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Tuesday - January 15, 1991 - 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: Councilman Bratton (Arrived at the Meeting at 5:10 P.M.)

### **INVOCATION**

The invocation was given by Councilman Estes.

### **APPROVAL OF MINUTES**

Mayor Michalove announced the approval of the minutes of the January 8, 1991, meeting.

### **I. PROCLAMATIONS:**

#### **A. Proclamation - Dr. Martin Luther King, Jr. Week.**

Mayor Michalove read a proclamation proclaiming the week of January 15-21, 1991, as "Dr. Martin Luther King, Jr. Week." He presented the proclamation to Oraleen Simmons, Reid Memorial Center Director, who highlighted the events that would be taking place during the week. She said the largest event scheduled is the Annual Martin Luther King, Jr. Prayer Breakfast. Ms. Simmons said events are sponsored by the Asheville Parks and Recreation Department in conjunction with many other local agencies.

#### **B. Resolution No. 91-02 - Resolution in Memory of Carl E.**

##### **Johnson.**

Mayor Michalove read a resolution in memory of Carl E. Johnson. He said Carl Johnson had served the Asheville community in various capacities, which include President of the Hillcrest Tenants Association, Commissioner on the Model Cities Commission, Former Chairman of Poor People of Asheville, Inc., Former Chairman of the Black Appalachian Commission, Former Vice-Chairman of the Opportunity Corporation of Madison-Buncombe Counties, and a Former Member of the Commission to Study Housing

Programs in North Carolina.

Councilman Price moved for the adoption of Resolution No. 91-02 which also instructs that the City Clerk transcribe the resolution in the minutes and to forward a copy of the resolution to the family of Carl E. Johnson. This motion was seconded by

Councilman Frank and carried unanimously.

**Resolution Book No. 18 - Page No. 321**

**C. Donation to Housing Authority in Memory of Carl E.****Johnson.**

Vice Mayor Moore moved for the Asheville City Council to donate \$1,000 from the Contingency Fund to the Housing Authority in memory of Carl E. Johnson. This motion was seconded by Councilman Ellison and carried unanimously.

**D. Request to Change Name of Hillcrest Apartments to the "Carl E. Johnson Townhouses."**

Mayor Michalove said he had received a request to change the name of the Hillcrest Apartments to the "Carl E. Johnson Townhouses." He said this request was referred to the Housing

Authority.

**II. PUBLIC HEARINGS:****III. OLD BUSINESS:****IV. NEW BUSINESS:****A. Report relative to Runaway Task Force - United Way.**

Mardi Stone, President of the Youth Services Action Group

for United Way, said a Runaway Task Force has been appointed to identify ways to meet the needs of runaways and other undisciplined youth in Buncombe County. He said the Task Force is chaired by Karen McDonald of Juvenile Court Counselors and Linda Graney, Executive Director of Caring for Children. He said other members of the Task Force represent law enforcement, social

services, foster parents, and community volunteers.

Don Padgett of the Youth Services Action Group gave a status report on establishment of a Runaway Shelter in Buncombe County. He said runaways currently are placed in the Detention Center, which is an inappropriate means to address family problems in our community. He said a facility is needed to house runaways for short-term care while agencies work with families to resolve problems and get the child back home. He said the purpose of today's presentation was to inform the City Council of what runaway youth are presently facing and what solutions could be implemented.

Councilmen Estes and Ellison expressed their support for

the proposed shelter.

**B. Ordinance No. 1888 - Ordinance updating the provisions****regarding the regulation of pawnbrokers.**

Mayor Michalove said this ordinance will update provisions concerning the regulation of pawnbrokers.

Deborah Adams, Revenue Manager, said this ordinance updates provisions regarding the regulation of pawnbrokers. She said the new language requires the owner/manager to provide a records check for the past ten years, and stipulates that the pledgor sign and thumb print the pawn ticket. Ms. Adams said it also requires a fee for the license, in addition to the Privilege License fee, and provides for an appeals process.

Chief Beavers, Asheville Police Department, answered questions from members of Council relative to changes in the amendment, specifically as they relate to obtaining more information on employees of Pawn Shops and obtaining more information from individuals using the services of the Pawn Shop.

Councilman Ellison suggested that copies of the proposed ordinance be distributed to all pawnbrokers in the City so that their input may be received by Council prior to the second

reading of the ordinance.

Mayor Michalove said a copy of this ordinance was previously distributed to members of City Council, and it would not be read unless there was a request to do so.

Councilman Estes moved for the adoption of Ordinance No. 1888. This motion was seconded by Councilman Price.

On a roll call vote of 6-0, Ordinance No. 1888 passed on

first reading.

**C. Ordinance No. 1889 - Ordinance amending Sections 28-81.2, 28-81.3, and 28-81.4 of Article IV, Speed Regulations of Chapter 28 of the Code of Ordinances of the City of Asheville. (Speed Limit Reduction on Aurora Drive, Lakewood Drive, Wyoming road, and Forest Hill Drive).**

The City Manager said based on a request, the Traffic Engineering Division made a study of the entire Kenilworth area. He said based on that study, staff recommends the following changes:

Aurora Drive - 25mph to 20mph

Lakewood Drive - 35mph to 25mph

Wyoming Road - 35mph to 30mph

Forest Hill - 30mph to 25mph

Drive

Councilman Ellison inquired whether or not any comments had been received from the Kenilworth Association relative to the recommendations. He requested that a copy of the proposed ordinance be sent to the Kenilworth Association prior to the

second reading so Council could receive their input.

Mayor Michalove said a copy of this ordinance was previously distributed to members of City Council, and it would not be read unless there was a request to do so.

Vice Mayor Moore moved for the adoption of Ordinance No. 1889. This motion was seconded by Councilman Frank.

On a roll call vote of 6-0, Ordinance No. 1889 passed on

first reading.

**D. Resolution No. 91-03 - Resolution authorizing the Asheville-Buncombe Water Authority to acquire property by condemnation.**

City Attorney William F. Slawter said the Asheville-Buncombe Water Authority has requested authority to acquire two tracts of land by condemnation in connection with the Mt. Royal

Pump Station Project and the Bennett's Cove Road Project.

Mayor Michalove said a copy of this resolution was previously distributed to members of City Council, and it would not be read unless there was a request to do so.

Upon motion of Mayor Moore, seconded by Councilman Ellison

Resolution No. 91-03 was unanimously adopted.

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#### **E. Approve bids for 60 self-contained breathing apparatus**

##### **for Asheville Fire Department.**

The City Manager said a committee of the Fire Department has reviewed the bids very carefully and recommends that Council award the bid to the lowest responsible bidder, National Draeger of Pittsburg, Pennsylvania, in the amount of \$80,910.00 for the purchase of sixty (60) "Draeger" Model #PA-80/4052616. He said all of the bids were reviewed in detail by the Committee, and they could not recommend award to the low bidder, Scott, due to their past performance, their failure to live up to standards, and also because the equipment could not be delivered until July or August, 1991. In addition, he said the MSA is a new unit on the market and doesn't meet specifications.

Councilman Bratton arrived at the meeting at 5:10 P.M.

Councilman Ellison moved that, pursuant to N.C. Gen. Stat. sec. 143-129, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract, the bid of National Draeger, Inc., of Pittsburg, Pennsylvania, in the sum of \$80,910 be accepted for the purchase of 60 self-contained breathing apparatus units, and the remaining bids be rejected based upon the information set forth in the memorandum from John Rukavina to Doug Bean dated the 10th of January, 1991, along with the accompanying six (6) attachments. This motion was seconded by Vice Mayor Moore and carried unanimously.

(The attachments referred to in the above motion are

attached hereto and made a part hereof.)

Mayor Michalove turned the chair over to Vice Mayor Moore

and excused himself from the meeting at 5:20 P.M.

### **V. CONSENT:**

#### **A. Resolution No. 91-04 - Resolution providing that the Buncombe County War on Drug Commission hereafter be known as the "Buncombe County Drug Commission."**

SUMMARY: The City of Asheville participated in the establishment of the Buncombe County War on Drugs Commission, a Commission established by an interlocal agreement dated October 2, 1989, by and among the County of Buncombe and all municipalities located in Buncombe County. All of the parties to the interlocal agreement have now agreed to change the name of the Commission from the "Buncombe County War on Drugs Commission" to the "Buncombe County Drug Commission." This resolution provides that the "Buncombe County War on Drugs Commission"

hereafter be known as the "Buncombe County Drug Commission."

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**B. Resolution No. 91-05 - Resolution appointing members to the Asheville School Board.**

SUMMARY: This resolution will reappoint David R. Hillier and Dr. Erby R. Oglesby as members of the Asheville School Board

to serve four (4) year terms.

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Upon motion of Councilman Frank, seconded by Councilman

Ellison, the Consent Agenda was unanimously adopted.

**VI. OTHER BUSINESS:****A. Councilman Estes - Request to Discuss School Consolidation at Council Retreat.**

Councilman Estes requested that a discussion relative to

school consolidation be placed on the Council Retreat Agenda.

**B. ABC Local Government Opinion Form Approval - Applebees Neighborhood Grill & Bar, 115 Tunnel Road, Asheville, N. C. - "On Premises" Beer/Wine and Mixed Beverages Permit.**

City Manager Doug Bean presented an ABC Local Government Opinion Form Approval for Applebees Neighborhood Grill & Bar, 115 Tunnel Road, Asheville, N. C. for "On Premises" Beer/Wine and

Mixed Beverages Permit.

Mr. Bean said after researching the matter it was

determined that the N.C. General Statute require local government board approval and the authority can not be delegated. He said Council only needs to take action if they wish to deny a permit - no action indicates approval.

Council took no action thereby approving the ABC Local Government Opinion Form for Applebees Neighborhood Grill & Bar, 115 Tunnel Road, Asheville, N. C. for "On Premises" Beer/Wine license.

**C. ABC Local Government Opinion Form Approval - BP Food Mart & Service Station, 4 Tunnel Road, Asheville,****N. C. - "Off Premises" Beer/Wine Permit.**

City Manager Doug Bean presented an ABC Local Government Opinion Form Approval for BP Food Mart & Service Station, 4 Tunnel Road, Asheville, N. C. for "Off Premises" Beer/Wine Permit.

Mr. Bean said after researching the matter it was determined that the N.C. General Statute require local government board approval and the authority can not be delegated. He said Council only needs to take action if they wish to deny a permit - no action indicates approval.

Mr. Bean said staff recommends disapproval based on violations of Fire/Building Codes and violations of the Sign Ordinance.

Councilman Bratton moved to recommend that the N. C. Alcoholic Beverage Control Commission disapprove the application of the BP Food Mart & Service Station located at 4 Tunnel Road for an ABC Permit to sell "Off Premises" beer and wine based on violations noted in staff reports marked Exhibits "A", "B" and "C". This motion was seconded

by Councilman Price and carried unanimously.

**D. Chris JoHansen - Commendation to City for work done on Walnut Street and Spruce Street.**

Mr. Chris JoHansen, property owner and resident of Downtown Asheville, commended the City Council and the City workers for the work done on Walnut and Spruce Streets. He said the work looks wonderful and it would be great to have all the streets look this good.

**E. Dee Williams - Request to Pave Wyoming Road.**

Dee Williams said pot holes on Wyoming Road need to be repaired, but that the street really needs to be repaved.

The City Manager said the Public Works Department staff will be asked to meet with residents to explain the process for street paving.

**F. Claims - Thomas Lawrence (Streets); Wilfred Guy (Streets); John Putnam (Sewer); Kermit Parker (Sewer); and Bruce Young (Streets).**

City Manager Doug Bean said claims were received from Thomas Lawrence, Wilfred Guy, John Putnam, Kermit Parker, and Bruce Young.

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

**VII. ADJOURNMENT.**

Vice Mayor Moore adjourned the meeting at 4:50 P.M.

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**MAYOR CITY CLERK**

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