

Monday – February 26, 2019 - 2:30

Special 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; and City Clerk Magdalen Burleson

Mayor Manheimer opened the special meeting.

At 2:30 p.m., Vice-Mayor Wisler moved to go into closed session 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 Councilman Kapoor and carried unanimously.

At 4:59 p.m., Councilman Kapoor moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

Tuesday – February 26, 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:

A. PROCLAMATION PROCLAIMING FEBRUARY, 2019, AS “NATIONAL 211 MONTH”

Mayor Manheimer proclaimed February 2019 as “National 211 Month” in the City of Asheville. She presented the proclamation to Ms. Marla Browne, Director of NC 211, and others, who briefed City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING MARCH 10, 2019, AS “ZELDA FITZGERALD DAY”

Vice-Mayor Wisler proclaimed March 10, 2019, as “Zelda Fitzgerald Day” in the City of Asheville. She presented the proclamation to Mr. Jim Mackenzie, 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 FEBRUARY 12, 2019; AND THE SPECIAL MEETING HELD ON FEBRUARY 18, 2019**

- B. ORDINANCE NO. 4730 - BUDGET AMENDMENT TO REDUCE BEAUCATCHER GREENWAY BUDGET FROM EXPIRED TOURISM PRODUCT DEVELOPMENT FUNDS GRANT**

Action Requested: Adoption of a budget amendment, in the amount of \$975,000, to reduce Beaucatcher Greenway budget from expired Tourism Product Development Funds grant.

Background:

- City Council adopted a resolution on February 12, 2019, authorizing the City Manager to sign an amended grant agreement with Buncombe County Tourism Development Authority reducing a previous award of \$1,000,000 to \$25,000 in Tourism Product Development Funds.
- The City's budget now must be amended to remove the \$975,000.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None.

Pro(s):

- The City's budget will accurately reflect the reduction of funds approved on February 12, 2019.

Con(s):

- None.

Fiscal Impact:

- Reduces funding for Beaucatcher Greenway project in the budget due to expired grant contract and change to Beaucatcher Greenway project scope.

Motion:

- Motion to adopt a budget amendment, in the amount of \$975,000, to reduce Beaucatcher Greenway budget from expired Tourism Product Development Funds grant.

ORDINANCE BOOK 32 - PAGE 309

- C. RESOLUTION NO. 19-34 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A THREE-YEAR GENERAL SERVICES AGREEMENT WITH AN OPTION FOR TWO ONE-YEAR RENEWALS WITH CAROLINA MANAGEMENT TEAM FOR THE WATER STORAGE TANK AND PIPE COATING AND MAINTENANCE PROJECT**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a three-year General Services Agreement with an option for two (2) one-year renewals with Carolina Management Team for the Water Storage Tank and Pipe Coating and Maintenance Project.

Background:

- The Water Resources Department (WRD) issued a Request for Proposals (RFP) for the Water Storage Tank and Pipe Coating and Maintenance Project on November 6, 2018.
- The project scope includes cleaning, preparing, and recoating of seven pump station/storage tanks sites.
- In response to the RFP, the WRD received two proposals from:
 1. Carolina Management Team (CMT), Asheville NC - \$300,496.00
 2. SE Diving Services LLC, Greenville SC - \$139,888.10
- SE Diving Services had several, major mathematical errors on their cost proposal form, they primarily specialize in interior tank cleaning, and planned to subcontract most, if not all, of the work. Due to those factors, SE Diving Services is considered non-responsive.
- CMT is a local, woman-owned company that the WRD has contracted with before for similar projects. They are known for their high quality of work across NC and the US.
- The contract amount for Year 1 will be for the proposed amount of \$300,496 plus a 10% contingency. Years 2-5 will follow the WRD's 5-year CIP budget of \$250,000 annually for this project. At the end of the five year period, the total amount expected for this project should not exceed \$1,330,546.00.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- N/A

Pro(s):

- Approval of the project will allow the WRD to complete necessary rehabilitation and repair on approximately 10 locations per year, depending on locations and size of work to be done. The project will also extend the sustainability of the assets.
- The project will provide a local WMB company with work for several years.

Con(s):

- None

Fiscal Impact:

- The Water Resources Department currently has the funds needed for Year 1 of this agreement budgeted in the "Pump Station/Storage Tank Projects" in the CIP Fund. Years 2-5 will follow the WRD's 5-year CIP budget of \$250,000 annually.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a three-year General Services Agreement with an option for two (2) one-year renewals with Carolina Management Team for the Water Storage Tank and Pipe Coating and Maintenance Project.

RESOLUTION BOOK NO. 40 - PAGE 251

D. RESOLUTION NO. 19-35 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRENCH BROAD PAVING INC. FOR THE FISCAL YEAR 2019 ASPHALT RESURFACING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with French Broad Paving Inc. in the amount of \$1,875,353.00 plus a 15 % contingency of \$281,303.00 (\$2,156,656.00 total) for the contract known as Asphalt Resurfacing FY 19.

Background:

- A list of warranted streets was assembled to be addressed by this contract. The work will include milling of existing pavement, patching, resurfacing, application of new pavement markings, installation of curb, and sidewalk repairs. These streets were selected by our Agile Assets pavement management software based upon the condition of the existing asphalt. City staff visually confirmed the results generated by the software.
- The project was advertised on November 30, 2018, and bids were opened on December 18, 2018. The results were as follows:
 - French Broad Paving, Inc. of Marshall, NC
\$1,875,353.00
 - Rogers Group, Inc. of Nashville, TN
\$2,133,118.60
 - Harrison Construction, Inc. of Asheville, NC
\$2,880,310.50
- A 15% contingency (\$281,303.00) has been added to allow payment of any unforeseen costs that typically arise during construction. The work produced from this contract will address a number of roads that are in need of repair.
- The preservation contract calls for an approximately 1/8" microsurface treatment to be applied to roads with asphalt that is still in good condition. This treatment extends the service life of the existing asphalt.

Council Goal(s):

- Transportation and Accessibility
- Smart City

Committee(s):

- n/a

Pro(s):

- Will repair approximately 3.8 miles of roadways within the Asheville City limits.
- Will improve mobility and safety on city streets.

Con(s):

- None

Fiscal Impact:

- The total budget for the Fiscal Year 2019 Streets Program is \$2.8 million. This funding is our annual repaving project and is not bond funded. The total cost of this contract, including contingency, is \$2,156,656. The remaining funds in this budget will be used for our Fiscal Year 2019 Asphalt Preservation contract.

Motion:

- Motion to adopt a resolution awarding the contract to French Broad Paving, Inc. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of \$1,875,353 plus a 15% contingency of \$281,303.00 (\$2,156,656.00 total) for the contract known as FY19 Asphalt Resurfacing, City of Asheville Project K1901.

E. RESOLUTION NO. 19-36 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MULTI-YEAR CONTRACT WITH MOTOROLA FOR MAINTENANCE AND SUPPORT OF PUBLIC SAFETY RADIO SYSTEM

Action Requested: Adoption of a resolution clarifying annual expenses related to an agreement with Motorola, Inc. to provide maintenance coverage for the City's radio system.

Background:

- In February 2018, the City adopted a maintenance agreement with Motorola Solutions to provide maintenance on the City's radio communications systems.
- Funding for the agreement is to be appropriated annually in the City budget process.
- The initial term of the agreement runs from December 1, 2017, to June 30, 2022.
- The agreement also includes an option to renew for an additional 60 months as requested in the original request for proposals for the purchase of the radio system.
- Per direction from City Attorney, this resolution serves to clarify fixed expenses for this contract.

Council Goal(s): Smart City

Committee(s):

- n/a

Pro(s):

- The primary benefit of this agreement is to keep the City's radio system reliable and operational for public safety officers.
- By keeping the radio system in optimal condition the City is also able to provide communication services to several outside agencies, thereby improving interagency communications.

Con(s):

- None noted.

Fiscal Impact:

- The maintenance agreement annual expenses for the initial term of the agreement are as follows:

FY-18	\$226,366	FY-19	\$388,053
FY-20	\$394,529	FY-21	\$401,568
FY-22	\$410,171		

- Funding for each year of the contract will be included in the annual budget process.

Motion:

- Motion to adopt a resolution clarifying radio maintenance coverage expenses for the term of December 1, 2017, through June 30, 2022.

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F. RESOLUTION NO. 19-37 - RESOLUTION AMENDING THE 2019 CITY COUNCIL MEETING SCHEDULE TO ADD THE CITY COUNCIL ANNUAL RETREAT ON MARCH 8, 2019, BEGINNING AT 8:30 A.M. IN

**THE BUNCOMBE COUNTY ADMINISTRATIVE BUILDING, LOCATED
AT 200 COLLEGE STREET, ASHEVILLE, N.C.**

RESOLUTION BOOK NO. 40 - PAGE 254

**G. RESOLUTION NO. 19-38 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT
WITH THE MEN'S GARDEN CLUB OF ASHEVILLE FOR A
GREENHOUSE OPERATION ON A PORTION OF CITY-OWNED REAL
PROPERTY AT 80 HARDESTY LANE**

Action Requested: Approval of a resolution authorizing the City Manager to negotiate and execute a lease agreement between the City of Asheville (City) and the Men's Garden Club of Asheville, for a greenhouse operation on a portion of City-owned real property at 80 Hardesty Lane.

Background:

- The Men's Garden Club of Asheville is a non-profit organization that seeks to serve and inspire the community through area beautification projects that feature horticultural and gardening expertise. Each year, the Men's Garden Club cultivates a large variety of plant material to sell to the public to fund their projects for young people in the City.
- Beginning in 2000, the Club leased a 0.50 acre portion of City owned property at 80 Hardesty Lane and they established a greenhouse and storage sheds to support that operation. To benefit the community, the club proposed to revitalize and re-establish the ornamental gardens at the Azalea Soccer Complex. The group has worked closely with Parks Maintenance to maintain those gardens.
- The property at 80 Hardesty Lane is approximately 33 acres in total and is located at the back of the Azalea Park, between the Swannanoa River and the railroad. The following uses also take place on that parcel: beneficial landfill, organic farm and an industrial composting operation.
- The members of the Men's Garden Club had a five year lease that expired in 2018. Staff working in Parks Maintenance and Real Estate met with club officers and revisited the previous agreement. The current lease proposal includes in-kind services provided by the Men's Garden Club in the form of grounds and landscape maintenance of the ornamental gardens at the John B. Lewis Soccer Complex, in exchange for continued use of the greenhouse and sheds at 80 Hardesty Lane. The term is for a period of 5 years with an option to renew for an additional 4 year period.
- These proposed terms are in compliance with the City's "Real Estate Lease Guidelines for City-owned Real Property."

Council Goal:

- Well Planned and Liveable Community

Committee:

- N/A.

Pro(s):

- Continues a long standing community partnership with the Men's Garden Club.
- Beautification of John B. Lewis Soccer Complex.
- Lessee will pay all utilities.
- Lessee will be responsible for routine maintenance of all improvements.

- Leveraging limited resources by partnering with a community non-profit.

Con(s):

- No monetary compensation will be received.
- Parks & Recreation staff time will be needed to monitor their compliance.

Fiscal Impact: The General Fund will not receive rental income.

Motion:

- Motion to adopt a resolution authorizing the City Manager to negotiate and execute a lease agreement with the Men's Garden Club of Asheville with a term of 5 years, allowing for one renewal of four years.

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

III. PRESENTATIONS & REPORTS:

A. UPDATE ON HOMESTAY PERMITS AND SHORT TERM RENTALS

Principal Planner Shannon Tuch provided the following report on homestay permits and short term rentals:

"This is one in a series of regular and periodic updates to City Council regarding short-term rental activity.

Background:

- Rental of a property within the City of Asheville for a duration of less than one month is considered "short-term" and the rental of an entire home/apartment on a short-term basis has never been allowed in Asheville's residential districts.
- Short-term vacation rentals, while not allowed in residential districts, were allowed in most commercial districts.
- The following timeline describes council actions regarding Homestays & STVRs over recent years:
 - Homestays were added as a new land use in 2006 (originally called Bed & Breakfast Homestay)
 - August 2015 - Ordinance No. 4445 is adopted, which increases the penalty for unpermitted/illegal lodging.
 - November 2015 - Ordinance No. 4470 is adopted, which expands opportunities for Homestays and relaxes permit requirements.
 - May 2016 - Ordinance No. 4505 is adopted, which clarifies residency requirements for Homestays.
 - January 2018 - Ordinance No. 4637 is adopted, which removes short-term vacation rentals as a permitted use in most non-residential or commercial districts and establishes an annual permit requirement. This ordinance also

removes hotels and other forms of lodging as permitted uses, establishes definitions for different forms of lodging in addition to establishing a definition for *Kitchen*.

- July & August 2018, the Planning & Economic Development Committee holds meetings to explore the definition of *Kitchen* and other clarifications intended to support enforcement.
- The last report before the full City Council was October 2018.

Permit Metrics (2018):

- 272 Homestay permits were issued
- 394 Homestay permits were renewed
- 666 Homestay permits are active

Enforcement Metrics (2018):

- 204 enforcement actions were performed (NOVs + Citations for STVRs only).
- 68 properties remain out of compliance.
- 19 illegal STVR legal cases are in review or have action pending.
- \$16,700 in fines has been collected.

- 3775 rental listings in Asheville (includes multiple listings for individual properties).
- 1179 short-term units are identified, a little over half (56%) are properties with homestay permits. The balance of units are unpermitted rentals, lawful short term units which include Bed & Breakfast rooms, Inns, and some Hotels.
- 117 short-term units are unidentified (approx. 10%). This represents the best identification rate to date.

- 120 (approx.) lawful, nonconforming STVRs have been identified.
- Approximately 60 additional lawful, nonconforming STVRs have been permitted and/or are under construction.

Other items of note:

- As part of the ordinance amendment adopted in January of 2018, the city now requires an annual permit for all lawful but nonconforming STVRs. This new annual permit is available online and is currently active and in use. Before strictly enforcing this requirement, however, a period of time to identify all STVR properties and provide mailed notification to all owners was needed. Notification is planned to go out within the next few weeks providing information on the need to obtain the permit and instructions on how to apply. Active enforcement will begin sometime after that.”

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE TREE AND RIPARIAN ENHANCEMENT PLAN AS A STAND ALONE PLAN AND AS AN AMENDMENT TO THE 2004 WILMA DYKEMAN RIVERWAY MASTER PLAN

RESOLUTION NO. 19-39 - RESOLUTION ADOPTING THE TREE AND RIPARIAN ENHANCEMENT PLAN AS A STAND ALONE PLAN AND AS AN AMENDMENT TO THE 2004 WILMA DYKEMAN RIVERWAY MASTER PLAN

Assistant Planning & Urban Design Director Stephanie Monson said that this is the consideration of a resolution adopting the Tree and Riparian Enhancement Plan as a stand alone plan and as an amendment to the 2004 Wilma Dykeman Riverway Master Plan. This public hearing was advertised on February 15 and 22, 2019.

Action Requested: Adoption of Tree & Riparian Enhancement Plan as a small area plan for the River Arts District and an update to the 2004 Wilma Dykeman RiverWay Master Plan

Background:

- The plan was funded by a grant from the Duke Water Resources Foundation and was completed in 2018.
- It includes detailed suggestions for the City's RADTIP Project Area in the form of stream buffer improvements, stream and stormwater enhancements, pollinator improvements, invasive management, art and education, and habitat structures on city-owned property (only); cost estimates are provided for each project.
- There are no regulatory changes proposed in this plan, and the plan does not address private property.
- The plan contents were guided by community input from the Riverfront Commission, the Tree Commission, the general public, and meetings with dozens of potential partners.
- The total cost to implement the plan - without partnership/outside assistance - is estimated at \$485,000.
- The plan includes a few "Big Ideas" to help implement the plan, including formalizing a collaborative between the City and key stakeholders on a long-term commitment to partner on implementing the plan.
- Adopting this plan would not bind the City to using any public funds on projects, but staff estimates the City could reasonably expect to invest \$80,000 (of not currently dedicated monies) to help implement the plan.
- The plan suggests using partnerships, grant funding, community involvement and the leveraging of the City's current capital projects to implement the plan with the least amount of fiscal impact to the City's budget and creating a financial strategy to make sure the large financial investments made by the City and private property owners in this area are well-maintained and continue providing returns on the investments.

Council Goal(s):

- Strategic Priority # 19: RADTIP
- A Well Planned and Livable Community Vision
- Clean and Healthy Environment Vision

Committee(s):

- The Asheville Area Riverfront Redevelopment Commission - September 2018 and unanimously recommended that Council adopt the plan.
- Council's Planning and Economic Development Committee - July 2018 and recommended Council consider it for adoption.
- The Planning and Zoning Commission - January 14, 2019, and unanimously supported it's adoption.

Pro(s):

- Addresses Council and community vision for riverfront in a cost effective manner that encourages community engagement.

Con(s):

- None.

Fiscal Impact:

- Adopting the plan will have no fiscal impact. Council or future Councils can choose whether or not to support City matches or seed funding to support grant applications for major projects. Staff notes that several of the projects in the plan are already being

implemented at no cost to the City (Artful Wildlife Habitat, Capt Bowen Bridge Ecology Murals, Water Quality Educations/Recycled Material Sculpture and Signage).

Mayor Manheimer opened the public hearing at 5:24 p.m.

Mr. Devinceo Priester spoke in support of the Plan.

Ms. Dawn Chavez, Executive Director of Asheville Greenworks, spoke in support of the Plan.

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

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

Councilwoman Mayfield moved to adopt the Tree & Riparian Enhancement Plan as a small area plan for the River Arts District and as an update to the Wilma Dykeman RiverWay Master Plan in that the plan: (1) Supports Council's desire to create a cleaner, healthier environment, and a well-planned and livable community, as adopted in their 2036 Vision; (2) Promotes a best practice of periodically updating existing adopted plans so they remain relevant and help guide community interest in partnering with the City to implement plans; (3) Supports improvement of water quality, an important part of the emerging river recreation economy; and (4) Aligns with the *Living Asheville Comprehensive Plan*, supporting goals contained in the Harmony with the Natural Environment theme. This motion was seconded by Councilman Young and carried unanimously.

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B. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 130 AND 99999 ROCK HILL ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO COMMUNITY BUSINESS I/CONDITIONAL ZONE FOR THE REUSE OF AN EXISTING BUILDING FOR AN ACUPUNCTURE CLINIC AND WELLNESS USE; AND AMENDMENT TO THE FUTURE LAND USE MAP FROM RESIDENTIAL NEIGHBORHOOD TO NEIGHBORHOOD CENTER

Vice-Mayor Wisler moved to continue this public hearing until March 12, 2019. This motion was seconded by Councilwoman Smith and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 19-40 - RESOLUTION ADOPTING A CITY DOWN PAYMENT ASSISTANCE POLICY THAT INCLUDES \$1 MILLION IN FUNDING FROM THE HOUSING BOND AND \$400,000 IN FUNDING IN PARTNERSHIP WITH THE FEDERAL HOME LOAN BANK OF ATLANTA'S COMMUNITY HEROES DOWN PAYMENT ASSISTANCE INITIATIVE

Mr. Paul D'Angelo, Housing Development Specialist said that this is the consideration of a resolution to adopt a Down Payment Assistance Policy.

Action Requested: Adoption of the Down Payment Assistance Policy

Background:

- The City of Asheville has \$1 Million of bond funds allocated for down payment assistance (DPA) to support homeownership opportunities for households making 80% or less of the area median income (AMI).
- Staff has been working with the Affordable Housing Advisory Committee (AHAC) presenting potential partnerships for DPA funds, including the Housing Authority in support of their Housing Choice Voucher (HCV) Homeownership program, OnTrack WNC, Mountain Housing Opportunities (MHO) and Habitat for Humanity to fully understand how our funding can work with local partners and families in-need.
- The North Carolina Housing Finance Agency provided guidance on best practices in a DPA policy.
- The City of Asheville has another stream of funding in partnership with the Federal Home Loan Bank of Atlanta (FHLBA) that will provide a combined total of \$400,000 in Down Payment Assistance to eligible full time employees of the City of Asheville and Asheville City Schools with between 80% and 120% of AMI adjusted for household size and meet the requirements as outlined in the Policy. \$300,000 is coming from our own Housing Trust Fund while the FHLBA is providing \$100,000.
- The Policy was passed unanimously by the Affordable Housing Advisory Committee (AHAC) at their January 3, 2019, meeting.
- The Housing & Community Development Committee (HCD) asked for a few clarifications to the policy at their January 15, 2019, meeting and voted to move it forward to full council for a vote.

Council Goal(s):

- Quality Affordable Housing
- Equitable and Diverse Community

Committee(s):

- Affordable Housing Advisory Committee - January 3, 2019
- Council's Housing and Community Development Committee - January 15, 2019

Pro(s):

- This DPA Policy targets moderate and lower income families and provides homeownership opportunities which is a key goal of our affordable housing initiatives
- This Policy begins utilizing Housing Bond funding that was passed in November, 2016
- This Policy was vetted thoroughly with local stakeholders, banks, mortgage lenders, and other experts on DPA

Con(s):

- The funding is limited
- Time limitations
 - Bond Funds must be spent by October, 2023
 - FHLBA Funds may have to be spent by March, 2020

Fiscal Impact:

- Up to \$1M from the Affordable Housing Bond as needed; \$300,000 from Housing Trust Fund as needed with the program balance of \$100,000 provided by the Federal Home Loan Bank.

He explained the purpose of the Policy is to provide residents of the City of Asheville and those who want to become residents of the City of Asheville with affordable homeownership financing opportunities. He then explained the two funding sources, along with the property requirements, first-time homebuyer requirement, down payment requirement, and counseling requirement. He said eligible borrowers that meet all requirements will have funds reserved once

their qualified bank/lender contacts the City of Asheville requesting DPA and provides the completed loan application, including a copy of the Offer to Purchase and Contract.

Regarding the repayment of the DPA loan (1) there are no monthly payments or interest associated with the DPA Program loans; (2) the loan will be a 30-year loan; (3) unless otherwise noted, repayment of the DPA loan is required when the home is sold, refinanced, title is otherwise transferred, or the home ceases to be the borrower's primary residence; and (4) in addition to the repayment of the original DPA loan amount, the borrower will be required to pay a percentage of the original DPA loan amount based upon the Appreciation Value of the home. He then explained some repayment examples. He then reviewed the external and internal marketing.

He said that working with Community Development Finance, our underwriting will assist in providing guidance on the policy, set standards, and provide direction to bankers/lenders and homeowners. It is the intention that this DPA Policy be a living document that can be evaluated and adjusted as needed to be fully effective in its efforts to provide residents of the City of Asheville and those who want to become residents of the City of Asheville with affordable homeownership financing opportunities.

Mr. Devinceo Priester spoke in support of this policy.

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 adopt the Down Payment Assistance Policy. This motion was seconded by Councilman Young and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Devinceo Priester suggested a community parade consisting of the Asheville Police Department, Asheville Fire Department, Council members, etc. to reach out to the community.

Closed Session

At 5:45 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); and (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 lawsuit, or potential lawsuit. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3); and (3) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). This motion was seconded by Councilman Kapoor and carried unanimously.

At 7:23 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:23 p.m.

CITY CLERK

MAYOR