

Thursday – April 6, 2023 - 11:00 a.m.

Agenda Briefing Worksession - For April 11, 2023 Council Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sheneika Smith; Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

City Council held an agenda briefing worksession to discuss the upcoming and future agenda items. In addition, City Council reviewed upcoming City Council committees that will be taking place during the next two weeks.

Discussion occurred on the following other issues and updates:

- Hazel Robinson Amphitheatre Update
- Legislative Update

At 12:16 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – April 11, 2023 - 3:00 p.m.

Budget Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: Councilwoman Sheneika Smith; and Councilwoman Sage Turner

Budget Manager Taylor Floyd said that today's key takeaways will be (1) Investments in employees are essential to service delivery and largest driver in budget development; (2) Staff are working to balance increasing cost to deliver services, investments in strategic goals and available revenue sources; and (3) Recommended investments in the Water Fund are critical to service delivery and financial health. He reviewed the budget development process, City Council priorities and guiding principles.

Mr. Taylor then gave a Fund Balance and revenue summary. Based on current information, the City's General Fund fund balance at the end of the current fiscal year is estimated to be 23% of total General Fund expenditures, above the internal policy of 15%. Actual fund balance is a snapshot based on the General Fund's position as of the end of the fiscal year, and can fluctuate based on a variety of factors. Staff is recommending the utilization of up to \$6.2 Million in fund balance for the Fiscal Year (FY) 2024 budget, including the \$2 Million previously planned to fund McCormick Field. Additional new revenue in the General Fund is outlined in the table below.

Revenue Source	Est. Available
Revenue growth (property & sales tax)	\$ 4.7M
Sanitation fee	\$ 0.4M
ARPA	\$ 2.0M

Fund Balance	\$ 4.2M
<b>Total</b>	<b>\$ 11.3M</b>

Regarding Compensation and Benefits, costs for baseline employee compensation and benefits in FY24 will include the mandated increase in employer state retirement contribution, an increase in employer healthcare contribution, health plan design changes, and a full year of mid-year adjustments and incentives. Updated information on recommendations are as follows:

Regarding shift differential pay, additional pay for working evening, night and weekend shifts (\$0.75 per hour) - (1) Original Proposal: increase to \$1.50; (2) Council Request: increase to \$3.00; (3) Updated recommendation: increase to \$2.00; (4) Est. annual cost: \$250k (General Fund); and (5) Ex. departments impacted: Police, Public Works, Water, Transportation. Regarding shift differential recommendation, (1) Based on research, \$2.00 is competitive with benchmarked peers; (2) Avoids disincentivizing shift work during regular hours; and (3) Minimize impact on compression adjustments that were recently implemented. Based on research, \$2.00 is competitive with benchmarked peers. This will avoid disincentivizing shift work during regular hours and minimizes impact on compression adjustments that were recently implemented.

Regarding on-call pay, additional pay for being available to work outside of normal hours (\$20.00 per day) (1) Original Proposal: increase to \$30.00; (2) Council Request: increase to \$40.00; (3) Updated recommendation: increase to \$30.00; (4) Est. Annual Cost: \$150k (General Fund); and (5) Ex. departments impacted: Fire, Police, Public Works, Water, Development Services, Information Technology, CAPE. Regarding the on-call pay recommendation (1) Primary goal of compensation recommendations is to reward employees on the job; and (2) Employees called in are paid at overtime rate, which will increase with base pay recommendations.

Other compensation changes likely to be recommended as a part of the City Manager's Proposed Budget include a 5% salary increase that would exceed Just Economics' "Pledged" living wage rate; differential salary increases for sworn APD personnel (6%); certification incentive pay for sworn officers; 401(k) retirement account match; and other incentives (wellness, certifications, signing bonuses, career ladders). The estimated cost for compensation changes under consideration totals \$7.2 Million.

Regarding investments in Council priorities, examples of new requests for one-time and on-going needs made by departments that invest resources into Council Priorities include a limited number of positions focused primarily on core service delivery. Other operational requests under consideration from departments are primarily one-time in nature, which align well with the use of one-time revenues (i.e., fund balance and American Rescue Plan Act funding).

Item	Amount
Solid Waste Driver	\$ 85,000
Facility Maintenance Janitor	\$ 65,000
Nature Center Animal Care Naturalist	\$ 78,000
Purchasing Coordinator	\$ 75,002
City Attorney Admin Assistant	\$ 65,000

Constituent Services Coordinator	\$ 78,000
HR Info System Expansion	\$ 50,000
Fleet Management Software	\$ 70,000
APD Uniforms (one-time)	\$ 122,000
Solid Waste Master Plan (one-time)	\$ 350,000
Solid Waste Vehicle (one-time)	\$ 175,000
City/County Transit Plan (one-time)	\$ 300,000
Transit Management Consultant (one-time)	\$ 100,000
APD camera upgrade (one-time)	\$ 80,000

In the past, new additional resources were focused on addressing Council’s homelessness and affordable housing priorities. A significant amount of funding allocated to address these challenges is now a part of the base budget.

Ongoing funding included for the Housing Trust Fund, Land Use Incentive Grant (LUIG), development fee rebates, the upcoming Affordable Housing Plan, staffing and contracting for homelessness initiatives and the pilot of the Community Responder Program reflects the City’s commitment to these priorities.

City staff will also be supporting the Homeless Initiative Advisory Committee as they make recommendations based on the National Alliance to End Homelessness report. Alternative funding sources are also available to address these priorities (e.g., opioid settlement funds and remaining ARPA funding), and needs will be considered in future budget development processes.

A summary of additional operating costs and new items under consideration for the FY 2023-24 Budget is provided below.

<u>Expense Adjustments</u>	<u>Est. Cost</u>
Base Budget Growth	\$ 2.5M
Compensation	\$ 7.2M
New Staffing	\$ 0.4M
New Other Operating	\$ 0.1M
New One Time	\$1.1M
<b>Total</b>	<b>\$11.3M</b>

Staff will incorporate any feedback from the City Council Work Session into final recommendations for the City Manager’s Proposed Budget, which will be presented to City Council at the May 9 business meeting.

Regarding the Water Services fee, staff was asked to provide additional information about recommended adjustments to the base fees and volumetric charges that all water customers pay. This included 1) additional comparative information to peer water systems, 2) what the impact of freezing residential rates would be, and 3) how to reduce the impact of fee increases on residential customers. He provided additional benchmarking information.

Water Resources staff are currently working with a consultant to update the Water Fund's rate model, including: (1) Define cost of service by functional area (e.g., production, distribution); (2) Assess rate structure and make recommendations for an equitable and functional rate model; and (3) Incorporate changes into updated financial planning model. This work is expected to be completed in the fall of 2023. At that time, the City Council can take action to make rate adjustments based on the information provided by the consultant. In the interim, staff is recommending that City Council adopt the fees as originally proposed.

Regarding the recommended water fee changes, (1) An increase in base fees charged to customers according to meter size; (2) An increase in consumption fees charged to customers based on the volume of water used; and (3) An increase in hydrant meter rental deposits.

The recommended fee changes would fund the following items: (1) Proposed salary changes for Water Resources employees outlined in the Compensation and Benefits section above; (2) Additional maintenance crew; (3) Staffing to enhance night coverage at water treatment plants; (4) Staffing to improve critical communication and customer engagement; (5) Customer service staff to support meter project transition; and (6) Continue to recover lost revenue from loss of capital fee in FY 2019-20. Due to a NC Supreme Court decision and subsequent legal action, this fee was discontinued at that time. Annual pay-go (cash) funding for water capital projects had grown to over \$11 Million prior to the discontinuation of that fee. Since FY 2020-21, the annual pay-go capital allocation from the Water Fund has been \$4 to \$6.7 Million.

He said the impact of the freezing residential rates would be an estimated \$2.5 Million less in revenue. He said that Council had inquired how to reduce the impact on residential customers. Staff would recommend adjusting fees once the consultant work is complete.

He said additional revenue from the proposed fee changes will help to ensure needed investments in the water system continue, and will help to maintain the Water Fund's ability to issue debt at an affordable rate.

He summarized the water resources as (1) Challenging to maintain current level of service without recommended fee increases; (2) Difficult for staff to assess impact of substantial changes to rates and structure; (3) Additional fee adjustments can be made once consultant has completed work; and (4) Council action tentatively scheduled for April 25.

Throughout the presentations, City Manager Campbell, along with Mr. Taylor and Water Resources Director David Melton, responded to various questions/comments from Council, some being, but are not limited to: what is the usage of vacation time for employees with the thought of burnout; have you seen a difference in hiring or morale since we made compensation/benefit changes; assumption that we are not ready to support an urban forestry master plan yet; how much was used of the \$150,000 of property tax mitigation last year; confirmation that we will not need a policy to have a compounded 2% increase for reparations each year - \$500,000 this year and \$10,000 for the 2% increase this year; confirmation that Buncombe County is also working on the City-County Transit Master Plan; if we use Fund Balance as recommended, what is the Fund Balance amount after staff's recommendations; can we use the funds over 15% in Fund Balance to address other one-time funding expenses; are there benchmark cities that have differential rates due to elevation as a cost variable to differentiate the cost classes; for water rate increase, can we do phasing, like take small steps now and then after we see the study, take the rest of the steps; provide visuals of what phasing might look like; confirmation that the study will be completed in September/October; confirmation that the rates will be effective July 1, but we don't make any increases in the bills until September; and need to look for a creative solution for options for phasing. Those questions/comments which could not be readily answered will be provided to City Council in a memorandum format.

Councilwoman Mosley and Councilwoman Ullman are inclined to support staff's request and then look at what comes back from the consultants for possible reductions, understanding that Council is still interested in reducing the impact on residential customers.

At 4:35 p.m., Mayor Manheimer adjourned the budget worksession.

Tuesday – April 11, 2023 - 5:00 p.m.

#### Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sheneika Smith; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: Councilwoman Sage Turner

#### **PLEDGE OF ALLEGIANCE**

Mayor Manheimer led City Council in the Pledge of Allegiance.

#### **I. PROCLAMATIONS:**

##### **A. PROCLAMATION PROCLAIMING APRIL 2023 AS "PARKINSON'S AWARENESS MONTH"**

Mayor Manheimer read the proclamation proclaiming April, 2023, as "Parkinson's Awareness Month " in the City of Asheville. She presented the proclamation to Robert Pettigrew and Edward Horton and others, who briefed City Council on some activities taking place during the month.

##### **B. PROCLAMATION PROCLAIMING APRIL 2023 AS "FOOD WASTE REDUCTION MONTH"**

Councilwoman Ullman read the proclamation proclaiming April, 2023, as "Food Waste Reduction Month " in the City of Asheville. She presented the proclamation to Maggie Gulick, volunteer with Food Waste Solutions WNC, who briefed City Council on some activities taking place during the month.

#### **II. CONSENT AGENDA:**

At the request of Mayor Manheimer, Consent Agenda Item "J" was removed from the Consent Agenda in order for it to be reviewed by the Multimodal Transportation Commission.

##### **A. APPROVAL OF THE MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON MARCH 23, 2023, AND THE FORMAL MEETING HELD ON MARCH 28, 2023**

##### **B. RESOLUTION NO. 23-71 - RESOLUTION ACCEPTING THE AMERICAN RESCUE PLAN ACT FUNDS FOR A PRE-CONSTRUCTION STUDY FOR THE NORTH FORK AND WILLIAM DEBRUHL TREATMENT STUDY AND PLANT IMPROVEMENTS**

**Action Requested:** Adoption of a resolution to accept funding for the pre-construction study titled: North Fork & Wm. DeBruhl Treatment Study and Plant Improvements

**Background:**

- The Water Resources Department submitted an application to NC-Department of Environmental Quality - Division of Water Infrastructure in the Spring of 2022 for funding of a pre-construction study.
- The City/department was awarded a \$400,000 APRA grant to fund said study.
- Climate change has produced unusual effects on the quality of raw water available at both the Burnett and Bee Tree Reservoirs.
- Changes in raw water quality can happen quickly during significant weather events.
- The NC Public Water Supply has encouraged all direct filter treatment plants to investigate improvements that would help meet EPA and State Dept. of Environmental Quality rules and regulations.
- North Fork and Wm. DeBruhl are both direct filtration water treatment plants.
- Although a budget amendment in the amount of \$400,000 to accept grant funding from the NC Department of Environmental Quality - Division of Water Infrastructure was approved on October 23, 2022, the requirements of the award state that the City Council needs to approve a resolution that specifically addresses the grant.

**Vendor Outreach Efforts:**

- n/a

**Council Goal(s):**

- Improve Core Services

**Committee(s):**

- n/a

**Pro(s):**

- Acceptance of the grant will provide a cost savings that can be used to accomplish other scheduled improvement projects.
- Study will provide guidance on further optimizing current techniques for the treatment process.
- Study will provide guidance documents to assist staff with real-time decision making when raw water quality is low.
- Study will investigate treatment alternatives and recommend two for further consideration and pilot-study.
- All data, recommendations, and guidance would assist the plants in complying with future State and EPA regulations.

**Con(s):**

- Without conducting this study the City / Water Resources risks having to temporarily close a treatment plant during significant low raw water quality.
- Limiting production due to significant low raw water quality may require unplanned mandatory water conservation measures for our customers.

**Fiscal Impact:**

- The cost of the study, estimated to be \$407,695 will primarily be funded via a grant awarded by NCDEQ-Division of Water Infrastructure (utilizing state ARPA funds).
- Grant funding totals \$400,000, and the remaining \$7,695 has been identified within the current Water Resources capital budget.

**Motion:**

- Motion to adopt a resolution accepting the American Rescue Plan funded from the State Fiscal Recovery Fund for the North Fork & Wm. DeBruhl Treatment Study and Plant Improvements.

**RESOLUTION BOOK NO. 44 - PAGE 36**

**C. RESOLUTION NO. 23-72 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CDM SMITH FOR THE NORTH FORK AND WILLIAM DEBRUHL TREATMENT STUDY**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a professional services agreement with CDM Smith for the North Fork & Wm. DeBruhl Treatment Study and Plant Improvements

**Background:**

- Climate change has produced unusual effects on the quality of raw water available at both the Burnett and Bee Tree Reservoirs.
- Changes in raw water quality can happen quickly during significant weather events.
- The NC Public Water Supply has encouraged all direct filter treatment plants to investigate improvements that would help meet EPA and State Department of Environmental Quality rules and regulations
- North Fork and Wm. DeBruhl are both direct filtration water treatment plants.

**Vendor Outreach Efforts:**

- A qualifications based selection process was used.
- Three (3) consulting firms submitted Statements of Qualifications for the North Fork & Wm. DeBruhl Treatment Study and Plant Improvements (298-WTPTreatmentStudyFY23).
- After evaluation of the Statements of Qualification, review of references and past projects, CDM Smith was the firm selected due to their expertise in areas of water treatment plant construction and upgrades.

**Council Goal(s):**

- Improve Core Services

**Committee(s):**

- n/a

**Pro(s):**

- Study will provide guidance on further optimizing current techniques for the treatment process.
- Study will provide guidance documents to assist staff with real-time decision making when raw water quality is low.
- Study will investigate treatment alternatives and recommend two for further consideration and pilot-study.
- All data, recommendations, and guidance would assist the plants in achieving future State and EPA regulations.

**Con(s):**

- Without conducting this study the City / Water Resources risks having to temporarily close a treatment plant during significant low raw water quality.
- Limiting production due to significant low raw water quality may require unplanned mandatory water conservation measures for our customers.

**Fiscal Impact:**

- The cost of the study, estimated to be \$447,695 which contains a \$40,000 contingency, will primarily be funded via a grant awarded by NCDEQ-Division of Water Infrastructure (utilizing state ARPA funds).
- Grant funding totals \$400,000, and the remaining \$47,695 has been identified within the current Water Resources capital budget.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute a professional services - agreement with CDM Smith for the North Fork & Wm. DeBruhl Treatment Study and Plant Improvements.

**RESOLUTION BOOK NO. 44 - PAGE 37**

**D. RESOLUTION NO. 23-73 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE MELLON FOUNDATION FOR A GRANT RELATED TO PACK SQUARE PLAZA; AND IF AWARDED, TO SIGN ALL NECESSARY DOCUMENTS**

**Action Requested:** Adoption of a resolution to authorize the City Manager to apply for a grant from the Mellon Foundation’s Monuments Project in an amount up to \$3,000,000.

**Background:**

- The Mellon Foundation has invited the City to apply for up to \$3,000,000 in grant funds from their [Monuments Project Initiative](#); the grant deadline is April 27, 2023.
- The grantor requested the City and County partner on three work areas (outlined below) identified by the community in the Pack Square Plaza Visioning Project community engagement process.
- The target public release date to start review of the plan is April 17, 2023; Council consideration to adopt is targeted for June 27, 2023.
- Grant funds would be used to:
  - Design and engineer 100% construction drawings for the former Vance Monument site and the surrounding plaza;
  - Design and construct a gateway corridor on S.Market Street to connect Pack Square and The Block;
  - Improve and expand programming, education and training that result in more diverse and inclusive historical narratives (primarily led by Buncombe County).
- Grant awards will be announced in June 2023; the term of the grant is approximately two years.

**Council Goal(s):**

- Improve/Expand Core Services

**Committee(s):**

- Asheville Downtown Commission - March 10, 2023 - Unanimous support
- Planning & Economic Development Committee of City Council - March 13, 2023 - Unanimous support (2-0) to apply for grant

**Pro(s):**

- Provides an alternative revenue source for City activities
- Supports the City’s ability to implement plans in a timely manner

**Con(s):**

- None



**Fiscal Impact:**

- If awarded, the grant will fund design costs for future capital projects. Although funding for construction of these projects has not been identified, staff will work to assess City funding capacity and identify other funding opportunities as part of capital budget development.
- Future construction funding from the Mellon Foundation is possible.
- Matching funds are not required for this grant.

**Motion:**

- Motion to authorize the City Manager to apply for, and if awarded, execute all documents in order to accept up to \$3,000,000 in grant funds from the Mellon Foundation.

**RESOLUTION BOOK NO. 44 - PAGE 38**

**E. RESOLUTION NO. 23-74 - RESOLUTION AUTHORIZING THE SALE OF ONE 1992 FIRE PUMPER TRUCK AND ONE 2006 STORMWATER VACUUM TRUCK WHICH ARE BEYOND THEIR USEFUL LIFE AND DEEMED SURPLUS**

**Action Requested:** Approval of a resolution authorizing the sale of one (1) 1992 International Fire Pumper Truck; and one (1) 2006 Sterling Vac-Con Truck which are beyond useful life and deemed surplus City personal property.

**Background:**

- The City's Fire Department identified one (1) 1992 International Fire Pumper Truck; and the Stormwater Division of the Public Works Department identified one (1) 2006 Sterling Vac-Con Truck as surplus personal property, with no anticipation of future utilization by the City.
- Both vehicles are expected to sell for more than \$30,000 each.
- All bids are solicited through GovDeals online auction.
- 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 the 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.

**Vendor Outreach Efforts:**

- Not Applicable

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- None

**Pro(s):**

- Prudent asset management
- Space utilization eliminates the need to store large, unused equipment
- Competitive process yielded market price

**Con(s):**

- None

**Fiscal Impact:**

- The vehicles are fully depreciated.

- The General Fund will recognize the revenue from the sale of the Fire Truck; and the Stormwater Enterprise Fund will recognize the revenue from the sale of the Vacuum Truck.
- Estimated revenue from the sale of fixed assets is already included in the adopted budget.

**Motion:**

- Move to adopt a resolution authorizing the sale of one (1) 1992 International Fire Pumper Truck; and one (1) 2006 Sterling Vac-Con Truck which is beyond its useful life and deemed surplus City personal property.

**RESOLUTION BOOK NO. 44 - PAGE 39**

**F. RESOLUTION NO. 23-75 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTACT WITH TARHEEL PAVING AND ASPHALT FOR THE FISCAL YEAR 2023 ASPHALT RESURFACING CONTRACT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a contract with Tarheel Paving and Asphalt, Inc. in the amount of \$2,329,446.76, plus a 15% contingency of \$349,417.00 (\$2,678,863.76 total) for the FY 2023 Asphalt Resurfacing contract.

**Background:**

- The main scope of the project is the resurfacing of 14 street segments on 13 streets for a total of 6.0 miles. Also included will be repairs to the concrete sidewalk and ADA improvements.
- An inventory of the streets was provided.
- The contract was advertised on February 6, 2023 and bids were opened on March 2, 2023.
- The following bids were received:

Tarheel Paving and Asphalt, Inc. of Hendersonville, NC	\$2,329,446.76
French Broad Paving, Inc. of Marshall, NC	\$2,415,082.75
JLS Company, LLC of Skyland, NC	\$3,170,754.10
Bryant's Land and Developments Industries, Inc. of Burnsville, NC	\$3,469,462.58
Rogers Group of Nashville, TN	\$5,186,539.61

- The contract is expected to be available on May 1, 2023, and the contractor has until December 15, 2023 to complete the work.

**Vendor Outreach Efforts:**

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Staff also checked the NC Historically Underutilized Business and NCDOT MWBE databases for potential contractors.
- Only one company from an identified disparity group (Black American) was found in the ten-county area and staff directly contacted that company.
- The company did not submit a bid.
- Two women-owned businesses were also directly contacted and one submitted a bid.
- Two woman-owned companies will be operating as subcontractors on the project. The two WBE companies are Appalachian Paving and Concrete of Swannanoa, NC, and New Dimensions of Fletcher, NC.

- Tarheel Paving anticipates expending 18.0 percent of the total dollar amount of the contract with these companies.

**Council Goal(s):**

- Well-Planned and Livable Community

**Committee(s):** None

**Pro(s):**

- The award of this contract will resurface 6.0 miles of City streets.

**Con(s):**

- This construction work, although performed via a contractor, will also use City staff administrative time to ensure the work is properly performed.

**Fiscal Impact:**

- Funding for this contract was previously budgeted and is available in the General Capital Projects Fund.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Tarheel Paving and Asphalt, Inc. in the amount of \$2,329,446.76 plus a 15% contingency of \$349,417.00 for a total of \$2,678,863.76 total, for the project known as FY 2023 Asphalt Resurfacing.

**RESOLUTION BOOK NO. 44 - PAGE 40**

**G. RESOLUTION NO. 23-76 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BOLTON CONSTRUCTION AND SERVICES OF WNC INC. FOR THE TEMPIE AVERY MONTFORD CENTER BOILER REPLACEMENT PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into a contract with Bolton Construction and Service of WNC, Inc. in the amount of \$117,775, for the Tempie Avery Montford Center Boiler Replacement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$11,778 (10%).

**Background:**

- The Tempie Avery Montford Community Center has a failing boiler that is well beyond its useful life expectancy and needs to be replaced.
- The existing gas boiler will be replaced with two modern, efficient boilers that will provide reliable and consistent service to the facility
- The City advertised Bid 298-CP23-B2205-BID for the Tempie Avery Montford Center Boiler Replacement on February 8, 2023.
- Bids were received on March 14, 2023 from the following:
  - Bolton Construction and Service of WNC, Inc: \$117,775 base bid plus Alternates 1 & 2a
  - Haynes Industrial: \$165,794 base bid plus Alternates 1 & 2a
  - Pyatt Heating and Air: \$145,279 base bid plus Alternates 1 & 2a
- Bolton Construction and Service of WNC, Inc. was determined to be the lowest responsive and responsible bidder.

- Recommendation of award to Bolton Construction and Service of WNC, Inc. is for the base bid of \$115,075; Bid Alternate #1 in the amount of \$0.00; and Bid Alternate #2a in the amount of \$2,700.

**Vendor Outreach Efforts:**

- Staff performed outreach to minority owned businesses through solicitation processes which include posting on the State’s Interactive Purchasing System and requiring prime contractors to reach out to Minority-Owned Business Enterprise (MBE) service providers for subcontracted services.
  - Bolton Construction and Service of WNC, Inc is not a Minority-Owned Business Enterprise.
  - No MBE firms submitted bids with this prime contractor.
  - Outreach documentation was reviewed by City staff to confirm compliance with the City’s Business Inclusion Policy.

**Council Goal(s):**

- A Clean and Healthy Environment & A Financially Resilient City

**Committee(s):**

- None

**Pro(s):**

- The bid is under budget. The pre-bid engineer’s estimate was \$140,000.
- Maintenance time and expense will be greatly reduced with the installation of the new boilers.
- The new equipment is cleaner and more energy efficient than the existing boiler.
- The new dual boiler system allows for one unit to be serviced while the other continues to provide heat to the facility.

**Con(s):**

- While more efficient, the new gas boilers are still fossil-fuel dependent.
- An analysis of gas versus electric systems found a fully electric HVAC system at this facility to be cost prohibitive.

**Fiscal Impact:**

- Funding for this contract was previously budgeted and is available in the General Capital Projects Fund.

**Motion:**

- Motion authorizing the City Manager to execute a contract with Bolton Construction and Service of WNC, Inc. in the amount of \$117,775, for the Tempie Avery Montford Center Boiler Replacement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$11,778 (10%).

**RESOLUTION BOOK NO. 44 - PAGE 41**

- H. RESOLUTION NO. 23-77 - RESOLUTION APPROVING THE ISSUANCE BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE OF UP TO \$11,855,000 OF MULTIFAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR LAUREL WOOD APARTMENTS TO SATISFY SECTION 147(f) OF THE INTERNAL REVENUE CODE**

**Action Requested:** Adoption of a resolution approving the issuance of bonds by the Housing Authority of the City of Asheville for Laurel Wood Apartments.

**Background:**

- The Asheville Housing Authority was created by the City of Asheville in 1940 in accordance with Chapter 157 of the NC General Statutes.
- It is a public body and is independent from the City with its own powers as outlined in North Carolina General Statute Chapter 157.
- The Housing Authority is governed by a Board of Commissioners, consisting of 7 members, who serve for a 4 year term and are appointed by the Mayor of the City of Asheville.
- The Internal Revenue Service requires that any bonds issued by the Housing Authority for developments such as the one described herein, have the financing plan approved by the City Council, following a public hearing with respect to such plan.
- Laurel Wood VOA Affordable Housing , LLC (the “Borrower”) has requested that the Asheville Housing Authority (the “Issuer”) issue up to \$11,855,000 in multifamily housing revenue bonds for the acquisition and rehabilitation of a 51-unit affordable rental development for seniors known as Laurel Wood Apartments and the construction of 54 additional, affordable units on the site to become part of Laurel Wood Apartments located at 650 Caribou Road in Asheville, a 14.72 acre parcel identified as PIN 9657-10-3768 in the Buncombe County Registry.
- The existing 51 units are all one-bedroom and are located within one building that was built in 1999.
- The 54 new units will be located in a new building to be constructed on site and will include 42 one-bedroom units and 12 two-bedroom units.
- All 105 units in the development will be rent and income restricted at 40,50,60 and 80% of area median income.
- The new affordability period will be at least 30 years.
- The property has been well maintained and managed by National Housing Corporation “NHC” (a wholly owned subsidiary of Volunteers of America National Services “VOANS”); the new owner will be a subsidiary of VOANS.
- Construction is scheduled to commence in July 2023 and has an expected completion date of December 2024.
- Staff notes that approval does not obligate the City in any way to issue or pay for the bonds, or for any debt taken on by the developer.
- The Asheville City Council previously approved a \$1.5 million Housing Trust Fund loan with 2% interest deferred for a period of 30 years for this project at their September 27, 2022 meeting.

**Council Goals:**

- Quality Affordable Housing

**Pro(s):**

- 51 units of affordable senior housing will be preserved and renovated and 54 additional affordable senior housing units will be constructed.
- The new affordability period will be at least 30 years.

**Con(s):**

- None.

**Fiscal Impact:**

- This action requires no City resources and has no fiscal impact.

**Motion:**

- Motion to adopt a resolution approving the issuance by the Housing Authority of the City of Asheville of up to \$11,855,000 of multifamily housing revenue bonds to provide financing for Laurel Wood Apartments and to satisfy Section 147(f) of the Internal Revenue Code.

**RESOLUTION BOOK NO. 44 -PAGE 42**

- I. RESOLUTION NO. 23-78 - RESOLUTION AMENDING THE 2023 CITY COUNCIL MEETING SCHEDULE TO ADD REMOTE CITY COUNCIL AGENDA BRIEFING WORKSESSIONS (PURSUANT TO N.C. GEN. STAT. SEC. 143-318.13) BEGINNING AT 11:00 A.M. ON THE 1ST AND 3RD THURSDAYS OF EACH MONTH (EXCEPT FOR THE MONTHS OF JUNE AND NOVEMBER WHICH AGENDA BRIEFING WORKSESSIONS WILL BE HELD ON THE 2ND AND 4TH THURSDAY OF EACH MONTH; AND EXCEPT FOR JULY 6, AUGUST 3 AND DECEMBER 21 DUE TO FORMAL MEETING CANCELLATIONS)**

**RESOLUTION BOOK NO. 44 - PAGE 45**

- J. INTRODUCTION OF AN ORDINANCE AMENDING SECTION 12-53 OF THE CODE OF ORDINANCES TO PROHIBIT THE STORING OF BICYCLES, CARTS, STROLLERS, OR OTHER MEANS OF PERSONAL TRANSPORTATION ON CITY PROPERTY FOR LONGER THAN 72 HOURS**

This item was removed from consideration at this meeting in order for it to be reviewed by the Multimodal Transportation Commission.

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.

Councilwoman Roney moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda "J". This motion was seconded by Councilwoman Ullman and carried unanimously.

**III. PRESENTATIONS & REPORTS:**

**A. ASHEVILLE BOARD OF ALCOHOLIC CONTROL ANNUAL REPORT**

Chair of the Asheville Board of Alcoholic Control (ABC) Robin Cape said that they are responsible for the sale of liquor. They enforce state regulations; provide customer service and product selection; and efficient operations equal higher distributions. No taxes are used to operate North Carolina's ABC System. She reviewed North Carolina's ABC System of (1) 1935 'Community Choice'; (2) responsible sales; (3) customer service; (4) product selection; and (5) profits go back to the local community.

Regarding retail sales and innovation, out of 171 independent ABC Boards in North Carolina, Asheville is (1) 8th in sales; (2) 4th in commercial sales; (3) top tier of profitability; and (4) statewide reputation for innovation, modernized stores, customer service and efficient operations. She then showed a chart of the Asheville ABC 10 years of growth through 2022. In Fiscal Year 2022, the gross sales were \$50,361,317; distributions - City (75%) and County (25%)

of \$4,797,233; and profit percentage to sales was 13.57%. She said ABC's profits stay in Asheville. Since 2013, the distributions to Asheville (75%) and Buncombe County (25%) - \$27,772,277; drug and alcohol grants program - \$2,206,722; Buncombe County Dept. of Human Services - \$899,597; and N.C. Dept. of Health & Human Services - \$908,597.

She outlined the Fiscal Year 2022-23 drug and alcohol grants being First at Blue Ridge; Homeward Bound; Next Step Recovery; Helpmate; ARC of Buncombe County; Our Voice Inc; Asheville 12-Step; Delta House Life Development; and ABC Board: Prom Promise 'Be Responsible' campaign, radio. She then explained how the North Carolina ABC System modernizes - N.C. Distilleries; special orders; delivery (mixed beverages); tastings in stores; refrigeration; 'bars' in N.C.; and larger retail stores.

Next steps include (1) statewide distribution and warehouse improvements; (2) modern, larger stores with more selection; (3) expanded product choice; and (4) commercial customer partnerships.

## **B. MANAGER'S REPORT - CAPITAL IMPROVEMENT PROGRAM UPDATE**

Capital Projects Director Jade Dundas said that the key takeaways from this presentation will be (1) Public engagement remains a top priority for capital construction projects; (2) Bond projects highlighted in today's presentation will require future Council action in order to maintain project budgets and schedules; (3) The bidding environment currently is producing few bidders but staff is working to keep projects on schedule and within budget; (4) Staff continues to make necessary improvements to City Hall, prioritizing improvements required to maintain daily use of the facility; (5) 2016 General Obligation (GO) Bond projects need to be encumbered by mid-October; and (6) Working to increase BIPOC participation in the bidding pool. He then provided a chart of bond project updates.

Regarding bidder turnout (1) Currently experiencing low bidder turnout from qualified vendors (a) Resulting in project delivery delays; and (b) Causing higher pricing; (2) Additional outreach and scheduling adjustments are being made to attract bidders; and (3) Contracted with C.A. Harris Construction Services, Inc. to help improve contracting inclusivity and to help address existing contracting disparities.

Regarding property acquisition process overview, they have successfully acquired needed right of way on all bond projects except three. Condemnation necessary for the following projects: Onteora - 1 property - completed; Swannanoa River Greenway - 1 property - Council request in May; and New Haw Creek - 6 properties likely - Council request in May.

Showing pictures, he then reviewed the City Hall Projects update - Basement Structure 1; 7th Floor Design and Environmental Assessment; 7th Floor Abatement; Basement Structure and Water Intrusion; City Hall Boiler Replacement; Belfry Roof Repairs and Elevator Automation.

Additional outreach and engagement include (1) Artist, Alex Irvine, has been working directly with the Asheville City Schools Foundation In Real Life (IRL) program; (2) Project management staff have reached out to and engaged with the neighborhoods in this service area at all phases of the project and especially for seeking feedback and involvement related to public art; and (3) Working with local institutions such as Greater Works Community Church to assist with community engagement and to help get people involved in the community-based art project.

City Manager Campbell, along with Mr. Dundas, responded to various questions/comments from Council, some being, but are not limited to: need outreach efforts to BIPOC-owned trucking and waste hauling companies to prepare them to go after government bids and connect them with C.A. Harris who is interested in fostering small businesses to get into

the business of bidding; are all our outreach positions filled; suggestion to send a text blast when bids are open; update dashboards; if there are left-over bond funds, suggestion to have low-cost, high impact options (particularly for bus stops) if we have any remaining General Obligation bond funds; and when were the design plans for the 7th Floor of City Hall approved.

#### **IV. PUBLIC HEARINGS:**

##### **A. PUBLIC HEARING TO CONSIDER AN ORDINANCE TO APPROVE AN ANNEXATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE TOWN OF WOODFIN DESIGNATING THREE NON-CONTIGUOUS PARCELS DESIRING TO ANNEX INTO WOODFIN AS NOT SUBJECT TO ANNEXATION BY THE CITY OF ASHEVILLE**

##### **ORDINANCE NO. 5005- ORDINANCE TO APPROVE AN ANNEXATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE TOWN OF WOODFIN DESIGNATING THREE NON-CONTIGUOUS PARCELS DESIRING TO ANNEX INTO WOODFIN AS NOT SUBJECT TO ANNEXATION BY THE CITY OF ASHEVILLE**

Principal Planner Will Palmquist said that this is the consideration of an ordinance to approve an annexation agreement between the City of Asheville and Town of Woodfin designating three non-contiguous parcels desiring to annex into Woodfin as not subject to annexation by the City of Asheville. This public hearing was advertised on March 31, 2023.

#### **Background:**

- The Town of Woodfin has received a petition from property owner, Deva Bhumi, LLC, to voluntarily annex a 96.15 acre +/- property located at 810 Elk Mountain Scenic Highway (1 parcel) and 99999 Mundy Cove Road (2 parcels) identified in the Buncombe County tax records respectively as PINs #9751-97-3287, 9751-97-3475, and 9751-97-5245, all of which are non-contiguous to the primary corporate limits of both Asheville and Woodfin (the "Property").
- This Property is adjacent to the Sourwood Inn property, for which an Annexation Agreement was approved in November 2022. Deva Bhumi, LLC is now the owner of that property as well.
- N.C. Gen. Stat. sec 160A-58.1 permits a city/town to annex a non-contiguous area; however, if the area is closer to the primary corporate limits of another city/town than it is to the corporate limits of the city/town that is being asked to annex, then there must be an annexation agreement between the two municipalities which states that the city/town whose corporate limit is closer, will not seek to annex this area.
- It has been determined that the property for which annexation is requested is closer to the primary corporate limits of the City of Asheville than it is to the primary corporate limits of the Town of Woodfin, and therefore, the two municipalities would need to enter into an Annexation Agreement before Woodfin could consider the requested annexation.
- N.C. Gen. Stat. sec. 160A-58.23 authorizes cities/towns to enter into Annexation Agreements as long as they are of reasonable duration not to exceed 20 years and they are approved by ordinance of the governing board of each municipality.
- The State Legislature repealed the ability of municipalities to involuntarily annex in 2011, so the City does not have the ability to annex this property involuntarily.
- However, voluntary annexation (request by a property owner to be annexed) is still permissible and the process for voluntary annexation of noncontiguous areas remains unchanged and requires an annexation agreement.

#### **Council Goal(s):**

- A connected and engaged community



- A well-planned and livable community

**Committee(s):**

- None

**Pro(s):**

- The Annexation Agreement between the City and the Town of Woodfin would allow Woodfin to annex the non-contiguous Property as requested by the property owner.
- The request to enter into an annexation agreement is a necessary step in order to be responsive to the petitioner's request for voluntary annexation.

**Con(s):**

- None noted.

**Fiscal Impact:**

- This action requires no City resources and has no fiscal impact.

Mr. Palmquist reviewed the location and imagery maps. Some background information includes: (1) The Town of Woodfin has received a petition from property owner, Deva Bhumi, LLC, to voluntarily annex a 96.15 acre +/- property, located at 810 Elk Mountain Scenic Highway (1 parcel) and 99999 Mundy Cove Road (2 parcels); (2) The Property is adjacent to the Sourwood Inn property, for which an Annexation Agreement was approved by City Council in November 2022. Deva Bhumi, LLC is now the owner of that property; (3) The property is non-contiguous to the primary corporate limits of both Asheville and Woodfin; (4) N.C. Gen. Stat. sec 160A-58.1 permits a city/town to annex a non-contiguous area; however, if the area is closer to the primary corporate limits of another city/town than it is to the corporate limits of the city/town that is being asked to annex, then there must be an annexation agreement between the two municipalities which states that the city/town whose corporate limit is closer, will not seek to annex this area; (5) It has been determined that the property for which annexation is requested is closer to the primary corporate limits of the City of Asheville than it is to the primary corporate limits of the Town of Woodfin, and therefore, the two municipalities would need to enter into an annexation agreement before Woodfin could consider the requested annexation; (6) N.C. Gen. Stat. Sec. 160A-58.23 authorizes cities/towns to enter into annexation agreements as long as they are of reasonable duration not to exceed 20 years and they are approved by ordinance of the governing board of each municipality; (7) The State Legislature repealed the ability of municipalities to involuntarily annex in 2011, so the City does not have the ability to annex this property involuntarily; and (8) However, voluntary annexation (request by a property owner to be annexed) is still permissible and the process for voluntary annexation of non-contiguous areas remains unchanged and requires an annexation agreement. The pros are that the annexation agreement between the City and the Town of Woodfin would allow Woodfin to annex the non-contiguous property as requested by the property owner; and the request to enter into an annexation agreement is a necessary step in order to be responsive to the petitioner's request for voluntary annexation. Staff recommends Council adopt an ordinance approving an annexation agreement with the Town of Woodfin designating the 96.15 +/- acre Property as described herein, a non-contiguous area, as not subject to annexation by the City of Asheville.

Mayor Manheimer opened the public hearing at 6:04 p.m., and when no one spoke, she closed the public hearing at 6:04 p.m.

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

Councilwoman Mosley moved to adopt an ordinance approving an Annexation Agreement with the Town of Woodfin designating the 96.15 +/- property as described in the staff

report, a non-contiguous area, as not subject to annexation by the City of Asheville. This motion was seconded by Councilwoman Ullman and carried unanimously.

**ORDINANCE BOOK NO. 34 – PAGE 380**

**B. PUBLIC HEARING RELATIVE TO ADOPTION OF THE SOUTH SLOPE: A SOUTHSIDE NEIGHBORHOOD VISION PLAN**

Councilwoman Mosley moved to continue this public hearing until June 13, 2023. This motion was seconded by Councilwoman Roney and carried unanimously.

**V. UNFINISHED BUSINESS:**

**VI. NEW BUSINESS:**

**A. BOARDS & COMMISSIONS**

Regarding the Homeless Initiative Advisory Committee (HIAC), the following individuals applied for the vacancy: Elena Mansour, William Hansen, Cristy Streeter, Luke Rose, Jason Pickering, Sarah Frances Edgens, Michael Reardon, Jordan Mayhew, Kathleen Beane, Tyler Mudd, Paul Tay and Ginna Reid. It was the recommendation of the Board liaison, and the consensus of the Boards & Commissions Committee and City Council to postpone appointment in order for HIAC to work on a proposed transition plan (recommendation from the National Alliance to End Homelessness) which will include who's on the board and how they are appointed.

**RESOLUTION NO. 23-79 - RESOLUTION APPOINTING A MEMBER TO THE ALCOHOLIC BEVERAGE CONTROL BOARD**

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Alcoholic Beverage Control Board.

Sharon West has resigned as a member of the Alcoholic Beverage Control Board, thus leaving an unexpired term until November 13, 2023.

The following individuals applied for the vacancy: David Angelus, Clifford Feingold, William Kop, Charles Triber and Reah Lidowski.

The Chair of the Alcoholic Beverage Control Board recommended, and the Boards & Commissions Committee concur, to appoint Charles Triber.

Vice-Mayor Kilgore moved to appoint Charles Triber as a member of the Alcoholic Beverage Control Board, to serve the unexpired term of Sharon West, term to expire November 13, 2023, and then a full three-year term, term to expire November 13, 2026, or until Charles Triber's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

**RESOLUTION BOOK NO. 44 – PAGE 46**

**RESOLUTION NO. 23-80 - RESOLUTION APPOINTING MEMBERS TO THE AUDIT COMMITTEE**

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

Amy Kemp (CPA seat) resigned as a member of the Audit Committee, thus leaving an unexpired term until May 1, 2024. In addition, the term of W. Scott Powell expires on May 1, 2023.

The following individuals applied for the vacancy: Nate Hathaway, Simon Lee Karpen and Sandra Frempong.

The staff of the Audit Committee recommended, and the Boards & Commissions Committee concurred, to appoint Nate Hathaway and Sandra Frempong.

Vice-Mayor Kilgore moved to (1) appoint Nate Hathaway (CPA seat) as a member of the Audit Committee, to serve the unexpired term of Amy Kemp, term to expire May 1, 2024, or until Nate Hathaway's successor has been appointed; and (2) appoint Sandra Frempong (at-large) to serve as a member of the Audit Committee, to serve a three-year term to begin on May 1, 2023 and term to expire May 1, 2026, or until Sandra Frempong's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

#### **RESOLUTION BOOK NO. 44 – PAGE 47**

#### **RESOLUTION NO. 23-81 - RESOLUTION APPOINTING A MEMBER TO THE CIVIL SERVICE BOARD**

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Civil Service Board, which has no term limits.

The term of Carol Goins, as a member of the Civil Service Board, expires on May 21, 2023.

No individual applied for the vacancy.

The Boards & Commissions Committee recommended reappointing Carol Goins.

Vice-Mayor Kilgore moved to reappoint Carol Goins as a member of the Civil Service Board, to serve an additional two-year term, term to expire May 1, 2025, or until Carol Goins' successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

#### **RESOLUTION BOOK NO. 44 – PAGE 48**

#### **RESOLUTION NO. 23-82 - RESOLUTION APPOINTING MEMBERS TO THE MOUNTAIN COMMUNITY CAPITAL FUND**

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Mountain Community Capital Fund.

The terms of Dee Williams and Carl Alguire, as members on the Mountain Community Capital Fund, expired on April 1, 2023.

The following individual applied for the vacancy: John Appleby.

Staff liaison to the Mountain Community Capital Fund recommended, and the Boards & Commissions Committee concur, to appoint John Appleby and reappoint Mr. Alguire.

Vice-Mayor Kilgore moved to (1) appoint John Appleby as a member of the Mountain Community Capital Fund, to a two-year term, term to expire April 1, 2025, or until John Appleby's successor has been appointed; and to (2) reappoint Carl Alguire to serve a two-year term, term to expire April 1, 2015, or until Carl Alguire's successor has been appointed. This motion was seconded by Councilwoman Ullman and carried unanimously.

**RESOLUTION BOOK NO. 44 – PAGE 49**

**RESOLUTION NO. 23-83 - RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE**

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

Lucious Wilson has resigned as the 28806/28728 representative on the Neighborhood Advisory Committee, thus leaving an unexpired term until July 1, 2025.

The following individual was the only one who applied for the 28806/28728 zip code: Moira Balangue.

The Chair of the Neighborhood Advisory Committee Committee recommended, and the Boards & Commissions Committee concur, to appoint Moira Balangue.

Vice-Mayor Kilgore moved to (1) appoint Moira Balangue as the 28806/28728 representative on the Neighborhood Advisory Committee, to fill the unexpired term of Lucious Wilson, term to expire July 1, 2015, or until Moira Balangue's successor has been appointed. This motion was seconded by Councilwoman Ullman and carried unanimously.

**RESOLUTION BOOK NO. 44 – PAGE 50**

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

Two individuals spoke to City Council about various matters, some being, but are not limited to: suggestion to change the municipal elections system; and need to look at different modes of transportation, with suggestion of a solar powered raised rail system.

**Closed Session**

At 6:17 p.m., Councilwoman Ullman 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)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) To discuss matters relating to the location or expansion of industries or other businesses in the City of Asheville, including on a list of potential economic development incentives. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(4). This motion was seconded by Councilwoman Roney carried unanimously.

At 6:32 p.m., Councilwoman Roney moved to come out of closed session. This motion was seconded by Councilwoman Ullman and carried unanimously.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 6:43 p.m.

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CITY CLERK

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MAYOR