

Tuesday - February 9, 1999 - 5:00 p.m.

Regular Meeting

Present: Mayor Leni Sitnick, Presiding; Vice-Mayor Edward C. Hay Jr.; Councilman M. Charles Cloninger; Councilman Earl Cobb; Councilwoman Barbara Field; Councilman Thomas G. Sellers; and Councilman O.T. Tomes; City Attorney Robert W. Oast Jr.; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

INVOCATION

Councilman Sellers gave the invocation.

AGENDA ADDITION

At the request of City Manager Westbrook, City Council added the item of Community Development Budget Amendment under the "Other Business" section of the agenda.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING JANUARY 31, 1999, AS "REV. DR. WESLEY GRANT SR. DAY" IN THE CITY OF ASHEVILLE

Councilman Tomes read the proclamation proclaiming January 31, 1999, as "Rev. Dr. Wesley Grant Sr. Day" in the City of Asheville. He presented the proclamation to Rev. Grant.

B. PROCLAMATION PROCLAIMING THE MONTH OF MARCH AS "BLACK HISTORY MONTH"

Mayor Sitnick read the proclamation proclaiming the month of February, 1999, as "Black History Month" in the City of Asheville and presented the proclamation to Mr. John Hayes, President of the local chapter of the NAACP.

II. CONSENT:

A. RESOLUTION NO. 99-21 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICE CONTRACT WITH DONNA SPRATT, D/B/A DONNIE APPLESEED'S LANDSCAPING, TO MOW THE CENTRAL SECTION AREA OF THE CITY OF ASHEVILLE

Summary: The consideration of resolutions authorizing the City Manager to enter into service contracts to mow City right-of-ways, parks and other public areas.

In an effort to reduce costs, promote competitive bidding and improve the quality of work for mowing City right-of-ways, parks and other public areas, City staff has divided City grass areas into six separate bidding sections. City staff has solicited sealed bids from twelve (12) mowing contractors, five (5) of which were minority contractors, to mow City right-of-ways, parks and other public areas throughout the City. City staff reviewed all bids and have determined the qualified lowest bidders per section, based on bid specifications to be the following:

Bidder: Section: Bid Amount:

Donnie Appleseed's Central \$37,667.35

*Professional Lawn Care Ser. East \$26,170.00

West \$38,999.00

Right-of-ways \$49,998.00

North \$31,025.00

*Williams and Williams South \$ 7,175.00

Total Cost \$ 191,034.35

*Professional Lawn Care Service and Williams & Williams have stated that all specified mowing equipment will be on hand at the time of contract signing. City staff has notified both mowing contractors that upon review of equipment at the time of contract signing, if all equipment required by the bid specifications are not on hand, then the mowing contract for their sections will be awarded to the next lowest qualified bidder.

Approved funding is available in the City mowing contract account to pay for mowing City right-of-ways, parks and other public areas. The recommended total cost for the award of the recommended contracts compares to the previous contract amount for the prior two (2) years is \$202,833.00.

The Parks and Recreation Department staff requests City Council to direct the City Manager to enter into service contracts with Donnie Appleseed's, *Professional Lawn Care Service and *Williams & Williams respectively, *or the next highest qualified bidder, if specified equipment is not on hand at the time the contract is ready for execution.

RESOLUTION BOOK NO. 25 - PAGE 136

B. RESOLUTION NO. 99-22 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICE CONTRACT WITH RANDY PITTS, D/B/A PROFESSIONAL LAWN CARE SERVICE, TO MOW THE NORTH, EAST, WEST AND RIGHT-OF-WAY SECTION AREAS OF THE CITY OF ASHEVILLE

Summary: See Item A. above.

RESOLUTION BOOK NO. 25 - PAGE 138

C. RESOLUTION NO. 99-23 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICE CONTRACT WITH ALFRED WILLIAMS, D/B/A WILLIAMS AND WILLIAMS, TO MOW THE SOUTH SECTION AREA OF THE CITY OF ASHEVILLE

Summary: See Item A. above.

RESOLUTION BOOK NO. 25 - PAGE 139

D. RESOLUTION NO. 99-24 - RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE AN OFFER TO PURCHASE A VACANT LOT ON PARK AVENUE

-3-

Summary: The consideration of a resolution authorizing the City Clerk to advertise an offer of purchase for

upset bids for a vacant lot on Park Avenue.

A bid from David J. Heetderks, in the amount of \$8,700.00, has been received for the purchase of a vacant lot on Park Avenue. The bid is not less than the established minimum price of \$8,700.00.

The property is a commercial industrial zoned lot at the end of Park Avenue comprising 7,000± square feet of land. The property has an irregular shape and modest slope. It has approximately 78 feet of frontage along Park Avenue. There is no current or contemplated use for the property by the City. Mr. Heetderks is a resident of the West End community where the property is located.

Approval of the resolution will initiate the sale of the property through the upset bid process as provided in N. C. Gen. Stat. sec. 160A-269.

Planning staff recommends adoption of the resolution.

RESOLUTION BOOK NO. 25 - PAGE 142

E. MOTION SETTING A PUBLIC HEARING ON FEBRUARY 23, 1999, TO CONSIDER THE FILING OF AN APPLICATION FOR MASS TRANSIT FUNDING IN THE AMOUNT OF \$470,631 FOR FISCAL YEAR 1998/99

F. MOTION APPROVING THE 1999 PARKS AND RECREATION DEPARTMENT'S FESTIVAL AND SPECIAL EVENTS SCHEDULE

Summary: The consideration of a motion approving the 1999 Parks and Recreation Department's festival and special events schedule.

In March of 1995, the Asheville City Council adopted a festival's policy. A segment of that policy requires that City Council approve the list of festivals on an annual basis. These festivals and special events are co-sponsored by the City of Asheville. The Parks and Recreation Department is recommending the approval of the following festivals and special events:

Sunday in the Park - Quality Forward	TBA
March of Dimes/Walk America	24-Apr
Very Special Arts Festival	7-May
Asheville Youth Symphony Concert	16-May
Moonlight-Downtown	4-Jun
La Fiesta - Asheville Art Museum	5-Jun
Honda Hoot 22-26	22-Jun
Downtown After Five	25-Jun
Riverlink - Riverfest 25-27	25-June
Shin Dig on the Green	3-Jul
July 4th	4-Jul
Downtown After Five	9-Jul
High Country Art and Craft Show (10-11)	10-Jul
Shin Dig on the Green	10-Jul
Shin Dig on the Green	17-Jul
Bele Chere 23-25	23-Jul
Shin Dig on the Green	31-Jul
Downtown After Five	13-Aug
Shin Dig on the Green	14-Aug

Shin Dig on the Green	21-Aug
Goombay 27-29	27-Aug
Shin Dig on the Green	28-Aug
Shin Dig on the Green	4-Sep
Downtown After Five	10-Sep
Great Smokies Brewfest	18-Sep
Greek Festival 1-3	1-Oct
A Walk into History - Urban Trail	3-Oct
American Lung Association - Reindeer Romp	21-Nov
Christmas Parade - Asheville Merchants Assoc.	24-Nov
Light Up Holidays	27-Nov
First Night	31-Dec

The Parks and Recreation Department staff recommends approval of the above festivals and special events for 1999.

G. ORDINANCE NO. 2542 - BUDGET AMENDMENT TO AMEND THE REGIONAL WATER AUTHORITY'S FISCAL YEAR 1998/99 BALANCED BUDGET IN ORDER TO FUND DROUGHT RELATED EXPENSES

Summary: The consideration of a budget amendment to amend the Regional Water Authority's Fiscal Year 1998/1999 balanced budget in order to fund drought related expenses.

Critically low water levels in the North Fork and Bee Tree Reservoirs prompted the Regional Water Authority to declare Phase III mandatory water restrictions on December 15, 1998. Reservoir levels continue to remain critically low which has resulted in unexpected operational expenses including the purchase of approximately 2 million gallons of water per day from Hendersonville. The total cost of drought related expenses is estimated to be \$334,750 through the end of February 1999.

The FY 1998/1999 Water Fund Budget does not contain a provision for expenses related to emergencies such as droughts or floods, so it will be necessary for the Authority to adopt a revised budget to fund this severe drought.

Highlighted below are drought related operational expenses that are expected to be incurred through the end February 1999:

- Water Conservation Kits \$17,000
- Public Education/Advertising 10,000
- Recycle Backwash Water 12,000
- Replace Bee Tree Filter Media 5,000
- Electrical/Pumping Costs 26,250
- Treatment Chemicals 8,750
- Consultant Fees (CDM) 15,000
- Overtime Water Maintenance/Plants 60,750

Contractor Assistance (Leak Repair) 20,000

Total \$174,750

In addition, there is the expense of purchasing water from Hendersonville and other utilities through the end of February 1999 that is expected to cost approximately \$160,000.

The operating expenses highlighted above totaling \$174,750 can be funded by decreasing or postponing the following budgeted expenses/projects:

-5-

Repairs to equipment/buildings/watershed roads \$30,000

Training 4,000

Mills River Utilities (due to delays in start-up) 15,000

Spring Image Enhancing/Water Eff. Campaign 10,000

Vacancies throughout the Department that

were unfilled during first half of 98/99 as well

as the frozen Admin. Assist. and Eng. Tech. 115,750

Total \$174,750

There are no other areas in the operating budget that can be cut in order to fund the purchase of water from other utilities without reducing critical programs and/or customer service. It is, therefore, recommended that the FY 1998/1999 Water Fund Budget be amended to provide funding in the amount of approximately \$160,000.

It is possible that there may be enough revenue collected from surcharges that were implemented as part of the Phase III mandatory water restrictions on December 15, 1998, to cover the purchase of water from Hendersonville and other utilities. Since that time, water production has decreased approximately 5%, indicating that the surcharges have encouraged customers to reduce consumption by that same amount. Although it is difficult to accurately predict the effect of conservation efforts; it is estimated that if this trend in reduced consumption continues, revenue of nearly \$175,000 may be realized from the surcharges. However, if consumption drops to 10% of normal, revenues will drop by nearly \$130,000.

Since conservation efforts and the surcharges realized from them are unpredictable, it may be necessary for staff to request another budget amendment as early as next month. If the drought worsens, there may also be additional expenses that will need to be funded in the near future.

Staff recommends approval of reducing or postponing the budgeted line items highlighted above in order to fund operating expenses related to the drought. In addition, staff recommends review and approval of amending the Authority's FY 1998/1999 balanced budget in order to fund the purchase of \$160,000 of water from Hendersonville through the end of February 1999.

ORDINANCE BOOK NO. 17 - PAGE 256

H. RESOLUTION NO. 99-25 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MCNUTT SERVICE GROUP INC. TO SUPPLY AND INSTALL A

HEATING/VENTING/AIR CONDITIONING SYSTEM AT THE SHILOH RECREATION CENTER

Summary: The consideration of a resolution authorizing the City Manager to enter into a Heating/Ventilating/Air-conditioning contract for the Shiloh Recreation Center.

In an effort to improve quality of service through the City of Asheville daycare and after school programs, City staff, through the capital improvement process, has designated the Shiloh Recreation Center to receive heating/ventilating/air-conditioning up-grades. City staff solicited sealed bids from eight (8) Heating and Air-Conditioning Contractors, three (3) of which were minority contractors, to supply and install heating/ventilating/air-conditioning up-grades at the Shiloh Recreation Center. City staff divided the bid package into three (3) base bids to allow for maximum flexibility in awarding a contract based on limited funding of \$ 35,000.00. The following bids were received:

-6-

Bolton Corporation \$ 58,300.00

Elcon Service \$ 50,579.00

McNutt Service Group \$ 48,699.00

Carolina Comfort Heating & Cooling \$ 49,558.00

City staff has reviewed all bids and determined that McNutt Service Group, Inc. is the lowest bidder and based on the limited budget of \$ 35,000.00, recommends acceptance of base bid #1, #2 and part "B" of base bid #3 for a combined total of \$34,409.00.

Approved funding is available in the capital improvement project account to pay for this renovation to the heating/ventilating/air-conditioning system at the Shiloh Recreation Center.

The Parks and Recreation Department staff requests City Council authorize the City Manager to enter into a contract for \$ 34,409.00 with McNutt Service Group, Inc.

RESOLUTION BOOK NO. 25 - PAGE 143

I. ORDINANCE NO. 2543 - BUDGET AMENDMENT FOR THE BEAVERDAM ANNEXATION AREA CARTER COVE SANITARY SEWER IMPROVEMENT PROJECT

Summary: The consideration of a budget amendment to appropriate \$200,000 from the General Fund Contingency for sewer improvements for the Beaverdam Annexation - Carter Cove Area.

On November 10, 1998, City Council awarded the contract for the Beaverdam Annexation - Carter Cove Area project to Cooper Construction Company in the amount of \$442,278. It has been determined that \$250,000 exists in the project budget. Staff is requesting an additional appropriation of \$200,000 from the City's General Fund Contingency to cover the additional cost of the project and an additional 10% contingency to complete the project. The Water Authority is paying approximately \$16,500 of the cost for the installation of the water line which is a part of this project.

Staff has held several meetings with the residents of Carter Cove to prepare for the installation of the water line and the sewer line. Construction will be ready to begin as soon as the one additional easement is acquired. This is the easement of Robert M. and Lenoir Swicegood. Staff has met with Mr. Mac Swicegood several times in an effort to obtain this easement. Staff is actively pursuing obtaining this easement by providing Mr. Swicegood with all the information he needs to get his parents signature on the easement.

Staff's goal is to have construction begin in four to six weeks.

Staff recommends that City Council appropriate \$200,000 from the General Fund Contingency for the Beaverdam Annexation - Carter Cove Area Sanitary Sewer Improvements.

ORDINANCE BOOK NO. 17 - PAGE 258

J. ORDINANCE NO. 2544 - BUDGET AMENDMENT RELATIVE TO HOCKEY RELATED EXPENSES

Summary: The consideration of a budget amendment, in the amount of \$305,000, to amend the Civic Center's Fiscal Year 1998-99 budget in order to fund hockey related expenses.

-7-

In October 1998, the City of Asheville and Asheville Smoke, Inc. entered into an agreement to provide a minor league hockey program at the Asheville Civic Center. In June 1998, however, when the Civic Center's annual budget was initially adopted, no formal agreement existed between the City and Asheville Smoke, Inc. As such, expenditures and revenues related to the minor league hockey program were not included in the Civic Center's original FY 1998-1999 budget.

With the minor league hockey program now fully operational, the Civic Center has incurred hockey related expenses, i.e. building maintenance, renovations, concessions, temporary labor, etc. that were not included in the original budget. These expenditures are estimated to be \$305,000.

In addition to increased expenditures related to hockey, the Civic Center has generated new revenues, primarily from increased concession sales, that were not included in the Civic Center's initial revenue projections. The Civic Center has also generated additional revenue from its new public skating program. These new revenues will be sufficient to offset the \$305,000 in additional hockey related expenditures. Thus, it is recommended that Council increase the Civic Center appropriation by \$305,000 to be offset by \$305,000 in additional revenue generated from hockey ticket sales.

ORDINANCE BOOK NO. 17 - PAGE 260

K. MOTION SETTING A PUBLIC HEARING ON FEBRUARY 23, 1999, TO REZONE PROPERTY LOCATED ON CENTRAL AVENUE, ORANGE STREET, LIBERTY STREET, CLAYTON STREET AND ORCHARD STREET FROM OFFICE BUSINESS DISTRICT TO OFFICE II DISTRICT

L. MOTION SETTING A PUBLIC HEARING ON FEBRUARY 23, 1999, TO REZONE PROPERTY LOCATED ON MAUDE AVENUE AND SUMMIT AVENUE FROM OFFICE BUSINESS DISTRICT TO OFFICE II DISTRICT

M. MOTION SETTING A PUBLIC HEARING ON FEBRUARY 23, 1999, TO REZONE PROPERTY ON ASHELAND AVENUE, GROVE STREET AND MORGAN STREET FROM OFFICE BUSINESS DISTRICT TO OFFICE II DISTRICT

Mayor Sitnick said that members of Council have been previously furnished with a copy of the resolutions and ordinances and the Consent Agenda and they would not be read.

Councilman Sellers moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Field and carried unanimously.

III. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO CONSIDERING AMENDMENTS TO THE CITY OF ASHEVILLE PERSONNEL POLICY

RESOLUTION NO. 99-26 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ADOPT A REVISED CITY OF ASHEVILLE PERSONNEL POLICY

Mayor Sitnick opened the public hearing at 5:16 p.m.

-8-

City Clerk Burleson presented the notice to the public setting the time and date of the public hearing.

Personnel Director Jeff Richardson said that this is the consideration of a resolution amending the City of Asheville Personnel Policy and amendment to Section 2-230 (b) of the Code of Ordinances of the City of Asheville relative to the departmental pre-disciplinary conference.

Mr. Richardson said that the City has not amended the Personnel Policy since December 20, 1994. During that period, administrative policies and practices have been updated. The Personnel Policy in Section 5.D. outlines that the policy shall be reviewed every three years. These proposed changes reflect the most recent review of this policy by the Human Resources Department. The proposed amendments serve to better clarify appropriate application of City policy and/or are mandated by State or Federal law.

Mr. Richardson stated that the Civil Service Board reviewed the amendments and had concerns with Section 43 relative to Annual Leave and Section 52 relative to Bereavement Leave.

The proposed amendments are as follows:

Section 7. Definitions:

A. Probationary Employee: A newly hired or promoted employee who has not successfully completed the guidelines set forth in Section 24 of this policy.

B. Seasonal and/or Temporary Employee: An employee who has been hired with the understanding that the employment will continue only for a specified period of time, not to exceed twelve (12) continuous months.

C. Part-Time Regular Employee: An employee who has been hired into a budgeted position that is funded between 20 hours and 37.5 hours weekly and has successfully completed probationary period.

D. Full-Time Regular Employee: An employee who has been hired into a full-time budgeted position and has successfully completed probationary period.

Reason for Change: These definitions better reflect the different employment statuses with the City and their respective meaning, due in part to the City's recent decision to begin providing part-time pro-rated benefits to regular part-time employees. I have also included "seasonal temporary employee" as a new definition.

Section 24. Probationary Period.

(a) All newly appointed or promoted employees shall serve a probationary period of 180 days, during which time the employees shall be deemed "probationary employees". Probationary employees shall be entitled to benefits as provided in the City's Personnel Policy.

(b) No later than 10 days after a probationary employee's first day at work, the supervisor shall establish the employee's work plan, which shall have been approved by the Department Director. At intervals not later

than 90 days and 150 days after the first day of work, the supervisor shall review with the probationary employee his/her performance under the work plan. Said review shall include the following criteria: -9-

1. The employee's accomplishments, needed improvements, strengths and weaknesses;
2. Whether the employee is performing satisfactorily in his/her work;
3. What the employee must do to bring his/her work up to satisfactory level if it is unsatisfactory.
4. What the supervisor can do to help the employee bring his/her work up to a satisfactory level; and
5. The length of time the employee has, if any, to make the necessary improvements.

The work plan and review criteria established above may be supplemented according to the needs of the department or the requirements of the particular position, and shall be furnished to the employee at the time the work plan is established. The reviews set forth herein need not be formal; however, notice of any problems or deficiencies must be provided in writing to an employee in order to satisfy the writing requirements of this section.

(c) Any person hired by the City of Asheville may, during the probationary period, be dismissed by the director of the employing department for any reason not contrary to the laws of public policy of North Carolina. Such action shall not take place until the department director has consulted with the Human Resources Director. Such reasons shall be set forth in writing by the department director and made available to the affected employee at the time of the dismissal. In the event that such action is reviewed by the Civil Service Board, compliance with the writing requirement of paragraph (b) shall be deemed sufficient justification for the action taken. In such matters, the Chairman of the Civil Service Board may act for the Board.

(d) The probationary period may be extended for up to ninety (90) additional days by the department director, with the written concurrence of the Human Resources Director.

(e) This section shall apply to former City employees who are rehired after a period of separation from employment with the City.

(f) This section shall apply to non-probationary employees who are transferred to new positions with the City; provided, that any disciplinary or performance-based action other than returning the employee to the former position, shall be in accordance with the policies and rules applicable to non-probationary situations.

(g) Exceptions for certain employees: The probationary period for new or rehired employees in police and fire departments shall commence with the first day the employee is available for regular duty following completion of the training or education necessary to fulfill the minimum requirements for certification as imposed by North Carolina law. The time period required for such training or education shall be established by the department director of the respective department in consultation with the Human Resources Director, and approved by the Civil Service Board.

(h) Probationary employees who fail to receive notification from departmental management as to their employment status by the 180th day shall rightfully assume status as a regular employee with all non-probationary City policies applicable to them at that time.

-10-

In the case of employees in other departments whose positions may but do not always require minimum certifications or training, a probationary period for that employee maybe established by the Department

Director in consultation with the Human Resources Director, and shall be reported to the Civil Service Board. In no case shall a probationary period established pursuant to this paragraph be less than 180 days.

Reason for change: This change reflects what is commonly recognized across North Carolina public sector as a true probationary employment, with the employee in an "at-will" status for the length of the probation. This is consistent with the vast majority of other municipalities/counties in North Carolina, as well as the State.

Section 43: Annual Leave.

Strike the sentence that disallows probationary employees from using annual leave until the conclusion of the probationary period.

Reason for change: Departmental management needs the discretion as to whether to grant annual leave during probation. Job finalists often have already made vacation plans prior to being hired and the City needs to honor those arrangements if possible.

Section 47: Family Leave

4. An eligible employee is entitled to a total of twelve (12) weeks of FMLA leave per 12 month period measured backward from the date an employee uses any FMLA leave; provided, however, that husbands and wives who are both employed by the City are only entitled to an aggregate of twelve (12) weeks of FMLA leave per 12 month period. An employee who is on FMLA leave is guaranteed the same or comparable job when he/she returns to work.

5. An eligible employee may, with the City's consent, take intermittent leave or have a modified work schedule due to the arrival of a new child so long as the cumulative leave does not exceed twelve (12) weeks per 12 month period measured backward from the date an employee used any FMLA leave.

Reason for change: The City has the choice under the Federal guidelines of the Family Medical Leave Act (FMLA) of how it counts its twelve (12) weeks. The proposal to count the twelve (12) week period per 12 month period will ensure that employees who qualify for FMLA do not have an advantage of taking two (2), separate twelve (12) week periods based on the time of calendar year the qualifying event occurs.

Section 47: Family Leave

C. Parental Leave For the Involvement in Children's Schools

Chapter 509 of the 1993 Session Laws amended G.S. 95-28.3 to require at least four (4) hours of leave per year so that a parent, guardian or any person standing "in loco parentis" of a school-aged child may attend or otherwise be involved in activities at the child's school under the following conditions:

- 1) The leave shall be at a mutually agreed upon time between the employer and employee;
- 2) The employer may require an employee to provide the employer with a written request for the leave at least 48 hours before the time desired for the leave; and

-11-

- 3) The employer may require that the employee furnish written verification from the child's school that the employee attended or was otherwise involved at that school during the time of leave.

The definition of school includes public and private schools, church schools, and preschools. It also includes

day care facilities as defined under G.S. 110-86. Please note that this leave is not guaranteed paid leave, but rather guaranteed time-off. Employees wishing to take this leave would have to use accrued annual or compensatory leave in order to be paid.

Reason for addition of this language: The City needs this language incorporated into its Personnel Policy as other municipalities in North Carolina have done since it being passed into General Statute in 1993.

Section 49: Military Leave.

Military leave shall be granted to all employees who are members of a reserve component of the United States Armed Forces or National Guard for annual training, monthly drills, war or national emergency. Proof of any military duty/orders shall be submitted to the employee's supervisor or department director within thirty (30) calendar days of the date of the assignment, except in the case of national emergency.

For purposes of paragraphs (I) and (II) below, employees granted leave with pay will be paid the difference between their base military pay and their current City salary provided military pay is the lesser.

In each case, the following policy and procedures will be in effect:

I. Annual Military Training:

An employee who has been ordered to active duty for annual training, including monthly drills and service schools, shall be granted military leave. Such leave shall be with pay for up to fifteen (15) scheduled work days per Federal fiscal year (i.e. one hundred twelve and a half (112.5) hours for those employees on a 37.5 hour work week, one hundred twenty (120) hours for those employees both on a 40 hour work week and a 14 or 28 day work cycle, one hundred forty-two and a half (142.5) for those employees on a 16 or 25 day work cycle and one hundred eighty (180) hours for those employees on a 112 hour work cycle). Additional leave will be charged to accrued annual leave, holiday leave, compensatory time, or taken without pay, at the employee's option.

II. National Emergency/War:

An employee who has been ordered to active duty for a national emergency or war shall be granted military leave. Such leave shall be with pay for up to one hundred eighty (180) calendar days. In the event a national emergency or war continues beyond one hundred eighty (180) calendar days, the City Manager may extend paid leave for a reasonable period of time, not to exceed an additional one hundred eighty (180) calendar days, unless additional time is authorized by City Council.

(a) Insurance: When an employee is called to active duty for national emergency or war, the City shall continue the reservist and his/her family on any City benefit plan(s) which the employee participates in. During such period of time, the reservist shall be responsible for paying any premiums(s) due through payroll deduction or other arrangements made with the Human Resources Department. Health and

-12-

dental coverages shall be continued until the reservist is covered by the Military Health Insurance Plan (i.e. CHAMPUS) - generally a period of thirty (30) calendar days; however, if the reservist chooses, (s)he may continue individual and/or family coverage pursuant to current COBRA regulations. In the event a reservist discontinues individual and/or family coverage during active duty, the reservist and his/her family member(s) may be re-enrolled subject to current HIPAA regulations upon the reservist's return from active duty and presentation of a Certificate of Honorable Discharge from the United States Government.

(b) Leave: Annual, sick and holiday leave shall be earned by the employee as if the employee had been

working.

(c) Re-employment: Upon release from active duty, the reservist must immediately notify his/her supervisor with (s)he will return to work. All reinstatement employment rights under the Veterans Re-employment Rights Law shall apply.

Reason for change: The new Military Leave policy brings the City into compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994. The new policy is also easier to understand and more equitable for City employees.

Section 52: Bereavement Leave.

Full-time employees may be granted two (2) consecutive work days of bereavement leave with pay due to the death of a member of his/her immediate family or significant other.

For purposes of this section, "immediate family" includes spouse, mother, father, legal guardian, son, daughter, sister, brother, grandparent, or grandchild and any combinations or half- or step- or in-law- that can be derived from those named. "Significant other" is defined as a person with whom the employee cohabits and maintains an intimate relationship regardless of marital status.

If additional time off is needed, employees may request to use accrued annual leave, compensatory time, or leave without pay.

Employees who need time off to attend the funeral of a co-worker, close personal friend or relative not included as "immediate", may request the use of accrued annual or compensatory time or time without pay.

Reason for change: The current policy is too liberal and is confusing to administer. Current application throughout the City is inconsistent as policy allows for up to three days off for immediate family member death. Past interpretation has directed departments to base the amount of days on where the death was and the amount of travel time necessary to attend the funeral. The proposed change streamlines the policy and should eliminate confusion and inconsistent practice across departments.

Section 62: Investigative Suspension.

Investigation status is used to temporarily remove an employee from work status and may be used for the following reasons:

1. To investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action.

-13-

2. To avoid disruption of the work place and/or to protect the safety of persons or property.

3. To provide time to schedule and conduct a pre-disciplinary conference.

Investigative suspension with pay does not constitute a disciplinary action as defined in this article. Management must notify an employee in writing of those reasons for investigative suspension not later than the second working day after beginning of the suspension. Investigative suspensions that last beyond (30) calendar days must be approved by the City Manager and in no case shall the suspension extend beyond (60) calendar days.

Reason for change: Current policy is not effective personnel practice in that employees may be placed on

non-paid suspensions for up to 90 days in order for an investigation of possible wrong inappropriate action can be reviewed by City management. The employee should continue to be in a "on pay status" until management determines the facts of the issues, therefore rendering no disciplinary action prematurely. In addition, 30 days is more than enough time to conduct an administrative investigation in the vast majority of circumstances. The State of North Carolina moved to paid investigative suspensions about seven (7) years ago for the same reasons as outlined.

Because the employee remains on pay status, there would be no need to provide any type of grievance rights due to the fact that the employee would continue in his/her employee pay status until the conclusion of the investigation.

Section 69. Departmental Pre-Disciplinary Conference.

Procedure for Conference. The pre-disciplinary conference shall be attended by and limited to (1) the employee, (2) the supervisor(s) of the employee, (3) the department director and (4) a representative from the Human Resources Department when requested by the employee or department director. Such Human Resources representative shall be the Director or his/her designee. No attorneys may be present for either side during this meeting.

Reason for Change: The pre-disciplinary meeting is an administrative meeting. The main purpose of the meeting is to afford the employee a full opportunity to address the issues that have led to the consideration of disciplinary action. No disciplinary action has been taken and therefore to involve attorneys serves to inhibit management's effort to get at the facts of what has transpired. If disciplinary action is taken after the pre-disciplinary meeting, the employee is granted full access of representation through the grievance process.

In addition, the North Carolina Institute of Government strongly urges local governments from allowing attorneys to be present at these meetings for the reasons noted above. The State of North Carolina goes as far as to disallow attorneys from these meetings as noted in the State Personnel Act, as does many local governments.

If City Council concurs with the proposed amendment to Section 69 (Departmental Pre-Disciplinary Conference), an amendment to Section 2-230 (b) of the Code of Ordinances will need to be considered to conform the ordinance to the policy.

City staff is recommending that City Council (1) consider a resolution amending the City of Asheville Personnel Policy, and (2) consider an amendment to Section 2-230 (b) of the Code of Ordinances of the City of Asheville reflecting amendments being made to the pre-disciplinary conference.

-14-

Mr. Mike Knisely, President of the Asheville Firefighters Association, supported all the amendments except for the amendment to Section 69 which excludes an employee of having attorney representation at the pre-disciplinary conference. They feel that having the option of attorney representation was positive and felt that the potential exists for a violation of due process.

Mr. Richardson responded to several questions from Council, some being, but are not limited to, what happens in a pre-disciplinary conference, how many conferences have there been in the past year and how many employees brought attorneys, what is the difference between a pre-dismissal conference and a pre-disciplinary conference, are pre-disciplinary conferences recorded, what are some examples of when a pre-disciplinary conference would be initiated, does the City have an attorney present at these pre-disciplinary conferences, and who pays for the employee's attorney.

Councilwoman Field felt that when attorneys are present, it creates more of an adversarial position and sometimes presents no option for a solution.

City Attorney Oast said that it was his experience that when attorneys are involved in pre-disciplinary situations like this, it's typically because there is some other legal action pending or there it is a possibility of other legal action, such as wrongful discharge, worker's compensation, or something like that.

Councilman Cloninger asked if at the pre-disciplinary conference stage, could information be obtained from an employee that would ultimately be used in a criminal prosecution of that employee. City Attorney Oast said that pursuant to N.C. Gen. Stat. 160A-168, you cannot use any of the information in a subsequent criminal prosecution.

Councilman Tomes felt that many employees going into these hearings may not have the knowledge or verbal skills to adequately represent themselves so they immediately feel intimidated. He wondered if there was a way to bring an innovative sensitivity to the conferences, like a mediator or an outside facilitator. Mr. Richardson explained that the representative of the Human Resources Department is the neutral arbitrator in the conferences.

City Manager Westbrook explained that a pre-disciplinary conference is no more than a fact-finding meeting and that the City owes it to it's citizens to be able to talk to an employee to find out what happened and their side of the story.

Mayor Sitnick felt that it might be a good idea for the employee to be allowed to have a friend allowed at the pre-disciplinary conference so as to take notes on behalf of the employee.

Councilman Cloninger suggested that Section 69 title be changed from "departmental pre-disciplinary conference" because it implies that disciplinary action will be the outcome,

Mr. Knisely said that he would be willing to meet with City representatives to see if another solution could be worked out with respect to Section 69.

Vice-Mayor Hay voiced several concerns about not having an attorney present and supported staff re-visiting the amendment to Section 69 to see if another solution could be reached.

Mr. John Hayes, former City employee, felt that Councilman Tomes made a good point in that some employees may feel intimidated when meeting with management staff.

Mayor Sitnick closed the public hearing at 6:29 p.m. -15-

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

Councilman Cloninger moved to adopt Resolution No. 99-26, with the exception of Section 69 and further instructed staff to study the language in that Section including the title of the section and the content. This motion was seconded by Councilman Tomes and carried unanimously.

RESOLUTION BOOK NO. 25 - PAGE 145

IV. UNFINISHED BUSINESS:

A. DISCUSSION OF ST. DUNSTANS ROAD

Assistant City Manager Doug Spell said that at the February 2, 1999, Council worksession, City Council

indicated that they would like to receive public comment at the February 9, 1999, Council meeting regarding St. Dunstans Road.

Mr. Spell gave a project history of the McDowell Street viaduct as follows: (1) added to the N.C. Dept. of Transportation ("NC DOT") 10-year Transportation Improvement Program before November 1983; (2) public hearing on the NC DOT Project was held on August 10, 1994; (3) City Council approved the Municipal Agreement on June 25, 1996; (4) construction began on December 12, 1996; and (5) the project completion is scheduled for November 1, 1999. He then reviewed an aerial map of the area designating the area surrounding St. Dunstans Road, along with a map which showed the general road layout and the number of dwelling units in this area. Mr. Spell indicated that the February 3, 1999, date given in the letter from Division Engineer Bill Smart to the Mays was not arbitrary. This was based upon the construction contract as a part of the McDowell Street Viaduct Project. This date was provided to allow the contractor to begin grading for the roadway construction along St. Dunstans Road and to avoid delaying the contractor on the project. They indicated that if a decision were made at the February 9, 1999, Council meeting, NC DOT would entertain a change depending on the stage of construction and progress made over the prior week. However, this portion of work is critical with regard to proceeding to shift traffic to the newly constructed bridge section. NC DOT also indicated that they may ask the City to bear the cost difference if a design change is necessary which results in additional costs as a part of the contract.

Mr. Spell reviewed the following area traffic volumes with Council: (1) Doctor's Drive @ 1270 vehicles per day ("vpd"); (2) Grindstaff Road @ 173 vpd; (3) St. Dunstans Road (near Sterling Street) @ 194 vpd and (4) St. Dunstans Road - Year 2016 projected at 500 vpd. He then reviewed the following comparison with other streets: (1) Edgewood Road at Chatham Road @ 1369 vpd; (2) Vermont Avenue north Onley Road at 379 vpd; (3) Kimberly Avenue north of Evelyn Place at 3943 vpd; (4) Coleman Avenue between Merrimon Avenue and Murdock Avenue @ 1073 vpd; and (5) Hillside Street west of Charlotte Street at 834 vpd.

City staff recommends St. Dunstans Road remain open.

Mr. Spell said that the street closing process for the City is as follows: (1) submittal of a street closing application and payment of a \$2,500 street closing fee; (2) City Council sets a public hearing on the street closing request; (3) public hearing advertised and notification to property owners and utility providers; (4) public hearing held; and (5) Council action on the street closing request.

Mr. Spell the presented the following issues relative to closing the street: (1) emergency response (e.g., fire, police, ambulance) as a through street at 1 minute 40 seconds vs. 3 minutes 17 seconds if closed; (2) street has been a through street since 1929; (3) the cost difference is estimated at -16-

\$16,200 and the City is unsure at this time whether the City will have to pay this cost or whether the NC DOT will include it in the project cost; and (4) there are more mutually beneficial ways to address traffic issues in lieu of street closings.

Mr. Spell said that some reasons to keep the road open is (1) emergency vehicle response; (2) previously opened to traffic since 1929; (3) the layout is not conducive to cut through traffic; (4) traffic volumes projected on St. Dunstans Road are extremely low; (4) there are other means to control traffic in lieu of closing the street; and (5) not all residents want it closed.

Mr. Spell then presented the following alternatives to closing St. Dunstans Road: (1) evaluate traffic after project completion, perform traffic counts, and receive input from residents of the larger area; (2) post the street for "No Through Traffic"; (3) incorporate traffic calming measures into the street design; and (4) designate a portion of St. Dunstans Road as "One-Way" from McDowell Street to Grindstaff Road.

The following individuals spoke in support of keeping St. Dunstans closed for various reasons, some being,

but are not limited to: St. Dunstons is a community of 30 house, one day care and one group home; the neighborhood was under the impression the road was to remain closed; there is an alternate route that is almost the same distance to alleviate any emergency response concerns; if the closing of St. Dunstons is a danger, then why has it been closed for two years without some type of emergency exit; from the Grindstaff intersection with St. Dunstons to the end of McDowell, the road width is narrow; traffic volume studies performed may be inaccurate; St. Dunstons is an extremely fragile neighborhood which has been encroached upon by the McDowell viaduct and zoning changes on the Biltmore side; noise has increased in the area; St. Dunstons is a mixed-race, mixed-class neighborhood and should be preserved; there was speeding through the neighborhood when the road was open; St. Dunstons Circle will again become an attractive site for illegal drug dealers and other dangerous activity; when St. Dunstons Road was open, the road was not a visible access from McDowell to Biltmore but now it will be emphasized by a four-way traffic signal at the intersection of McDowell Street and St. Dunstons Road; St. Dunstons will be an easy access through road from McDowell Street to Biltmore Avenue resulting in an increase in traffic; St. Dunstons Road is not prepared for increased traffic since it is not wide enough for two-way traffic, a portion of the road is currently one-way, and the road needs repairs; motorists do not pay any attention to construction signs stating that St. Dunstons Road is closed, so they will probably not pay any attention to one-way signs; group home residents have the ability to get out and walk, run and ride bikes in the neighborhood with minimal supervision since the road has been closed; there has been a 50% decrease in crime since the road has been closed; residents would like to have a cul-de-sac in the area instead of St. Dunstons Road being re-opened; St. Dunstons Road has blind curves and a shaded area that is not plowed or sanded in the winter; people enjoy walking in the street; the road will have to be re-stripped; the Police Department will have to start patrolling the street; and re-opening St. Dunstons Road will decrease property values.

Ms. Julie May, resident of 151 St. Dunstons Road (passed out a booklet and stated she had 9 letters in support of the closing)

Mr. Tim May, resident of 151 St. Dunstons Road (passed out a map showing the response distance to St. Dunstons Road)

Ms. Maurine Killoran, resident on St. Dunstons Circle

Ms. Brooke Roberts, resident of 172 St. Dunstons Road

Ms. Jeannie Cagle, Clinical Social Worker and Director of Mountain Area Residential Facilities which operate the group home on St. Dunstons Circle

Ms. Nicole McKinney, resident of 145 St. Dunstons Road (passed out a crime analysis report for the St. Dunstons Road area and read a letter from Asheville Day Nursery)

Ms. M. C. Edmonds, resident of 141 St. Dunstons Road

Councilman Tomes said that City Council has previously dealt with the Hillcrest community issue of closing the bridge. Council did listen to the residents of the area and kept the bridge closed. Since -17-

this is a fragile neighborhood with valid concerns, he felt that City Council should be consistent as they respond to different communities.

Upon inquiry of Mayor Sitnick, Fire Chief Rukavina said that there was a fire on St. Dunstons Road since the road closure and if you apply the response times that have been identified, then it took longer than it normally would because the street was closed for the first fire truck to arrive on the scene. He said that his preference remains the same and that is to re-open the road. He understood the concerns of the neighborhood, however, he needs to look at the neighborhood that the street serves.

Fire Chief Rukavina responded to questions from Council about the alternative routes proposed by the neighbors and also how emergency vehicles respond on one-way traffic streets.

Councilman Cobb said that although the City wants to protect the neighborhood, they have to be concerned with all the flow of the traffic in the City. He felt that traffic is a part of our society and we have to control it, not eliminate it.

Upon inquiry of Councilman Cobb, Ms. May stated that the NC DOT said that if City Council voted to keep the road closed, they would consider a cul-de-sac on the road as part of the project.

As a result of some discussion relative to closing the street, City Attorney Oast said that if the road were re-opened, it does not prohibit anyone from going through the street closing process.

Mayor Sitnick said that even though the City Council requested that the Hillcrest bridge remain closed, there was an incident on Edgewood Road where the neighborhood worked with the City and the Police Department to install some major traffic calming options that have worked real well. After visiting the area, she felt that if anyone wanted to cut through from McDowell Street to Biltmore Avenue, the natural inclination would be to cut across Doctor's Drive instead of St. Dunstons Road because Doctor's Drive is a quicker, straighter route. While she is sympathetic to this cause, she said that the position of the City and the recommendation of our Fire Chief who deals with life and death issues weights very heavily on her mind. If she didn't think there was another way to deal with the legitimate concerns expressed by the neighbors about traffic she might feel differently. However, at this time, she would support leaving the road open, imposing severe traffic calming measures into that neighborhood, and monitor those measures carefully and constantly. She said that after those measures have been monitored and the results reveal that the road should be closed, then a street closing process can be initiated.

Councilman Cloninger moved to not begin the street closing process but direct staff to begin working on the following alternatives to closing St. Dunstons Road: (1) evaluate traffic after project completion, perform traffic counts, and receive input from residents of the larger area; (2) post the street for "No Through Traffic"; (3) incorporate traffic calming measures into the street design and any other measures that seem applicable to making sure that we protect the integrity of the neighborhood; and (4) direct staff to study designating a portion of St. Dunstons Road as "One-Way" from McDowell Street to Grindstaff Road. After the alternatives are instituted, City staff and the neighborhood can come back and report to City Council on how the alternatives are working. This motion was seconded by Councilman Cobb and carried unanimously.

V. NEW BUSINESS:

A. RESOLUTION NO. 99-27 - RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE -18-

Vice-Mayor Hay said that there exists a vacancy until June 30, 1999, for a central representative on the Citizens-Police Advisory Committee.

Councilwoman Field nominated Paul Godfrey.

After Vice-Mayor Hay asked if anyone in the audience would like to comment on this matter and hearing none, he asked for a vote to appoint Paul Godfrey and the vote was unanimous. Therefore, the resolution will appoint Mr. Paul Godfrey as a member of the Citizens-Police Advisory Committee, to serve the unexpired term of Fairfax Arnold, term expiring June 30, 1999, and then to serve a full three year term, term to expire June 30, 2002, or until his successor has been appointed and qualified.

B. RESOLUTION NO. 99-28 - RESOLUTION REAPPOINTING MEMBERS TO THE ASHEVILLE SCHOOL BOARD

Vice-Mayor Hay said that the terms of Brian Weinkle and Roy Harris, as members on the Asheville School Board, expire on April 1, 1999. This resolution will reappoint Mr. Weinkle and Mr. Harris to each serve an additional four year term, terms to expire April 1, 2003, or until their successors have been appointed.

Vice-Mayor Hay spoke about the process that was used in this section process and his support of the entire School Board and the job they are doing.

Mayor Sitnick said that she would like to see more consistent communication between City Council and the School Board during the year to talk about ways we can support each other and work together. She said that City Council wants to work with the School Board to make the Asheville City Schools the best they can be and to maximize their potential. Mayor Sitnick then asked staff to set up a roundtable between the School and City Council to start the process.

Councilman Tomes supported reappointment of both candidates, however, was concerned about the drop out rate of African American students and others in the community.

Mayor Sitnick said that she visits the schools on a regular basis and is very impressed with the teachers in the community. She suggested City Council might like to do the same since one of Council's goals is work with the children and youth of our community.

Ms. Susan Fisher, Chair of the Asheville School Board, thanked City Council for their support of the School Board and briefed the Council on the progress of some of their programs.

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

Vice-Mayor Hay moved for the adoption of Resolution No. 99-28. This motion was seconded by Councilman Sellers and carried unanimously.

RESOLUTION BOOK NO. 25 - PAGE 153

C. RESOLUTION NO. 99-29 - RESOLUTION ENDORSING APPOINTMENT TO THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES

-19-

Vice-Mayor Hay said that the term of Doris Hill Brewer expires in March 1999. The Opportunity Corporation has requested that Ms. Brewer be reappointed for an additional three year term, term to expire March 2002. Vice-Mayor Hay noted that this is the Mayor's appointment.

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

Vice-Mayor Hay moved for the adoption of Resolution No. 99-29. This motion was seconded by Councilwoman Field and carried unanimously.

RESOLUTION BOOK NO. 25 - PAGE 154

VI. OTHER BUSINESS:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 26, 1999, AND THE WORKSESSION HELD ON FEBRUARY 2, 1999

Councilman Tomes moved for the adoption of the minutes of the regular meeting held on January 26, 1999, and the worksession held on February 2, 1999. This motion was seconded by Councilman Cobb and carried unanimously.

B. ORDINANCE NO. 2545 - BUDGET AMENDMENT RELATIVE TO THE COMMUNITY DEVELOPMENT FUND

Ms. Charlotte Caplan, Community Development Director, said that this is the consideration of a budget amendment to transfer \$14,000 from the General Fund fund balance to the Community Development Fund, in order to resolve a recent HUD finding concerning unsupported costs paid from the CD Fund

In July 1998, HUD's Office of the Inspector General (OIG), acting on a complaint, initiated a limited survey of the CDBG-funded activities carried out by the Eagle/Market Streets Development Corporation (EMSDC). The City received a copy of the OIG's report on December 29, 1998, followed by a letter from the HUD Field Office requiring a response to the OIG recommendations by February 5.

The OIG report does not indicate any evidence of misuse of funds for ineligible purposes or serious negligence but it did identify some mistakes by EMSDC and some weaknesses in the City's oversight of its subgrantee. All but one of the recommendations are for improvements in the City's procedures for training and monitoring subgrantees. These improvements are being implemented and a letter has been sent to HUD describing them.

The other OIG recommendation is for repayment of \$14,000 to the City's CDBG program from non-federal funds. This represents the difference between the amount paid by EMSDC for a property at 70 South Market Street and the appraised value of the property. The OIG found that \$14,000 of the total \$85,000 purchase price was an unsupported cost because there was no formal written justification or HUD approval for paying more than the appraised value of \$71,000. The repayment of the \$14,000 is not a penalty or fine, but simply a way of correcting the original transaction so that the CDBG funding for the acquisition is fully supported by the documentation available (the appraisal). The \$14,000 will remain in the City's CDBG account for use in other eligible activities, which could include other EMSDC activities.

-20-

Staff has requested EMSDC to reimburse the \$14,000. EMSDC has responded orally that it does not have sufficient funds on hand to make this reimbursement. The agency is seeking other non-federal sources of funds that it could apply to this repayment.

Staff recommends that the City comply, without delay, with HUD's requirement to reimburse the \$14,000 to the CDBG fund. The General Fund fund balance appears to be the only possible source. It is possible that some or all of this amount may be reimbursed by EMSDC in the near future.

Staff recommends approval of the budget ordinance amendment to transfer \$14,000 from the General Fund fund balance to the Community Development Fund.

Councilwoman Field said that the reason this did not appear on the agenda is that the City was trying to give EMSDC as much time as possible to obtain sufficient funds to reimburse the City. They did state that they will be working with the City to repay the \$14,000..

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

Councilwoman Field moved for the adoption of Ordinance No. 2545. This motion was seconded by Councilman Tomes and carried unanimously.

ORDINANCE BOOK NO. 17 - PAGE 262

B. CLAIMS

The following claims were received by the City of Asheville during the week of January 22-28, 1999: Phyllis Walker (Streets), Edward Mike Pressley (Streets) and Shamika Griffin (Police).

The following claims were received by the City of Asheville during the week of January 29-February 4, 1999: Charlotte Sarti (Water), Charles Morgan (Water) and BellSouth (Water).

These claims have been referred to Asheville Claims Corporation for investigation.

C. LAWSUIT

The City received the following Complaint on January 25, 1999: Darlene Worley v. City of Asheville - small claims action for injuries sustained at a tennis junior tennis program sponsored by the City.

This matter will be handled in-house.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Business Relocation and Expansion

Mayor Sitnick reported that the Chamber of Commerce is doing an outstanding job of recruiting business to the City of Asheville.

-21-

Roy Harris

Mr. Roy Harris thanked City Council for reappointing him to the Asheville School Board. He reported that he was proud of the accomplishments they have made and the professional manner in which they conduct business.

Closed Session.

At 8:15 p.m., Vice-Mayor Hay moved to go into closed session to consult with an attorney employed or retained by the City in order to preserve the attorney-client privilege between the City and its attorney. The parties to the lawsuit about which the Council expects to receive advice are Jennifer Jacobs and the City of Asheville - G.S. 143-318.11 (a) (3). This motion was seconded by Councilman Sellers and carried unanimously.

At 8:22 p.m., Councilman Sellers moved to come out of closed session. This motion was seconded by Councilman Cloninger and carried unanimously.

VIII. ADJOURNMENT:

Mayor Sitnick adjourned the meeting at 8:22 p.m.

CITY CLERK MAYOR
