

Tuesday – January 8, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

Mayor Manheimer asked that a resolution authorizing the City Manager to enter into an agreement with the U.S. Tennis Association be included as an item on Consent "H".

At the request of Councilwoman Mayfield, Consent Agenda Item "F" was removed from the Consent Agenda for discussion and/or an individual vote.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 11, 2019

B. ORDINANCE NO. 4719 - BUDGET AMENDMENT FOR THE AUTOMATED BICYCLE AND PEDESTRIAN COUNTING EQUIPMENT

Action Requested: Adopt a budget amendment in the City's Special Revenue Fund in the amount of \$60,000 to program funding from the French Broad River Metropolitan Planning Organization (MPO) for automated bicycle and pedestrian counting equipment in the amount of \$48,000, and to approve a budget amendment in the amount of \$12,000.

Background:

- On December 19, 2017 City Council adopted a resolution authorizing the City Manager to apply for and if awarded, accept funding from the French Broad River Metropolitan Planning Organization (MPO) for FY 2019 funding for automated bicycle and pedestrian counting equipment in the amount of \$48,000. The French Broad River MPO selected this project for funding for FY 2019.
- The automated counters will provide needed data regarding greenway use. Existing construction grants such as the TIGER VI grant from the Federal Highway Administration require ongoing bicycle and pedestrian counts that would otherwise need to be collected using manual labor, and the extent of manual counts would not be as thorough or as regular as automated counters.
- The grant requires a 20% local match. The grant award is for \$48,000. The local match of \$12,000 is already programmed in the Transportation Department's FY 2019 General Fund budget. This budget amendment will move the matching funds from the operating budget to a project budget along with the grant funds.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- Provides an automated system for bicycle and pedestrian user counts eliminating the need to collect the data manually.

Con(s):

- None

Fiscal Impact:

- The FY 2019 General Fund operating budget already includes the required \$12,000 in local matching funds. This budget amendment moves the matching funds and the grant funds into a Special Revenue Fund budget. In addition, there will be minimal ongoing maintenance costs to keep the equipment in good operating order.

Motion: Move to adopt a budget amendment for automated bicycle and pedestrian counting equipment.

ORDINANCE BOOK NO. 32 - PAGE 260

C. RESOLUTION NO. 19-1 - RESOLUTION AUTHORIZING ADDITIONAL FUNDING FOR THE GENERAL SERVICES AGREEMENT WITH BBC RESEARCH & CONSULTING FOR THE 2016 DISPARITY STUDY PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT

Action Requested: Adoption of a resolution to approve additional funding for the General Service Contract with BBC Research & Consulting for the 2016 Disparity Study Project.

Background:

- At its March 28, 2017 meeting, City Council approved a contract with BBC Research & Consulting in the amount of \$319,948.
- The Disparity Study utilized the City's contractual awards in construction, goods, services, architectural and engineering services from fiscal years 2012 through 2017.
- The purpose of the study was to update the City's goals, market area and recommendations for changes in the current Minority Business Plan.
- BBC Research & Consulting costs exceeded the original budget by \$9,950. This overage was not known to City staff until the end of the project.
- The Consultant dedicated substantially more hours than originally anticipated in the areas of data collection and compilation as well as meetings and presentations to conduct the study accurately and successfully. The additional funds includes:
 - Revise and finalize the disparity study report and help the City compile it for public dissemination;
 - Respond to additional questions and consult on the City's MBE Plan; and
 - Provide any additional analyses as it relates to finalizing the disparity study process.

Council Goal(s):

- Diverse Community
- Thriving Economy

Committee(s): None

Pro(s):

- Requires additional funding from the existing Community & Economic Development FY 2018-19 budget.

Con(s):

- None

Fiscal Impact:

- As noted above, the initial contract amount was \$319,948
- The \$9,950 amendment will bring the total amount to \$329,898. Funding for the additional \$9,950 will come from the existing Community & Economic Development FY 2018-19 budget.

Motion:

- Move to adopt a resolution authorizing approval of additional funding for the General Services Contract with BBC Research & Consulting Contract for the 2016 Disparity Study Project and authorizing the City Manager to execute an amendment to the contract increasing it by \$9,950.

RESOLUTION BOOK NO. 40 - PAGE 214

D. RESOLUTION NO. 19-2 - RESOLUTION PLACING CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 192 HAYWOOD STREET WITH BUNCOMBE COUNTY CLERK OF SUPERIOR COURT PURSUANT TO CONSENT STAY PENDING CITY'S APPEAL TO THE NORTH CAROLINA SUPREME COURT

Summary: WHEREAS, pursuant to the City's February 14, 2017 findings of fact and conclusions of law, the Asheville City Council voted to deny a request by PHG Asheville, LLC ("PHG") for a conditional use permit ("CUP") to construct an eight-story, 178,412 square foot hotel and on-site parking structure on 2.05 acres of land (PIN 9649-20-1616) located at 192 Haywood Street; and WHEREAS, PHG sought judicial review of the City Council's denial of the CUP, and the Buncombe County Superior Court on November 2, 2017 reversed the City Council's decision and remanded with an order for the City Council to issue the CUP; and WHEREAS, the City timely appealed the Superior Court order to the North Carolina Court of Appeals; and WHEREAS, pursuant to a December 6, 2017 agreement, the City and PHG agreed that PHG would not seek to enforce the Superior Court order during the appeal to the North Carolina Court of Appeals, and that the City would not issue the CUP before a final decision by that court; and WHEREAS, on November 6, 2018, the North Carolina Court of Appeals affirmed the Superior Court order and remanded the case to Buncombe County Superior Court for further remand to the City to issue the CUP to PHG (the "COA Opinion"); and WHEREAS, on November 14, 2018, legal counsel for the City notified legal counsel for PHG that the City intended to file a petition for discretionary review ("PDR") with the North Carolina Supreme Court, which would seek review of the COA Opinion; and WHEREAS, on November 26, 2018, PHG initiated enforcement proceedings in Buncombe County Superior Court for the purpose of obtaining the permit notwithstanding the City's PDR; and WHEREAS, in response to PHG's initiation of enforcement proceedings, the City on December 6, 2018 filed a motion with the Buncombe County Superior Court to stay or enjoin enforcement during the pendency of the City's PDR; and WHEREAS, in an effort to avoid further litigation between the parties about the status of the CUP while the City's PDR is pending with the Supreme Court, and to avoid unnecessary costs and expenses, the City and PHG have mutually agreed to a stay of the enforcement proceedings initiated by PHG, and

the City has agreed to deposit the CUP with the Buncombe County Clerk of Superior Court pursuant to N.C. Gen. Stat. § 1-291 while the City's PDR is pending before the North Carolina Supreme Court; and NOW, THEREFORE, the City Council hereby issues the CUP for the sole purpose of depositing it with the Buncombe County Clerk of Superior Court pursuant to N.C. Gen. Stat. § 1-291, and pursuant to the following agreement between the City and PHG: (1) If the City's PDR is denied by the Supreme Court, the CUP will be immediately released to PHG; (2) If the City's PDR is granted by the Supreme Court, the CUP shall remain with the Clerk of Superior Court pending a final decision from the Supreme Court, and upon a final decision from the Supreme Court, either party may petition the Buncombe County Superior Court for the release or revocation of the CUP.

RESOLUTION BOOK NO. 40 - PAGE 215

E. RESOLUTION NO. 19-3 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND SIGN A GREENWAY EASEMENT OVER PROPERTY LOCATED AT 53 TANGLEWOOD DRIVE FOR PUBLIC ACCESS TO THE FALCONHURST NATURE PRESERVE NEIGHBORHOOD

Action Requested: Adoption of a resolution authorizing the City Manager to accept an easement, and to execute the appropriate documents, that is granted by property owner/developer East West Craggy Development, LLC to provide a public trail access to the Falconhurst Nature Preserve from Tanglewood Drive in the Falconhurst neighborhood.

Background:

- The Falconhurst Nature Preserve is a 7.9 acre city-owned property (PIN 963-817-3304) in West Asheville within the Falconhurst neighborhood located north of Tanglewood Drive, south of Patton Avenue, east of Mitchell Avenue, and west of Louisiana Avenue.
- The City accepted donation of the Falconhurst Nature Preserve from the Conservation Trust for North Carolina in 2012, authorized by City Council Resolution 08-58, subject to deed restrictions to protect the site from development and maintain its integrity as a nature preserve, while still permitting appropriate public recreational use.
- In 2015, the East West Craggy Development, as a stipulation of their conditional zoning (CZ Ord 4390) of the Craggy Park subdivision, agreed to provide public access to the public via a walking trail on their property located at 53 Tanglewood Drive (PIN 963-816-3605), to the adjacent, Falconhurst Nature Preserve.
- The public access easement will be donated to the City at no cost. It will be a 20-foot wide easement that starts at Tanglewood Drive and ends at the property line where the Falconhurst Nature Preserve property begins and totals approximately 0.25 acres.
- The City is partnering with community partners including the Asheville Design Center, a program of Mountain True, to construct natural surface trails within the Falconhurst Nature Preserve.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- Multi-modal Transportation Commission - September 26, 2018 - approved unanimously.
- Greenway Committee - October 4, 2018 - approved unanimously.
- Planning & Economic Development Committee - December 18, 2018 - approved unanimously.

Pro(s):

- Provides legal access to the Falconhurst Nature Preserve, which is otherwise landlocked.
- Satisfies a condition of the 2015 Conditional Zoning Ordinance.

- No cost to the City to accept the easement.

Con(s):

- None.

Fiscal Impact:

- There is no fiscal impact to the city other than a sign that would be fabricated by the Transportation Department and installed at the trailhead at 53 Tanglewood Drive. Funds for the sign fabrication and installation are included in the current year operating budget.

Motion:

- Move to adopt a resolution authorizing the City Manager to accept an easement, and to execute the appropriate documents, that is granted by property owner/developer East West Craggy Development, LLC to provide a public trail access to the Falconhurst Nature Preserve from Tanglewood Drive in the Falconhurst neighborhood.

RESOLUTION BOOK NO. 40 - PAGE 217

F. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOUNTAIN TRUE TO CONSTRUCT AND MAINTAIN NATURAL SURFACE TRAILS WITHIN THE FALCONHURST NATURE PRESERVE

This action was removed from the Consent Agenda and will be voted on separately due to a conflict of interest by Councilwoman Mayfield.

G. RESOLUTION NO. 19-5 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM THE PRESERVATION SOCIETY OF ASHEVILLE AND BUNCOMBE COUNTY TO BE APPLIED TOWARDS THE THOMAS WOLFE CABIN MASTER PLANNING PROJECT

ORDINANCE NO. 4720 - BUDGET AMENDMENT TO ACCEPT A DONATION FROM THE PRESERVATION SOCIETY OF ASHEVILLE AND BUNCOMBE COUNTY FOR THE WOLFE CABIN CABIN MASTER PLANNING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to negotiate and enter into an agreement with the Preservation Society of Asheville and Buncombe for the donation of \$7,500 for the Thomas Wolfe Cabin master planning project and adoption of a budget amendment in the General Fund in the amount of \$7,500 to accept the donation.

Background:

- The City of Asheville released an RFQ to solicit master planning and professional design services for the Thomas Wolfe Cabin at Azalea Park.
- The cabin was designated as a local historic landmark in 1983 for its association with local author Thomas Wolfe who stayed at the cabin upon his return to Asheville after the successful publication of his controversial novel, *Look Homeward Angel* in 1929.
- A consultant team, led by Lord Aeck Sargent, was selected as the most qualified team to complete the project. Their proposal exceeded the original project budget.
- Staff negotiated a contract, which required supplemental funds and reached out to the Preservation Society of Asheville and Buncombe County, the city's partners on the

project, for the supplemental funding, which they agreed to provide so that the project could move forward.

Council Goal(s):

- A Smart City

Committee(s):

- Planning and Economic Development Committee - December 18, 2018 - Update

Pro(s):

- The additional funding will allow the project to move forward, which is the next step in the rehabilitation of the cabin.
- The master plan will include a comprehensive assessment of the cabin and site, including infrastructure improvements and connectivity of the site to surrounding destinations, trails and the Swannanoa Greenway.

Con(s):

- None

Fiscal Impact:

- The project has an overall cost of \$75,000, supported by funding from the following sources:
 - City of Asheville Planning and Urban Design Department's operating budget (\$30,000);
 - City of Asheville Parks and Recreation Department operating budget (\$30,000);
 - City of Asheville Community and Economic Development Department operating budget (\$7,500); and,
 - the Preservation Society of Asheville and Buncombe County, \$7,500.

Motion:

- Move to approve: 1) a resolution authorizing the City Manager to negotiate and enter into an agreement to accept \$7,500 from the Preservation Society of Asheville and Buncombe County; and 2) a budget amendment in the General Fund in the amount of \$7,500 from the Preservation Society of Asheville and Buncombe County for the Thomas Wolfe Cabin master planning project.

RESOLUTION BOOK NO. 40 - PAGE 219

ORINANCE BOOK NO. 32 - PAGE 262

H. RESOLUTION NO. 19-11 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM THE U.S. TENNIS ASSOCIATION FOR IMPROVEMENTS AT ASTON PARK TENNIS CENTER

ORDINANCE NO. 4721 - BUDGET AMENDMENT TO ACCEPT GRANT FROM THE U.S. TENNIS ASSOCIATION FOR IMPROVEMENTS AT ASTON PARK TENNIS CENTER

Action Requested: Budget Amendment to accept funding from the USTA.

Background:

- USTA Fed Cup 2018 was held at US Cellular Center in February 2018.
- USTA pledged \$35,000 for a "Legacy Grant".

- The Legacy Grant is intended to fund a retractable awning and some tables and chairs at the Aston park Tennis Center.

Council Goal(s):

- Financially Resilient Community

Committee(s):

- None

Pro(s):

- A retractable awning and tables and chairs can be installed at the Aston Park Tennis Center.

Con(s):

- None

Fiscal Impact:

- Restricted revenue of \$35,000; no City match required.

Motion:

- Move to Authorize City Staff to accept \$35,000 from USTA.

RESOLUTION BOOK NO. 40 - PAGE 226

ORDINANCE BOOK NO. 32 - PAGE 264

I. RESOLUTION NO. 19-6 - RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY-OWNED PROPERTY (2010 JOHN DEERE 410J BACKHOE) VALUED AT \$30,000 OR MORE

Action Requested: Approval of a resolution authorizing the sale of one (1) 2010 John Deere 410J Backhoe deemed surplus City personal property.

Background:

- The City's Water Resources Department -- Maintenance Division, identified a 2010 John Deere 410J Backhoe as surplus personal property, with no anticipation of utilization by the City.
- Pursuant to N.C.G.S. §160A-266, the Sale and Disposal of Personal Property valued at \$30,000 or more must be approved by City Council. The City's Purchasing Manager has authority to dispose of personal property valued at less than \$30,000 by private negotiation and sale.
- The estimated wholesale value of the 2010 John Deere 410J Backhoe is listed at \$30,000+, \$1000 - \$10,000 above wholesale, depending on condition. Bids will be solicited through Public Surplus online auction.

Council Goal(s):

- n/a

Committee(s):

- None

Pro(s):

- Promotes City of Asheville fiscal responsibility of disposing of surplus property which generates revenue
- Space utilization eliminates the need to store large, unused equipment

- Competitive process yielded market price

Con(s):

- None

Fiscal Impact:

- The backhoe is fully depreciated and the Water Resources Fund will recognize the entire amount as revenue from the sale of assets.

Motion:

- Move to adopt a resolution authorizing the sale of one (1) 2010 John Deere 410J Backhoe deemed surplus City personal property.

RESOLUTION BOOK NO. 40 - PAGE 220

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.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda without Consent Agenda "F". This motion was seconded by Councilman Young and carried unanimously.

ITEM REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTE

F. RESOLUTION NO. 19-4 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOUNTAIN TRUE TO CONSTRUCT AND MAINTAIN NATURAL SURFACE TRAILS WITHIN THE FALCONHURST NATURE PRESERVE

Councilman Young moved to recuse Councilwoman Mayfield from participating in this matter due to a conflict of interest. This motion was seconded by Vice-Mayor Wisler and carried unanimously (Councilwoman Mayfield did not vote).

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an agreement with Mountain True to construct and maintain natural surface trails within the Falconhurst Nature Preserve.

Background:

- The Falconhurst Nature Preserve is a 7.9 acre city-owned property (PIN 9638-17-3304-00000) in West Asheville located north of Tanglewood Drive, south of Patton Avenue, east of Mitchell Avenue, and west of Louisiana Avenue within the Falconhurst neighborhood.
- The City accepted the donation of the Falconhurst Nature Preserve from the Conservation Trust for North Carolina in 2012, authorized by City Council Resolution 08-58. The conservation agreement is subject to deed restrictions to protect the site from development and maintain its integrity as a nature preserve while still permitting appropriate public recreational use. The deed restrictions allow for low impact improvements such as natural surface trails.
- An access easement from East West Craggy Development, LLC from Tanglewood Drive in the Falconhurst neighborhood was on the January 8, 2019 agenda.
- The Asheville Design Center (ADC), a program of MountainTrue, has designed a natural

surface trail system for the Falconhurst Nature Preserve and within the donated public access easement granted to the City by East West Craggy Development, LLC.

- Mountain True intends to coordinate volunteers of the Falconhurst neighborhood to construct and maintain the natural surface trails.
- The Conservation Trust of North Carolina is supportive of the project.
- The trails would be constructed and maintained at no expense to the City.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- Multi-modal Transportation Commission - September 26, 2018 - approved unanimously.
- Greenway Committee - October 4, 2018 - approved unanimously.
- Planning & Economic Development Committee - December 18, 2018 - approved unanimously.

Pro(s):

- Provides a unique opportunity for the neighborhood to enjoy natural surface trails in a natural setting.
- Provides a neighborhood connection to the proposed Smith-Mill Greenway corridor once it is constructed.
- Provides an opportunity for community members to help construct and maintain a nature area and walking trails.

Con(s):

- None

Fiscal Impact:

- There is no fiscal impact to the city. Mountain True will provide the labor and materials to construct the trails.

Councilman Young moved to adopt a resolution authorizing the City Manager to enter into an agreement with Mountain True to construct and maintain natural surface trails within the Falconhurst Nature Preserve. This motion was seconded by Vice-Mayor Wisler and carried unanimously (Councilwoman Mayfield was recused from this vote).

RESOLUTION BOOK NO. 40 - PAGE 218

III. PRESENTATIONS & REPORTS: None

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE 2018-19 ANNUAL ACTION PLAN FOR THE REALLOCATION OF AN ESTIMATED \$1,396,100 IN FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS

RESOLUTION NO. 19-7 - RESOLUTION AMENDING THE 2018-19 ANNUAL ACTION PLAN FOR THE REALLOCATION OF AN ESTIMATED \$1,396,100 IN FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS

Community Development Director Michael Blair said that this is the consideration of a resolution authorizing the City Manager to submit an Amendment to the 2018-2019 Consolidated Action Plan for the HOME Investment Partnership Program, enabling the City of Asheville and the

Asheville Regional Housing Consortium to reallocate \$1,396,100 of HOME funding from the U.S. Department of Housing and Urban Development. This public hearing was advertised on December 28, 2018, and January 4, 2019.

Background:

- The City has \$1,396,100 in HOME funds available for reallocation.
- The Asheville Regional Housing Consortium received applications for unallocated HOME funding totalling \$2,055,000 and made recommendations.
- HOME funds must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties)
- Federal HOME Program and HUD regulations require a public hearing be held before substantial plan amendments can be adopted by the HOME Lead Entity, the City of Asheville.

Council Goal(s):

- Expand Asheville's supply of quality, affordable homes for current and future residents, including promoting affordable housing located close to the CBD, jobs, and transportation.

Committee(s):

- The Asheville Regional Housing Consortium approved this reallocation of funds on November 1, 2018.

Pro(s):

- The proposed reallocation of \$1,396,100 commits and puts toward viable projects federal HOME Program funding and amends the Fiscal Year 2018-19 Annual Plan.
- An additional 170 affordable rental units will be created, and 12 homeowners will be assisted with down payment assistance, in the Asheville Regional Housing Consortium jurisdiction.
- Reflects the carefully considered recommendations of the Asheville Regional Housing Consortium.

Con(s):

- None.

Fiscal Impact:

- The Action Plan is fully funded from federal CDBG and HOME entitlement grants, unused funds from previous completed projects, and estimated program income. There is no other fiscal impact associated with this action.

Mayor Manheimer opened the public hearing at 5:11 p.m., and when no one spoke, she closed the public hearing at 5:11 p.m.

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

Councilman Young moved to approve a resolution authorizing the City Manager to submit an Amendment to the 2018-2019 Consolidated Action Plan for the HOME Investment Partnership Program. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 221

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 275 AND 281 HAZEL MILL ROAD

**FOR CHANGES TO A RESIDENTIAL DEVELOPMENT ZONED RM-16
RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL
ZONE**

**ORDINANCE NO. 4722 - ORDINANCE TO AMEND THE CONDITIONAL
ZONING OF PROPERTY LOCATED AT 275 AND 281 HAZEL MILL ROAD
FOR CHANGES TO A RESIDENTIAL DEVELOPMENT ZONED RM-16
RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL
ZONE**

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to amend a previously approved conditionally zoning of property located at 274 and 281 Hazel Mill Road for changes to a residential development zoned RM-16 Residential Multi-Family High Density District/Conditional Zone. This public hearing was advertised on December 28, 2018, and January 4, 2019.

Background:

- The subject property at 275 and 281 Hazel Mill Road (PINs 9638-39-9131 and 9638-39-6188) is currently owned by Berltext Real Estate Holdings, LLC; the applicant and contact is Bob Grasso.
- The project was previously approved as a conditional zoning from Residential Multi-Family Medium Density District (RM-8) to Residential Multi-Family High Density District (RM-16 CZ) by City Council on June 23, 2015, under Ordinance No. 4430.
- The development includes 113 residential units (one and two bedroom units) housed in 10 buildings with a maximum of 222 surface parking throughout the site with 10% of the units being affordable.
- The development includes compliant landscaping and open space amenities as shown on the site plans and required by code.
- The overall project is generally the same as the original conditional zoning approval but the following changes have been proposed by the applicant and are detailed in the B.1 conditions list:
 - Sidewalk realignment to preserve existing trees along Hazel Mill Road (eight foot sidewalk/walkway set back from Hazel Mill Road up to approximately 30 feet from the road)
 - Sidewalk changed from six foot back of curb to a five foot planting strip and five foot sidewalk along Clayton
 - Removal of on-street parking along Clayton Avenue and relocation to a new internal parking area
 - New entrance from Clayton Avenue to access relocated parking (increase to three driveways)
 - Pavers eliminated from parking area and flexibility requested for building materials
 - Bus passes offered for two years instead of in perpetuity
 - The developer will be required to submit a report on the number of bus passes issued in the two year period

Council Goal(s):

- A Well-Planned and Livable Community
- Quality Affordable Housing
- Transportation and Accessibility

Committee(s):

- Technical Review Committee - November 5, 2018 - approved with conditions

- Planning & Zoning Commission - December 5, 2018 - recommended approval (7-0)

Pro(s):

- The project has previously been approved by City Council and the proposed modifications do not substantially change the overall project details
- The project includes 10% of the dwelling units dedicated as affordable
- The development is aligned with the designated Future Land Use category of the Living Asheville Comprehensive Plan for this area (residential neighborhood when proximate to a growth area)

Con(s):

- Staff recommends the sidewalk along Hazel Mill Road follow the previous approval of six-foot back of curb rather than what the applicant is proposing

Fiscal Impact:

- If constructed, the project would have a positive fiscal impact on tax revenues received by the city.

Ms. Bernstein said that the applicant has requested the sidewalk along Hazel Mill Road be eight feet in width and setback up to 35 feet from the edge of the road, to preserve a line of white oak trees along the stretch of the frontage. Staff was not supportive of that request as they want the sidewalk to be six foot back of curb as approved in 2015.

Councilwoman Mayfield supported the sidewalk amendment proposed by the applicant, noting that the Chair of the Tree Commission also supports the applicant's amendment.

In response to Councilwoman Mayfield regarding annual bus passes, Mr. Harry Pilos, applicant, said that he would be agreeable to provide annual bus passes for at least 10 years for any resident of affordable units.

Mayor Manheimer opened the public hearing at 5:21 p.m.

Ms. Sarah Skinner thanked Council for recognizing the need for affordable housing. She hoped that Council would consider lower AMI levels as the City's standards for affordability.

Mr. Tracy DeBruhl suggested the applicant contact representatives from different agencies, i.e., the Veterans Quarters, to help where needed to move the project forward.

Mayor Manheimer closed the public hearing at 5:25 p.m.

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

Councilwoman Mayfield moved to recommend approval of the conditional zoning amendment (with the amendment to the B.1 conditions that the developer shall provide annual bus passes for at least 10 years for any resident of affordable units) for White Oak Grove Apartments at 275 and 281 Hazel Mill Road from Residential Multi-Family High Density District Conditional Zone to Residential Multi-Family High Density Conditional Zone 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 amendment does not substantially deviate from the project details previously approved other than the changes to the site plan; (2) the development is located with close access to commercial uses, transit and employment opportunities; (3) the project includes dedicated affordable residential units; and (4) the proposal is aligned with the

Future Land Use map in the Living Asheville Comprehensive Plan. This motion was seconded by Councilman Kapoor and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 266

- C. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 99999 FERRY ROAD FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL EXPANSION DISTRICT/CONDITIONAL ZONE FOR UP TO 15,000 SQUARE FEET OF COMMERCIAL USES AND TO RESIDENTIAL EXPANSION DISTRICT/CONDITIONAL ZONE FOR A MIX OF HOUSING TYPES TOTALLING 418 UNITS, RESULTING IN A SPLIT-ZONED PARCEL; AND AMENDMENT TO THE FUTURE LAND USE MAP TO CHANGE FROM TRADITIONAL NEIGHBORHOOD AND NEIGHBORHOOD CENTER TO RESIDENTIAL NEIGHBORHOOD, NEIGHBORHOOD CENTER AND PARKS/OPEN SPACE**

ORDINANCE NO. 4723 - ORDINANCE TO CONDITIONAL ZONE PROPERTY LOCATED AT 99999 FERRY ROAD FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL EXPANSION DISTRICT/CONDITIONAL ZONE FOR UP TO 15,000 SQUARE FEET OF COMMERCIAL USES AND TO RESIDENTIAL EXPANSION DISTRICT/CONDITIONAL ZONE FOR A MIX OF HOUSING TYPES TOTALLING 418 UNITS, RESULTING IN A SPLIT-ZONED PARCEL AND AMENDMENT TO THE FUTURE LAND USE MAP TO CHANGE FROM TRADITIONAL NEIGHBORHOOD AND NEIGHBORHOOD CENTER TO RESIDENTIAL NEIGHBORHOOD, NEIGHBORHOOD CENTER AND PARKS/OPEN SPACE

Urban Planner Vaidila Satvika said that this is the consideration of an ordinance to conditionally zone property located at 99999 Ferry Road from RM-16 Residential Multi-Family High Density District to Commercial Expansion District/Conditional Zone for up to 15,000 square feet of commercial uses and to Residential Expansion District/Conditional Zone for a mix of housing types totalling 416 units, resulting in a split-zoned parcel; and amendment to the Future Land Use Map to change from Traditional Neighborhood and Neighborhood Center to Residential Neighborhood, Neighborhood Center and Parks/Open Space. This public hearing was advertised on December 28, 2018, and January 4, 2019.

Background:

- Property PIN is 9636-10-3860, also known as 99999 Ferry Road; owned by Buncombe County.
- The 137 acre city-owned property was rezoned from industrial to residential last year and was then sold to Buncombe County.
- The proposed project includes up to 15,000 square feet of commercial uses and a mix of housing types totaling 416 units.

Council Goal(s):

- A Well-Planned Livable Community

Committee(s):

- Planning & Zoning Commission: Approved unanimously on December 5, 2018

Pro(s):

- Provides a well-planned and livable community by offering a mix of housing units that will help to meet the housing demand while respecting the existing neighborhood and surrounding natural environment.
- Compatible with current and desired future land uses as identified in the Living Asheville Comprehensive Plan.
- Helps preserve environmentally sensitive land adjacent to the French Broad River.
- Aligns with the community character for this area as specified in the Living Asheville Comprehensive Plan.
- Developer will provide open area for future greenway.

Con(s):

- Encouraging a higher density in areas not currently served by transit.

Fiscal Impact:

- If constructed, the project would have a positive fiscal impact on tax revenues received by the city.

Mr. Satvika said that there are two access points off Ferry Road. There are three buildings that will provide 36 condos and 188 duplexes. He revised the site plan, pointing out there are 820 trees being added, stormwater capture ponds, a dog park, greenway easement for the entire perimeter, and 105 parking spaces distributed throughout the site. He said that the developer has agreed to a condition of at least 5% of the total number of units to be affordable to people at or below 100% of AMI. The other amendment to the conditions is that the total number of units shall not exceed 416 units by may be reduced, depending on market conditions.

In response to Councilwoman Mayfield, Mr. Satvika said that we needed this conditional zoning split parcel because they wanted to include some small commercial (8-15,000 sq feet) activity and that is not allowed in residential expansion.

Ms. Jennifer Lanning, Real Estate Agent representing the developer, said the 5% of affordable units are geared toward workforce housing. The area lends itself nicely for single-family homes. The units range from approximately \$450,000 down to \$200,000. The housing crisis in Asheville is not just in the lower level, but also in the middle level. We hope to address that as well. Lower levels are more for apartments, but these are a for-sale level. We have been in discussions with Habitat for Humanity and they might be able to fit into their project. She said their intention is that every unit, except the condo units, will have a one or two car garage.

Ms. Christy Stout, Traffic Engineer, said they did and submitted a Traffic Impact Study to the City and the N.C. Dept. of Transportation (NCDOT). The NCDOT will be making a final determination on any improvement needs shortly. In the study they looked at the amount of vehicles that would be generated by this development. The a.m. trips are about 225 (about 170 are exiting in the morning - about 3 per minute). The p.m. trips are about 295. Entering in the p.m. will be about 3 per minute as well. The driveways and intersections are Level of Service C or better under existing and projected movements, except for the exiting movements (from Ferry Road to Brevard Road) in the p.m. and that is a Level of Service D.

In response to Councilwoman Mayfield, Ms. Lanning said that the build-out is 2-5 years, starting this year.

Mayor Manheimer gave a brief history of the site.

Mayor Manheimer opened the public hearing at 5:49 p.m.

Mr. Michael Bowman, adjoining property owner, requested more than 20 feet buffer in his backyard that adjoins the project.

Mr. Solesby, adjacent property owner, suggested deleting the commercial piece and reducing the number of units. The commercial piece will bring commercial traffic in the residential area. In addition, traffic in the area is already congested.

Mr. Casey Campfield felt this project is out of reach for the low and moderate income community and hoped the City would negotiate a better number of affordable units.

Mr. Amber Banks felt we need to look at lowering the Area Median Income, and ask the developer to hire locals for the construction.

Ms. Leah Carter, adjacent property owner, felt that the project will bring in too much density in the area and will impact traffic.

Mayor Manheimer closed the public hearing at 5:59 p.m.

In response to Councilwoman Mayfield, Mr. John Kinnaird, Land Planner, said that there is a 20 foot minimum buffer along every property line and in some places the buffer is 50 feet or more.

When Councilwoman Mayfield asked about the commercial piece, Ms. Lanning said that their intention is to have neighborhood support for the commercial piece for people who live in the area.

In response to Councilwoman Mayfield, Ms. Lanning said that they may be able to get closer to 8-10% of the total number of units to be affordable, but they don't want to commit more than 5% at this time until they see the economy. They want to be on the conservative for-sale market side.

Councilman Young said it was difficult for him to support this project as he felt nothing in this project is affordable; however, he does understand that there are other income levels that require housing. He hoped that a higher percentage of affordable units could be negotiated.

After a brief discussion, Ms. Lanning said that she was confident that 8% affordable units can be reached, but was not sure about beyond that.

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

Vice-Mayor Wisler moved to recommend approval of the conditional zoning request for the Ferry Road subdivision (with the amendment to the condition that at least 8% of the total number of units at initial sale will be affordable to people at or below 100% of AMI as published annually by the Dept. of HUD. City shall be notified of sales price prior to final CO of unit to ensure the initial sales price is at this affordability price point) from Residential Multi-Family High Density District (RM16) to Commercial Expansion District (COM EXP) and Residential Expansion District (RES EXP) and declare that this approval is also deemed an amendment to the Future Land Use Map within the Living Asheville Comprehensive Plan, and find that the request and resulting Future Land Use Map amendment from Traditional Neighborhood and Neighborhood Center to Residential Neighborhood, Neighborhood Center and Parks/Open Space is reasonable, is in the public interest, meets the development needs of the community and is consistent with the city's comprehensive plan in that this Project: (1) provides a mix of housing units that will help to meet the demand for housing in Asheville; (2) is compatible with current and desired future land

uses; (3) helps to preserve environmentally sensitive land adjacent to the French Broad River; and, (4) aligns with the community character for this area as specified in the Living Asheville Comprehensive Plan. This motion was seconded by Councilman Kapoor and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 277

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 19-8 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROPERTY TAX BILLING AND COLLECTION FEE AGREEMENT WITH BUNCOMBE COUNTY

Director of Finance Barbara Whitehorn said that the action requested is to authorize the City Manager to Execute a Property Tax Billing and Collection Fee Agreement between the City of Asheville and Buncombe County

Background:

- A new agreement with Buncombe County replacing the 2005 agreement that established the fee charged to the City at 1.5% of total tax levy. The City saw a significant increase in costs with revaluation; the 2016-17 cost for billing was \$895,000.
- Effective July 1, 2019
- Three year agreement
- Year 1: \$815,000; 2.5% annual increase

Council Goal(s):

- Financially Resilient Community

Committee(s):

- Finance and HR Committee, November 27, 2018: unanimously recommended authorization

Pro(s):

- Billing for tax collections will be predictable and not linked to taxable values of property. Over the three year contract, the billed amount remains below the 2017 level of \$895,000.

Con(s):

- None

Fiscal Impact:

-

FY 2019-20	FY 2020-21	FY 2021-22
\$815,000	\$835,375	\$856,259

- Option to add Special Assessment District(s) at \$7,500 set up fee and \$18.50/bill
- The approximate annual savings to the City is \$100,000

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 resolution and it would not be read.

Vice-Mayor Wisler moved to authorize the City Manager to Execute a Property Tax Billing and Collection Fee Agreement between the City of Asheville and Buncombe County. This motion was seconded by Councilwoman Smith and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 223

B. BOARDS & COMMISSIONS

Regarding the Board of Electrical Examiners, no one applied for the layman seat; therefore, City Council instructed the City Clerk to continue advertising.

Regarding the Citizens-Police Advisory Committee, the Citizens-Police Advisory Committee recommended the seats be re-advertised in order to get a more diverse applicant pool. Therefore, it was the recommendation of the Boards & Commissions Committee and the consensus of Council, to readvertise for the two seats in order to get a more diverse applicant pool.

RESOLUTION NO. 19-9 - RESOLUTION APPOINTING A MEMBER TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Affordable Housing Advisory Committee.

There is currently an unexpired term left by Mr. Scott Dedman until September 1, 2019.

The following individuals applied for the vacancy: Bob Ray, Natalie Kramer, Teresa Kirkwood, Kerri McCoy, Grace Barron-Martinez, Andy Barnett, J.V. Farr, Margie Bukowski and Amber Banks.

It was the consensus of the Boards & Commissions Committee to appoint Andy Barnett.

Vice-Mayor Wisler moved to appoint Andy Barrett to fill the unexpired term of Mr. Dedman, term to expire September 1, 2019, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 224

RESOLUTION NO. 19-10 - RESOLUTION APPOINTING AN ALTERNATE MEMBER TO THE BOARD OF ADJUSTMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing an Alternate member to the Board of Adjustment.

There is currently an unexpired term left by Ms. Christine Longoria until January 21, 2019.

The following individuals applied for the vacancy: Ken Sherlin, Paul Harkrider and Robert Carroll.

It was the consensus of the Boards & Commissions Committee to appoint Robert Carroll.

Vice-Mayor Wisler moved to appoint Robert Carroll to fill the unexpired Alternate term of Ms. Longoria, term to expire January 21, 2019, and then a full three-year Alternate term until January 19, 2022, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 225

RESOLUTION NO. 19-12 - RESOLUTION APPOINTING MEMBERS TO THE DOWNTOWN COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Downtown Commission.

The terms of Brent Campbell, Franzi Charen, Dane Barrager and Pamela Winkler expired on December 31, 2018.

The following individuals applied for the vacancy: Carleton Collins, Kelly Prime, Richard Winchell, Jane Mathews, Rebecca Huber-Brown, Greg Hoffman, Aaron Ryba, Sarah Craycraft, Jody Kuhne, Vernon Robinson, John Kledis, Peter Landis, Stu Helm and Claudette Silver.

It was the consensus of the Boards & Commissions Committee to reappoint Mr. Campbell, Ms. Charen, Mr. Barrager and Ms. Winkler.

Vice-Mayor Wisler moved to reappoint Brent Campbell, Franzi Charen, Dane Barrager and Pamela Winkler to each serve an additional three-year term respectively, terms to expire December 31, 2021, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 227

RESOLUTION NO. 19-13 - RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Homeless Initiative Advisory Committee.

Mr. Gene Bell has resigned, thus leaving an unexpired term until January 19, 2019.

The following individuals applied for the vacancy: David Nash and Amber Banks.

It was the consensus of the Boards & Commissions Committee to appoint David Nash.

Vice-Mayor Wisler moved to appoint David Nash to serve the unexpired term of Mr. Bell, term to expire January 19, 2019, and then a full three-year term, term to expire January 19, 2022, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 228

RESOLUTION NO. 19-14 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Metropolitan Sewerage District Board.

The term of Chris Pelly expires on January 19, 2019.

The following individuals applied for the vacancy: None.

It was the consensus of the Boards & Commissions Committee to waive the rules and reappoint Mr. Pelly to a third term.

Vice-Mayor Wisler moved to reappoint Chris Pelly to serve an additional three-year term , term to expire January 19, 2022, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 229

RESOLUTION NO. 19-15 - RESOLUTION APPOINTING MEMBERS TO THE MOUNTAIN COMMUNITY CAPITAL FUND OPERATING COMMITTEE AND CREDIT UNDERWRITING SUBCOMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Mountain Community Capital Fund Operating Committee and Credit Underwriting Subcommittee.

On September 11, 2018, City Council adopted Resolution No. 18-241 authorizing the City Manager to execute the Mountain Community Capital Fund and Technical Assistance Program Allocation of Services and Duties Agreement. The by-laws of the organization asks that two community stakeholders be appointed by the City of Asheville. The Operating Committee shall also be comprised of (1) two members of City staff to be appointed by the City of Asheville; (2) two members of County staff be appointed by Buncombe County; (3) two community stakeholders be appointed by Buncombe County; and (4) representatives of Participating Lenders.

The following individuals applied for the vacancy: Lynn Smith, Jacob Blass, Grant Millin and Dee Williams.

It was the consensus of the Boards & Commissions Committee to appoint Lynn Smith and Dee Williams.

Vice-Mayor Wisler moved to appoint Lynn Smith and Dee Williams to each serve a two-year term respectively, terms to expire two years after the entire Committee is established. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 230

RESOLUTION NO. 19-16 - RESOLUTION APPOINTING A MEMBER TO THE RIVERFRONT REDEVELOPMENT COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Riverfront Redevelopment Commission.

The term of Jane Mathews (design professional) expired on January 1, 2019.

The following individuals applied for the vacancy: Shelly Schenker, Brent Starck, Stuart Cowles, Emily Boyd, Daniel Brown, Michael McDonough and Greg Hoffman.

It was the consensus of the Boards & Commissions Committee to reappoint Ms. Mathews.

Vice-Mayor Wisler moved to reappoint Jane Mathews (design professional) to serve an additional three-year term , term to expire January 1, 2022, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 231

RESOLUTION NO. 19-17 - RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Sustainability Advisory Committee on Energy & the Environment.

The terms of Anna Priest, Keith McDade and John O'Connor expired on December 31, 2018.

The following individuals applied for the vacancy: Amy Smith, Ursula Jorch, Susan Bean, Michelle Myers, Dave Penrose, Carol Ann Lyndon, Greg Jennings, Steve Linton, Lynn Pace and Ashley Ray Edwards.

It was the consensus of the Boards & Commissions Committee to reappoint Ms. Priest, Mr. McDade and, at the request of the Committee, to re-advertise for the third seat.

Vice-Mayor Wisler moved to (1) reappoint Anna Priest and Keith McDade to each serve an additional three-year term respectively, terms to expire December 31, 2021, or until their successors have been appointed; and (2) re-advertise for the third seat. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 232

RESOLUTION NO. 19-18 - RESOLUTION APPOINTING MEMBERS TO THE TREE COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Tree Commission.

The terms of Stephen Hendricks and Amy Smith expired on December 31, 2018.

The following individuals applied for the vacancy: Chip Hood, Patrick Gilbert and Jonathan Watterson.

It was the consensus of the Boards & Commissions Committee to reappoint Mr. Hendricks and Ms. Smith.

Vice-Mayor Wisler moved to reappoint Stephen Hendricks and Amy Smith to each serve an additional three-year term respectively, terms to expire December 31, 2021, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 233

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Tom Halladay and Mr. Casey Campbell both spoke in opposition of redistricting Asheville.

Mr. Jonathan Wainscott spoke about the redistricting map and its demographic make-up.

Ms. Susan B. Loftis presented Council with the following draft resolution regarding I-26: "Whereas, the City of Asheville has worked hand in hand with NCDOT; and Whereas, the NCDOT has developed in good faith the current plan based on the wishes of the City; and Whereas, the City and its citizens have only recently been in a position to realize fully the consequences of the large land taking and the 4b flyovers; and Whereas, the citizens of Asheville attended the Tuesday, Dec. 4 meeting and overwhelming expressed concern and opposition to the current plans. The City of Asheville acknowledges the need for an I-26 connector project but opposes the current layout and requests that NCDOT project team meet with Julie Mayfield, Debra Campbell, the new city manager, and a small group of citizens to address our concerns in an effort to improve the project."

Mr. Tracy DeBruhl spoke about the Citizens-Police Advisory Committee and his interest in being appointed to this Committee.

Mr. Ben Williamson commented on future housing developments. He felt there is not a housing shortage for people making far above the AMI, but a shortage for those who are at or especially below the AMI. He hoped Council will be firm with future developers to challenge them to do much more to truly address affordable housing.

Mr. Reid Thompson commented about the number of zoning violations related to the commercial activity of Greenlife on Maxwell Street. Mayor Manheimer said that a memorandum has been prepared regarding Maxwell Street enforcement and will be provided to City Council as well as Mr. Thompson.

Closed Session

At 6:42 p.m., Councilwoman Smith 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 consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee pursuant to N.C. Gen. Stat. sec. 143-318.11 (a)(6) and to prevent the disclosure of information that is confidential pursuant to N. C. Gen. Stat. sec. 160A-168, the Personnel Privacy Act, pursuant to N. C. Gen. Stat. sec. 143.318.11 (a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 6:51 p.m., Councilman Kapoor to come out of closed session. This motion was seconded by Councilwoman Smith and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:51 p.m.

CITY CLERK

MAYOR