there may be State traffic regulations and State health regulations which would also affect these businesses.

2. Check with Charleston, South Carolina, and Covington,

Kentucky, to find out what requirements they have for stables located within their city limits and what experience they have had with those requirements.

Charleston, South Carolina, does not have

requirements for stables located within their city limits as they are not allowed in their city limits. There have been stables located within their city limits, but those were

"grandfathered."

The City of Covington, Kentucky, has not had

any problems with stabling, despite the fact that the stables were located in the middle of the city.

3. Provide City Council with copies of the ordinances from

Charleston, South Carolina, and Covington, Kentucky, which regulate the condition and location of the stables.

The only ordinances which these two cities

have with regard to horse-drawn carriage

businesses are attached.

4. Call the City of Minneapolis, Minnesota, to see if they

adopted guidelines entitled "Recommended Guidelines for Urban Horse and Carriage Operations" published by the Center to Study Human-Animal Relationships and Environments at the University of Minnesota, Minneapolis, Minnesota, in cooperation with the Minnesota Horse Council.

The City of Minneapolis has not adopted

those, even though they have horse-drawn carriages. They are familiar with the Guidelines, but they chose not to adopt them as they felt they were more complex than what they wanted. We also checked with the University of Minnesota to find out if other cities had adopted those Guidelines. They did not know of any cities which have adopted them.

5. Investigate deputizing animal cruelty investigators.

Attached is a copy of Article 4 of Chapter 19A of

the North Carolina General Statutes which authorizes such investigations. As you will note, the Board of Commissioners is the proper authority for establishing these investigators.

6. Check with Charleston, South Carolina, to determine why

they established a liability insurance limit of \$1 Million. Determine whether or not we should raise our \$300,000 limit to a \$1 Million limit.

A report on that is attached.

7. Provide a record of average traffic flow in the

downtown area where the routes would be during the "lunch hour" and during other "rush hours."

A copy of a report is attached.

8. Provide an administrative report on how this ordinance,

and the zoning amendment ordinance, would be enforced. Include a report on what type of training City staff would receive to be able to enforce these ordinances.

A copy of a report is attached.

Virginia Schmidt, with Buncombe County Friends of Animals, said she was not in favor of a horse-drawn carriage business in the City of Asheville but if Council is going to allow the businesses the provisions should be strictly enforced. She strongly emphasized the need for an animal cruelty investigator independent of the Carriage Inspector. She said the drivers of the carriages need testing before being permitted to drive the carriages. She presented a petition against horse- drawn carriage businesses.

Mike Grasco, Vice-President of WNC Animal Rights Association, strongly protested the adoption of a horse-drawn carriage ordinance.

Councilman Ellison moved to amend Ordinance No. 1840 to include all the amendments outlined by the Assistant City Attorney and to make the effective date of Ordinance No. 1840 October 1, 1990. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1840, as amended, passed on third and final reading.

Ordinance Book 12 - Page 99 - 112

Councilman Ellison moved that the Carriage Permit Advisory Board be established and the members appointed within the next thirty (30) days. This motion was seconded by Vice-Mayor Moore and

carried unanimously.

C. Ordinance No. 1846 - Second reading of an ordinance

allowing horse stables as a conditional use in CBD, CS, LI, and HI zoning districts.

Mayor Michalove said the Planning and Zoning Commission

on April 4, 1990, reviewed and recommended approval of amending Chapter 30 of the Code of Ordinances to allow horse stables for horse drawn carriage operations to be allowed as a conditional use in the Central Business, Commercial Service, Light and Heavy Industrial zoning districts. This ordinance was read on first reading on May 1, 1990.

Patsy Brison, Assistant City Attorney, reviewed the

following report relative to issues previously raised and the proposed amendments to the ordinance to address

those issues:

MEMORANDUM TO: Doug Bean, City Manager

FROM: Patsy Brison, Assistant City Attorney

DATE: August 15, 1990

SUBJECT: Ordinance Allowing Horse Stables as a
Conditional Use

Certain issues were raised by the public and City Council members at the City Council meeting on May 1 with regard to the zoning ordinance amendment allowing stables for horse-drawn carriage businesses as a conditional use in certain zoning districts. Those issues and proposed amendments to the ordinance to address those issues are set forth as follows:

1. Include reference to animal control permit requirement

- See Section 30-7-1 (L) (5).

2. Include a requirement about food provided to the horses

- Not included as this type of requirement cannot be included as part of the conditions for a conditional use in zoning districts. The City would also be without authority to enact such a requirement in another type of ordinance.

3. Include size requirements for stalls in the stables - A

new number 2 under Section 30-7-1 (L) could be added as

follows:

Section 30-7-1 (L) (2)

Stable stalls shall be a minimum of 12 feet

by 12 feet per horse.

4. Examine provisions from the "Recommended Guidelines For

Urban Horse and Carriage Operations" published by the Center to Study Human-Animal Relationships and Environments at the University of Minnesota, Minneapolis, Minnesota, in cooperation with the Minnesota Horse Council. Sections 2 and 3 of those recommendations were specifically mentioned.

Those provisions were examined and were

incorporated wherever deemed practicable.

5. Include a requirement that a representative of the SPCA

or some other animal rights group be able to inspect the stables where the horses are located, at any time - Only City employees have authority to conduct such inspections or to request other professionals to give reports of such inspections. A provision was added to Section 30-7-1 (L) (2) to note that the inspection by a licensed veterinarian of the stables shall be by a veterinarian with experience in the care and treatment

of horses.

A separate memo includes responses to requests for information. A suggested revision of Section 30-7-1 (L) is set forth below. It does not incorporate the language with regard to the size of the stables. The portions changed since the first reading of the ordinance are underlined.

L. Horse Stables.

1. All horses, mules or other beast of burden

must be stabled, washed and fed within an enclosed building. Provided, however, this provision shall not be applicable in zoning districts other than the Central Business District so long as the animals are maintained within a fenced area, no part of which is closer than 150 feet from any household or place of business other than that of the owner of the animals.

2. An annual inspection by a licensed

veterinarian (D.M.V.) shall be conducted for both the sanitary conditions of the stable facility and health of the animals and submitted to the animal control officers within 30 days of inspection. The

veterinarian shall have experience in the

care and treatment of horses.

3. On-site waste collection receptacles shall be

housed within the stable building and all waste shall be disposed of in a sanitary fashion no less frequently than one time per

week.

4. The drainage of all liquid by products from

stable shall be discharged into a permitted sanitary sewer line and shall not be disposed

of by way of storm sewers.

5. No horse, mule or other beast of burden shall

be maintained except pursuant to the permit issued by the City Manager or his designee in accordance with Chapter 5 of the Code of

Ordinances.

Councilman Ellison moved to amend Ordinance No. 1846 to

include the amendments outlined by the Assistant City Attorney. This motion was seconded by Councilman Estes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1846, as amended,

passed on second reading.

Councilman Ellison moved to suspend the rules and proceed

with the third and final reading of Ordinance No. 1846 making the effective date of Ordinance No. 1846 October 1,

1990. This motion was seconded by Vice-Mayor Moore and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1846, as amended, passed on third and final reading.

Ordinance Book No. 12 - Page 117 - 118

IV. NEW BUSINESS:

A. Ordinance No. 1864 - Ordinance amending Chapter 19A of the Code of Ordinances of the City of Asheville.

(Personnel Ordinance)

Mayor Michalove said a draft comprehensive Personnel

Ordinance has been developed. It incorporates the recommendations of several employee committees. The ordinance will be supplemented by Civil Service Rules

and Regulations and City-wide personnel policies.

The City Manager advised that in addition to the

adoption of the ordinance Council will need to consider

the adoption of resolutions approving a new Personnel Policy and approving rules of the Civil Service Board. He said this action could be taken at the third reading of the Personnel Ordinance.

The City Manager advised Council members that the

additional "floating" holiday and change in annual and sick leave that was originally proposed in the ordinance has been deleted for time being.

David McFee, with the Asheville Fire Department,

reiterated his concerns regarding the proposed change in the provision on workers' compensation which no longer allows an employee who suffers a work related injury or illness to supplement his/her worker's compensation payment with accrued sick or annual leave.

Pam McGrayne, Personnel Director, said that

recommendation was received from the Risk Manager. She said the Employee Committee for Leaves of Absence did not make a recommendation on this provision.

After discussion, it was the consensus of Council, at

the request of Councilman Ellison, to change this provision to allow an employee to supplement his/her worker's compensation payment with accrued sick or annual leave up to an amount not to exceed his/her basic "take home pay".

David Anders, with the Asheville Fire Department, said

he felt the workers' compensation provision should remain as it now stands to allow an individual to supplement the payments by using 1/3 of their accrued sick or annual leave.

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

Vice-Mayor Moore moved for the adoption of Ordinance No. 1864. This motion was seconded by Councilman Ellison.

On a roll call vote of 7-0, Ordinance No. 1864 passed on first reading.

B. Ordinance No. 1865 - Budget Ordinance amendment to appropriate current year CDBG Entitlement Grant Funds.

The City Manager said the City has recently received its

Letter of Credit from HUD in the amount of \$965,000 for the current year CDBG program. The allocation of these funds were approved by City Council on May 22, 1990 in Resolution Number 90-71. This ordinance will appropriate funds into the budget.

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

Councilman Estes moved for the adoption of Ordinance No. 1865. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 7-0, Ordinance No. 1865 passed on first and final reading.

Ordinance Book No. 12 - Page 258

C. Ordinance No. 1866 - Budget ordinance amendment to appropriate funding for Day Camp programs.

The City Manager said three additional Summer Day Camps

were implemented in June, 1990, in cooperation with the City School System. These programs are totally offset by revenues. This budget amendment will set up cost centers for these Day Camps in order to properly track expenditures.

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

Councilman Bratton moved for the adoption of Ordinance No. 1866. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 7-0, Ordinance No. 1866 passed on first and final reading.

Ordinance Book No. 12 - Page 259

V. CONSENT:

A. Scheduling public hearing relative to Asheville Transit

Authority Operating Assistance Funds Under Section 9

for FY 91 for September 25, 1990.

SUMMARY: This public hearing is required for the annual operating assistance grant application for transit operations.

B. Resolution No. 90-120 - Resolution appointing member to the Asheville Area Civic Center Commission.

SUMMARY: Debbie Decker has resigned as a member of the

Asheville Area Civic Center Commission. This resolution will appoint Joe Eblen to serve the unexpired term of Debbie Decker, term expiring June 30, 1991, or until her successor is duly appointed and qualified.

Resolution Book No. 18 - Page 200

Upon motion of Councilman Bratton, seconded by Councilman Frank, the consent agenda was unanimously approved.

VI. OTHER BUSINESS:

Resolution No. 90-121 - Resolution authorizing the City Manager to settle claims made by the City of Asheville against third parties for property damage or personal injury claims

The City Attorney said from time to time the City of Asheville files claims against third parties for property damage to property it owns, leases or maintains or for personal injury to its employees or officials. He said it is necessary to authorize settlement by the City Manager of those claims. He said this resolution will authorize, upon written recommendation from the City Attorney, the City Manager to execute documents for settlement of claims made against third parties by the City of Asheville for property damage or personal injury.

Upon motion of Councilman Ellison, seconded by Vice-Mayor Moore, Resolution No. 90-121 was unanimously approved.

Resolution Book No. 18 - Page 201

Claims - Allan Ownbey (Water) - Vaughn Featherstone (Sanitation) - Jason T. Wallace (Police)

The City Manager said claims have been received from Allan Ownbey, Vaughn Featherstone, and Jason T. Wallace. He said the City also collected a claim from Martha R. Mease in the amount of \$49.32.

Mayor Michalove referred the claims to the appropriate insurers for investigation.

Lawsuit - Carla Harris, et al (Police Department - Re: Michael Harris)

The City Manager reported that the city was served with a lawsuit on July 31, 1990 involving alleged excessive force by Police Department officers resulting in death of Michael Harris.

Mayor Michalove referred the lawsuit to the appropriate legal counsel for action.

Councilman Estes - Request to Save Biltmore School - Employee Picnic

Councilman Estes said he had received a request from individuals to ask the City for \$300,000 to help in their efforts to save the old Biltmore School.

Councilman Estes commended the City Staff for their efforts in promoting the Annual City Employees Picnic held on August 25, 1990.

John Walsh - Comments relative to Horse-Drawn Carriages

John Walsh said he felt the Horse-Drawn Carriage businesses should put on tours at night throughout downtown.

VII. ADJOURNMENT.

Mayor Michalove adjourned the meeting at 7:15 p.m.

MAYOR CITY CLERK
