

Tuesday – October 28, 2014- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Marc W. Hunt; Councilman Cecil Bothwell; Councilman Jan B. Davis; Councilman Christopher A. Pelly; Councilman Gordon D. Smith; Councilwoman Gwen C. Wisler; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

ADDITION TO AGENDA

Mayor Manheimer announced that a presentation will be made by City Manager Gary Jackson regarding the Strategic Operating Plan for the Asheville Police Department, under Presentations.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING NOVEMBER, 2014, AS "ADOPTION AWARENESS MONTH"

Mayor Manheimer read the proclamation proclaiming November, 2014, as "Adoption Awareness Month" in the City of Asheville. She presented the proclamation to Ms. Tammy Shook, Foster Care Program Administrator for Buncombe County Health and Human Services, who briefed City Council on some activities taking place during the month.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 14, 2014

B. ORDINANCE NO. 4359 - ORDINANCE ENACTING AND/OR CHANGING THE SPEED LIMITS AS FOLLOWS: 20 MPH SPEED LIMIT ON OAKWOOD STREET FROM HAYWOOD ROAD TO END OF CITY MAINTENANCE; AND 25 MPH SPEED LIMIT ON CATAWBA STREET FROM BROADWAY STREET TO CUMBERLAND AVENUE, CISCO ROAD FROM OLD HAW CREEK ROAD TO END OF CITY MAINTENANCE, RED OAK ROAD FROM LAKESHORE DRIVE TO ELLENWOOD DRIVE, AND WAYNESVILLE AVENUE FROM CRAVEN STREET TO WESTWOOD PLACE

Summary: The consideration of an ordinance to enact and/or change the speed limits on various sections of streets in the City of Asheville.

According to state law (NCGS # 20-141), the statutory speed limit in North Carolina is 35 mph inside municipal corporate limits for all vehicles and 55 mph outside municipal corporate limits for all vehicles except for school buses and school activity buses.

Furthermore, local authorities may authorize by ordinance higher speeds or lower speeds than the statutory 35 mph speed limit on locally-maintained streets provided that the higher speed

limit cannot exceed 55 mph. Speed limits authorized by local authorities are effective when the appropriate signs are erected.

City staff recently completed traffic engineering investigations and determined that a 20 mph speed limit on Oakwood Street from Haywood Road to End of City Maintenance, and a 25 mph speed limit on Catawba Street from Broadway Street to Cumberland Avenue, Cisco Road from Old Haw Creek Road to End of City Maintenance, Red Oak Road from Lakeshore Drive to Ellenwood Drive, and Waynesville Avenue from Craven Street to Westwood Place would be reasonable and safe.

Pros:

- City staff has been able to respond favorably to citizen's requests.
- The new speed limits will be consistent with roads of like character and design.
- This action will also bring some of the roads into line with our speed limit policies.
- Based on the 85th percentile speeds, most drivers would adhere to the recommended speed limits on these roads.

Cons:

- The initial cost to install the appropriate speed limit signs is about \$450.00.
- Typically, speed limit signs have a serviceable life of five to seven years.

The initial cost to install the appropriate speed limit signs is about \$450.00 and is included in the current operating budget for the Transportation Department.

City staff recommends that City Council approve an ordinance enacting a 20 mph speed limit on Oakwood Street from Haywood Road to End of City Maintenance, and a 25 mph speed limit on Catawba Street from Broadway Street to Cumberland Avenue, Cisco Road from Old Haw Creek Road to End of City Maintenance, Red Oak Road from Lakeshore Drive to Ellenwood Drive, and Waynesville Avenue from Craven Street to Westwood Place.

In response to Councilman Smith, Transportation Director Ken Putnam said that the Haywood Road Corridor Study is underway now and is anticipated to be complete in the spring of next year.

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C. RESOLUTION NO. 14-244 - RESOLUTION TO SET A PUBLIC HEARING ON DECEMBER 9, 2014, TO CONSIDER PERMANENTLY CLOSING A PORTION OF WESTOVER ALLEY

Summary: The consideration of a resolution of intent to permanently close a portion of Westover Alley and setting a public hearing on December 9, 2014.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner Matt Depofi has requested the City of Asheville to permanently close a portion of Westover Alley.

The Multimodal Transportation Commission met on September 24, 2014, and approved the closure.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties

- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution of intent to permanently close a portion of Westover Alley and set the public hearing on December 9, 2014.

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- D. RESOLUTION NO. 14-245 - RESOLUTION AMENDING THE 2014 CITY COUNCIL MEETING SCHEDULE TO CANCEL THE NOVEMBER 25, 2014, FORMAL MEETING**

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- E. RESOLUTION NO. 14-246 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR HIGHWAY SAFETY GRANT FUNDS**

ORDINANCE NO. 4360 - BUDGET AMENDMENT TO RECEIVE HIGHWAY SAFETY GRANT FUNDS

Summary: The consideration of (1) a resolution authorizing the City Manager to enter into an agreement with the North Carolina Governor's Highway Safety Program for highway safety grant funds to purchase equipment for the Traffic Safety Unit; and (2) an associated budget amendment in the amount of \$20,000.

The Asheville Police Department currently participates in the North Carolina Governor's Highway Safety Program Highway Safety campaigns. In order to facilitate better participation and efficiency of highway safety initiatives, a regional law enforcement network was created to enhance communication and effectiveness. The Asheville Police Department promotes highway safety statewide by designating a member of the department to serve as the regional liaison for GHSP Region 10 covering Buncombe, Henderson, Madison, Mitchell, Polk, Rutherford, and Yancey counties.

In addition to purchasing equipment for the Traffic Safety Unit, funding would also cover the costs associated with training for officers and cover travel expenses for the Regional Liaison duties. The expenses created by the purchase of the equipment and the duty related travel are reimbursed by the Governor's Highway Safety Program through the National Highway Traffic Safety Administration. There is no local match of funds required for this grant.

Pros:

- Reimbursement revenue to cover the cost of obtaining the needed equipment including body cameras, CDR Software subscription, computer, tool kits, ARAS 360 Certification, and polo shirts.
- Reimbursement revenue to cover the cost of necessary training and travel related to highway safety duties and operations.

Con:

- Dedicate the staff hours for the officer charged with the liaison duties to accomplish the goals stated in the grant contract.

This budget amendment is fully funded with grant revenue and there is no impact to the General Fund budget.

City staff requests City Council to adopt (1) a resolution authorizing the City Manager to enter into an agreement with the N.C. Governor's Highway Safety Program to provide a Regional Law Enforcement Liaison and fund equipment and training; and (2) the associated budget amendment in the amount of \$20,000.

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F. RESOLUTION NO. 14-247 - RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS FOR CITY-OWNED PROPERTY AT 30 ROCK HILL PLACE

Summary: The consideration of a resolution directing the City Clerk to advertise for upset bids for the sale of 0.34 acres (approx. 14,800 square feet) of real property located at 30 Rock Hill Place to Sayco Equity Fund.

The City of Asheville owns a parcel of property located at 30 Rock Hill Place. (PIN # 9656-28-0496). This property is improved with a manufactured home on a .34 acre lot. The tax assessed value of the land is \$32,300 and the building is valued at \$6,800 for a total of \$39,100. It was built in 1967 and rehabilitated in 1996 using Community Development Block Grant funds (CDBG). The rehabilitation loan was in the amount of \$39,000. The private owner went into foreclosure over its original mortgage in 2013 and the City purchased the property at auction to protect its position as the second lien holder. The purchase price was \$30,611.96.

The City of Asheville purchased the property in January of 2014 with the intent to market and sell the property in order to recover as much of our CDBG investment as possible. In February, the Housing and Community Development Committee (HCD) and the City Council approved a sealed bid process. The services of Keller Williams Real Estate were secured to market the property in March of 2014. These services included marketing the property on MLS, acquainting local brokers with the property and performing showings. The public bid opening and subsequent award were scheduled for early April. Unfortunately, no bids were received. City staff continued to market the property and worked with local affordable housing partners in hopes of a negotiated settlement. No offers were received in the target range of \$55,000 to \$70,000. This property has limited market appeal because of the condition of the structure and the need for extensive repairs necessitates a cash buyer. Although it was originally thought that the property could be subdivided into two buildable lots, we discovered that access to sewer for the second lot would have required an easement over an adjoining property. In September of 2014, a bid was received from Sayco Equity Firm for \$33,700.

Funds from the sale of the property will be used to repay the City of Asheville for funds expended in order to purchase the property. Any remaining profits will be used to repay the CDBG loan fund which was the original source of funding for the rehabilitation loan. The CDBG funds accomplished a national objective and were used for an eligible activity, so the City has no further obligation regarding those funds. The Housing and Community Development Committee (HCD) considered this action at their meeting on October 21, 2014, and recommends accepting Sayco Equity Firm's offer to purchase.

Considering the fact that the City of Asheville has already expended funds to market the property and the City is unlikely to recover the CDBG loan funds, the method to establish fair market value is the upset bid process set forth in NCGS 160A-269. If City Council approves the following resolution, the City Clerk will be directed to publish an advertisement for upset bids for a period of 10 days, in which any interested party may upset the bid of \$33,700. The statutes require that a qualifying bid must increase the current offer by 10% of the first \$1,000 and 5% of

the remainder (i.e. \$35,435 or higher). Since the function of the upset bid process is to confirm fair market value, the resolution provides that if no qualifying, competing bid is received, then the City Council agrees to convey the parcel to Sayco Equity Fund for \$33,700.

Pros:

- Private sale will convert public land into taxable real property and will relieve the City of Asheville of ongoing maintenance responsibility.
- The City will recover funds spent to purchase property out of foreclosure, to market the property and to support ongoing maintenance.

Con:

- The City of Asheville is unable to recover the CDBG funds originally invested in the amount of \$39,000.

The sale will allow the City of Asheville to recover the \$30,611.96 that was spent to purchase the property and prepare it for sale. Any remaining profits will be spent to replenish the CDBG loan fund.

City staff recommends City Council adopt a resolution directing the City Clerk to advertise for upset bids for a property located at 30 Rock Hill Place.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Smith moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. WATER MAIN TRANSMISSION LINE PROJECT UPDATE

Mr. Rick Carrier, Vice-President of Brown and Caldwell, said that two pipelines carry over 70% of Asheville's water. He provided a project overview citing next steps for easement protection, and operating and capital investments.

In summary, Water Resources Director Steve Shoaf said that the pipeline is in excellent condition with 50+ year service life expected; valves and vaults are being systematically refurbished; Capital Improvement Plan will be scheduled to improve protection; and policies needed for easement acquisition, maintenance, and encroachments.

When Councilman Bothwell asked about homes that are built over water lines that need repair, Mr. Shoaf said that they are trying to determine if there are existing policies in other jurisdictions to use as a model. He said we are not only concerned about the pipe, but also concerned about the safety of the homeowner.

In response to Councilman Smith, Mr. Shoaf said that the City of Asheville is on the leading edge of the process to assess smaller lines. He said their provider is willing to talk with the City about assessing the smaller lines; however, the City wants to see the results of their

assessment of the larger lines. He did note that they do have a program for replacing smaller lines.

B. DOMESTIC VIOLENCE PLAN

The Honorable Rebecca Knight reviewed the Buncombe County Domestic Violence Comprehensive Plan (Plan). From 2008-2013, there were 679 domestic violence murders in North Carolina. Twenty-four domestic violence murders were in Buncombe County. The Buncombe County Comprehensive Plan has been working in partnership with the Mission Women and Children's Safety Coalition to meet common objectives to reduce homicides, improve reporting and to improve the delivery of services to victims and offenders. The Plan (1) layers multiple programs for better outcomes; (2) each program is an evidence-based best practice; (3) objective is to hold offenders accountable and keep victims safety; and (4) strategies are individualized to meet the needs of our community.

The Plan's "eNOugh" Campaign includes increasing public awareness, focus on deterrents, engage in a High Risk Team, evaluate dangers to victims, track offenders for victim safety, and improve communication.

Law enforcement strategies include (1) offender focused deterrence; (2) domestic violence High Risk Team; (3) lethality assessment Program for first responders; and (4) electronic monitoring.

With intimate partner homicides, they can be predicted, they can be prevented; and there is an opportunity for intervene. She explained the lethality training, and the Domestic Violence High Risk Team. She reviewed the Massachusetts Model High Risk Team Six-Year Study. She then explained the electronic monitoring and domestic violence offender focused deterrence. She gave statistics from the High Point Domestic Violence Focused Deterrence Outcomes. Message to the offender is (1) we do not tolerate domestic violence in our community; (2) we will not tolerate your domestic violence behavior and there will be consequences; (3) we care about you and will refer you to services if you want help (such as substance abuse, employment, mental health); and (4) domestic violence has long term damaging effects on your children and family. She gave statistics for the Maryland LAP from 2006-2010.

On behalf of City Council, Mayor Manheimer thanked Ms. Knight and all those who have worked on this very important issue.

C. DUKE ENERGY PROGRESS - ASHEVILLE PLANT AND FUTURE PLANS FOR THE PLANT

Mr. Jason Walls, District Manager for the Asheville Region of Duke Energy Progress, updated City Council on the regional operations/community investments. They employ over 300 local employees, contribute \$3 Million in local taxes, have 1,350 miles of transmission/distribution lines, and have 3 power plants - Asheville Plant, Marshall Plant (hydro), and Walters Plant (hydro). Community investment focus areas are (1) economic and workforce development; (2) education - STEM and Early Childhood Literacy; (3) environmental; and (4) community vitality/cultural enrichment. They have made over \$1 Million in local investments in 2014, and there have been 13 community service projects lead by employees.

Regarding the coal ash update, they are in a partnership with the Asheville Regional Airport. The project began in 2008 and will end in 2015. Beneficially reuses 4 million tons of coal ash in a safe state-of-the-art project. This has created 40+ acres of usable land for aeronautical development. Duke Energy has already committed to excavating the coal ash at Asheville and closing the ash basin, which is reflected in Coal Ash Management Act of 2014. The new N.C. Coal Ash Management Act sets August 1, 2019, as the deadline for closing the Asheville coal ash impoundments. They are currently planning on how to meet this aggressive timeline and are

focused on safe and sound solutions that protect groundwater and the environment. They continue to evaluate a number of options related to the operations of the Asheville site (handling fly ash dry, retiring the plant, additional transmission support, etc.). This evaluation is ongoing and in the next few months they will have a better idea of their future plans.

Mr. Walls explained the peak customer demand, the supply resources they have; and the reserves for emergencies. He then provided statistics of the Asheville Power Plant.

Two ways they are investing in the electric system to serve the customers are as follows: (1) improving reliability and capacity for existing transmission and distribution infrastructure (a) ongoing work is rebuilding West Asheville Transmission Lines (west side of the river); (b) the last substation to serve customers in downtown Asheville was built in 1975; (c) electricity demand has more than doubled; and (4) three substations are needed to serve separate load centers (i) work is underway not to identify those sites; and (ii) they will work closely with city leaders to site and build these stations; and (2) increasing the transmission capacity for customers in Western North Carolina (a) exploring new transmission upgrades to tap into the broader system across the Carolinas; (b) benefits (i) improve overall reliability to homes, schools and businesses; (ii) provide access to the most cost effective source of electricity for customers; and (iii) allow the Asheville Plant to operate less, further reducing emissions; and (c) no decision has been made, but careful and deliberate analysis is being done.

Mr. Walls responded to various questions/comments from Council, some being, but are not limited to: with Duke Energy's partnership with the City's Sustainable Advisory Committee on Energy & the Environment, there be opportunities to find ways to reduce the City's overall energy use; do they know what the cost of the transmission option will be; and is Duke Energy looking at new lithium battery plants.

When Councilman Smith asked how can the City and the community be a partner in helping Duke Energy make some decisions around the coal plant, Mr. Walls said that that the City always has the right to participate in regulatory proceedings, and he encouraged the City to continue promoting and encouraging energy efficiency.

Mayor Manheimer thanked Mr. Walls for his willingness for open dialogue, noting the good partnership between the City and Duke Energy.

D. APPROACH TO REVIEW AND IMPLEMENT THE STRATEGIC OPERATING PLAN FOR THE POLICE DEPARTMENT

City Manager Jackson said that we are going through a significant change process coming out of the May, 2014, adoption of the 3-year Strategic Operating Plan (Plan) for the Asheville Police Department (APD). The SOP calls for major change. Since that time, internal teams of APD employees have been gearing up to carry out the Plan. Six teams have been formed around the following areas: recruitment and retention; leadership; organizational structure; equipment and technology; community quality of life; and agency outreach and communication. Their work will go on through the course of this Plan and bring about the Plan changes identified in each of these areas. Significant progress is being made in all six areas. The Plan is a navigation tool and we need to stay on course. To ensure that we stay on course in progress and positive change and organizational development, we need to give it our full support. We are proceeding in this path because we continue to place the highest importance on the APD. We care about each and every employee at the APD and the valuable service they provide for us every day.

He said that the highest level of management support that we can give is in two steps. The first action is to enlist Fire Chief Scott Burnette to serve as the facilitator of the cultural and organizational changes to be facilitated under the Plan. Chief Burnette was recognized at a state and national level for his Department's success in undertaking a similar process in recent years. Moving forward, Chief Burnette will be facilitating an internal multi-disciplinary team including employees throughout the APD. Chief Burnette's facilitation will allow Police Chief Anderson and his police team to stay focused on the day-to-day operations of keeping us safe while the Plan moves forward. The second management action is to enlist a management consulting firm. The firm will have principally three roles (1) perform diagnostics - third party to provide us with an objective review of the six areas and to give us that independent view of what we should consider and what are best practices in the field; (2) to provide additional avenues to receive employee input - we knew the Plan was going to be a dynamic tool so it's important that we keep lines of communication open at all times; and (3) to examine organizational culture.

He said that over the next 7-10 days, we will finalize the scope of work for the management consultant and determine the fee structure. Chief Burnette, Chief Anderson, Human Resources staff, Communications staff, and Finance & Budget staff are already working together. Additionally, the national consultants in this area, with proven track records, are being contacted by his office. He hoped to have the management consultant engaged within 30 days. We anticipate the engagement will take approximately 120 days and will keep Council updated.

All Council members spoke about their great respect for the men and women in the APD and how they don't need to be distracted with internal issues within the department. The bottom line is providing a service to the community and keeping our citizens safe. They encouraged the APD employees and the community to be patient and support this effort going forward. Council will be asking for accountability and progress

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER PERMANENTLY CLOSING AN UNNAMED ALLEY OFF BROAD STREET

At the request of City staff, Councilman Smith moved to continue this public hearing until January 13, 2015. This motion was seconded by Councilwoman Wisler and carried unanimously.

B. PUBLIC HEARING TO CONSIDER PERMANENTLY CLOSING A PORTION OF BRADLEY STREET

Mayor Manheimer announced that this item has been withdrawn from consideration.

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 14-250 - RESOLUTION APPROVING THE NAMING RIGHTS AGREEMENT BETWEEN THE ASHEVILLE ART MUSEUM AND THE NORTH CAROLINA STATE EMPLOYEE'S CREDIT UNION FOUNDATION FOR THE NAMING OF A PORTION OF THE PLAZA LOCATED AT 2 S. PACK SQUARE

Assistant City Attorney Jannice Ashley said that this is the consideration of a request to approve a naming rights agreement between Asheville Art Museum (AAM) and the NC State Employee's Credit Union Foundation (SECU) for the naming of a portion of the Plaza located at 2 S. Pack Square, proceeds to benefit the AAM capital campaign for the major renovation of the museum.

The City and AAM have entered into a lease for a portion of the city owned property located at 2 Pack Square for continued use as an art museum. As part of the lease negotiations, the AAM has long made clear its plans for a major, multi-million dollar renovation of the museum space and its need to raise funds to accomplish this renovation. As part of these fund raising efforts, it was anticipated by both AAM and the City that AAM would be permitted to raise funds through the granting of naming rights. Specifically, section 1(i) of the Lease regarding "Programmable Area" states, that "*advanced written approval by the City shall be required for any signage and naming rights in the AAM Programmable Area*" and further states that, "*any such approved use may not impair public access or use of City rights of ownership*".

A formal request from AAM regarding its naming rights agreement with SECU has been received. In summary, SECU has agreed to donate \$1.5 million toward the museum renovation in return for the ability to name the plaza area in front of the main art museum entrance "SECU Plaza". The donation is tied to the museum's ability to achieve a certain level of its capital campaign goals and to begin the renovation. Approval of the signage shall be subject to all usual City review requirements and regulations. The City is not a party to the naming rights agreement and bears no responsibility for ensuring that the terms of the agreement are met. The term of the naming rights runs with the term of the lease.

The aforementioned lease provision did not specify the process for city approval. However, staff has researched past and current procedures and policies for the granting of approval for naming rights and has determined this process for approval of the current request before the Council, is consistent with past and present procedures. For example, in 2004, the City Council granted the Pack Square Conservancy the ability to manage naming rights for the park in order to raise funds for park improvements. Generally, major park features were named for individuals or organizations that had made significant historic or cultural contributions to Western North Carolina. More recently, in March 2014, City Council adopted a policy for the naming of publicly owned properties that stated, among other things, that consideration should be given for naming property for individuals or organizations that had made significant financial or civic contributions to the City of Asheville and more generally, to recognize noteworthy individuals and or organizations that have served the community with honor and distinction. While this policy provided general guidelines for the naming of public property, it specifically stated that it did not limit Council's authority to use its discretion based on the facts and circumstances surrounding a particular issue.

As AAM's letter of request outlines, SECU is an organization which has been an active financial supporter of important community endeavors both in Asheville and throughout North Carolina and as such, is the kind of organization for which the City has tended to favor the granting of naming rights.

Staff recommends that the City Council determine whether to approve the AAM granting of naming rights for a portion of the Plaza at Pack Square to SECU.

Vice-Mayor Hunt said that the SECU has in good faith committed \$1.5 Million to improve a City-owned building. The funding comes from contributions the members from the credit union. The SECU is a great partner to many communities in the state. We do have imperfect circumstances in this case, however. The lease agreement with the AAM does contemplate naming rights outside the building and it requires City approval to grant those naming rights. We know that the AAM entered into a contract with SECU for this grant money and promised naming rights. That was not correct. Individual Council members and City staff spoke with the leadership of the AAM and they know this is distressing to the City. This is not an acceptable way to move forward in the future. The process had not been good to date nor has there been any public or stakeholder groups' engagement. But, the final product is not out of character what goes on in naming rights across Pack Square Park. He felt the downside of stopping the process now and re-create a process might end up with a lost opportunity and he was not in favor of that. A delay

would not be good for this community or for this project or good for funding partnerships that we need to rely on to get capital projects done in our community.

Vice-Mayor Hunt moved for the adoption of Resolution No. 14-250, with the following conditions: (1) In addition to being subject to all signage requirements provided by the UDO, all aspects of the naming rights signage including placement, design, aesthetic qualities shall be subject to final review and approval by the City Manager; and (2) the duration of the naming rights will be limited to the duration of the AAM lease and any agreement between the AAM and SECU shall clearly reflect this fact. This motion was seconded by Councilman Davis.

Councilwoman Wisler thanked SECU for the investment and support for the AAM. She didn't feel comfortable in pulling that ability for the AAM to get the naming rights, but was uncomfortable with the fact of the lack of communication and timeliness to bring this issue before City Council. She hoped that in the future the AAM will commit to communication better and on a timelier basis.

Councilman Bothwell was glad that the City Manager will have final review of the design because the design did concern him. In terms of naming, many things have been named without going through Council approval, i.e., Roger McGuire Green vs. City County Plaza.

Vice-Mayor Hunt noted that the lease provides for the AAM to have additional naming right opportunities, so he cautioned them to be diligent and responsible.

Ms. Kim McGuire, representing the AAM Board, said the Board shares Council's concern about the process and they are determined to do well by this for the future. They have been hard at work and in deep discussions about what the Museum and cultural center will be in the future. They have attempted to follow the plans set forth through the lease. They are very committed to respecting that this is a public space and should be honored in the right way. At the same time they have been working very hard to raise funds for this project. They are proud that they are very close to \$17 Million toward their ultimate goal, including this investment from the SECU. She expressed appreciation to SECU members who donate \$1/month to cultural, health and other high impact projects. Naming opportunities are an essential part of any capital project and they pledge to work openly going forward, noting that all final approval rests with City Council.

Mr. Tracey DeBruhl said that since this is a long term lease, the control can always come back to the City.

The following individuals spoke in opposition of the resolution to approve naming rights nor should it add any names to the area know as South Pack Square for various reasons, some being, but are not limited to: Asheville's history - this area already has a name dedicated in 1903 - Pack Square; no opportunity for dialogue amongst stakeholder groups, such as the Downtown Commission; is there any kind of prohibition for the City in conveying interest in a public street, sidewalk or square to private groups; by granting the naming rights Council will violate the public trust by giving away the City's assets to one non-profit in Buncombe County who can then sell them for their own purposes and control; how can public property be conveyed for private purposes; favoritism is given to one non-profit in Asheville for one organization's capital campaign is a slippery slope; the name SECU does not meet the criteria in the naming of publicly owned properties policy adopted by City Council in March, 2014; Council should have asked the Buncombe County Commissioners for their input; entire process was flawed, secretive and not transparent; and public not given the opportunity to read the signed lease:

Ms. Leslie Anderson

Mr. Adrian Vassallo, member of the Asheville Downtown Association and Asheville
Downtown Commission

Mr. Ken Michalove

Mr. Jerry Rice, County resident

Mr. Ted Prosser
Brother Christopher Chiaronmonte

Councilman Bothwell noted that the area still is South Pack Square. He said we rent out public sidewalks all the time for restaurants - that is not unusual.

Councilman Smith agreed this is a flawed process and we will have to figure out what the process should look like. He noted that SECU is trying to improve this public asset.

City Manager Jackson said that he conveyed his frustration to the AAM Manager noting that City Council should have known this was coming forward earlier. A better model might be similar to when the Pack Square Conservancy had a plan to pursue donors. They provided Council with deep criteria and said they would be pursuing donors. They asked for Council's comfort with the potential donors and the locations. He suggested that might be a better process.

Councilman Pelly also agreed that the process is flawed. He felt it was his job as a Council member to look at long-term best interests of the City. Once the AAM is complete and school children will discover the world of art, then he thought his decision to support this action will have been the right one.

The motion made by Vice-Mayor Hunt and seconded by Councilman Davis carried unanimously.

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VI. NEW BUSINESS:

A. RESOLUTION NO. 14-248 - RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION

Vice-Mayor Hunt said that the terms of Jeremy Goldstein, Jane Mathews and Kristy Carter, as members on the Planning & Zoning Commission, expired on August 14, 2014.

The following individuals applied for a vacancy (including the three incumbents Jeremy Goldstein, Jane Mathews and Kristy Carter): Mark DeVerges, Colin Dennehy, Dean Pistor, Eric Workman, Laura Berner Hudson, Peter Alberice, Richard Fort and Allen Ollendorff. Dean Pistor withdrew his application; and Eric Workman and Richard Fort did not submit written responses to questions and are not eligible for consideration.

After City Council reviewed all responses to essay questions submitted to all candidates (including incumbents), City Council instructed the City Clerk to arrange interviews for Jeremy Goldstein, Jane Mathews, Kristy Carter, Laura Berner Hudson, Peter Alberice and Allen Ollendorff.

After Council spoke highly of all the candidates, Jeremy Goldstein received 4 votes, Jane Mathews received 3 votes, Kristy Carter received 7 votes, Laura Berner Hudson received 7 votes, Peter Alberice received no votes, and Allen Ollendorff received no votes. Therefore, (1) Jeremy Goldstein and Kristy Carter were reappointed as members of the Planning & Zoning Commission to each serve an additional three-year term respectively, terms to expire August 14, 2017, or until their successors have been appointed; and (2) Laura Berner Hudson was appointed as a member of the Planning & Zoning Commission to serve a three-year term, term to expire August 14, 2017, or until her successor has been appointed.

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B. RESOLUTION NO. 14-249 - RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

Vice-Mayor Hunt, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Recreation Board.

Mr. Wayne Wheeler has resigned from the Recreation Board, thus leaving an unexpired term until June 30, 2015.

The following individuals applied for the vacancy: Brian Rowland, Forrest P. Merithew and Dean Pistor.

On October 14, 2014, City Council instructed the City Clerk to arrange interviews for Brian Rowland and Forrest Merithew. Mr. Rowland could not be reached for an interview.

Councilman Smith moved to appoint Forrest Merithew as a member to the Recreation Board to serve the unexpired term of Mr. Wheeler, term to expire June 30, 2015, or until his successor has been appointed. This motion was seconded by Councilman Pelly and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Brother Christopher Chiaromonte spoke about no prayer at City Council meetings.

The following individuals commented about the issues at the Asheville Police Department: Mr. Rondell Lance, President of the Fraternal Order of Police Lodge 1 in Asheville; Mr. John Midgett, Executive Director of the North Carolina Police Benevolent Association; Mr. Tracey DeBruhl; Mr. Ed Carroll; Ms. Phillips; and Mr. Jerry Rice.

Mr. Martin Ramsey urged City Council to institute a municipal minimum wage, or to place the issue on the ballot. Councilman Smith asked City Attorney Currin to review the information Mr. Ramsey presented from the N.C. Justice Center and provide Council with her opinion about the feasibility of a referendum.

Ms. Emma Greenbaum, Sierra Club's organizer for the Beyond Coal Campaign, and Mr. R. Keeler urged Council to continue asking questions regarding the Asheville coal plant and to keep the pressure on Duke Energy and other providers to push for clean energy.

Ms. Leslie Anderson commented on the lease of the Asheville Art Museum, noting that the Asheville Art Museum lease is not a comparable situation when the Pack Square Conservancy used when they did their naming rights.

Ms. Barbara Freeman spoke against abortion.

Closed Session

At 7:55 p.m., Councilwoman Wisler moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(e). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory

authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Councilman Pelly and carried unanimously.

At 8:07 p.m., Councilman Bothwell moved to come out of closed session. This motion was seconded by Councilwoman Wisler and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:07 p.m.

CITY CLERK

MAYOR