

Tuesday - December 11, 1990 - 4:00 p.m.

Regular Meeting

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

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

Absent: None

INVOCATION

Councilman Frank introduced Miss Gunther, a student from Claxton School, who gave the invocation.

RECOGNITION OF ASHEVILLE HIGH FOOTBALL TEAM

Mayor Michalove introduced Coach David Jones and commented on the fine job the team has done this year. Coach Jones introduced each member of the team and the coaching staff.

Mayor Michalove expressed his appreciation for the team coming to the Council meeting and wished them much success next season.

ASHEVILLE-BUNCOMBE WATER AUTHORITY MEMBERSHIP

Mayor Michalove stated that an executive session was held regarding the reappointment of members of the Asheville-Buncombe Water Authority. He said the purpose of the meeting with the Buncombe County Commissioners was to discuss whether to reappoint the current members to the Authority, and if so, the length of the additional terms. He stated that the following names would be considered: Don Williams, Jesse Ledbetter, Norma Price, Richard Wood, Ralph Morris, Robert Brown and George Beverly. He said that the following persons are under consideration by the Asheville City Council for appointment to additional terms to the Asheville-Buncombe Water Authority as of this date: Ralph Morris, Richard Wood and Norma Price.

USS ASHEVILLE

Captain Pat Casey of the USS Asheville presented the members of City Council and the members of the Buncombe County Board of Commissioners with a Glass Christening Photograph of the USS Asheville.

Captain Casey also presented to Ms. Shirley Rogers a check in the amount of \$2,500 to the Fostercare Christmas Fund. Ms. Rogers thanked the USS Asheville crew for remembering the foster

children in the area.

APPROVAL OF THE MINUTES

Mayor Michalove announced the approval of the minutes of the November 13, 1990, meeting and also the November 27, 1990, meeting.

I. PROCLAMATION:

A. PROCLAMATION - HO HO HOTLINE - NORTH POLE SUBSTATION

Mayor Michalove presented Ms. Natalie Frost a proclamation proclaiming the Hillhaven Rehabilitation and Convalescent Center as Asheville's Official North Pole Substation.

II. PUBLIC HEARINGS:

A. CONTINUATION OF A PUBLIC HEARING RELATIVE TO REZONING

PROPERTY LOCATED ON FOREST HILL DRIVE - MEMORIAL MISSION HOSPITAL, OWNER

Mayor Michalove stated that a request had been received from Mr. Robert Burgin, President of Memorial Mission Medical Center, asking for a continuance of this public hearing until February 12, 1991. The letter stated that this time is being requested so they can arrange a meeting with the Kenilworth neighborhood for the purpose of resolving their concerns regarding medical center plans, and to allow the medical center adequate time to prepare a comprehensive presentation to the City Council and the Association.

Vice-Mayor Moore moved to continue the public hearing until February 12, 1991, without further advertisement. This motion was seconded by Councilman Bratton and carried unanimously.

B. ORDINANCE NO. 1880 - PUBLIC HEARING RELATIVE TO NEW ZONING OF

RECENTLY ANNEXED AREA - WARD 12, SHEET 24, LOT 80 (RICHMOND HILL INN) TO OI OFFICE INSTITUTIONAL DISTRICT

Mayor Michalove opened the public hearing at 4:43 p.m.

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

Carol Alberice, Urban Planner II, stated that the Asheville Planning and Zoning Commission, on November 7, 1990, reviewed and recommended new zoning for the recently annexed Richmond Hill Inn property to OI Office Institutional. She said this is a 7 acre site with City zoning that was recently annexed by petition. She said the OI Office Institutional classification is seen as

appropriate by the Planning staff due to the current use by the Richmond Hill Inn.

Mayor Michalove closed the public hearing at 4:45 p.m.

Mayor Michalove stated that the ordinance has been previously furnished to Council and it would not be read in its entirety.

Mayor Michalove stated that a letter has been received by Mr. James Samsel requesting that Council consider this item and the rezoning issue (which is the next item on Council's agenda) on all three readings today. He also requested that Council consider the group development issue at this meeting also.

Mrs. Alberice stated that the group development issue of which Mr. Samsel is talking about is scheduled for Council consideration on 12/18/90.

Councilman Price saw no problem with considering this new zoning issue on all three readings, however, she felt the rezoning issue should be handling like all other rezoning matters - three readings on three different days. She did say, however, that since the meeting on 12/18/90 was the last meeting until 1/8/91, there would be a possibility that Council would consider the second and third readings on 12/18/90.

Vice-Mayor Moore moved to zone Ward 12, Sheet 24, Lot 80 (Richmond Hill Inn) to OI Office Institutional. This motion was seconded by Councilman Frank.

On a roll call vote of 7-0, Ordinance No. 1880 passed on its first reading.

Councilman Ellison moved to suspend the rules and proceed to the second reading of Ordinance No. 1880. This

motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1880 passed on its second reading.

Councilman Ellison moved to suspend the rules and proceed to the third reading of Ordinance No. 1880. This motion was seconded by Councilman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1880 passed on its third and final reading.

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C. ORDINANCE NO. 1881 - PUBLIC HEARING RELATIVE TO REZONING

PROPERTY LOCATED ON RICHMOND HILL DRIVE FROM R-3 RESIDENTIAL DISTRICT TO OI OFFICE INSTITUTIONAL DISTRICT (PETITION OF JAMES E. SAMSEL)

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

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

Carol Alberice, Urban Planner II, stated the Planning and Zoning Commission, at its November 7, 1990, meeting, reviewed and recommended approval of rezoning of property located on Richmond Hill from R-3 Residential District to OI Office Institutional. She stated that this is a 1.37 acre piece of property.

Mr. James Samsel, representing the Education Center, spoke briefly about a variance that will be requested at the 12/18/90 Council meeting.

Mayor Michalove closed the public hearing at 4:55 p.m.

Mayor Michalove stated that the ordinance has been previously furnished to Council and it would not be read in its entirety.

Councilman Ellison moved to rezone Ward 6, Sheet 31, Lot 182 (Richmond Hill) from R-3 Residential District to OI Office Institutional. This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 7-0, Ordinance No. 1881 passed on its first reading.

Councilman Ellison moved to suspend the rules and proceed to the second reading of Ordinance No. 1881. This motion was seconded by Councilman Estes.

On a roll call vote of 2-5, with Mayor Michalove, Vice-Mayor Moore, Councilmen Price, Frank, and Bratton voting "no," the motion was defeated.

It was the consensus of Council to consider the second and third readings at the next Council meeting.

D. ORDINANCE NO. 1882 - PUBLIC HEARING RELATIVE TO REZONING

PROPERTY LOCATED ON SOUTH LOUISIANA AVENUE FROM R-3 RESIDENTIAL DISTRICT TO CS COMMERCIAL SERVICES DISTRICT (PETITION OF LESTER AND SALLIE SHARP, OWNERS)

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

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

Carol Alberice, Urban Planner II, said the Asheville Planning and Zoning Commission, at its November 7, 1990, meeting,

reviewed and recommended approval of rezoning Ward 6, Sheet 9, Lots 76-1/4 and 258 (southern portion) located on South Louisiana Avenue from R-3 Residential District to CS Commercial Service District. She said the rezoning request involves one lot facing Louisiana Avenue and a portion of a lot internal to the block north of the Old Winn Dixie site at the corner of Haywood Road and South Louisiana Avenue. She gave a brief history of the attempted rezoning of Lot 258 and stated that there has been opposition from the adjoining property owners, i.e. increased traffic, spot zoning, etc.

Upon inquiry of Council, Mrs. Alberice stated that the Planning staff recommended denial of this rezoning because it was not in compliance with the comprehensive plan. She stated that the Planning and Zoning Commission approved the rezoning on a 4-2 vote.

Mr. Gordon Myers of Commercial Developers Inc. passed out pictures of the location and stated that this was an .83 acre tract on Louisiana Avenue. He stated that they will be building a new 32,000 square foot Ingles on the old Winn Dixie site. He stated that the portion of Lot 258 they are asking to be rezoned is vacant and a haven for vagrants. He said the developer will be taking out a vacant lot and making it an investment. He said the Ingles will employ approximately 50 people. He said that they have talked to a lot of the neighbors in the area and feel that if they passed a petition around to rezone this location, the neighbors would sign. He stated that Ingles is trying to make a major improvement in that area.

Mr. David Purcell, 25 Jarrett Street, spoke against the rezoning of the vacant lot. He stated that it was not in the 2010 Plan, the area has been like that for many years and he sees no reason to change, drainage from the parking lot onto Jarrett Street is already bad, Ingles has done nothing to clean up the old site and fix the fences and there will be more traffic and noise in the area. He stated that there were only vagrants on the vacant lot and felt that if the City Police Department would do something about that, they wouldn't have a problem at all. He did state, however, that he was not opposed to Ingles putting up a new store only on the old Winn Dixie site.

Ms. Mildred Case, 36 Louisiana Avenue, spoke in favor of the rezoning. She felt that Ingles would not let their property get dilapidated like the Winn Dixie store did and felt that a grocery store was badly needed in that area.

Mr. Myers stated that the drainage problem Mr. Purcell spoke about would be solved, not added to, with the building of this new Ingles. He stated that all of the items would be considered in the group development process.

Councilman Price stated that she would be supportive of this rezoning but expressed concern about going into a residential

neighborhood and stated that she would be looking into different aspects in the group development process.

Mayor Michalove closed the public hearing at 5:26 p.m.

Mayor Michalove stated that the ordinance has been previously furnished to Council and it would not be read in its entirety.

Councilman Bratton moved to rezone Ward 6, Sheet 9, Lots 76-1/4 and 258 (southern portion) located on South Louisiana Avenue from R-3 Residential District to CS Commercial Service District. This motion was seconded by Councilman Price.

On a roll call vote of 6-1, with Vice-Mayor Moore voting "no", Ordinance No. 1882 passed on its first reading.

Vice-Mayor Moore felt that there was no compelling reason to rezone this property. He felt the problem with vagrants was strictly a police problem.

Councilman Ellison stated that he would be in favor of proceeding with the other two readings of this ordinance on

December 18, 1990. This was echoed by Councilman Bratton.

E. PUBLIC HEARING RELATIVE TO DESIGNATING THE FLAT IRON BUILDING AS A LOCAL HISTORIC LANDMARK

Mayor Michalove opened the public hearing at 5:28 p.m.

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

Kent Newell, Director of the Historic Resources Commission, stated that the Flat Iron Building, which was constructed in 1926, is an excellent example of Commercial Classical Revival Architecture popularized in the first quarter of the 20th Century. He said the structure reflects significant transitional elements including Sullivanesque and Art Deco details. He said the structure housed many of Asheville's professionals including Douglas Ellington, Henry Gaines and Beacham & LaGrand architectural firms. He said the Historic Resources Commission, at the request of Midtown Development Associates, owner of the structure, has studied the Survey and Research Report as submitted by Midtown Development Associates' consultant and determined the building to be eligible for designation as a local historic property. He said the North Carolina Department of Cultural Resources concurs with the Commission's nomination. He said that in 1988, the property brought in \$6,600 in taxes, in 1989, \$7,500 in taxes and in 1990, \$11,500 in taxes.

Upon inquiry of Councilman Ellison, Mr. Newell stated that there is currently 22 local historic landmarks in the City.

Councilman Ellison expressed concern over the effect of the tax base when a building is designated as a local historic property. He feels that the City counts on that tax money and doesn't feel comfortable when we raise other people's taxes and give a tax break to owners of local historic properties.

Vice-Mayor Moore also expressed concern over the lost tax revenue.

Councilman Price asked staff for a list of local historic landmarks in the City and in the County.

Vice-Mayor Moore asked staff for a list of properties that might be considered for the local historic landmark designation and their ranking on that list.

Councilman Bratton suggested setting up a committee to look into the specifics of these designations and the need to work closer with the Historic Resources Commission.

Mayor Michalove suggested that staff look at the surrounding properties of the current local historic landmarks and see if there are any changes in them that might bring about an additional tax base for the City.

Councilman Ellison moved to continue the public hearing, without further advertisement, until December 18, 1990, in order to give staff time to gather up information requested by Council. This motion was seconded by Councilman Estes and carried unanimously.

III. OLD BUSINESS:

A. ORDINANCE NO. 1883 - AN ORDINANCE TO EXTEND THE

CORPORATE LIMITS OF THE CITY OF ASHEVILLE TO AN AREA KNOWN AS THE WEST AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES

OF NORTH CAROLINA

Mayor Michalove stated that the ordinance has been previously furnished to Council and it would not be read in its entirety.

Mayor Michalove said the public hearing was originally scheduled for November 13, 1990, at the Enka Middle School. Due to conflicts in the schedules of several Council members, an announcement was made at the Enka Middle School meeting on November 13 that comments from interested persons would be taken, but that the public hearing would be continued until November 27. He said that after receiving comments from all persons wishing to address the members of Council present on November 13, the Council adopted a motion to continue the public hearing until November 27.

Jim Ewing, Director of Public Works, showed Council members a video of some of the streets in the proposed annexation area.

Councilman Price said that, upon her request, the City Manager has obtained some information relative to the effect of annexation on the City's financial condition (all annexations effective since 1981). By use of that information, she stated that annexation does not really pay for the cost of services. She stated that the public is incorrect when they think the City only annexes for taxes because the majority of the funds the City receives are not property taxes, but state-shared revenues.

Councilman Bratton stated that other revenues come to cities because of their size, i.e. Community Development Block Grant funds.

Councilman Ellison felt the City needed to articulate better our reasons for annexation and let the people participate in the annexation process more in the future.

Councilman Frank stated that approximately 9 years ago, the City could annex within 6 months but the Council then voluntarily extended the timeframe to 12 months in order to give the public ample time to participate and let them know what the City was considering.

Mr. W. V. Henry, spoke against annexation in the proposed area. He spoke of a county-wide boycott of the City of Asheville.

Mr. Ben Pace, owner of Country Food Stores, spoke in opposition of the proposed annexation stating that it would hurt the small businesses in the area most and will probably put some out of business.

Mayor Michalove commented on all the nonprofit organizations in the City of Asheville (hospitals and churches) that are all receiving City services but not paying taxes. He also stated that the City has to participate in maintaining rights-of-way of State maintained roads. He said that County residents use the nonprofit facilities in the City and also travel on State maintained roads in the City.

Vice-Mayor Moore moved for the adoption of Ordinance No. 1883. This motion was seconded by Councilman Bratton.

On a roll call vote of 7-0, Ordinance No. 1883 passed on its first reading.

Vice-Mayor Moore moved to suspend the rules and proceed to the second reading of Ordinance No. 1883. This motion was seconded by Councilman Bratton.

Councilman Ellison questioned why there was going to be a second reading on this ordinance at this meeting when the Council has not considered the second readings of any other ordinance at this meeting.

Vice-Mayor Moore and Councilman Bratton withdrew their motion.

B. SECOND READING OF ORDINANCE NO. 1879 - AN ORDINANCE AMENDING

SECTION 30-5-15 (CONSERVATION OVERLAY FOR HISTORIC LANDMARKS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

Julia Cogburn, Planning Director, summarized the issues expressed at the public hearing held on November 27, 1990.

Councilman Ellison moved to amend Ordinance No. 1879, as follows:

Section 30-5-15 (E) (2)

"In the event the property is transferred, the property

shall remain zoned under these provisions and shall be subject to the conditions of the conditional use permit. The property owner making the transfer shall provide the City Planning Department with notice of the transfer of property within ninety days of such a transfer. The property may not be used for any purposes other than those allowed under the conditions of the rezoning and conditional use permit granted hereunder unless the property owner requests an amendment, new permit or rezoning as described hereinabove."

Section 30-5-15 (E) (4)

"Upon a showing of any violation of the conditions of the

conditional use permit or other City regulations affecting the use of the subject property, the City Council shall have the authority to revoke the conditional use permit. In that event, City Council shall also rezone the property to a general use district. Prior to the revocation of a conditional use permit, City Council will hold a public hearing on the matter with an opportunity for the property owner and other interested parties to be heard."

This motion was seconded by Vice-Mayor Moore.

On a roll call vote of 7-0, Ordinance No. 1879 passed on its second reading.

III. NEW BUSINESS:

A. ORDINANCE NO. 1884 - AN ORDINANCE REPEALING ORDINANCE NO.

1567, AS AMENDED BY ORDINANCE NOS. 1687 AND 1861, KNOWN AS AN ORDINANCE ESTABLISHING THE ASHEVILLE DOWNTOWN COMMISSION, AND

ADOPTING A NEW ORDINANCE IN LIEU THEREOF

Mayor Michalove explained that Councilmen Ellison and Estes have been meeting with a committee to decide if the Asheville Downtown Commission was still necessary because the Commission would dissolve on December 31, 1990.

Councilman Ellison highlighted the major changes in the proposed ordinance stating that they do recommend to the City Council that the Asheville Downtown Commission exist with the dissolution date of January 1, 1997. He said the major changes were (1) the keeping of two members of the City Council appointed by the Council; (2) the keeping of two members of the Buncombe County Board of Commissioners appointed by the Board; and (3) adding the President of the Asheville Downtown Association as a permanent member of the Commission. He said that the other provisions of the ordinance remained pretty much the same.

Upon inquiry of Councilman Bratton, Councilman Ellison stated that an effort was made to receive comments from all members of Council.

Councilman Ellison moved for the adoption of Ordinance No. 1884, with the changes noted above. This motion was seconded by Councilman Bratton.

On a roll call vote of 7-0, Ordinance No. 1884 passed on its first reading.

IV. NEW BUSINESS:

A. RESOLUTION NO. 90-185 - RESOLUTION ACCOMPANYING THE

APPLICATION FOR A WATER RESOURCE DEVELOPMENT PROJECT GRANT TO CONSTRUCT A WHITEWATER CANOE AND KAYAK PRACTICE COURSE ON THE FRENCH BROAD RIVER

At the request of Councilman Estes, Councilman Ellison made a motion to excuse Councilman Estes at 6:30 p.m. This motion was seconded by Councilman Price and carried unanimously.

Karen Cragolin, Director of the French Broad Riverfront Planning Committee, Inc., gave the background information concerning this grant. By use of a map, she showed Council members the route of the course.

Upon inquiry of Vice-Mayor Moore, Ms. Cragolin stated that there would be no monetary obligation to the City for the construction of this course. She stated that she would confirm this with the Board and feels sure that they would have no problem in entering an agreement with the City relative to this issue.

It was the consensus of the Council to enter into an agreement with the French Broad Riverfront Planning Committee, Inc., d/b/a RiverLinks, providing that RiverLinks will reimburse the City for any expense incurred by the City in connection with this project.

Councilman Frank moved for the adoption of Resolution No. 90-185 with the above agreement to be made a part of the resolution. This motion was seconded by Vice-Mayor Moore and carried unanimously.

V. CONSENT AGENDA:

A. APPROVAL OF BIDS FOR 60 SELF-CONTAINED BREATHING APPARATUS FOR THE ASHEVILLE FIRE DEPARTMENT.

City Manager Bean asked that this item be pulled from the Council's agenda.

B. APPROVAL OF BIDS FOR FIVE SALT AND SAND SPREADERS FOR THE PUBLIC WORKS DEPARTMENT, STREET DIVISION

City Manager Bean explained why the City was recommending the third lowest bidder on the salt and sand spreaders.

Councilman Ellison moved to award the bid for five salt and sand spreaders to A. E. Finley & Associates, Charlotte, North Carolina, in the amount of \$26,880. This motion was seconded by Vice-Mayor Moore and carried unanimously.

VI. OTHER BUSINESS:

A. GROUP DEVELOPMENTS - ACTION BY THE PLANNING AND ZONING COMMISSION

Mr. Don Sherrill, 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 the action of the Planning and Zoning 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 at their meeting on December 5, 1990:

1. Memorial Mission Hospital East Parking Deck

Don Sherrill stated a public hearing would need to be held on this group development because a variance would be needed.

Councilman Ellison moved to schedule a public hearing on the Memorial Mission Hospital east building and parking deck for January 8, 1991. This motion was seconded by Vice-Mayor Moore and carried unanimously.

2. Turnamics Inc. Expansion

Don Sherrill gave a brief description of this expansion and stated that the Planning and Zoning Commission approved the site plan without any contingencies.

City Council accepted the recommendation of the Planning and Zoning Commission by taking no action.

3. Aberdeen Meadows

Don Sherrill gave a brief description of this project. He said the former project was for 20 apartment units and the current project is for 15 apartment units as detached units. He said that whenever City Council approved this group development before, there were three contingencies and two of those have been completed. He said the remaining contingency is the approval by FEMA of the requested revisions to the flood elevations of Beaverdam Creek in the project area. He said the Planning and Zoning Commission approved the site plan subject only to that one contingency.

City Council accepted the recommendation of the Planning and Zoning Commission by taking no action.

B. EASEMENT IN ALLEY OFF OF WALNUT STREET

Councilman Bratton moved to enter into an agreement for an easement with Cambridge Interests and Grateful Union regarding an alley off of Walnut Street. This motion was seconded by Vice-Mayor Moore and carried unanimously.

C. HAW CREEK FIRE INVESTIGATION

City Manager Bean stated that the City is in the process of doing an internal investigation relative to the fire that occurred in the Haw Creek area. He stated that the City would normally respond and the fire being in a newly annexed area had nothing at all to do with why the Asheville Fire Department did not respond. He stated that the Asheville Fire Department has responded to approximately 2,000 calls in the two newly annexed areas over the two years since they have been annexed.

D. LEAF PICKUP DEADLINE EXTENSION

City Manager Bean stated that it was widely publicized that the City would no longer pick up leaves after December 15, 1990. He stated that he had the authority to extend that deadline and was therefore extending it for an additional week. He said that it costs the City \$3,000 per day to pick up leaves and since the residents of the City expect their leaves to continue to be picked up after December 15, we would accommodate their request for an additional week.

E. COUNCILMAN ELLISON REQUEST FOR SOUTH MARKET STREET BECOMING A TWO-WAY STREET

Councilman Ellison requested staff to look into the possibility of opening up South Market Street for two-way traffic. He felt the downtown area gets congested, this would be one way to alleviate that traffic problem.

Councilwoman Price stated that the Redevelopment Commission is looking into that item and suggested that the staff contact the Redevelopment Commission and ask them to put that on a higher priority.

F. VICE-MAYOR MOORE'S REQUEST FOR SPEED LIMIT INFORMATION

Upon inquiry of Vice-Mayor Moore, Assistant City Manager Penny stated that a study is now in the process of the possibility of lowering the speed limits in the Kenilworth area. He stated that the study will be done shortly and a report will be given to him.

G. CLAIMS

The following claims were received for the week of November 26, 1990 through November 30, 1990: Larry McHone and Mike Berry. The following claims were received for the week of December 3, 1990, through December 7, 1990: Fire Department, Terri Hines, Renee Watts and Jack Brinkley, Jr.

These claims have been referred to the appropriate insurers for investigation.

H. LAWSUIT

The following lawsuit was received by the City of Asheville on December 4, 1990: Plaintiff - Lake View Park Commission; Nature of Suit - Action to prevent trespass and seek injunctive relief where fence constructed across alley dedicated and accepted by the City; City made a party to assert its interests.

This lawsuit has been referred to the appropriate legal counsel for action.

I. C.I.B.O. RESOLUTION

Lanier Cansler read the following resolution and asked that it become a part of the minutes:

"WHEREAS, the Council of Independent Business Owners, Inc. (C.I.B.O.), was formed by local business owners for the purpose of monitoring local government, and

WHEREAS, C.I.B.O. has been attending and reporting to its membership on meetings of local government for over three years, and

WHEREAS, after three years of scrutiny, the evaluation of C.I.B.O. is that city taxes could be much more wisely spent, and

WHEREAS, private business is forced to make better financial decisions when money is limited, and

WHEREAS, local government has the ability to increase ad valorem taxes to keep itself growing regardless of the state of the economy or the impact upon its citizens, and

WHEREAS, local government has in fact increased ad valorem taxes the last three years, and

WHEREAS, in the face of large sewer and water increases necessary to cure past neglect, the present tax rate creates an unreasonable burden on the property owners of the City of Asheville, and

WHEREAS, the Charter of the City of Asheville provides the citizens a way to express their displeasure when taxes become too high by petitioning for a referendum to establish the ad valorem tax rate, and

WHEREAS, C.I.B.O. is willing and able to sponsor a petition to obtain the necessary signatures to bring about a referendum to establish the ad valorem tax rate.

THEREFORE, BE IT RESOLVED, the Board of Directors of C.I.B.O., at its meeting held on Friday, November 15, 1990, unanimously adopted the following:

1. That the members of the Asheville City Council be asked to reduce the ad valorem tax levied by the City from the current rate of \$.60 per one hundred (\$100.00) assessed value to the rate of \$.54 per one hundred (\$100.00) assessed valued for the fiscal year beginning July 1, 1991.
2. That the Asheville City Council be asked to complete this action not later than January 31, 1991.
3. That C.I.B.O. immediately begin circulating a petition to obtain the signatures of fifteen (15%) percent of the registered voters of the City of Asheville asking for a referendum to be set to establish the tax rate at \$.54 per one

hundred (\$100.00) assessed valuation for the fiscal year beginning July 1, 1991.

4. That if action by Asheville City Council has not been completed by January 31, 1991 to set the ad valorem tax rate at \$.54 per one hundred (\$100.00) assessed valuation for the fiscal year beginning July 1, 1991 that C.I.B.O. present to the Buncombe County Board of Elections the petition containing at least fifteen (15%) percent of the registered voters of the City of

Asheville, thereby requiring a referendum to be set within ninety (90) days.

THIS 11th day of Dec. 1990.

COUNCIL OF INDEPENDENT BUSINESS OWNERS, INC.

BY: s/Albert L. Sneed Jr. Secy."

Mayor Michalove felt this was an irresponsible action taken by C.I.B.O. and was disappointed they felt this action was necessary. He stated that this action by C.I.B.O. attempts to prevent people who hold public office from taking the action they need to take for the benefit of all the residents of the City.

Mayor Michalove then read a portion of N. C. Gen. Stat. sec. 159-17 (3) and stated that it was his opinion that the referendum was not authorized by state law.

Councilman Bratton stated that she was a very strong supporter of business and there needed to be better communication between business and government in the future.

The meeting adjourned at 7:15 p.m.

MAYOR CITY CLERK
