

Tuesday – February 28, 2017 - 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 Deputy City Clerk Sarah Terwilliger

Absent: None

**PLEDGE OF ALLEGIANCE**

Mayor Manheimer led City Council in the Pledge of Allegiance.

**I. PROCLAMATIONS:**

**A. RECOGNITION OF VOLUNTEER OF THE YEAR - STEVE MITCHELL**

Mayor Manheimer, along with Ms. Elaine Poovey, Chair of the Neighborhood Advisory Committee, was pleased to present Mr. Steve Mitchell with the 2017 Volunteer of the Year Award. Mr. Mitchell has left an indelible mark on the places where he has lived and it is clear that his caring and concern for his neighbors defines his mission. The hard work and time he has devoted to Wilshire Park, Malvern Hills, and the City of Asheville as a whole has had a lasting and inspiring effect. He is an outstanding example of a neighbor and citizen.

**B. PROCLAMATION PROCLAIMING MARCH 10, 2017, AS "ZELDA FITZGERALD DAY"**

Mayor Manheimer read the proclamation proclaiming March 10, 2017, as "Zelda Fitzgerald" in the City of Asheville. She presented the proclamation to Mr. James MacKenzie, who briefed City Council on some activities taking place during the day.

**II. CONSENT AGENDA:**

Mayor Manheimer asked that a resolution denouncing threats against those of the Jewish faith be added to the Consent Agenda.

**A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 14, 2017; AND THE CITY COUNCIL RETREAT HELD ON FEBRUARY 17, 2017**

**B. MOTION ADOPTING THE 2017-18 ANNUAL OPERATING BUDGET SCHEDULE**

Summary: The consideration of a motion to approve the Fiscal Year 2017/2018 Budget Schedule.

As a part of the Fiscal year 2017/2018 Operating and Capital Budgets development process, which began internally in the Fall of 2016, staff is proposing a budget schedule which encompasses the following:

- A series of Budget Worksessions with City Council beginning in March 2017,
- Formal presentation of the City Manager's Proposed Budget on May 9, 2017,
- Budget public hearing on May 23, 2017, and

- Budget adoption on June 13, 2017.

The proposed schedule, which outlines the key dates in the budget process.

Staff recommends that City Council review the proposed Fiscal Year 2017/2018 Budget Schedule, make changes as needed, and approve the motion to adopt the Fiscal Year 2017/2018 Budget Schedule.

**C. RESOLUTION NO. 17-42 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING LEASE AGREEMENT WITH EAST ASHEVILLE YOUTH ACTIVITIES BOOSTER CLUB FOR CHARLIE BULLMAN PARK LOCATED ON NEW HAW CREEK ROAD**

Summary: The consideration of a resolution authorizing the City Manager to execute an amendment to the existing lease agreement between the East Asheville Youth Activities Booster Club (East Asheville) and the City of Asheville for Charlie Bullman Park, located at New Haw Creek Road and Bell Road.

The recreation area known as the Charlie Bullman Park is owned by the East Asheville Youth Activities Booster Club. In 2011, the City of Asheville entered into a lease agreement with East Asheville for property located at New Haw Creek Road and Bell Road (identified as PIN # 9659-92-4876-00000). The property and any improvements thereupon were to be used exclusively for recreational purposes. The park was needed for recreational programming activities in East Asheville.

The current lease expired in August 2016 and the City approached East Asheville expressing interest in renewing the lease for an additional 5 (five) years at the current rate of \$1.00 per year. East Asheville is agreeable to an extension of the lease for another 5 years.

Existing terms of the lease will continue, such as the City's commitment to maintain the facilities, make any necessary repairs and cover all utility costs.

Pros:

- City utilizes the facility for nominal rent.
- City is free to make any improvements it deems appropriate.

Con:

- None Noted

The lease commits the City to costs to maintain the facility. Parks and Recreation staff, however; negotiated with local leagues relative to the provisions of an MOU. This MOU specifies and limits the City's obligation to issues such as field readiness for play.

City staff recommends City Council adopt a resolution authorizing the City Manager to execute an amendment to the lease agreement with East Asheville to continue recreational programming at this site.

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**D. RESOLUTION NO. 17-43 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH COOPER CONSTRUCTION COMPANY INC. FOR THE NEIGHBORHOOD ENHANCEMENT PLAN AREA 1 WATER DISTRIBUTION SYSTEMS PHASE I PROJECT**

Summary: The consideration of a resolution authorizing the City Manager to execute a construction agreement with Cooper Construction Company, Inc., for the NEP Area 1 Water Distribution Systems Phase I Project for the bid amount of \$1,244,068.00 plus a 10% contingency in the amount of \$124,406.00 for a total project budget in the amount of \$1,368,474.00.

On January 3, 2017, the Water Resources Department (WRD) issued an Advertisement for Bids for the NEP Area 1 Water Distribution Systems Phase I Project. The scope of work for this project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of approximately 11,650 Linear Feet of 8-inch and 6-inch Ductile Iron Pipe and related appurtenances located in the Bingham Road, Lindsey Road and Starnes Cove Areas of the City of Asheville Water Distribution System.

In response to the Advertisement for Bids, the department received 3 bids on January 31, 2017. Companies responding were:

1. Buckeye Bridge, LLC; Canton, NC – Bid: \$1,845,088.00
2. Cooper Construction Company, Inc.; Hendersonville, NC – Bid: \$1,244,068.00
3. Thunder Contracting, Inc; Waynesville, NC – Bid: \$1,558,413.00

Following a review of the bids by City Staff and the project engineers, McGill Associates, Cooper Construction Company, Inc., was selected as the lowest responsible, responsive bidder for the bid amount of \$1,244,068.00. A contingency amount of \$124,406.00 has been added for a total project budget in the amount of \$1,368,474.00.

Pros:

- This project will replace existing waterlines. The subject lines are undersized, provide inadequate fire protection, and/or have a high risk of failure. Replacement of these lines will help to improve the service and reliability of the water system.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- Failure to award a construction contract would prevent the completion of the water system improvements.

The funding needed for the construction agreement is currently allocated within the Water Resources Capital Improvements Project (CIP) Fund in the 2015 NEP Area 1 Project.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a construction agreement with Cooper Construction Company, Inc., for the NEP Area 1 Water Distribution Systems Phase I Project for the bid amount of \$1,244,068.00 plus a 10% contingency in the amount of \$124,406.00 for a total project budget in the amount of \$1,368,474.00.

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#### **E. ADOPTION OF REPORT OF SETTLEMENT STATEMENT WITH ALISON ROSE KERN PURSUANT TO N.C. GEN. STAT. SEC. 143-318.11 (A) (3)**

Summary: Settlement Statement is attached to and made a part hereof.

#### **F. RESOLUTION NO. 17-45 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENT AGREEMENTS WITH PRIVATE PROPERTY OWNERS WHO DONATE EASEMENTS TO THE CITY FOR THE**

**PURPOSE OF THE CITY CONSTRUCTING NEW SIDEWALKS OR IMPROVING EXISTING PUBLIC SIDEWALKS**

Summary: The consideration of a resolution authorizing the City Manager to execute easement agreements with private property owners who donate easements to the City for the purpose of the City installing new sidewalk or improving existing public sidewalks.

Currently, staff brings each easement for sidewalk maintenance, repair or installation to city Council for approval. In 1988, Resolution 88-28 gave the City Manager authority to execute easements with private property owners for constructing and/or maintaining storm sewer systems. The current request for consideration would allow easements for sidewalks to be handled in a like manner.

In 2015, the city recorded 13 sidewalk easements, under the current practice, each easement would require time and resources to develop necessary staff reports and resolutions to be approved by City Council for each specific easement. With the recent approval of the bond program, the need for executing new public sidewalk easements will likely increase.

Pros:

- Helps to standardize how easements donated to the City by private property owners for sidewalks construction are handled by the City.
- The easements would allow for installation of new public sidewalks and improvements to existing public sidewalks.
- Allow for a more expedient acceptance of easements for sidewalk construction.
- Reduce staff time associated with development of staff reports and resolutions for each individual easement request when the easements are donated.

Con:

- None.

There will be no fiscal impacts with this resolution; all easements which would be purchased would still require Council's approval.

City staff recommends City Council adopt a resolution authorizing the City Manager to execute easement agreements with private property owners who donate easements to the City for the City to construct and improve City owned sidewalks.

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**G. RESOLUTION NO. 17-46 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SIDEWALK MAINTENANCE AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO MAINTAIN A NEW SIDEWALK THAT THE N.C. DEPT. OF TRANSPORTATION WILL CONSTRUCT ALONG A PORTION OF THE NORTH SIDE OF SMOKY PARK HIGHWAY**

Summary: The consideration of a resolution authorizing the City Manager to execute a sidewalk maintenance agreement between the N.C. Dept. of Transportation (NCDOT) and the City of Asheville for the city to maintain a new sidewalk that NCDOT will construct along a portion of the north side of Smoky Park Highway.

The NCDOT has developed plans and has the necessary funds to construct a new sidewalk along the north side of US 19-23-74 (Smoky Park Hwy) from the McDonalds restaurant to the existing sidewalk at the Shell Station, for a distance of about 700 linear feet, in the immediate area of the I-40 interchange at Exit # 44. Daily traffic volumes along I-40 in the

immediate area exceed 80,000 vehicles per day and 20,000 vehicles per day along US 19-23-74 (Smoky Park Hwy). From a pedestrian perspective, sidewalks are an important feature through interchange areas to clearly define the area that pedestrians should use.

Per NCDOT policy, local governments typically are required to participate in the construction cost for pedestrian facilities within the public right-of-way for state-maintained streets, which is 40% for the City of Asheville. In this case, the NCDOT is fully funding the project. Pursuant to NCGS 160A-296 and a longstanding NCDOT policy, the City will be responsible for maintaining the new sidewalk. .

Pros:

- Increases the inventory of completed sidewalk sections.
- NCDOT is fully funding the construction of the sidewalk section.
- Enhances pedestrian flow and safety through a high traffic volume interchange area.

Con:

- The City is responsible for all maintenance responsibilities.

There is no immediate fiscal impact regarding this action and future maintenance needs will be addressed with the Public Works Department's operating budget along with other existing sidewalk needs.

Staff recommends that City Council approve a resolution authorizing the City Manager to execute a sidewalk maintenance agreement between the NCDOT and the City of Asheville for the city to maintain a new sidewalk that NCDOT will construct.

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#### **H. RESOLUTION NO. 17-47 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE INC. FOR THE BROADWAY AVENUE SIDEWALK AND RETAINING WALL REPAIR PROJECT**

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with Appalachian Paving and Concrete, Inc. for the amount of \$94,510 and to authorize change orders up to the \$9,451 or 10% of the contract price for the project known as Broadway Avenue Sidewalk and Retaining Wall Repair, City of Asheville CPM-14-15-013.

The section of sidewalk that is in need of repair was built over a vaulted area used for storage from a previous building.

The scope of this project includes the demolition of the existing sidewalk, drive apron, concrete piers, hand railing and concrete curb and gutter. The project also includes construction of a retaining wall, sidewalk, 6 inch thick drive apron, aluminum safety railing and granite curb. The retaining wall will support the sidewalk and hand rail that will rest above it. The new hand railing will be safer and aesthetically pleasing to pedestrians in the downtown area.

The project was advertised on January 6, 2017, and bids were opened on February 1, 2017, with the following results:

Appalachian Construction, Swannanoa, NC	\$94,510
Graham County Land Company, Robbinsville, NC	\$94,628
K and T Construction, NC, Green Mountain,	\$105,000
Cherokee Enterprises, Cherokee, NC	\$123,151
Carolina Cornerstone, Asheville, NC	\$123,625

Patton Construction, Asheville, NC	\$160,430
Armen Construction, Charlotte, NC	\$209,880

Pros:

- Confirms Council's commitment invest in Asheville's roads and streets.
- Provides safe transportation and access to communities and attractions to maintain a vibrant city.

Con:

- Construction may cause temporary pedestrian detours and lane closures along the section of Broadway near the intersection of Walnut St.

Funding for this project is included in the Adopted Capital Improvement Program Budget.

City staff recommends City Council adopt the resolution awarding the contract to Appalachian Paving and Concrete, Inc. and authorizing the City Manager to execute a contract with Appalachian Paving and Concrete, Inc. for the project known as Broadway Avenue Sidewalk and Retaining Wall repair and further authorizing the execution of any change orders up to a cost of \$9,451 or 10% of the contract which may arise during execution of said project up to the budgeted amount.

**RESOLUTION BOOK NO. 38 - PAGE 362**

**I. RESOLUTION NO. 17-48 - RESOLUTION DENOUNCING THREATS AGAINST THOSE OF THE JEWISH FAITH**

Summary: Mayor Manheimer read the following resolution: "WHEREAS, on Monday, February 27, 2017 the Asheville Jewish Community Center (JCC) received a bomb threat; and WHEREAS, according to the JCC Association of North America, on February 27, there were 31 incidents of bomb threats called into 23 JCCs and eight Jewish day schools in Alabama, Arizona, California, Delaware, Florida, Indiana, Maryland, Michigan, New Jersey, Nevada, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, Washington state, and Calgary (Canada); and WHEREAS, these incidents are part of several waves of threats and vandalism against centers of Jewish Faith that have occurred over the past few months; and WHEREAS, in December 2016 the City of Asheville passed No. 16-254, "Resolution Against Discrimination and Intimidation," stating that we take great pride in being a welcoming and diverse community where all citizens can live and work without fear of physical violence, threats or intimidation; and WHEREAS, hate crimes, threats or intimidation that target the Jewish people or any other people will not be tolerated. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT the City Council strongly denounces the vandalism and threats made against those of the Jewish faith.

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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 Bothwell moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

**III. PRESENTATIONS & REPORTS:**

**A. SECOND QUARTER FINANCIAL UPDATE**

The financial information in this report reflects the City's overall financial position for the fiscal year through December, 2016.

*"Amendments.* The General Fund budget presented in this second quarter report reflects the adopted budget of \$110,834,666 along with two budget amendments approved by City Council. A summary of the budget amendments is presented below.

Adopted Budget	110,834,666
Budget Amendments:	
Asheville/Buncombe Preschool Planning Collaborative*	6,200
County Participation – African American Heritage Commission	<u>10,000</u>
12/31/2016 General Fund Budget	<u>\$110,850,866</u>

\*Fund Balance Appropriation

*Revenues.* Through December 31, 2016, the City has collected \$59.5 million in General Fund revenue, which represents approximately 54% of the total General Fund revenue budget. This percentage is driven primarily by property tax collections. The City receives the majority of these revenues in December and January of each year. 74.5% of the budgeted property tax revenue for FY 2016-17 has been received fiscal year-to-date. The City has received four months of sales tax revenue this fiscal year, and collections are up 7.3% compared to the prior fiscal year. Intergovernmental revenue is trending on budget. Revenue from Development Service fees is trending lower than anticipated through the first six months of the year, and currently stands at 42% of budget. Overall, based on collection trends through the first two quarters, staff is currently projecting that *FY 2016-17 General Fund revenue will exceed budget by \$617,000 or 0.56%.*

*Expenditures.* General Fund expenditures through December 31, 2016 totaled \$49.2 million or 44% of budget, which is typical for this point in the fiscal year. Personnel expenses, the largest component of the General Fund budget, are trending slightly under budget through the first two quarters. It should be noted that even though overall personnel expenses are on budget, expenses in the Fire Department are running approximately \$800,000 ahead of budget at the end of December. Solutions to the ongoing overtime challenges in the Fire Department are being discussed as part of the FY 2017-18 Budget. The simplest solution would be to increase the overtime budget; however, this is a short-sighted solution that fails to evaluate the underlying cause of excessive overtime costs. While the overtime budget will likely be increased going forward, it will be as part of a comprehensive plan to track trends and better manage staffing. As of February, interviews for the Fire Analyst position are complete and there should be someone in the role by the end of March, which will enable more analysis by the Budget Division in concert with the Fire Department. There are no other areas of concern with regard to current expenditure trends. Overall, staff is projecting that *FY 2016-17 expenditures (including actual expenses and encumbrances) will finish the year at \$109.84 million.*

*Fund Balance.* The City began FY 2016-17 with unassigned fund balance of \$18.0 million, after subtracting out the \$960,000 fund balance appropriation included in the adopted budget. Since the start of the fiscal year, Council has appropriated an additional \$6,200 from unassigned fund balance. An additional \$197,175 appropriation for the operating costs associated with the capital improvement program was approved by Council on February 14, 2017. Based on *current revenue and expenditure projections for FY 2016-17, staff estimates that unassigned fund balance at June 30, 2017 will increase to \$19.6 million or 17.9% of estimated expenditures.* Unassigned fund balance in excess of the City's policy minimum is being considered as a funding source for one-time expenditures in the upcoming fiscal year. Recommendations will be included as part of the FY 2017-18 Budget."

## **B. QUARTERLY I-26 CONNECTOR UPDATE**

Director of Transportation Ken Putnam updated the Council on the I-26 Connector. The Project Page was launched on February 10, 2017. There has been seven working group meetings, along with internal working group meetings and N.C. Dept. of Transportation (DOT) community meetings. The Consultant Team Request for Qualifications was released on February 22, 2017, with the proposal deadline being March 17, 2017. The selection team will consist of five members and the contract decision/award will be made on April 25, 2017.

Councilwoman Mayfield said that the DOT is in the midst of a lot of analysis now about the number of lanes, design changes, etc. Most of their last meeting they talked about bike and pedestrian betterments that the City wanted to see. DOT provided their responses and cost estimates for those and because the cost would be an extraordinary amount of money that the City would have to pay, we are going through the list to perhaps look at different ways to get to the same objective.

## **IV. PUBLIC HEARINGS:**

### **A. PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT FOR 338 HILLIARD AVENUE (TRIBUTE COMPANIES)**

Mayor Manheimer announced that this public hearing has been withdrawn from the agenda.

## **V. UNFINISHED BUSINESS:**

### **A. RESOLUTION NO. 17-44 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE CITY BOARD OF EDUCATION**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville City Board of Education. She said that all background checks on the potential candidates came back with no flags or negative items.

The terms of Peggy Dalman, Leah Ferguson and Matt Buys expire on April 1, 2017. Ms. Dalman is not eligible for reappointment; and Ms. Ferguson and Mr. Buys were not interested in reappointment.

The following individuals have applied for a vacancy on the Asheville City Board of Education and completed the necessary essay questions to be qualified for consideration for appointment: Pepi Acebo, Margaret Hutchison Allan, Joyce Brown, Margaret Ervin Bruder, Steve Cochran, Brian John Dockery, Patricia Griffin, Lockie Hunter, Yvette Jives, John Michael Kledis, Julie Koenke, James Lee, Mary Ellen Lewis, Dewana Little, Joe Lordi, Morgan Marshall-Clark, Mary McDermott, Sallie Porter, Amy Ray, Adam Reagan, Drew Shelfer, Kathleen Slowiczek, Phyllis Utley, J. Vann Vogel, Elizabeth Ward, Mary Ann Warren, Melissa Weiderman and Larry Wilson.

After reviewing all applications and essay questions, Council chose to interview the following candidates: Yvette Jives, James Lee, Amy Ray, Joyce Brown, Patricia Griffin and Mary Ellen Lewis.

Council spoke highly of all the very qualified candidates and after noting it was a difficult decision, Yvette Jives received 1 vote, James Lee received 5 votes, Amy Ray received 4 votes, Joyce Brown received 5 votes, Patricia Griffin received 5 votes, and Mary Ellen Lewis received 1 vote.



Therefore, James Lee, Joyce Brown and Patricia Griffin were appointed as members of the Asheville City Board of Education, to each serve a four year term respectively, terms to begin April 1, 2017, and expire April 1, 2021, or until their successors have been appointed.

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### **B. DISCUSSION REGARDING OUTREACH OPPORTUNITIES FOR POTENTIAL DISTRICT ELECTIONS**

Mayor Manheimer read the following letter from Senator Chuck Edwards, which she received earlier in the day: "It has come to my attention that it is the intent of the Asheville City Council, maybe as early as tonight, to conduct discussions to the "possibility" and mechanics of partitioning the city into districts for the purpose of municipal elections. I applaud the openness of the council to engage this topic. I further understand that the matter may be tabled and no actionable items may take place. Having learned this and out of respect for the time and possibility the monetary resources of your council, I wanted to inform you of my intent to soon file a bill in the Senate that will require Asheville to conduct district elections. It will also provide that 'six' will be the number of required districts. It will offer some flexibility for your council to determine the geography of the districts. I am open to realistic conversation as to the timing of the requirements. I am confident that this measure will pass both the Senate and the House. As a courtesy I am informing you of this intent with the hope that your discussion may revolve more around 'how' to district, and forego the discussion of 'should' we district. My actions are the result of trends taking place in municipalities as well as a great deal of feedback from citizens of Buncombe County. If I or the resources of the General Assembly may assist you in the development of your district plans please do not hesitate to call on me."

Council members were disappointed in this overreach of ignoring municipalities and their citizens wishes.

Councilwoman Mayfield not only supported polling our citizens but also suggested that we schedule, during the legislature's spring break in April, a public forum on this issue inviting our local delegation to be present.

Councilman Bothwell said that the districting question really doesn't have a right or wrong answer - it's just an opinion. Since the City will be spending money on a poll, he suggested two other questions be posed as well - one regarding the disposition of the Haywood Street property, and the other one regarding short term rentals in the City.

Councilwoman Mayfield noted that she met with Senator Edwards about a month ago and he said that he was continuing to get calls from people who are advocating for re-districting. Since she has not received any calls to re-district, she urged the citizens to contact City Council with their thoughts on this issue. She stressed that it's City Council's duty to be responsive to the people who elected them.

Communication & Public Engagement Director Dawa Hitch provided a brief overview of options for gathering public input on the subject of district elections.

The City of Asheville's Charter states the Council consists of a mayor and six council members, "all nominated and elected by the city at large."

North Carolina General Statute (N.C.G.S.) § 160A-101 allows a city to "alter its form of government," including the "[m]ode of election of the council" by one of five ways. Four of the five options relate to district elections. These five options are summarized in Table 1.

Table 1.

Options outlined in N.C.G.S.	Candidates	All Voters	Voters residing in each district
Option "a" (Current mode) AT LARGE ELECTION		x	
Option "b" DISTRICT ELECTION	Candidates reside in and represent each district  May also include "at-large" seats which represent the entire city	(x) Elect at large candidates for entire city, if any	(x) Elect candidates who reside in the district
Option "c" DISTRICTS	Candidates reside in and represent each district  May also include "at-large" seats which represent the entire city	(x) Elect candidates who reside in and represent each district  (x) Elect at large candidates for entire city, if any	
Option "d" DISTRICTS	One half of Council seats are "at-large" seats with candidates residing in and representing a specific district  One half of Council Seats divided into "ward seats" with candidates residing in and representing a specific district	(x) Elect "at-large seat" in each district	(x) Elect "ward seat" in each district
Option "e"	Candidates reside in and represent specific district  May also include "at-large" seats representing the entire city	In non-partisan primary election, all voters elect two at-large candidates for each seat apportioned to the entire city at-large  (x) Elect all candidates during Regular Election	In non-partisan primary election, voters residing in the district elect two candidates who reside in the district

Before committing to a formal council vote to adopt a different mode of election, a city council has a range of options for better understanding community opinion regarding the mode of

election. Options range from general engagement using tools in the city's engagement portfolio (e.g., Open City Hall, community meetings) to scientific polling.

\*General Engagement\*

PROS: no fiscal impact, creates an outlet for interested residents to share input, input is openly available to any interested party

CONS: While open City Hall does allow for the tracking of some demographic data, there is no mechanism to measure whether or not input received is representative of the community at large.

\*Polling\*

PROS: by design, polling intentionally seeks to gather input from a representative sample of the community and includes measurements that assess how likely the results represent the opinion of the community at large.

CONS: there is a fiscal impact to pay a professional firm to administer a research poll.

In soliciting community feedback on the subject of redistricting, there are a number of areas that could be explored through general engagement or polling such as:

- Preference for the options outlined in N.C.G.S. 160A-101(6)
- input on the # of districts
- input on the # of at-large seats
- whether or not there is a preference for a referendum

General engagement and polling are two options that could be performed in the short-term. Specifically, general engagement could be completed by the beginning of April. The polling option could be completed by the beginning of May. If Council chooses to add a referendum question to the ballot, that decision would need to be made by June 1, 2017, in order to meet statutory requirements for meetings and other process steps.

It is worth noting that there are also aspects of redistricting that are limited by general statute. Clearly communicating these aspects will set the essential context for a successful public engagement effort. For example, if a council chooses to change a mode of election to an option that involves district elections, G.S. 160A-101 sets forth that district boundaries be drawn by the council.

Finally, if a council decides on a formal vote to amend the City Charter to change the mode of election, general statutes require three separate meetings take place, each allowing time for public comment before the formal vote is taken. The agenda items for each of the three separate meetings would include: 1) Adopt a Resolution of Intent and set a public hearing, 2) Public hearing and 3) Adopt ordinance. Another relevant statutory provision that provides opportunity for public input is N.C.G.S. S. § 160A-102 which allows for a change adopted by ordinance to be effective only upon a vote of the people. If that option is not taken, the ordinance is subject to a referendum petition if enough signatures are obtained.

A poll with a margin of error of +/- 4.9% is estimated to be approximately \$10,000. This cost is not currently budgeted.

General public engagement can be run in house. The impact would be in opportunity costs for upcoming public engagement efforts. In other words, staff resources would be redirected to supporting this engagement effort and may delay upcoming efforts or impact the design of upcoming efforts.

This item was discussed at the February 14, 2017, Governance Committee meeting where it was the unanimous direction of the committee to bring a recommendation for polling forward to the full Council. Committee discussion also identified the following five areas as areas to explore through polling:

- Preference for the options outlined in N.C.G.S. 160A-101(6)
- input on the # of districts
- input on the # of at-large seats
- whether or not there is a preference for a referendum
- preference for how district boundaries would be drawn (e.g., independent third party working with Council, independent third party working with Council with input from a task force, etc.)

Staff is seeking direction on 1) Council's preference, if any, for short-term engagement approaches and 2) if an engagement effort is desired, the type of input City Council is interested in seeking.

Councilman Bothwell noted that there is an automated (landline) poll available that was only \$350 and it was quick.

Discussion surrounded the timing of the poll, launching Open City Hall, trying to get the results of the poll by the end of March, and the arrangement of a public meeting during the April 12-21 legislature spring break.

Ms. Hitch said that she will do everything possible to find a viable poll source geared at getting the results by the end of March, noting that the expedited timeframe for results might affect the estimated \$10,000 to conduct the poll.

Ms. Pat Thobe felt that if a poll is performed, the person being polled should be asked to read an information sheet explaining the pros and cons prior to stating their preference. She stressed that the public should be educated prior to any re-districting questions being asked.

Mayor Manheimer agreed with Councilwoman Mayfield that at some point a public forum is a good idea because this is a complicated issue and we need to talk about all various options and how they work. Legislatures should also be invited to listen and explain why they might be supporting the potential bill.

Councilman Smith moved to move forward to poll with the five areas outlined above because at least it will provide information that will help us determine what the districts should look like if Raleigh requires us to district. This motion was seconded by Councilman Young and carried unanimously.

## **VI. NEW BUSINESS:**

## **VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:**

Mayor Manheimer said that since there is some interest in looking at the definition of "homestay", she asked Council if they had any interest to explore expanding the definition of "homestay" to include rooms under the roof of a house. Vice-Mayor Wisler felt that opening this issue up so soon after the task force completed its work is unfair and insulting to the task force members. After a brief discussion, the majority of Council agreed to direct staff to look at expanding the definition of "homestay" to include rooms under the roof of a house and that staff bring it back to City Council for review, prior to taking it to the Planning & Zoning Commission as a Unified Development Ordinance text amendment.

In response to Councilman Smith, City Attorney Currin briefly explained the issue regarding signs on vehicles. In summary, business signs are permitted when the vehicle is part of the business operation and used during the normal course of business, but would not be allowed when the sign becomes an off-premise advertisement for the business or for any other third party. City Manager Jackson said that the issue will be reviewed again at the City Council Planning & Economic Development Committee as to how they are working with business groups and property owners.

Mr. Mike Lewis felt that Councilman Young should reveal the details of the property he purchased in Arden, North Carolina.

Councilman Smith urged the public to attend the Southern Conference Basketball Tournament at the U.S. Cellular Center from March 2-6, 2017.

**II. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 6:19 p.m.

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CITY CLERK

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MAYOR