

Tuesday – March 22, 2016 - 3:00 p.m.

Budget Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman Gordon D. Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

City Manager Jackson was pleased to announce that the Association for Financial Professionals granted Barbara Whitehorn the highly regarded designation of Certified Treasury Professional effective July 1, 2015.

Director of Finance and Management Services Barbara Whitehorn used a PowerPoint while she provided the Council with a brief discussion of the Base Budget and the Capital Improvement Program (CIP), including the current cash flows and flexibility. She then explained the revenue forecast, expenditures and economic climate of the Operating Budget. She then explained some of the multi-year fee recommendations.

Issues and discussion included (1) new vehicle license fee - options and use of the fee revenue; (2) transit; (3) affordable housing - context and commitments, proposals and dedicated funding; and (4) Fire CIP and Operations - AFD operations and proposed CIP.

There was then an informational sharing of the Thomas Wolfe Auditorium.

Throughout Ms. Whitehorn's presentation and discussion, she responded to various questions/comments from Council, and those which could not be readily responded to would be provided to Council in a memorandum format. Some questions raised include: what is the 4.6% increase, based on trend, for the state utility taxes; breakdown of transit system subsidy increase of \$569,000; clarification of the Other Post Employment Benefits Trust funding; implementation of Pay as You Throw is critical and the period for behavioral change may require a strong pilot program into a phased implementation; what can the new revenue stream of vehicle license fee be used for; breakdown of the \$4.25 Million for Lee Walker Heights; and what is the next step for the Thomas Wolfe Auditorium.

At the April 12 worksession, staff will be asking for recommendations. She then reviewed the upcoming dates associated with adoption of the budget.

At 4:19 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – March 22, 2016 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman Gordon D. Smith; Councilman W. Keith Young; 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.

I. PROCLAMATIONS:

A. NORTH LEXINGTON AVENUE GREAT MAIN STREET AWARD

Director of Planning & Urban Design Todd Okolichany gave a brief introduction to the award and provided a very short history of Lexington Avenue. He then recognized some local visionaries. Mr. Adrian Vassallo introduced and recognized community members from Lexington Avenue and the downtown area. Mayor Manheimer then said that Lexington Avenue is a community of over 200 small business entrepreneurs who call this funky and eclectic avenue their home. They have provided the hard work and sweat equity and so, have created the unique character and vibe for the street in each of their businesses. They bring their energy and ideas to Lexington every day and this is what was recognized in the Great Streets Award.

B. PROCLAMATION PROCLAIMING MARCH 29, 2016, AS "WELCOME HOME VIETNAM VETERAN'S DAY"

Vice-Mayor Wisler read the proclamation proclaiming March 29, 2016, as "Welcome Home Vietnam Veteran's Day" in the City of Asheville. She presented the proclamation to Mr. Ron Mangilit, proud Vietnam Veteran.

C. PROCLAMATION PROCLAIMING APRIL 6, 2016, AS "TARTAN DAY"

Councilman Bothwell read the proclamation proclaiming April 6, 2016, as "Tartan Day" in the City of Asheville. He presented the proclamation to Mr. Judson Lohr, who briefed City Council on some activities taking place during the day.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 8, 2016

B. RESOLUTION NO. 16-54 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND AN EXISTING CONTRACT WITH SITWORKS STUDIOS FOR THE CLINGMAN FOREST AND TOWN BRANCH GREENWAYS

Summary: The consideration of a resolution authorizing the City Manager to amend an existing architectural and engineering services contract in the amount of \$45,000 with Sitework Studios, PLLC, for the project known as the Clingman Forest and Town Branch Greenways.

In preparation for Federal Grant approval of the Plans, Specifications, and Engineering Estimates (PS&E) package, additional documentation is required for the Clingman Forest Greenway and Town Branch Greenway projects. This contract amendment is to compensate Siteworks Studios, PLLC to finalize the PS&E package for Federal Highway Administration review and approval.

City Council initially adopted a resolution authorizing the City Manager to enter into a contract with Siteworks Studios in January 2013, Resolution No. 13-3, original contract amount of \$370,000. The contract was amended to \$495,000.00 to include preparation of engineering construction documents for the Five Points Roundabout in September 2013, Resolution No. 13-200. This amendment will amend the contract amount to be \$540,000.

A summary of the greenway projects, the funding mechanism, and the bidding process follows:

The Clingman Forest Greenway and Town Branch Greenway constitute a priority alternative transportation corridor through the core of the East of the Riverway Target Area. These multi-modal greenways will eventually connect with the Beaucatcher Greenway and comprise a significant and important portion of the River-To-Ridge Initiative.

Clingman Forest Greenway – The Clingman Forest Greenway will stretch between Aston Park at Hilliard Avenue and Clingman Avenue. The off-road, 0.5-mile trail will largely follow the unopened city right-of-way of Eugene Avenue through a wooded ravine. Secondary trails to rock outcrops along the perennial stream will be considered as well as connections to Asheville Middle School, YWCA, Aston Towers, and other destinations.

Town Branch Greenway – The Town Branch Greenway will extend from Depot Street, in the River Arts District, to the intersection of Phifer and McDowell Street. The 1.3-mile corridor will begin adjacent to Green's Market on Depot Street and extend off-road along the rear of the Dr. Wesley Grant, Sr. Southside Center and fire station and out to South French Broad Avenue. The off-road trail will pick up across the street and extend through the wooded ravine along Town Branch Creek to Congress Street. The greenway will cross Congress Street, follow the creek through City park property, cross over Choctaw Street and extend north through city property along Old Asheland Avenue. The corridor will terminate at the intersection of Phifer and McDowell Street.

The development of final design and construction documents for the Clingman Forest and Town Branch Greenways is one of the deliverables of the East of the Riverway Sustainable Multi-Modal Neighborhood Program, supported by a TIGER II Planning Grant awarded to the City of Asheville by the US Department of Transportation.

City Council appropriated funds for staff to proceed with a land acquisition within these corridors by allocating funds in the CIP budgets of 2010-11 and 2011-12.

In February 2009, City Council approved the Parks, Recreation Cultural Arts, and Greenways Master Plan which identifies Clingman Forest and Town Branch Greenways as priority greenways.

Staff followed the municipal and required Federal Transportation Administration "Request for Qualifications" (RFQ) procurement processes to seek qualified, professional firms to develop final design and construction documents. Staff received eight applications, and a panel of staff and community members reduced this pool to three finalists. After thorough review and evaluation, the review panel recommended Sitework Studios, located at 352 Depot Street, Asheville, North Carolina as the most qualified to perform the architectural and engineering services for the Clingman Forest and Town Branch Greenways. Staff successfully negotiated a final scope of work and project budget with Sitework Studios. Per the February 2012 RFQ, the consultant was to provide all paperwork associated with the construction documents that are needed to obtain the necessary permits.

Pros:

- Expand the ability to provide recreation resources to a number of residences and neighborhoods that can be linked to this corridor
- Provide a critical linkage in the River to Ridge Initiative
- Enhance multi-modal transportation in the community
- Compliment the recent improvements made by the City and private sector in these neighborhoods
- Engage community members in the design process

- Complements other multi-modal transportation planning efforts in the community

Con:

- Once complete, the project will require additional maintenance resources.

Sufficient budget is included the adopted CIP to fund the change order request for this contract.

City staff recommends City Council adopt a resolution authorizing the City Manager to amend the current contract with Sitework Studios to develop the architectural and engineering construction documents for the Clingman Forest and Town Branch Greenways for an amount not to exceed \$45,000.

RESOLUTION BOOK NO. 37 - PAGE 409

C. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF INTENT AND ACCEPT SEVERAL GREENWAY EASEMENTS FOR THE RHODODENDRON GREENWAY GREENWAY

This item was removed from the Consent Agenda for an individual vote.

D. MOTION TO WAIVE THE CITY COUNCIL RULES ON BOARDS & COMMISSIONS WHICH LIMIT BOARD MEMBERS TO NO MORE THAN TWO CONSECUTIVE THREE YEAR TERMS, TO ALLOW A SEATED ASHEVILLE ABC BOARD MEMBER WHO IS APPOINTED TO THE N.C. ASSN. OF ABC BOARDS TO HAVE HIS/HER TERM AUTOMATICALLY EXTENDED FOR AN ADDITIONAL THREE-YEAR TERM. IF, HOWEVER, THE TERM OF THE SEATED ABC BOARD MEMBER EXPIRES ON THE N.C. ASSN. OF ABC BOARDS, THEN SAID SEATED ASHEVILLE ABC BOARD MEMBER WILL RESIGN IMMEDIATELY

E. RESOLUTION NO. 16-56 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE N.C. DEPT. OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, TO PROVIDE A REGIONAL HAZARDOUS MATERIALS EMERGENCY RESPONSE TEAM SIX - ASHEVILLE

Summary: The consideration of a resolution authorizing the City Manager to accept a contract agreement with the N.C. Dept. of Public Safety, Division of Emergency Management, to provide a Regional Hazardous Materials Emergency Response Team Six - Asheville.

The N.C. Dept. of Public Safety (NCDPS) has offered a contract agreement to the City of Asheville (City) for Hazardous Materials Emergency Response Services for the contract years of July 1, 2016, through June 30, 2020. The City has been a regional hazardous materials provider since FY 1994-1995. The State of North Carolina provides funding that fully supports the operational costs of the program.

North Carolina is divided into seven geographical regions for the purpose of hazardous material emergency response. The NCDPS contracts with municipalities across North Carolina to respond into the geographical regions and provide technician level hazardous materials emergency response. The Region 6 areas encompass the westernmost twenty counties.

This action will be reviewed by the Finance Committee during its March 22 meeting, and if anything other than support, will be mentioned at the Council meeting.

Pros:

- The State of North Carolina provides the hazardous materials response truck, all response equipment and provides for administrative costs of operating the team. In addition, the state funds extensive training for members of the Asheville Fire Department to enable us to competently handle hazardous materials emergencies.
- The City has full use of the truck and all specialty equipment. Without the state hazardous materials contract, taxpayers would need to provide much of the resources necessary to properly respond to emergencies within the city. With the contract, the City benefits from the equipment and resources being funded at the state level, rather than at the local level.
- During the eighteen years that the City has provided regional hazardous materials response services, there have been no difficulties or disadvantages
- Firefighter and citizen safety will be enhanced.

Con:

- None have been identified or known at this time.

This contract generates approximately \$69,000 in revenue for the City which is expended on operating our hazardous materials emergency response program.

City staff recommends City Council authorize the City Manager to enter into the four year contract agreement with the NCDPS to provide regional hazardous materials emergency response for Region 6.

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F. RESOLUTION NO. 16-57 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO APPLY FOR A GRANT FROM THE US DEPT. OF HOMELAND SECURITY TO OBTAIN FUNDING FOR NINE ADDITIONAL FIREFIGHTER POSITIONS

Summary: The consideration of a resolution authorizing the City of Asheville Fire Department (Fire Department) to apply for a grant in the amount of \$868,032 from the U.S. Dept. of Homeland Security to obtain funding for nine additional firefighter positions.

Recently, the U.S. Dept. of Homeland Security solicited submissions for the FY 2015 Staffing for Adequate Fire and Emergency Response (SAFER) program which is a two year grant opportunity for fire departments to increase or maintain the number of trained, 'front line' firefighters within communities. The grant, which provides 100% funding for the additional firefighter's salaries and benefits over two years, requested the submission of applications by March 25, 2016 with grant awards being made between June 1 – September 30. Recipients awarded under the grant program have no obligation to retain the SAFER funded positions after the conclusion of the grant funded period.

The SAFER grant opportunity could enable the Fire Department to utilize funding that supports the maintenance of trained, front line firefighters within the community.

Pros:

- Hiring nine new firefighters will help reduce overtime.
- The grant covers 100% of the cost for these firefighters for two years.

Cons:

- In year three (FY 2019), the City would be responsible for assuming the full cost of firefighters added by the grant. However, since the grant is non-matching the City would not have to absorb the costs if it chose not to. The firefighters would be absorbed into the Fire Department's current full time equivalent (FTE) count.

If awarded, the grant would provide the City with \$434,016 each year for two years. In year three, the City could chose to absorb the \$434,016 annually. The additional positions will also assist to offset annual overtime expenses due to increased staffing per shift would increase the number of personnel available to meet current minimum staffing requirements.

City staff recommends that City Council authorize a SAFER grant application in the amount of \$868,032 from the U.S. Dept. of Homeland Security to obtain funding for 9 additional firefighter positions.

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G. RESOLUTION NO. 16-58 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO APPLY FOR A GRANT FROM THE US DEPT. OF HOMELAND SECURITY TO OBTAIN FUNDING FOR FIRE PREVENTION AND LIFE SAFETY PROGRAMS, AND TO ACCEPT GRANT FUNDING IF AWARDED

Summary: The consideration of a resolution authorizing the City of Asheville Fire Department (Fire Department) to apply for a grant in the amount of \$110,000 from the U.S. Dept. of Homeland Security to obtain funding for fire prevention and life safety programs, and to accept grant funding if awarded.

The U.S. Department of Homeland Security has recently issued guidance for the Fiscal Year (FY) 2015 Assistance to Firefighters Grant (AFG) program specific to Fire Prevention & Safety (FP&S). This is a grant opportunity for fire departments to purchase needed equipment to improve fire safety and injuries in the community as well as enhance firefighter safety and service delivery. Towards that end, if the grant request is approved, the Fire Department would purchase materials necessary for a comprehensive home fire safety program, digital fire extinguisher training props and an inflatable fire safety house. The Fire Department is not alone in this effort, Fire is Everyone's Fight™ is a national effort led by the U.S. Fire Administration (USFA) to lower the number of home fires and home fire injuries in America. Partnering with USFA adds resources and support to programs to make sure the Fire Department is successful by speaking out with a unified message of fire prevention and safety to the public. The goal is to change how people think about fire and fire prevention by getting into the community to address the broadest possible audience. All eligible applicants seeking a FP&S Grant to carry out an activity shall agree to make available non-federal funds to carry out such activity in an amount equal to and not less than five (5) percent of the grant awarded, or \$5,500.

Staff recommends participation in the AFG Program for the following reasons:

- Assist in decreasing the risk of death in home fires and provide greater safety for firefighters.
- If awarded, the City would be able to utilize grant funds for the purchase of equipment.
- If awarded, the City would be able to directly improve fire safety in the City of Asheville.

Pros:

- Improved safety and efficiency of firefighters when responding to dangerous environments.
- Decrease the occupant alerting and fire department response times for fires and carbon monoxide incidents in 400 homes by installation of smoke alarms, carbon monoxide alarms, street address identification and stove top fire extinguishing agent.
- Provide fire extinguisher classes to a greater number citizens as well as businesses in our community.

- Enhance the fire safety of our high risk communities which include our children under 6 years of age, persons with disabilities, as well as our older citizens.

Con:

- 5% share amount of the total purchase cost required \$5,500

This grant would increase the Fire Department’s budget request as these funds are not already programmed into the budget. It will allow a greater amount of funding for prevention and life safety initiatives.

City staff recommends that City Council authorize the Fire Department to apply for a grant in the amount of \$110,000 from the U.S. Dept. of Homeland Security to obtain funding for equipment and supplies necessary for a comprehensive home fire safety program, fire extinguisher training props, an inflatable fire safety house and to accept the grant funding if awarded.

RESOLUTION BOOK NO. 37 - PAGE 413

H. RESOLUTION NO. 16-59 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A 99 YEAR GROUND LEASE FOR 48 ACRES OF REAL PROPERTY AT 98 DESOTA STREET WITH DUKE ENERGY PROGRESS

Summary: The consideration of a resolution authorizing the City Manager to enter into a 99 Year Ground Lease for 48 acres of real property at 98 Desota Street with Duke Energy Progress.

In 2014, Duke Energy Progress (formerly known as Progress Energy of the Carolinas, and Carolina Power & Light) agreed to donate 48 acres of real property at 98 Desota Street to the City of Asheville for the French Broad River Greenway West and City Council passed a resolution to accept the donation. However, the donation transaction was not completed and since that time, Duke upgraded the existing transmission lines on the property and the City began work on the greenway design for the property. The City and Duke Energy have had several conversations on the real estate transaction and at this time both parties agree that a long-term ground lease is the most appropriate method to grant the property to the City. Duke has offered to enter into a 99 Year Lease with the City for a \$1 per year. This long term ground lease would serve as the primary land conveyance to the City to support implementation of the French Broad River Greenway – West Bank.

The long term ground lease is the preferred property transfer because Duke Energy maintains significant infrastructure on the subject property, including an electric substation and transmission lines that traverse the property along its western-most boundary. A long term ground lease would allow Duke, as land owner, to maintain this infrastructure and at the same time allow the City to install the French Broad River Greenway West. This leasing structure is typical for Duke Energy when working with cities or counties to permit public access at or near Duke infrastructure. For example, Duke and Buncombe County have a long-term ground lease for the County park at Lake Julian.

A long-term lease of this property will enable the City to secure 48 acres of open space, construct the French Broad River Greenway – West Bank, and explore opportunities to create edible and pollinator landscapes where possible.

Pros:

- Provides for multi-modal transportation along the French Broad River adjacent to the West Asheville Neighborhood and River Arts District

- Donation of land from Duke Energy Progress via a 99-year ground lease at \$1 per year
- Lease will permit Duke to continue to maintain the electrical infrastructure located on the property

Con:

- None

No fiscal impact is noted for the long-term ground lease.

City staff recommends City Council to adopt the resolution authorizing the City Manager to enter into a 99 Year Ground Lease with Duke Energy Progress.

RESOLUTION BOOK NO. 37 - PAGE 414

I. RESOLUTION NO. 16-60 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC/PRIVATE STORMWATER AGREEMENT FOR PATTON PLACE APARTMENTS

ORDINANCE NO. 4486 - BUDGET AMENDMENT FOR THE STORMWATER RELOCATION AGREEMENT FOR PATTON PLACE APARTMENTS

Summary: The consideration of a resolution authorizing the City Manager to execute a public/private stormwater agreement with the developer/owner of 248 Patton Avenue (Delray at Patton Avenue, LLC), to construct a new storm drainage system within the public right of way beginning on Haywood Road continuing on Patton Avenue to the intersection with Pearl Street and traveling down Pearl Street to Hilliard Avenue where it will end at the connection with an existing storm drainage system on Hilliard Avenue; and the associated budget amendment in the amount of \$600,000 from Stormwater fund balance to provide budget authorization for the City's cost share amount.

During the investigation of a future development for 248 Patton Avenue, the development team approached the City of Asheville concerning a potential partnership for new infrastructure located within the public right of way. The development team had discovered issues to an existing drainage system located downstream of their property which the pipe was totally blocked. Through previous research by the City's legal staff, it was determined that during the early 1900's the City had constructed the drainage structure in this location, but there were no established easements or rights of way where the system currently exists.

Through previous City legal team research, it was discovered that there was special legislative language written that stated the City would not be responsible for the ongoing maintenance of the existing system, which is currently not functioning as constructed.

As staff discussed the potential partnership with the development team, a plan to relocate the system within the public rights of way and reconnect the system along Hilliard Avenue became the most cost effective and viable option to add new drainage infrastructure and solve the drainage issues currently existing along the private properties.

The City's stormwater staff is currently working with an engineering consulting team to develop a comprehensive assessment of our stormwater systems. As part of this process, areas were identified that had outstanding issues. One area of concern was located along Carter and Ann Street. Currently water is flooding a church during heavy rain events due to damaged infrastructure that lies outside of the city's control. A project has been identified that will alleviate this issue and falls within the next few construction seasons. The project partnerships the City is working on with Delray Ventures will aid this future Stormwater capital improvement project by keeping the entire system within public right of way.

The city will partner with this project with a 50%/50% cost share up to a maximum of \$600,000. The plan would be for the development team to design and construct the new stormwater system and the City would then reimburse the development team up to 50% of the cost of design and construction not to exceed \$600,000.

This work will involve placing a new storm drainage system beginning on Haywood Road continuing on Patton Avenue to the intersection with Pearl Street and traveling down Pearl Street to Hilliard Avenue where it will end at the connection with an existing storm drainage system on Hilliard Avenue. The project will be within existing public rights of way and will not need additional easements to make the connections.

Staff recommends that a new pipe be installed as noted above.

Pros:

- If approved, the construction team would be able to move quickly on the construction of the new pipe, minimizing future damage to properties.
- The project will provide this infrastructure to be located within the public right of way
- Pearl Avenue currently has minimum storm drainage infrastructure and this project will allow new drainage infrastructure to be installed.
- This project will maximize city's stormwater funding to allow for more infrastructures to be installed through this public private partnership.
- This project would compliment previously identified stormwater infrastructure needs.

Cons:

- The City Stormwater Utility is paying a portion of the cost of the project.
- The city will be responsible for the ongoing maintenance of this system

: The estimate for this project is \$1,660,000. A maximum of \$600,000 is proposed to be funded by the Stormwater Utility Enterprise Fund using fund balance. The remaining cost is proposed to be paid by the private property owners. The project will be completed by the developer's construction team.

By City policy, the Stormwater Fund must maintain a fund balance equal to 8% of annual expenses. At the end of FY 2014-15, the Stormwater Fund balance exceeded the policy target by approximately \$2.0 million. Based on this historical amount and budget performance in the current fiscal year, staff is confident that Stormwater Fund balance will continue to exceed City policy at the end of FY 2015-16 even after the \$600,000 appropriation associated with this project.

Staff recommends City Council approve a resolution authorizing the City Manager to execute a public/private stormwater agreement with the developer/owner of 248 Patton Avenue (Delray at Patton Avenue, LLC), to construct a new storm drainage system within the public right of way beginning on Haywood Road continuing on Patton Avenue to the intersection with Pearl Street and traveling down Pearl Street to Hilliard Avenue where it will end at the connection with an existing storm drainage system on Hilliard Avenue; and the associated budget amendment in the amount of \$600,000 from Stormwater fund balance to provide budget authorization for the City's cost share amount.

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ORDINANCE BOOK NO. 30 - PAGE 241

**J. RESOLUTION NO. 16-61 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO CONVEY A SANITARY SEWER EASEMENT TO CIP**

CONSTRUCTION & DEVELOPMENT INC. FOR THEIR BUSBEE MOUNTAIN VIEW SUBDIVISION ON WEST CHAPEL ROAD

Summary: The consideration of a resolution authorizing the City Manager to convey a sanitary sewer easement to CIP Construction & Development Inc. for their Busbee Mountain View Subdivision on West Chapel Road.

Michael Cook of CIP Construction and Development Inc. is developing the Busbee Mountain View subdivision on West Chapel Road. They have been working with Development Services for plan review and permitting. A home has been built on one of the lots and they are requesting a Certificate of Occupancy (COs). It was during this process that the City discovered that a sewer line had been installed on a small corner of city property without an easement being obtained. Apparently a water easement was obtained by the developer from Water Resources in 2014. MSD will not grant any COs, permanent or temporary until this easement is obtained. If the City of Asheville grants this easement, then upon execution, it will be conveyed to MSD. The City Attorney's office was contacted by the developer's attorney asking that the easement be granted. The matter has been referred to Real Estate for processing. The developer's attorney has provided an easement agreement and a plat. It has been approved by MSD and their Planning and Development Manager has indicated that he will accept it once it is signed.

The sewer line has already been installed and they are requesting 108.69 square feet of permanent easement. Real Estate has notified the developer's counsel that there would be a \$170 real estate transaction fee along with a value based on the tax assessed value of the land which is \$221. The total amount will be \$391.

Pro:

- Granting this easement encourages infill development within city limits

Con:

- Developers should be strenuously encouraged to obtain easements prior to installing infrastructure on city property.

The City is requiring a real estate transaction fee plus an assessment of the value of the land comprising the permanent easement.

City staff recommends City Council approve a resolution authorizing the City Manager to convey 108.69 square foot permanent easement across a city owned parcel at West Chapel Road.

RESOLUTION BOOK NO. 37 - PAGE 416

K. RESOLUTION NO. 16-62 - RESOLUTION AMENDING RESOLUTION NO. 16-16 REGARDING THE PRIVATE SALE OF CITY-OWNED REAL PROPERTY ON STATE STREET TO REFLECT THAT ONLY THREE OF THE HOMES TO BE BUILT BY MOUNTAIN HOUSING OPPORTUNITIES WERE TO BE DEED RESTRICTED

Summary: The consideration of a technical correction to Resolution No. 16-16 approving an offer by Mountain Housing Opportunities to purchase, by private sale, real property owned by the City of Asheville located off State Street.

On January 26, 2016, Council approved Resolution 16-16, approving the sale of a small (.18 acres) parcel off State Street in West Asheville to Mountain Housing Opportunities.

As stated in the staff report for that meeting, MHO offered to purchase the property from the City on the following terms:

- Purchase Price: \$34,700. This is the appraised value of the site.
- City to provide non-warranty deed
- MHO will develop 3 single family homes on this site or adjacent property that will be sold to households with incomes below 80% AMI
- City to loan \$34,700 to MHO with the following terms:
 - Zero Interest to MHO during construction.
 - Upon sale, loan funds will be transferred/loaned to 3 income eligible households with the City as a lender –3rd mortgage, deferred for 30 years with an equity sharing clause due upon repayment.

MHO indicated that they planned to develop 12 single family homes in total, In addition to the 3 homes committed as part of the State Street lot acquisition, 3 additional homes (for a total of 6) are planned to be sold affordably, pending the site being adequate for density of 12 homes and the availability of additional needed subsidy.

The original resolution incorrectly required a deed restriction for six (6) affordable homes, not the three (3) that MHO can commit to at this time. This amended resolution makes the correction to require that three (3) homes be deed restricted.

Pros:

- Three units of affordable for-sale housing will be created.

Con:

- None

No City funding is requested other than making the value of the land available as a loan.

Staff recommends approval of the amended resolution that changes the number of deed restricted homes from six homes to three homes. No other changes are proposed.

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L. RESOLUTION NO. 16-63 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE PARKS AND RECREATION TRUST FUND, AND TO AUTHORIZE THE CITY MANAGER TO SIGN A LETTER OF COMMITMENT TO PROVIDE MATCHING FUNDS IF THE CITY IS AWARDED THE GRANT

Summary: The consideration of a resolution (1) authorizing the City Manager to submit a grant application to the Parks and Recreation Trust Fund for recreation and park amenities on City owned property designed for public use; (2) to authorize the City Manager to sign a letter of commitment to provide matching funds if the City is awarded the grant; and (3) to accept the grant funds if awarded.

The Parks and Recreation Trust Fund (PARTF) provides dollar-for-dollar matching grants to local governments for the acquisition and/or development of park and recreational projects to serve the general public. The City is requesting the maximum funding of \$500,000 with this application. A project must be located on a single site. The City is requesting funds for recreation and park amenities on the East Bank of the French Broad River Greenway.

Pros:

- Provides public recreational resources and amenities

- The PARTF grant is a significant funding opportunity that will allow the City to move forward on these investments.
- The City has already shown a commitment to improving the parks and greenway infrastructure on the East Bank of the French Broad River as a part of the East of The Riverway Plan
- The City already has the required matching funds to move forward with this project

Con:

- None

Matching funds for this grant are already in place via the existing Capital Improvement Program.

City staff recommends City Council adopt a resolution authorizing the City Manager to submit a grant application for the PARTF grant; and to authorize the City Manager to sign a letter of commitment to provide matching funds if the City is awarded the grant.

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M. RESOLUTION NO. 16-64- RESOLUTION ESTABLISHING A CITY OF ASHEVILLE, BUNCOMBE COUNTY AND DUKE ENERGY PROGRESS "ENERGY INNOVATION TASK FORCE"

Summary: The consideration of a joint City/County/Utility resolution establishing the Energy Innovation Task Force.

On October 23, 2013, Asheville City Council adopted the Resolution 13-228 Supporting Clean Energy Economy which includes the following six action items:

1. Support a local clean energy future for the City and the region;
2. Call on Duke Energy Progress to partner with the City to help meet its carbon reduction goals by decreasing reliance on fossil fuels including transitioning from coal to electricity provided by clean, renewable energy sources while continuing to meet the company's obligation to provide affordable and reliable electricity to all customers 24 hours a day, 7 days a week;
3. Call on Duke Energy to continue and expand its investments in and programs supporting renewable energy, energy efficiency and energy conservation;
4. Call on Duke Energy to stop the spread of coal ash pollution and remediate existing coal ash pollution;
5. Develop a Clean Energy Partnership Progress Report that documents the achievements of this new partnership with Duke Energy, and;
6. Seek input from a variety of stakeholders when identifying collaboration opportunities for this partnership, which was adopted as an amendment to the Resolution as it was presented (this was added as an amendment to the resolution by Mayor Terry Bellamy as reflected in the meeting minutes).

After the resolution was adopted, the Sustainability Advisory Committee on Energy & the Environment (SACEE) formed an Energy Task Force and invited stakeholders to participate in a community input process. Two sessions were held in August and September 2014, and a final session in July 2015. During the first input session participants were asked to brainstorm action items on what a community clean energy plan would address; including areas of focus in policy, programming, education outreach and projects. Participants were able to prioritize action items through a survey and results were vetted during the second session. The final session in July 2015, the participants were give the framework in which the prioritized action items were developed into the Community Clean Energy Policy Framework.

A resolution adopting the Community Clean Energy Policy Framework was approved by City Council on October 27, 2015 as a guide for ongoing policy decisions and City staff work plans. The Clean Energy Framework included an effort to launch a collaborative partnership with Duke Energy Progress to build a foundation for a longer term community energy efficiency, clean renewable energy sources; decreasing the City's reliance on fossil fuels.

In early December of 2015 representatives from the City of Asheville, Buncombe County, Duke Energy and interested non-governmental organizations began meeting to discuss this partnership, which has developed into the Energy Innovation Task Force.

This Energy Innovation Task Force will be made up of governmental, business (large, institutional and commercial), non-profit finance and environmental advocacy groups, shown below. Duke Energy supports the resolution and has served as a co-convenor of this group.

Industry	Organization	Representative
Environmental Advocacy	Sierra Club	Kelly Martin
Utilities	Duke	Jason Walls
Local City Government	City of Asheville, City Council	Julie Mayfield
Local County Government	Buncombe County Board of Commissioners	Brownie Newman
Non-Profits	Green Opportunities	George Jones
Institutional Users	Mission Hospital	Sonya Greck
Development	Biltmore Farms	Paul Szurek
Industrial Users	New Belgium	Jim Spencer
Hotel Industry	BCTDA	Himanshu Karvir
Institutions Higher Education	UNCA	Ed Katz
Banking	Self Help Credit Union	Jane Hatley
Local Business Association	Asheville Chamber	Toby Weas
City Advisory Board	SACEE	Sonia Marcus
Green Development	Green Building Council	Sam Ruark
Solar	Sundance Power	Dave Hollister

The task force will focus its work around:

- Education/training/communication through active community engagement to drive more energy-efficient behavior.
- Technology development and implementation through deliberate investment in distributed energy resources (primarily solar) and storage.
- Greater access to and promotion of energy efficiency products/programs and demand-side management offerings.

Pros:

- Continues sustainability efforts including carbon footprint reductions and a clean energy economy through a partnership with Buncombe County, Duke Energy, and community stakeholders.
- Reducing energy consumption will make our community less dependent on fossil fuels and more reliant on renewable energy.
- Duke Energy Progress has agreed to postpone or avoid the construction of an additional turbine engine at the Lake Julian power plant if our community demonstrates less reliance on the fuel powered plant.

- Opportunity to provide the residents of Buncombe County and City of Asheville a cleaner, affordable and smarter energy future.
- The successful collaboration of public and private partnerships moving the Western North Carolinas into a clean energy future.

Cons:

- The funding to implement the recommendations has not been identified.

City staff recommends that City Council adopt the resolution establishing the joint City/County/Utility Energy Innovation Task Force.

Councilwoman Mayfield said that in October of 2013, City Council adopted a resolution calling on Duke Energy Progress to create a partnership to help reduce the City of Asheville's reliance on fossil fuels and energy use generally. More recently when Duke Energy Progress revised its Modernization Plan it also suggested a partnership between the City, the County and itself with that same goal to reduce our overall energy use, to avoid construction of additional fossil fuel capacity in the early 2020s. She asked that the Task Force be amended to include a representative from GE Aviation. She explained how this Task Force is precedent-setting in North Carolina.

Mr. Benji Burrell spoke in support of this Task Force.

Mr. Jason Walls, representing Duke Energy Progress, said that they were delighted to be a partner on this Task Force and they look forward to getting started.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda.

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, with an amendment to the Energy Innovation Task Force to include a representative from GE Aviation. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

C. RESOLUTION NO. 16-55 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF INTENT AND ACCEPT SEVERAL GREENWAY EASEMENTS FOR THE RHODODENDRON GREENWAY GREENWAY

Councilwoman Mayfield recused herself from voting because the greenway runs behind her home and her homeowners association is one of her parties to this agreement. Even though she stepped out of the negotiations when she was elected to Council, she asked to be recused from voting.

Summary: The consideration of a resolution authorizing the City Manager to execute a Letter of Intent and accept several greenway easements that are granted by property owners Mountain Sun Building & Design, Davenport Park Homeowners Association, Inc., and Green Development, LLC, that lie contiguously along Rhododendron Creek between Shelburne Road and Estes Court.

In 2015, the City was contacted by the owner of Mountain Sun Building & Design, LLC and the Davenport Park Homeowners Association, Inc. to discuss the possibility of the donations

of easements on their properties for the Rhododendron Greenway. The homeowners' association believed they had previously granted a greenway easement to the City on their property but that with a new greenway easement from Mountain Sun, a different alignment would be more logical. At this time, staff has not been able to find any record of another greenway easement but will allow language in the legal document that allows the annulment of prior easements. Green Development, LLC, the developer of Davenport Park subdivision, consulted with the City during these negotiations and also agreed to provide additional easements on three contiguous parcels that will be developed in the future.

The three property owners have agreed to donate the following easements:

Property Owner	PIN	Size of Easement
Mountain Sun Building & Design, LLC	9628-92-4520	6070 SF / 0.1393 AC
Davenport Park Homeowners Association, Inc.	9628-92-7134	12,253 SF / 0.2813 AC
Green Development, LLC	9628-92-6562	1449 SF / 0.0333 AC
	9628-92-6513	1411 SF / 0.0324 AC
	9628-92-5672	3571 SF / 0.1477 AC

The total size of the combined easements is 24,754 square feet or 0.57 acres.

Rhododendron Creek Greenway, as seen on the Greenway Master Plan begins at Hominy Creek Greenway on Shelburne Rd. near the former Armory and extends to Sand Hill Road near Vance School. Implementation of this greenway is not in the near future, but staff agrees that donation of these easements areas beneficial to the City and fit with the planned alignment.

The City has drafted a Letter of Intent which outlines the major conditions regarding the offer and acceptance of the greenway easements. These include the following:

- Easements will be donated to the City at no cost.
- The granting property owners acknowledge and agree that while the City has conceptually identified the Rhododendron Creek Greenway Corridor of the Asheville Greenway Master Plan, the City has no current action to implement this greenway corridor as a paved trail or otherwise and by accepting these greenway easement donations, the City will not be making this greenway project a priority and will have no obligation to maintain or make any improvements to the easement areas unless, and until, the greenway project is implemented.
- By accepting this offer of donation, the City recognizes that this property represents the preferred location of the greenway corridor rather than the property along the east side of Rhododendron Creek and the City further agrees to amend the any greenway easement that was granted to it by the Davenport Park HOA regarding PIN 962-92-5672, to reflect this new alignment along the west side of the creek.
- Any and all terms associated with the donation and acceptance of these greenway easements are subject to the final approval of the City of Asheville. Monthly updates were given to the Greenway Committee but due to time sensitivity of this agreement on the developers' part, no vote was taken. Nor was this issue brought to the Multimodal Transportation Commission.

Pros:

- Accepting the easement will provide legal access to the land area needed for the Rhododendron Creek Greenway.

- The property owners propose to donate the easement at no cost to the City.

Con:

- None noted.

No monetary consideration involved in this conveyance.

City staff recommends City Council approve a resolution authorizing the City Manager to execute the Letter of Intent, and to accept and sign easements totaling 24,754 square feet on private property for purposes of land banking easements for Rhododendron Creek Greenway.

Councilman Bothwell moved for the adoption of Resolution No. 16-55. This motion was seconded by Councilman Young and carried unanimously (with Councilwoman Mayfield being recused from voting).

III. PRESENTATIONS & REPORTS:

A. UPDATE ON HOMESTAY PERMITTING PROGRAM

Director of Development Services Jason Nortz said that this report is an update on the Homestay Permitting Process enacted via a wording amendment that was adopted on November 17, 2015. The data in this report spans a time frame from November 18, 2015, to March 1, 2016.

Due to strong demand for home based lodging, City Council passed a text amendment to Section 7-16-1(c)(9) to modify the requirements for a Homestay Permit. Some of the major changes to the requirements for Homestay Permitting were:

- The removal of a 500-foot separation requirement (between homestays)
- The removal of the minimum home size requirement of 2,500 sf.
- The removal of the need for additional off-street parking
- The removal of the requirement to provide a morning meal
- Only one homestay shall be permitted per lot
- Provisions requiring appropriate insurance
- Provisions for a required annual inspection
- Requirement that a maximum of no more than two (2) bedrooms be used for the homestay.

With these and other smaller changes, a Homestay shall:

- Be operated by a full time resident
- Meet all applicable life safety codes
- Exist as the only homestay on the parcel
- Provide all proper insurance policies
- Pay all applicable taxes.

Applications for the Homestay permit are submitted to and reviewed by the Development Services Department (DSD). In response to the changes made by this text amendment, the DSD retained a Development Review Specialist working within the Planning & Zoning Division to carry out all Homestay related tasks and conduct all Short-Term Rental enforcement activities. Additionally, the DSD produced a single page application, checklist and guide to be used when preparing a submittal for this permit.

The DSD began receiving applications for Homestay permits under the new provisions on November 18, 2015. Through March 1, 2016, there have been 52 applications submitted for the

Homestay permits. The properties subject to these applications have been primarily focused within a few neighborhoods.

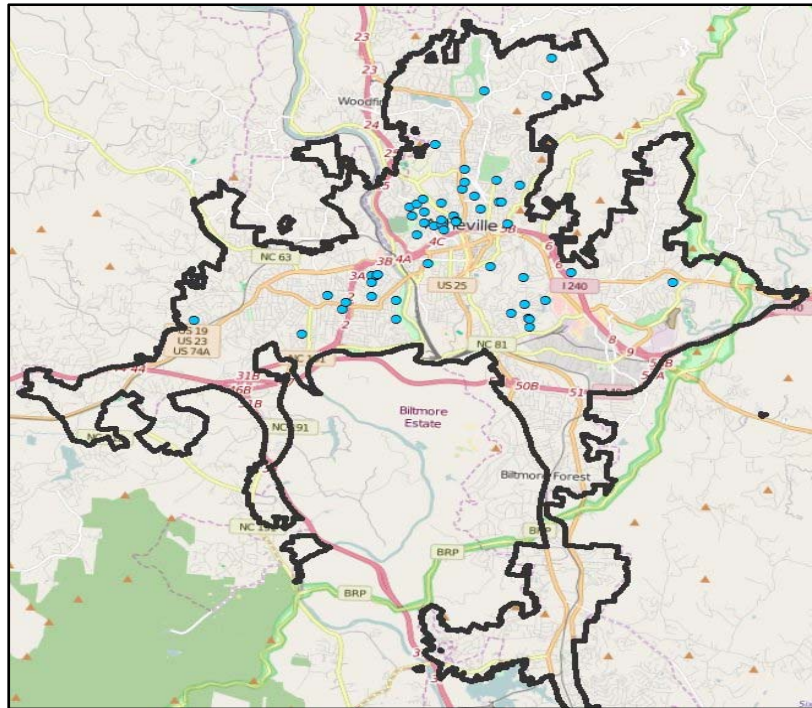


Figure One. Map of Homestay Applications

As the above map shows, the majority of the properties for which a Homestay use is desired are located generally in the area known as “North Asheville”. To date, approximately 85% of homestay permit applications have been approved and issued. The table below (figure two) contains further information related to Homestay permitting thus far.

Number of Applications Submitted	52
Number of Permits Issued	46
Average Total Home Size	2,049 sf
Average Homestay Area Size	293 sf
Average Percentage of Total Home Size	15%
Average # of Bedrooms	1.5
Average Age of Structure	70 years
Homestays Providing Off-Street Parking	<u>72% (33 sites)</u>

Figure Two. Homestay Data Through 3.1.2016

Enforcement: Along with creating new allowances for Homestay uses, the ordinance changes also set forth a commitment to enforcement of these rules in the form of identifying and notifying properties that are in violation of the allowances. At the onset of the new regulations, there were also several ongoing enforcement cases that now had the opportunity to convert to legal Homestay uses through the permitting process. Prior to the adoption of the Homestay

amendment, there were over 50 existing short-term rental violations. Roughly 22 percent have come into compliance through the Homestay permitting process. Since the adoption of the changes to the Homestay Ordinance, the City has received 17 complaints that have resulted in active enforcement for violation of the Homestay Ordinance or operation of a short-term rental where it is prohibited by zoning district.

Thus far, proactive enforcement has been promoted through the review of the various online advertising outlets for short-term rentals (i.e.; Air BnB, VRBO), responsive investigation of complaints made via email, phone and the Asheville App and visual surveys conducted by the Development Review Specialist. Moving forward, proactive enforcement is planned to be enhanced through possible partnerships regarding homestay tax revenue information received by Buncombe County and other short-term rental websites.

Staff Concerns: Through the administration of the revised permitting program, staff has encountered many different scenarios through homestay applications and enforcement. Included among these concerns are:

- Possible false representation of residency;
- Floorplans not representing legally permitted building work;
- Accurately identifying livable space and unit separation;
- Correctly identifying possible violation locations based upon limited information provided online (such as the lack of exterior photos of properties); and
- Continuing press and recognition of the value of the short-term rental market in Asheville.

Next Steps: Staff will continue to explore ways to more proactively enforce short-term rental violations as well as look at other ways to enhance the efficiency of the program. Our next 4 month update will be in July.

In response to Councilwoman Mayfield, Mr. Nortz said that of the 50 existing homestays that were in non-compliance before the update to the ordinance, 11 have since been permitted, 33 are no longer in violation, and 6 are pending follow-up from our Development Review Specialist.

When Councilman Bothwell asked if there was a predominant violation, Enforcement Officer Shannon Morgan said that most violations were basically operating a short term rental without a permit, or operating a short term rental with no one living in the residence.

In response to Councilwoman Mayfield, Mr. Nortz felt that are people who are trying to comply with our ordinance but there is a good portion of properties that are operating as illegal short term rentals and we are working on pro-active enforcement of those.

Councilman Bothwell wondered if the lack of applications predominately reflects that people are operating illegally or really reflects that there weren't as many as we thought there were in the first place.

In response to Councilman Smith, Mr. Nortz explained the concern of possible false representation of residency and said they are working on a process to deal with that now.

B. QUARTERLY I-26 CONNECTOR UPDATE

Transportation Director Ken Putnam brief Council on the quarterly I-26 Connector update as follows: (1) purpose of the quarterly updates; (2) benchmark data - December 16, 2015 (City comments regarding the Draft Environmental Impact Statement submitted to Raleigh); (3) post-hearing meeting on January 25, 2016; (4) working group created; and (5) working group's first meeting on March 24, 2016.

Councilwoman Mayfield said that the City's working group is made up of herself, Vice-Mayor Wisler, City Transportation Director Ken Putnam, Director of Planning & Urban Design Todd Okolichany, Chair of the Multimodal Transportation Commission Bruce Emory; and Alan McGuinn, with the Asheville Design Center. She said they will be working with the N.C. Dept. of Transportation to work through the City's/public's concerns.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE PERMANENT CLOSING OF AN UNNAMED ALLEY LOCATED NEAR 119 AND 121 SAND HILL ROAD

RESOLUTION NO. 16-65 - RESOLUTION TO PERMANENTLY CLOSE AN UNNAMED ALLEY LOCATED NEAR 119 AND 121 SAND HILL ROAD

Stormwater Division Manager McCray Coates said that this is the consideration of a resolution to permanently close an unnamed alley located near 119 and 121 Sand Hill Road. This public hearing was advertised on February 26, March 4, 11 and 18, 2016.

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

Pursuant to this statute, adjoining property owner, Debra Carter, owner of parcels 9638-04-0283, 9638-04-0025 and 9648-04-0159, and Katherine Wersel (on behalf of Vivianne Wersel), owner of parcel 9638-04-0395 have requested the City of Asheville to permanently close the unnamed alley located near 119 and 121 Sand Hill Rd.

The Multimodal Transportation Commission met on October 28, 2015, 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 of efficient land use and planning.

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution to permanently close an unnamed alley located near 119 and 121 Sand Hill Road.

Mayor Manheimer opened the public hearing at 5:30 p.m., and when no one spoke, she closed the public hearing at 5:30 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 16-65. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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B. PUBLIC HEARING TO CONSIDER THE PERMANENT CLOSING OF AN UNNAMED ALLEY LOCATED BETWEEN OTEEN PARK PLACE AND PINE CONE DRIVE

RESOLUTION NO. 16-66 - RESOLUTION TO PERMANENTLY CLOSE AN UNNAMED ALLEY LOCATED BETWEEN OTEEN PARK PLACE AND PINE CONE DRIVE

Stormwater Division Manager McCray Coates said that this is the consideration of a resolution to permanently close an unnamed alley located between Oteen Park Place and Pine Cove Drive. This public hearing was advertised on February 26, March 4, 11 and 18, 2016.

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

Pursuant to this statute, adjoining property owners, Edison and Lillian Degobbi, owners of parcel 68-26-6877, and Paul Ray, owner of parcel 9668-26-6765 have requested the City of Asheville to permanently close the unnamed alley located between Oteen Park Place and Pine Cone Drive. A copy of this resolution was sent by registered or certified mail to all property owners abutting the unnamed alley not joining in the petition to close.

The Multimodal Transportation Commission met on January 27, 2016, 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 of efficient land use and planning.

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution to permanently close an unnamed alley located between Oteen Park Place and Pine Cone Drive.

Mayor Manheimer opened the public hearing at 5:32 p.m., and when no one spoke, she closed the public hearing at 5:32 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Councilman Bothwell moved for the adoption of Resolution No. 16-66. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 37 – PAGE 423

C. PUBLIC HEARING TO CONSIDER REZONING THE COMMUNITY BUSINESS I DISTRICT PORTION OF SPLIT-ZONED PROPERTY (COMMUNITY BUSINESS I DISTRICT AND RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT) LOCATED AT 338 HILLIARD AVENUE TO CENTRAL BUSINESS DISTRICT AND AN AMENDMENT TO THE OFFICIALLY ADOPTED HEIGHT ZONE MAP

ORDINANCE NO. 4487 - ORDINANCE TO REZONE THE COMMUNITY BUSINESS I DISTRICT PORTION OF SPLIT-ZONED PROPERTY (COMMUNITY BUSINESS I DISTRICT AND RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT) LOCATED AT 338 HILLIARD AVENUE TO CENTRAL BUSINESS DISTRICT

ORDINANCE NO. 4488 - ORDINANCE AMENDING THE OFFICIALLY ADOPTED HEIGHT ZONE MAP

Assistant Director of Planning & Urban Design Alan Glines said that this is the consideration of an ordinance to rezone the the Community Business I District portion of split-zoned property (Community Business I District and RM-8 Residential Multi-Family Medium Density District) located at 338 Hilliard Avenue, to Central Business District; and an amendment to the officially adopted Height Zone Map. This public hearing was advertised on March 11 and 18, 2016.

The site proposed for rezoning consists of a single parcel currently split zoned between Residential Multifamily Medium Density District (RM8) and Community Business I District (CBI), approximately 2.35 acres in size, located at 338 Hilliard Avenue. There are several existing structures on the parcel, which has been used as a city park maintenance facility since 1975. The parcel has frontage on both Clingman and Hilliard Avenues and has the potential to provide a prominent entrance into the West End Clingman Avenue Neighborhood (WECAN) and downtown. The site drops off at the southern end of the parcel where a natural drainage swale has out fall from underground pipes that provide stormwater runoff from the downtown area. This portion of the property corresponds with the RM8 section of the site and is part of the Clingman Forest Greenway currently under construction.

The City of Asheville, the owner, is proposing a standard rezoning of the CB 1 portion of a single parcel to Central Business District (CBD) with an amendment to the Height Zone Map to expand the Intermediate Height Zone. No specific development is proposed with this request. The Council and staff have worked together to identify city-owned parcels that could be used to meet city goals. The Residential Multifamily Medium Density District (RM 8) zoned portion of the parcel is not proposed to be rezoned in this application.

Recent Zoning Actions – Nearby on Hilliard Avenue and Asheland Avenue, a number of rezonings have occurred to expand the CBD zoned area. The parcel at 200 Asheland Avenue was approved for CBD rezoning in September 2015. The properties at 226 and 230 Hilliard Avenue were rezoned in 2014. The properties at 86 Asheland and 172 Asheland Avenue was similarly rezoned in 2013. Staff continues to pursue a large-area rezoning along Asheland Avenue with an informational meeting for the neighborhood being planned for March 2016. The vision for the downtown area was studied during the Downtown Master Plan process and expanding the boundaries of the CBD is consistent with the goals of the plan. Also nearby, the Patton Place Apartment project was approved in 2015 at 246 Patton Avenue at the corner of Clingman Avenue and Patton Avenue and will contain 116 residential units and associated parking.

Downtown Guidelines / Special Zoning Considerations – The rezoning request to CBD requires an adjustment to the Height Zone Map which governs the height for future buildings. Staff and the Downtown Commission recommend that the Intermediate Height Zone be applied to this parcel. The Intermediate Height Zone has been applied to parcels along Clingman Avenue and Hilliard Avenue as a buffer from Taller Height zone areas. In addition, any future development would be required to comply with CBD design requirements and review standards.

The rezoning request and the amendment to the Height Zone Map were considered by the Downtown Commission at their meeting on January 8, 2016, and were unanimously recommended for approval. Information was also shared at the West End/Clingman Avenue

Neighborhood (WECAN) board meeting on February 4, 2016. Staff answered general questions about the application and next steps if the zoning is approved.

The Planning and Zoning Commission reviewed the request at their meeting on March 2, 2016, and voted unanimously to recommend approval. Although no one spoke during the public hearing, after the meeting, several neighbors asked questions of staff about the rezoning application.

The area to the north and west of the site are zoned CBD. The Central Business District is the only non-residential zone in the vicinity of the developable portion of the parcel. Uses in this area include residential, commercial and vacant parcels. To the east, Aston Park is residentially zoned and contains restrictions on all non-public uses. It includes the Tennis Center, a playground and walking paths. The park provides a buffer to commercial and higher density residential areas in the CBD and S. French Broad to the east and south. As previously noted, the RM8 portion of the subject property is proposed to remain residentially zoned. It is expected that this area will be used to provide support for Aston Park and the Clingman Forest Greenway, which is consistent with uses allowed for residentially zoned parcels.

The Comprehensive Plan recommends higher density infill development in areas where there are options for employment, transportation and recreation following a more sustainable development pattern. The Downtown Master Plan makes greater residential infill a priority for downtown especially in the neighborhoods surrounding the traditional downtown core. The West End Clingman Avenue Master Plan recommends that the area surrounding Clingman and Hilliard Avenues become the location of mixed-use development with commercial and residential uses.

City Council's 2036 Vision places an emphasis on a Well Planned and Livable Community by encouraging thriving mixed-use areas with business and residential uses linked by an integrated transportation system. This location has the potential to be redeveloped meeting these goals.

Considerations:

- The rezoning is consistent with the vision of growth for the area
- An isolated zoning classification on a single parcel is eliminated
- Adopted plans encourage higher density infill in the Central Business
- The Intermediate Height Zone has been applied to other parcels in the vicinity of this parcel

Staff recommends approval of the proposed rezoning, finding that the request is consistent with City-adopted plans and strategic goals for development in this area.

Mayor Manheimer opened the public hearing at 5:39 p.m. on the rezoning and the amendment to the height zone map.

Ms. Charlene Mayfield, resident in the area, was concerned that the elderly residents on her street were not notified of this change. Mr. Glines explained that the rezoning only affects the area closest to Hilliard Avenue, and that there is no development proposed on the RS-8 portion (affecting Ms. Mayfield) and no connection between the CBD property and Charles Street. He said staff went to the WECAN meeting and sent letters to property owners on Charles Street. The RS-8 portion will remain as is, which is to support the other uses in the area and the greenway (parking). He said that to reach that parking would be from Hilliard Avenue.

Mayor Manheimer closed the public hearing at 5:42 p.m. on the rezoning and the amendment to the height zone map.

Mayor Manheimer said that members of Council have previously received copies of the ordinances and they would not be read.

Councilman Bothwell moved to approve the zoning map amendment for the portion of the property zoned Community Business One (CB 1) to Central Business District (CBD), including the amendment to the Height Zone map in the same area and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in that, (1) the rezoning is consistent with the vision of growth for the area; and, (2) the request aligns with goals for a well-planned and livable community. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ORDINANCE NO. 4487 - ORDINANCE BOOK NO. 30 – PAGE 243
ORDINANCE NO. 4488 - ORDINANCE BOOK NO. 30 - PAGE 246

PUBLIC HEARING TO SEEK CITIZEN COMMENTS ON THE RELEASE OF A DEED RESTRICTION ON THE CITY-OWNED PROPERTY LOCATED AT 338 HILLIARD AVENUE

RESOLUTION NO. 16-67 - RESOLUTION AUTHORIZING ACTIONS FOR RELEASE OF U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT DEED RESTRICTION AND APPROVAL OF THE REQUEST FOR PROPOSALS PROCESS FOR THE DISPOSITION OF CITY-OWNED PROPERTY LOCATED AT 338 HILLIARD AVENUE FOR AFFORDABLE HOUSING

Assistant Community & Economic Development Manager Jeff Staudinger said that this public hearing is to seek citizen comments on the release of a deed restriction on the City-owned property located at 338 Hilliard Avenue. This public hearing was advertised on March 11 and 18, 2016.

Also, requested is considerations contained in the Request for Proposals (RFP) for the disposition of that City-owned property (Parks Maintenance Facility) for affordable housing.

Repurposing City-owned property for affordable housing is a mechanism to increase housing supply, supported by Council at their October 2014 worksession on affordable housing. As reported at that worksession, the property at 338 Hilliard was the first property targeted for that repurposing.

In order to achieve that, a suitable site for relocation of the parks maintenance facility function was needed. It has been determined that the city-owned 75 Shelburne Road site meets the facility needs. Capital funds have been budgeted to support the relocation to that site, which is now being planned. Staff anticipates that move will occur prior to January 1, 2017.

The site for redevelopment of affordable housing is about .75 acre of the total 2.5 acre site. The southern portion of the site will be available for use as Aston Park Tennis Center and Clingman Forest Greenway parking,

Staff investigated the suitability of the subject site for affordable housing. Phase 1 and Phase 2 environmental assessments have been performed, as has geotechnical testing. The site has evidence of historical use as a gas station, and some minor soils remediation may be necessary. The site also was filled, and this information will inform the choice of building foundation systems. No red flags to development were discovered. Staff has also initiated rezoning of the parcel to Central Business District, and anticipates completion of that process on March 22, 2016.

- 1) Public Hearing Release of Deed - The site is subject to a deed restriction associated with original acquisition funding provided by the US Department of Housing and Urban Development (HUD), limiting the parcel's use to "open space." HUD has informed the City that that the current Parks Maintenance parcel can be used for whatever purposes

the City wishes. If funded under the now discontinued Neighborhood Facilities program, the restrictions have already been released, under a blanket ruling from HUD. If the source was CDBG, the property would either need to be used in a manner that meets a National Objective (which affordable housing would do); or the City would need to reimburse the CDBG program in the amount of the fair market value of the property, less any amount of the value created through purchase or improvements attributed to non-CDBG funds.

Because the funding program that led to the deed restriction is not clear, staff recommends treating the property as funded through CDBG, and holding a public hearing, to comply with CDBG regulations. The proposed use as affordable housing meets a national CDBG objective, and therefore the property can be used for this purpose without requiring any repayment of CDBG funds.

- 2) Considerations for Request for Proposals - Staff is preparing a Request for Proposals (RFP) to solicit concrete proposals from qualified developers to redevelop the .75 acre site on that property for affordable housing.

The RFP outlines the minimum qualifications required to submit a proposal; the project objectives of the City; how the response to those objectives and how qualifications will be scored; the required proposal submittals; the review process; the selection process; and a timeline. Staff proposes that a staff committee, under the Director of Community and Economic Development, be charged with the review of proposals, and making a recommendation to Council of the developer for the project. The Housing and Community Development Committee and the Planning and Economic Development Committee reviewed the Objectives and Timeline, and their input was incorporated into the proposed RFP.

Proposals will be scored for their response to the proposal Objectives:

Housing Program Objectives:

1. Income Targeting:

Requirement:

- A minimum of 51% of all units must be affordable to and leased to households earning 80% or less of Area Median Income.
- The highest score will be awarded to proposals with the highest percentage of units affordable to and to be leased to households earning 80% or less of Area Median Income.

Other Competitive Factors:

- Percentage of Units to be leased to households earning 60% or less of area median income.
- Percentage of Units to be leased to households earning 30% or less of area median income.

2. Maximum Rents:

Requirement:

- The maximum gross rents will be 30% of the targeted incomes and only families and seniors whose incomes are at or below the targeted incomes will be eligible to occupy the housing.

Other Competitive Factor

- Percentage of units with rents lower than 30% of the targeted incomes.

3. Minimum Number, Mix and Sizes of Housing Units:

Requirement:

- At least 40 units must be proposed in the development.

- At least 50% of the units must be proposed as 1-BR units, and 15% of the units as 3-BR units.

Competitive Factors;

- Maximizing the number of units within the site constraints.

4. Term of Affordability

- The unit must be affordable to the income targeted households for a period of no less than 20 years.

Competitive Factors:

- Commitment to longer term of affordability, including but not limited to permanent affordability.

Design Objectives:

1. Sustainability:

Competitive Factors:

- To maximize the overall sustainability of the Development through the integrated use of sustainable building elements, including those that improve indoor air quality, reduce resource consumption, and approach zero-energy consumption.
- Third-party certification of sustainability measures.

2. Housing Habitability

Competitive Factors:

- Appropriately sized units and unit layouts.
- Appropriately located and accessible interior resident amenities such as on-site laundry facilities, and community gathering spaces.
- Exterior amenities such as open spaces accessible only to residents.

3. Urban Design:

Competitive Factors:

- To reinforce the city street pattern and provide for substantial street trees and plantings along the sidewalks, and thoughtful landscaping.
- To consider the scale of neighborhood buildings
- To recognize the relationship of the development to the River Arts District, the Clingman Forest Greenway and Aston Park.

4. Neighborhood/Community Amenities:

Competitive Factors:

- To provide benefits to the broader community by incorporating community-oriented amenities such as an after-school program open to older non-resident children or a senior center open to non-resident seniors.

Financial Objectives

1. Use of City Financing

Competitive Factors:

- The value of the property, whether purchased or leased, is the primary City resource available to subsidize the project. Note: If the property is sold, it will be subject to competitive bidding (upset bid) unless there is a commitment that at least 20% of the units will be affordable to and leased by household at or below 60% of AMI, in which case the City would be authorized to sell as a private negotiated sale.
- The least use of other City subsidy resources as permanent financing.

Preliminary Timeline:

RFP issued by City	Friday, April 15, 2016
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Pre-submission meeting at the site	Thursday, April 24 2016
Proposal Submission Deadline	Monday, June 6, 2016
Preliminary Scoring for Minimum Qualifications by Selection Panel and Notice to Respondents	Friday, June 17, 2016
Developer team interviews (if necessary)	Week of June 20, 2016
Staff review and recommendation of development team	Tuesday, July 12, 2016
HCD Committee Review	Tuesday, July 26, 2016
City Council review and approval	Tuesday, August 2016
Contract for Sale or Lease developed, reviewed and approved	September, 2016
Contract executed (potential leaseback of property to City)	October, 2016
Plans and Permits developed and approved	March, 2017
Mobilization, demolition and commencement of construction	May , 2017
Completion of construction, occupancy	April, 2018

Pros:

- The process will lead to the creation of new affordable housing.
- The process will inform future city-land repurposing.
- The process will provide the City with the best value for its resources.
- The City will retain most of the subject parcel for access and parking uses.

Con:

- Any issues with the relocation of the current site function could delay the anticipated outcome.

Fiscal Impact:

- The cost of the relocation of the current parks maintenance facility is budgeted in the City's 2016 Capital Improvement budget.
- The amount of City affordable housing subsidy that will be required to achieve the objectives is currently unknown, but anticipated to be all or a portion of the value of the land that could otherwise be received in a market-based sale of the property.
- The cost of developing parking and improved access to serve the Tennis Center is not known at this time.

Staff recommends approval of actions for the release of the deed restriction on City-owned property located at 338 Hilliard Avenue; and approval of the consideration of the RFP for the disposition of approximately .75 acre located at 338 Hilliard Avenue

Mayor opened the public hearing at 5:51 p.m.

Mr. Timothy Sadler asked that emphasis on building performance be placed on the scorecard on the RFP.

Mayor Manheimer closed the public hearing at 5:52 p.m.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Smith moved for the adoption of Resolution No. 16-67. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. ORDINANCE NO. 4489 - ORDINANCE ADOPTING THE 2016-17 FEES & CHARGES MANUAL

Finance and Management Services Director Barbara Whitehorn said that this is the consideration of an ordinance adopting proposed fee adjustments for Fiscal Year (FY) 2016-17.

The proposed FY 2016-17 fee adjustments were reviewed by the Council Finance Committee on February 23, 2016. She provided Council with a full list of the proposed fees and charges that was presented to the Finance Committee. A summary of Finance Committee recommendations is shown below. As staff continues preparation of the FY 2016-17 Manager's Recommended Budget, there may be additional fee adjustments that are brought forward as part of the budget process in May.

Fee Change Summary:

Parks & Recreation

- Aston Park increases according to schedule; \$22k
- Adjustment to WNC Nature Center fees (no change to admissions)

Solid Waste

- Fee Increase from \$10.50 to \$14/mo.; \$1.1 million

Stormwater Fee

- 5% overall increase; \$252k

Water Rate Increases

- 1.5% single family, multi-family and small commercial
- 3.5% large commercial and manufacturing
- \$473k

US Cellular Center

- Various fees and charges changes; \$28k

Motor Vehicle Fee

- Recommend \$30/year fee, increase of \$20
- \$1.4 million in additional restricted revenue

Parking Fund fees

- Parking study currently underway

Development Services Department fees

- Fees to be evaluated
- Cost recovery
- Benchmarking

Councilman Smith wanted to know what the relation is between the solid waste increase and the possible roll-out of the Pay as You Throw Program. He understands this increase is intended to get us closer to a full cost recovery. The idea behind Pay as You Throw is people who send less material to the landfill will be able to pay less. For him to be supportive of this

increase, he will need to be confident that we will be able to move forward with ways for people to decrease their fees with regard to solid waste. Ms. Whitehorn responded and Councilwoman Mayfield noted that the Pay as You Throw program may still be an option to implement mid-year as it is still a work in progress.

Regarding the motor vehicle fee increase to be slated for street maintenance, Councilwoman Mayfield noted that 60.8% of our streets rank either poor or very poor. This increase will help in addressing the backlog of needs and free up some of the General Fund money to be used for other priorities. Councilman Smith also noted that currently Powell Bill funds are used for street maintenance; however, there is a concern that the General Assembly may no longer make those funds available to cities.

City Manager Gary Jackson said that transit fees are not included in this recommendation. At this point, staff is focusing on budget worksessions as the means for Council to tell staff if they would like to pursue other forms and means to fund transit programming. We currently use General Fund dollars, ridership revenues, parking transfer, grant funds, etc. All those options are available to Council as we put together the plan going forward. Staff hopes to get direction from City Council regarding transit on April 12.

Councilman Smith could not support this based on the solid waste fee and the uncertainty of the Pay as You Throw Program.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the ordinance and it would not be read.

Councilman Bothwell moved for the adoption of Ordinance No. 4489. This motion was seconded by Councilwoman Mayfield and carried on a 6-1 vote, with Councilman Smith voting "no".

ORDINANCE BOOK NO. 30 – PAGE 249

B. MOTION ACCEPTING THE HAYWOOD ROAD CORRIDOR PARKING STUDY

Transportation Director Ken Putnam said that this is the consideration of a resolution to accept the Haywood Road Corridor Parking Study.

The Haywood Road Vision Plan, which was adopted by City Council via Resolution No. 14-37 on February 25, 2014, recommended that a parking study be prepared along the Haywood Road Corridor. The plan was developed through an initiative by the West Asheville Business Association (WABA) and interested local residents to improve the corridor and identify revitalization strategies. An initial meeting was held in 2002 involving local residents, business owners, and City staff to discuss the successes of Haywood Road and opportunities for improvement. This group formed the Haywood Road Corridor Committee and the committee met regularly from 2003 through 2007 and again from 2010 through 2013 to develop the vision plan.

City staff contracted with Kimley-Horn and Associates, Inc. during September 2014 to perform a parking study along the Haywood Road Corridor. The study was accomplished in two phases. Phase I included collecting, summarizing, and analyzing the existing data, meeting with the directly affected stakeholders, and documenting concerns and suggestions. It was completed during June 2015 at a cost of \$53,400.

Phase II included collecting, summarizing, and analyzing the existing data along the neighborhood streets in the study area, meeting with the stakeholders who live along the neighborhood streets, developing and analyzing strategies to manage parking demand,

developing recommendations, and preparing the final report that would include potential projects to be considered in the capital improvements process. Phase II has been completed at an anticipated cost of \$48,800 and the report is going through the review process.

The projection of future parking demand includes (1) estimate of development in 2022 assuming shared parking; development projections provided by Planning Department; and (3) 180 additional parking spaces needed for projected development.

This item was reviewed by the Planning and Economic Development Committee on February 16, 2016, and they recommended that it move forward to City Council for their review and approval. This item was also reviewed by the Multi-Modal Transportation Commission on January 27, 2016, and their comments have been incorporated into the report.

Pros:

- Accomplished a recommendation from the Haywood Road Vision Plan.
- Inventoried parking supply along the Haywood Road Corridor.
- Identified potential parking deficiencies and issues along the Haywood Road Corridor.
- Provides recommendations to balance parking supply and demand.

Con:

- Cost of potential projects which may be included in the capital improvements process in future years (potential projects may compete with other needed projects).

There is no immediate fiscal impact regarding the subject action. The total cost of the parking study was \$102,200 and it was covered by the Parking Enterprises operating budget during FY 2014-15 and FY 2015-16.

Staff recommends that City Council accept the Haywood Road Corridor Parking Study that was prepared by Kimley-Horn and Associates, Inc.

Mr. Fred Burchett, Principal at Kimley-Horn, summarized the data collection. Using charts, he showed the Haywood Road on-street parking in various scenarios, along with their public outreach. He explained the projection of future parking demand. Finally, their recommendations were (1) add parking supply for bicycles and autos by entering into shared parking agreements; (2) construct additional parking supply at Hanover and Haywood; (3) implement residential permit parking program; (4) implement fee for on-street parking in areas with high parking demand; and (5) enhance enforcement of parking regulations. Recommendations are co-dependent.

Councilman Smith was excited to see some of the ideas, especially the residential permit parking program. He said that he would be interested in ways we might look at revenue from private parking lot agreements in addition to the on-street parking areas. He hoped we would also look at expanding mobility and parking options.

In response to Vice-Mayor Wisler regarding the cost and timing of implementing the recommendations, Mr. Putnam said that they are trying to lay out a 10-year parking Capital Improvement Project Program. Once they plug in where they will do all the needs over the next 10 years, the financial model they will be using will help them set the stage to come to Council with a recommendation on what the parking fees will need to be set. They plan to start plugging in some of these recommendations in the year 2018 and to use 2017 to fully vet what the procedures would be for the residential permit parking program. He envisioned the residential permit parking program to be City-wide guidelines, similar to the Traffic Calming Policy. In crafting the residential permit parking program guidelines, staff will utilize some of our advisory committees.

In response to Councilman Bothwell, Mr. Burchett said that the parking demand was higher in the evenings but varied from place to place.

Councilman Bothwell pointed out that many people are using Uber drivers and was that taken into account for future parking demands. Mr. Burchett said that there are no good data sources in the industry now on how to accommodate for that.

In response to Councilwoman Mayfield, Mr. Burchett said that they did contact some churches to see about shared parking agreements. He did say that some were concerned about the trash left in the lot and the City might have to step in with some type of cleaning agreement.

Councilwoman Mayfield said that there was a semi-offer from the Chamber of Commerce leadership to work with the City in contacting with some of the private lot property owners for shared parking arrangements.

Councilman Smith moved to accept the Haywood Road Corridor Parking Study. This motion was seconded by Councilman Bothwell.

Mayor Manheimer pointed out that if we just accept the report, staff will not have been given direction to move forward with any of the recommendations.

Mr. Putnam said that staff would like to proceed with the idea of developing the residential permit parking program.

Therefore, Councilman Smith withdrew his motion.

Councilman Smith then moved to accept the Haywood Road Corridor Parking Study and authorize staff to explore the following: (1) residential parking permit program; (2) efforts towards securing private parking lot agreements; (3) potential for metering Haywood Road; and, (4) continue attention to multimodal transportation. This motion was seconded by Councilman Bothwell.

Regarding enforcement, Vice-Mayor Wisler said that she can support staff looking into these items; however, she would need to understand the cost implications before any implementation.

When Mayor Manheimer asked for public comments, none were received.

The motion made by Councilman Smith and seconded by Councilman Bothwell carried unanimously.

RESOLUTION BOOK NO. 37 – PAGE 426

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Christopher Chiaromonte spoke about time.

Mr. Ron Greenberg spoke about a fire pit at his neighbor's house at 23 Nixon Terrace, which is affecting his well-being and health.

Mr. Timothy Sadler suggested using a lottery system to cap the number of homestays. He also spoke about trash in downtown Asheville and the possible use of a gentrification fee.

Ms. Dana Davis, representing the Asheville Parks and Greenways Foundation, spoke in support of the Beaucatcher Greenway plans.

Ms. Jane Bilello, Chair of the Asheville Teaparty, and Mr. Paul Valone, President of the Grass Roots North Carolina Forum for Firearms Education, spoke to Council about the City complying with the no weapons signs in the parks, and hoped for a permanent solution of the signs.

Ms. Jane Mathews spoke about the homestay ordinance.

Mr. William Spoon was concerned about the number of trees to be cut for the Beaucatcher Greenway.

Closed Session

At 7:12 p.m., Councilman Young 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(a)(3). 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, including, but not limited to, a potential lawsuit. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3); (3) To establish or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the terms of a contract for the acquisition of real property by purchase, option, exchange or lease. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(5); and (4) To discuss matters relating to the location or expansion of industries. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(4). This motion was seconded by Councilman Bothwell and carried unanimously.

At 8:36 p.m., Councilwoman Mayfield moved to come out of closed session. This motion was seconded by Councilman Bothwell and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:36 p.m.

CITY CLERK

MAYOR