

Tuesday – March 24, 2015 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Marc W. Hunt; Councilman Cecil Bothwell; Councilman Jan B. Davis; Councilman Christopher A. Pelly; Councilman Gordon D. Smith; Councilwoman Gwen C. Wisler; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING APRIL 6, 2015, AS "TARTAN DAY" IN THE CITY OF ASHEVILLE

Mayor Manheimer read the proclamation proclaiming April 6, 2015, as "Tartan Day" in the City of Asheville. She presented the proclamation to Mr. Judson Lohr, who briefed City Council on some activities taking place during the day.

II. CONSENT AGENDA:

At the request of Councilman Smith, Consent Agenda Items "E" was removed from the Consent Agenda for discussion and/or individual vote.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 10, 2015

B. MOTION TO REQUEST THE BUNCOMBE COUNTY BOARD OF ELECTIONS TO ARRANGE FOUR ADDITIONAL EARLY VOTING SITES (ONE EACH IN NORTH, SOUTH, EAST AND WEST SECTIONS OF ASHEVILLE) THE ONE WEEK (INCLUDING SATURDAY) IMMEDIATELY PRECEDING THE 2015 CITY COUNCIL GENERAL ELECTIONS

Summary: The Buncombe County Board of Elections has asked if the City of Asheville will be requesting remote additional early voting sites for the General election on November 3, 2015. There are 37 normal polling places for City Council elections - during the primary and the general elections. The City must notify the Board of Elections 30-45 days prior to the election if they would like to have more remote sites, in order for them to submit a plan of implementation to the State Board of Elections for approval. The City can let the Board of Elections know what locations they would like for a remote site; however, the Board of Elections will ultimately have to find a suitable site in that area.

In 2013, City Council approved four additional early voting sites (one each in the North, South, East and West sections of Asheville, preferably at a library or community center) the one week (including Saturday) immediately preceding the City Council general election. The cost for those additional sites was approximately \$20,000. In 2013, 2,453 people voted in the four additional early voting locations.

If City Council chooses to move forward with the additional early voting sites, the Budget staff will include that amount in the City Manager's recommended budget which will be considered by City Council in May.

At the March 10, 2015, Governance Committee meeting, the Committee recommended the City move forward with requesting the four additional early voting sites, with suggestions that the East location be in the East Asheville Community Center, and if a different location is necessary for the Election Services Office, that the Stephens-Lee Community Center or the Senior Opportunity Center sites be considered.

C. RESOLUTION NO. 15-54 - RESOLUTION ACCEPTING AYR COURT AND AN EXTENSION OF QUAIL HOLLOW DRIVE AS CITY- MAINTAINED STREETS

Summary: The consideration of a resolution to accept Ayr Court and an extension of Quail Hollow Drive as city-maintained streets.

Code of Ordinances Sec. 7-15-1(f)(4)a requires that streets dedicated for public use be accepted by resolution of the City Council. The developer submitted a written request via e-mail message on November 10, 2014 asking the City to accept the subject streets as city-maintained streets.

Ayr Court from Quail Hollow Drive to its dead-end is a developer-constructed street that has an average width of 22 feet with valley curb, a length of 0.05 mile, and a right-of-way width of 45 feet.

Quail Hollow Drive (extension) from its dead-end to Quail Hollow Drive is a developer-constructed street that has an average width of 22 feet with valley curb, a length of 0.10 mile, and a right-of-way width of 45 feet.

Transportation Department staff, Fire Department staff, and Public Works Department staff inspected the subject streets and determined that they were constructed according to current standards as indicated in the City of Asheville's Standard Specifications and Details Manual.

Following City Council's approval of this resolution, the subject streets will be added to the official Powell Bill List.

Pros:

- The City of Asheville will receive Powell Bill Funds from the North Carolina Department of Transportation (NCDOT) to help maintain the streets.
- The streets provide access in a residential community.

Con:

- Powell Bill Funds will not cover 100% of the total cost to maintain the streets.

There will be no initial financial impact to the City, although the responsibility of maintenance will belong to the Public Works Department. The City will receive Powell Bill Funds in the future to help maintain the streets.

Staff recommends that City Council accept Ayr Court and an extension of Quail Hollow Drive as city-maintained streets.

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D. RESOLUTION NO. 15-55 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO PROVIDE A SECTION 5307 CAPITAL GRANT TO BE

USED FOR THE STATE MATCH TO PURCHASE A COMPRESSED NATURAL GAS REPLACEMENT BUS FOR HENDERSON COUNTY'S TRANSIT SYSTEM

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the N.C. Dept. of Transportation (NCDOT) to provide a Section 5307 Capital Grant to be used for the State match to purchase one Compressed Natural Gas replacement bus for Henderson County's transit system.

As a result of the 2000 Census, the City of Asheville was reclassified from a non-urbanized area to an urbanized area with a population greater than 200,000 persons and now includes municipalities in Buncombe, Haywood, and Henderson counties. After the reclassification, Henderson County's transit system became part of the transit systems operating in the overall urbanized area. The Federal Transit Administration named the City of Asheville the designated recipient and as a result, the City of Asheville oversees all of the Federal funding administration. The City of Asheville and Henderson County have signed a sub-recipient agreement that specifies how the funds are disbursed. The City of Asheville is accountable to the Federal Transit Administration regarding the use of all Federal funds and owns all the capital items that Henderson County purchases with Federal funds.

The estimated total cost of the subject project is \$148,600. Federal funds will provide \$115,976 covered with grant NC-90-X439; this grant requires a match of \$28,994, \$14,103 provided by NCDOT and the remaining \$18,521 provided by Henderson County. The City of Asheville performs all of the administrative tasks including the bidding process, requests for funding, review of documentation, and reporting. The bus has already been ordered, but confirmation from the state's participation came recently.

Pros:

- The CNG bus will produce savings in maintenance and fuel costs.
- The Federal Transit Administration (FTA) provides approximately \$115,976 of the total estimated project cost.
- Henderson County provides \$18,521 of the total estimated project cost and NCDOT provides the remaining \$14,103.
- There is no cost obligation for the City of Asheville other than administrative expenses.

Con:

- The City of Asheville is responsible for administrative expenses including staff time to oversee the project.

The total estimated project cost is \$148,600, with \$115,976 coming from Federal funds, \$18,521 coming from Henderson County and \$14,103 from the NCDOT. There is no direct fiscal impact to the City of Asheville, however the City's cost of administering the project is not recovered.

City staff recommends that City Council approve a resolution authorizing the City Manager to enter into an agreement with the N.C. Dept. of Transportation in the amount of \$14,103, as State match to purchase one CNG bus.

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E. RESOLUTION ADOPTING THE 2015-16 CITY COUNCIL STRATEGIC OPERATING PLAN

This item was removed from the Consent Agenda for discussion and/or an individual vote.

F. RESOLUTION NO. 15-57 - RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF BRADLEY STREET AND SETTING A PUBLIC HEARING ON APRIL 28, 2015

Summary: The consideration of a resolution of intent to permanently close a portion of Bradley Street and setting a public hearing on April 28, 2015.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owners, Sandra Alexander of 8 Moore Avenue Megan and John Griffin of 430 State Street, Jay Fiano – multiple properties adjacent to the closure area, Aaron Marmaret and B. J. Harden Jones of 147 Bradley Street, have requested the City of Asheville to permanently close a portion of Bradley Street. A copy of this resolution of intent shall be sent by registered or certified mail to all owner of this property abutting this alley, not joining in the petition to close.

The Multimodal Transportation Commission met on February 13, 2015, and approved the closure.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution of intent to permanently close a portion of Bradley Street and set a public hearing on April 28, 2015.

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G. ORDINANCE NO. 4397 - TECHNICAL BUDGET AMENDMENT TO PARTIALLY FUND THE CONTRACT WITH HYLAND SOFTWARE AND OTHER SUPPLIERS FOR THE INTEGRATED DOCUMENT MANAGEMENT SOFTWARE REPLACEMENT PROJECT

Summary: The consideration of a technical budget amendment in the amount of \$32,750 to move available budget from the City's General Capital Projects Fund to the General Fund to partially fund the contract with Hyland Software and other suppliers for the Integrated Document Management Software Replacement Project.

In 2012, the City of Asheville entered into a contract with Sire Technologies to implement a document management system including the conversion of more than two million records from a legacy software system. In late 2012, Sire Technologies was acquired by Hyland Software. Since that time, Hyland has announced that Sire Technologies will no longer be developed and is now in end-of-life status. However, Hyland has offered existing customers the opportunity to migrate to primary document management product, OnBase. At this point, Sire is actively being used by multiple City departments including Police, Fire, Legal, Water, and Public Works. Plans are underway to expand use within Police as well as to move Human Resources records from paper to digital.

The project will provide an integrated software system that will support City staff

throughout the organization in the appropriate use, storage, retrieval, archiving, and potential disposal of documents following defined business rules and state regulations in a manner that takes advantage of best practices and improves the efficient use of documents and related information resources.

Funding for the original implementation of the document management system, including the contract with Sire Technologies, was budgeted in the City's General Capital Projects Fund. There is currently \$32,750 remaining in that project budget which staff intends to utilize to partially fund the contract with Hyland Software. A technical budget amendment is needed to move this budget from the General Capital Projects Fund to the General Fund. The remainder of the funding for the contract with Hyland will come from the existing Information Technology Services Department's General Fund budget.

Pros:

- Replaces a system that has reached its end of life
- Enhances ability to streamline and eliminate paper-based processes
- Provides secure, long-term digital storage and retrieval of critical documents throughout the organization, including the conversion of more than 2 million existing documents
- Improves quality and accessibility of information for decision support and business planning.

Con:

- Any software implementation causes some degree of organizational turbulence during implementation

As outlined above, the technical budget amendment is only needed to move budget from one fund to another. Otherwise, this project is fully funded with existing resources.

City staff recommends City Council adopt a technical budget amendment in the amount of \$32,750 to move available budget from the City's General Capital Projects Fund to the General Fund to partially fund the contract with Hyland Software and other suppliers for the Integrated Document Management Software Replacement Project.

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H. ORDINANCE NO. 4398 - BUDGET AMENDMENT FOR LEGAL FEES ASSOCIATED WITH CIVIL SERVICE BOARD GRIEVANCE HEARINGS

Summary: The consideration of a budget amendment in the amount of \$45,018 from unassigned fund balance to appropriate funding for outside legal services for grievance related matters that have exceeded the initial budget for the Civil Service Board (CSB).

The Civil Service Act, as amended on August 3, 2009 by the General Assembly, requires the City of Asheville (City) to provide and pay for independent legal counsel to the Board for the purpose of advising the board during or in connection with grievance hearings. The Human Resources Department's Fiscal Year 2014-15 adopted budget included a total of \$20,000 in funding for third party legal services relative to non-grievance and grievance related items handled by the CSB. Historically, the \$20,000 allocation for third party legal services has been adequate to cover items that are grievance and non-grievance related. As a result of increased grievance activity in the current fiscal year, expenses for Civil Service Board legal services have already exceeded the appropriation by a total of \$25,017.25. Staff estimates that an additional \$20,000 is needed to meet outside legal expenses for the remainder of the current fiscal year. The budget amendment appropriates \$45,018 from unassigned fund balance to meet this need.

Pro:

- Provides budget authorization for FY 2014-15 outside legal expenses as required by the Civil Service Act.

Con:

- Requires an appropriation from unassigned fund balance.

Based on current unassigned fund balance estimates, the City has sufficient resources to appropriate \$45,018 associated with this budget amendment and still maintain an unassigned fund balance that exceeds the City's 15% policy target.

City staff recommends City Council approve the budget amendment in the amount of \$45,018 from unassigned fund balance to appropriate funding for Civil Service Board independent legal services for grievance related matters that have exceeded the initial budget.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

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

Councilman Bothwell moved for the adoption of the Consent Agenda, minus Consent Agenda "E". This motion was seconded by Vice-Mayor Hunt and carried unanimously.

ITEM REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

E. RESOLUTION NO. 15-56 - RESOLUTION ADOPTING THE 2015-16 CITY COUNCIL STRATEGIC OPERATING PLAN

Summary: The consideration of a resolution affirming City Council's Strategic Plan for fiscal year 2015-2016.

At the January 30, 2015, City Council retreat, Asheville City Council discussed and prioritized focus areas for the coming year. During the retreat, it was noted that presenting goals in a way that highlights the interconnected nature of Council's strategic goals would be ideal.

The focus areas are:

- Economic Growth & Sustainability - Seek to ensure a sustainable financial future for Asheville by promoting an environment where citizens and businesses want to live, work and invest.
- Affordability & Economic Mobility - Seek to ensure a sustainable future for Asheville through a standard of living that is affordable and attainable for people of all incomes, life stages and abilities.
- High Quality of Life - Seek to ensure a sustainable future for Asheville by promoting a safe environment where basic needs are met and all people can enjoy a high quality of life.

City Manager will produce a comprehensive quarterly report and Committee Chairs will produce updates on policy initiatives designed to further achievement of strategic goals for Economic Growth and Sustainability, Affordability and Economic Mobility, and High Quality of Life.

Pros:

- Provides Council and City staff with an overall direction and goals of the organization.
- Provides Council and City staff with a measure of success.

Con:

- None.

The Strategic Operating Plan will provide direction for Council and the Executive Management Team throughout the budgeting process.

City staff recommends that City Council adopt the resolution reaffirming Council's Strategic Operating Plan.

Councilman Smith asked that Focus Area 2, Goal 1, the third action item be amended to read "Identify and initiate use of city owned land for development of affordable housing projects."

When Mayor Manheimer asked for public comment, no one spoke.

Councilman Smith moved for the adoption of Resolution No. 15-56, as amended. This motion was seconded by Councilwoman Wisler and carried unanimously.

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III. PRESENTATIONS & REPORTS:

A. MAYOR'S DEVELOPMENT TASK FORCE

Mr. Brian Moffitt, representative of the Mayor's Development Task Force, said that beginning in September, the City hosted a task force designed to review and discuss challenges associated with developing in the City of Asheville. The group of 23 stakeholders met once a month for four months and identified numerous issues commonly experienced during the development process.

Prior to the formation of the Task Force, Development Services staff had independently identified a variety of priorities to be considered in the coming year and had initiated action on several. These priorities, not surprisingly, significantly overlapped the priorities identified by the task force. The work of the task force helps to focus current and future actions and begins to identify what resources may be needed, the most significant one being "staff time" which is repeated throughout the summary table. With many competing demands, it is helpful to identify the highest priorities and those other initiatives that may easily be accomplished as part of a larger initiative. The spread sheet identifies the task force recommendations and priorities, and staff had added possible initiatives that could be considered to address the concerns raised.

With the assistance of our colleagues in other departments, Development Services anticipates being able to accomplish many of the initiatives identified on the master list with the highest priorities focused on:

1. Simplifying/expediting the submittal and review process
 - Offering formalized early assistance
 - Expanding options for on-line submittals
 - Looking at opportunities for expedited submittals and reviews
2. Improving communication between departments, and between customers and staff
 - Improve permitting system to communicate project status
 - Develop consistency meetings between departments

- Explore options for sharing/posting valuable information
3. Improving the delivery of our service
 - Implement an electronic lobby q-ing system
 - Improve permitting system to simplify permit numbers
 - Build knowledge base and confidence in staff

In addition to the initiatives identified in these focus areas, staff is also exploring the potential benefits of establishing a Development Services Advisory Group for the limited purpose of helping staff review, research and discuss strategies for implementation of the task force recommendations. The conceptual behind forming this group would be:

- Assemble a committee of 9 members representing different stakeholder groups in the development community (contractors, design professionals, real estate professionals, property owners, business owners, financial institutions, etc.)
- Meet once a month for 1 ½ hours to review priorities, schedules, progress and offer feedback, ideas, research and perspectives on various initiatives
- DSD staff to be primary staff assigned to group, with representatives from other departments invited to participate as applicable
- Committee to report out every 6 (12 months?) months to the Planning & Economic Development Committee

Progress - As an example of the on-going efforts to improve the efficiency and effectiveness of our development related services, the following accomplishments have been completed in the last three months:

1. Filled four key vacancies
2. Enabled email notification for all final inspections
3. Moved all inspectors to two trades to increase comfort level in areas of expertise (trial program)
4. Established a mentoring rotation pairing more junior inspectors with experienced inspectors
5. Added credit card payment options in water resources
6. Updated TCO policy and broadcasted to the development community
7. Reviewed and tested two different digital submittal software programs and met with vendors
8. Developed a pre-assistance (a.k.a. pre-application) program to be implemented July 1
9. Reviewed and tested three different electronic lobby queuing systems
10. Established a phone tree to direct customers to the most appropriate extension

Implementing these recommendations will require additional resources, the exact amount has yet to be determined but conservative estimates fall around \$300,000 spread over two years. Included in this number is: a full-time, benefited employee to perform and manage technology based improvements; consultant fees; and technology based capital investments (primarily focused on digital plan submittal and review). Needed resources would be derived from development fees and charges. A fee increase is not now planned and we are hopeful for continued levels of permit activity.

This report is for informational purposes only and no Council action is needed.

Councilman Bothwell said that despite constant complaints, he agreed that the Unified Development Ordinance is complex but clear.

On behalf of City Council, Mayor Manheimer thanked the Task Force for their hard work, time and dedication on this project.

B. FRENCH BROAD WHITEWATER PARK IN RIVER ARTS DISTRICT

Using a PowerPoint, Mr. Wilson Sims updated Council on the French Broad Whitewater Park in the River Arts District (RAD). He introduced Mr. Ben Van Camp as a key partner for fundraising/partnering purposes. He provided an overview and asked for authorization of the next step in project feasibility as they would tie into the broader RAD planning by the City.

He explained there are two whitewater parks - artificial and in-stream. This would be a public park amenity, but they would be eager to support making it largely privately funded. He emphasized that this is about an in-stream park which is simpler, much more natural/harmonious, and much less expensive. The preliminary design and permitting for an in-stream park would be \$149,000, the final design and modeling would be \$249,000, and construction would be \$1,383,000 - for a total of \$1,781,000. There would need to be modifications to the riverbed to create whitewater features that do not otherwise exist. On-shore amenities would include greenway trails, river access viewing points, and parking.

The most successful are ones in urban areas and engage community with river. The suddenness of the current push relates to suddenness of TIGER 6 announcement and quick evolution of RAD redevelopment.

He said this is a bold and cutting-edge vision; those rarely are developed in a broad master-planning process, rather they typically emerge as new and different ideas from outside advocates just like this has (e.g., Pack Place, Azalea Park, Carrier Park, Waller Tract – some of most important innovations in last 15 years).

Three locations were studied. The Bowen Bridge site was selected as it has an existing gradient of river, its proximity to public land, parking and other recreational amenities, separation from core of arts/culture district. He then pointed out some of the locations of planned parking.

Much of required on-shore amenities (parking, greenway, parkland) are being developed anyway, but some additional cost is required for expanded spectator areas and access to river. The reaction by many has been how inexpensive the estimate is for the benefits that will derive. This will be primarily funded from non-city sources.

Per FEMA Flood Insurance Program and Army Corps, impacts on flooding must be acceptable. Project permitting must be in combination with other plans.

He emphasize tight schedule to meet permitting timetable. With a few months, 30% of the design and permitting applications would be due. The final design and modeling would occur in 2018 or later, with construction in 2019 or later. There is sufficient time to raise funds and construct, once permitting is achieved.

There are many community benefits. This unique 21st century park reinforces Asheville as the whitewater capital city of the United States. It will not be just for advanced users, as a novice channel must be included. There is a growing popularity of river recreation here and recreational popularity of other communities who have whitewater parks. This will engage youth, schools, and families with river. With the public attention to river, there will be stronger stewardship ethic. The impact on the riverbed will be modest – aquatic life can still migrate. This will bring traffic to RAD artists, and its branding Asheville as a growing center for outdoor product manufacturing. This will also bring in the outfitting industry, along with tourism.

In conclusion, the aim of advocates group is to be a constructive partner, facilitate, support with fundraising, but not to own or develop or be primary driver. This will be a rightfully city-led project. He asked the City to evaluate the project for inclusion in its RAD redevelopment initiative. They asked for Council to allow City staff to do necessary research/analysis over next

few weeks so that \$150,000 design phase can move forward in time for flood permitting. He believed that external funding for this project is within reach, and the group wants to work under auspices of Parks and Greenways Foundation to support project with necessary external funding. He asked that Council authorize City staff to continue the necessary research/analysis so that Phase I can move forward. They understand that there are various ways that permitting can be accomplished and they have every confidence they will be able to work with the City to help make it happen.

Mayor Manheimer felt this was a really exciting project and felt that it fits in with the transformation in the River Arts District. She hoped City Council would support continuing in this process.

Vice-Mayor Hunt hoped that Council will agree that there is so much potential with this project and that it's worth to take the next steps.

In response to Councilman Bothwell, City Manager Jackson said that staff is in the process of researching the other 20 models that have been planned and constructed. In the grand scheme, we are doing a \$50 Million make-over and there are a lot of moving parts, along with state, federal, Tourism Development Authority, and private monies. Some of the work (like permitting) will need to be integrated and led by the City. We have some conceptual plans for the parking and the trail heads. We have the expectation that we will take some of the capital money and apply that towards the project management. His role is to make sure that everyone has very clear responsibilities. We have the staff and structure which we are putting in place to carry out the \$50 Million project and with Council's approval they will add this \$2 Million to the scope of it and start identifying what additional work would need to be done. The permitting, integration of the plan, any design contracts, etc. will go through the City as well. There is quite a bit of coordination work that needs to be done, some of which we already have in-house staff to handle. If there is going to be fund-raising for the project, it might as well be applied toward any of these out of pocket expenses that we have to put into managing the project.

Councilman Davis said that the Pack Square Project cost the City a lot of money and this project makes him step back and request additional information because he did not see a lot of process up to this point, and he did not want Council to be in that kind of position again.

Councilman Smith agreed with Councilman Davis in that Council's role is a deliberative body and they must approach projects in the most responsible manner that they can. He was curious about on-going operating costs, noting that the Finance Committee is talking about what level of subsidy to provide which amenities and questioned how this project would fold into that philosophical discussion. Another question would be what the additional costs around access and spectators might be. He did not want the presumption made that moving forward with responses to these questions means that the project is green-lighted.

Councilman Pelly said that the City is facing a lot of challenges and we will have some big impacts on the City, so we will really be relying on the Parks and Greenways Foundation and other advocates to support the majority of the fund-raising on this project.

City Manager Jackson said that after Council's approval, staff will evaluate the project for integration into the River Arts District redevelopment. Those results will come back to Council will then Council will decide if there needed to be a further planning phase and a formal agreement with the entity. He did not feel the City is ready to enter into a partnership agreement for financing this project.

It was the consensus of Council to instruct the City Manager to evaluate the project for integration into the River Arts District redevelopment.

C. MAYORS' CHALLENGE FOR SAFER PEOPLE AND SAFER STREETS

Councilwoman Wisler explained the Mayors' Challenge for Safer People and Safer Streets. She said that on Thursday, March 12, 2015, jurisdictions from across the country met at the U.S. Department of Transportation (USDOT) headquarters in Washington, DC at the Mayors' Challenge for Safer People, Safer Streets Summit, the start of a year long initiative to improve bicycle and pedestrian safety. City Manager Jackson and she represented Asheville. They spoke with modal experts at USDOT, bicycle and pedestrian safety resource partners, and one another to discuss current non-motorized activities within their communities and shared ideas on how to improve upon pedestrian and bicycle safety over the Challenge year and beyond. A few things we learned is (1) One in 5 traffic deaths in the US are bicyclist or pedestrian deaths; (2) More than ¼ of Americans rode a bicycle in the past year; (3) Low stress environments will encourage more walking and cycling; and (4) The safest thing for cyclists and pedestrians are more cyclists and pedestrians on the roads. There were seven identified challenge areas. City staff graded the City and in general we scored pretty well. The Mayor's Challenge activities include (1) Take a Complete Streets approach; (2) Identify and address barriers to make streets safe and convenient for all road users, including people of all ages and abilities and those using assistive mobility devices; (3) Gather and track biking and walking data; (4) Use designs that are appropriate to the context of the street and its uses; (5) Take advantage of opportunities to create and complete pedestrian and bicycle networks through maintenance; (6) Improve walking and biking safety laws and regulations; and (7) Educate and enforce proper road use behavior by all.

However, we did highlight a few areas that we could improve more substantially: (1) Gathering data such as three of people biking and walking, safety data such as crash information specific to Asheville, descriptions of trips and inventory of bicycle and pedestrian facilities. This will help in evaluating where and how we can improve our infrastructure; (2) Improve laws – while this is mostly a state issue, we can continue to be engaged in this; and (3) Educate and enforce proper road behavior by all – reinforcing appropriate actions and attitudes for all users will substantially improve interactions on our roads.

We definitely want this initiative to be folded into the Multimodal Transportation Plan.

Improving our cycling and pedestrian infrastructure and experience not only will increase Asheville's quality of life but will improve economic and racial equity. People of color are increasing their use of bicycles at substantially higher percentages than white Americans.

She provided other statistics about cycling and economics. She was excited that Asheville has accepted Secretary Foxx's challenge, as this will continue to push Asheville to be a safer place to walk and ride.

When Councilman Bothwell stressed that it is legal to ride bicycles on sidewalks, Councilwoman Wisler said that education is one of the challenges the City is taking on.

City Manager Jackson said that Asheville is a national role model for building partnerships and turning that into funding partnerships.

D. ASHEVILLE POLICE DEPARTMENT ORGANIZATIONAL ASSESSMENT

The report lays out a short term and long range plan to accomplish a more functional, high performing Police Department. The analysis and recommendations in the report will take time, and buy in and participation of every employee in the organization.

Mr. Brady then reviewed the recommendations and/or improvement opportunities. The recommendations are structured in two ways - immediate change which should be implemented, a 180 Day Plan for the Interim Police Chief, and longer range recommendations in each

management systems of concern. The management issues which exist in the APD today took years for it to get to that point and it will take some time to address and remediate those issues. The new Interim Chief, with the support of the City, will initiate the process of change - changing the tone of the Department at the top; he will also start a process of change management that will outlast his tenure. For each recommendation a priority is accorded by the project team as well as a timeframe for its implementation.

Mr. Richard Brady, President of Matrix Consulting Group, provided Council with a summary of the scope of work for the APD Organizational Assessment, the methods for the conduct of the study and a summary of recommendations. He said that the project scope of work was (1) to evaluate the organization, management and organizational culture of the Police Department; (2) to compare the management systems and practices of the Police Department to best practices; and (3) to evaluate improvement opportunities in the management systems of the Asheville Police Department.

The project methodology was (1) extensive input from Asheville Police Department employees through interviews, employee surveys and focus group meetings; (2) documentation of management systems in use in the Department; (3) comparison of Police Department management practices to best practices in law enforcement; and (4) development of short term and longer range strategies for improving management systems and the organizational culture together with implementation plans.

Perceptions expressed in the project and addressed in the final report (1) poor and inconsistent internal communications; (2) the development of an "us" vs. "them" culture; (3) lack of accountability; (4) consistency issues in policies and disciplinary actions; (5) management training and knowledge transfer; (6) a lack of transparency; (7) all leading to a perceived lack of effective leadership; and (8) an organized culture has developed with makes it impossible for the Asheville Police Department to function as a high performing organization.

Results of the employee survey (1) the project team conducted many staff interviews. However, we also utilized an anonymous survey to which 100 people responded; (2) key positives arising from the survey focused on (a) high levels of service to the community; and (b) positive work group interactions; and (3) However, several significant issues were also identified (a) internal communications are poor; (b) the Department lacks consistency in many of its actions; (c) decision-making processes; (d) problem solving; and (e) leadership is a significant issue as it relates to vision and direction.

A new beginning (1) The Fire Chief initiated a process of enhanced employee involvement in determining strategic direction; (2) an Interim Chief came into the Department with a track record of assisting with the development of positive organizational culture and already initiated processes to improve internal communications and interactions; (3) the City has provided administrative assistance in human resource and financial processes; and (4) this study was intended to provide a road map to start on in developing a more positive organization and management culture.

Immediate needs - The 180 Day Plan - (1) Establish a broadly-based Chief's Advisory Committee to empower staff to develop a plan with accountable action steps to transition to a more effective organization; (2) continue with recent efforts at improving internal communications (a) regular meetings with top and mid-managers/supervisors; (b) executive staff attending more staff briefings; (c) regular meetings with employee groups; and (d) develop a code of conduct; (3) begin to develop a more effective approach to monitoring performance and communicating performance; (4) a plan needs to be developed to target and increase the amount of training that managers receive on promotion and annually; (5) the City needs to continue to show its support through human resource and administrative assistance, management training and work group facilitation; (6) a year from now re-apply the employee survey to gauge the magnitude of change

from this point; and (7) once the new chief is hired, hold a management and supervisory retreat to involve him/her in the new team approach.

Longer range improvements (1) develop a training and career development plan for all staff; (2) develop job task guides for each assignment in the Department; (3) implement minimum commitments for management and supervisory staff assignments; (4) discontinue the roundtable panel approach for disciplinary reviews and return to an improved disciplinary matrix approach; (5) begin immediately with replacing policies with a standardized law enforcement template; (6) develop more proactive public and media relations approaches relating to program review, budget, and use of the website and social media; and (7) with the assistance of human resources develop more effective performance evaluation and career development programs; (8) organizational changes should be made to help facilitate change (a) an administrative staff position for ongoing support; (b) the Treasury Services Manager position transferred to the Police Department should be made permanent; (c) the spans of control for Logistics and Special Operations Lieutenants should be narrowed; and (d) a second Deputy Chief position should be created; and (9) The City Police Department and employees need to improve the labor/management environment.

In summary, (1) the issues identified in the Asheville Police Department did not happen overnight; (2) the issues identified in the Asheville Police Department involves all levels in the organization; (3) resolving these issues will take a concerted short term and longer range commitments to change involving improved communication; inclusion and empowerment of staff; better accountability; and creating appropriate and modern management and personnel systems.

Councilman Davis, Chair of the Public Safety Committee, said that the Committee heard a more in depth presentation at the meeting. He stressed that we have a lot of good people working in the Asheville Police Department. We have a culture that needs changing and Council needs to be very supportive in how that happens.

Councilman Bothwell said that the report shows that the complaints about leadership in the Police Department are spread amongst the different divisions, not only about the leadership of the Chief of Police, as has been alluded to in the social media.

Councilman Pelly felt that we have challenges, but if we follow these recommendations, he felt we will be on track again.

On behalf of City Council, Mayor Manheimer appreciated the thorough and extensive report. She stressed that City Council supports the men and women in our Police Department and hoped that this will provide us with a clear path forward. She looked forward to positive outcomes in the future.

City Manager Jackson said that the action steps will be a consistent item on the Public Safety Committee and City Council will also be kept track of progress in their quarterly Strategic Operating Plan reports.

E. LEGISLATIVE UPDATE

Mayor Manheimer highlighted Council on some the following current bills with potential impact on the City of Asheville budget: regulation of bee hives; sales tax redistribution; local debt; tax value for property improvements; protest petitions; and historic preservation tax.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING ON PROPERTY LOCATED AT 1 SUNSET PARKWAY FROM RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO RM-6/CZ RESIDENTIAL MULTI-

FAMILY LOW DENSITY DISTRICT/CONDITIONAL ZONING TO ALLOW THE RENOVATION OF AN EXISTING CHURCH TO TWO SINGLE-FAMILY RESIDENCES

ORDINANCE NO. 4399 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 1 SUNSET PARKWAY FROM RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO RM-6/CZ RESIDENTIAL MULTI-FAMILY LOW DENSITY DISTRICT/CONDITIONAL ZONING TO ALLOW THE RENOVATION OF AN EXISTING CHURCH TO TWO SINGLE-FAMILY RESIDENCES

Urban Planner Julia Fields said that this is the consideration of an ordinance to conditionally zone property located at 1 Sunset Parkway from RS-4 Residential Single-Family Medium Density District to RM-6/CZ Residential Multi-Family Low Density District/Conditional Zoning to allow the renovation of an existing church to two single-family residences. This public hearing was advertised on March 13 and 20, 2015.

The subject property consists of a .82 acre parcel (zoned RS-4) located at 1 Sunset Parkway. The property contains a former place of worship and accompanying parking on a corner parcel with frontage along Sunset Parkway and Charlotte Street. The Parcel Identification Number for the proposed rezoning is 9649.65-3576. The site is bordered by properties also zoned RS4 to the north and east and containing single-family and two-family dwellings. To the west across Charlotte Street is property zoned Institutional (Unitarian Universalist Church) and to the south is property zoned HCU (Historic Conditional Use – Manor Apartments).

The applicant, Howard Stafford, proposes to convert the existing structure that has been used most recently as a place of worship into two dwelling units. One dwelling unit (Unit A) will have entrances fronting on Sunset Parkway and Charlotte Street. The other unit (Unit B) will have an entrance fronting on Charlotte Street. The existing structure is 12,663 square feet in size and 35 feet 4 inches in height.

Existing access points to the property on Charlotte Street and Sunset Parkway will be maintained. The Charlotte Street drive will lead to a reconfigured parking area with five parking spaces provided. The drive off of Sunset Parkway will function as a more typical residential driveway. Sidewalks exist along both street frontages. The applicant has agreed to provide the City with a 10 foot easement along both frontages to facilitate any future sidewalk improvements.

Landscaping provided for this project includes street trees, the screening of the parking area along Charlotte Street, and a twenty foot bufferyard with requisite plantings to the east adjacent to the RS-4 zoned neighboring residential property. Open space is not required.

This proposal was approved with conditions by the Technical Review Committee on February 2, 2015. The Asheville Planning and Zoning Commission recommended this project unanimously (6-0) for approval at a meeting on March 4, 2015. One person, representing the Grove Park/Sunset Neighborhood Association, spoke in favor of the project. This project requires Final TRC review should Council grant the requested condition zoning

The applicant is proposing to conditionally rezone the site from RS-4 to RM-6 to allow for conversion of the existing building into two dwelling units. This conversion could be done as a use by right subject to special requirements if there were not a duplex located on the property immediately adjacent to this parcel.

A conditional zoning application for this property was submitted in 2014 for rezoning to HBCZ to develop a residence and canine rehabilitation clinic and dog daycare facility on the property. The application was withdrawn by the applicant before it was heard by the Asheville City Council.

Based on the above findings and the analysis provided in the report and as stated in the recommendation below, staff finds this request to be reasonable.

Considerations:

- The project proposes the adaptive reuse of a historic structure.
- The two family structure will be in an area with a mix of housing types (multi-family, duplex, single-family).

Staff recommends approval of the proposed conditional zoning to allow for the conversion of a building previously used as a place of worship into two dwelling units. The Asheville Planning and Zoning Commission unanimously recommended approval of this conditional zoning to the Asheville City Council.

Mayor Manheimer opened the public hearing at 6:44 p.m.

Mr. Buzz Barry, President of the Grove Park-Sunset Mountain Neighborhood Association Board, read the following letter dated March 4, 2015, into the record: "On February 26, 2015, the Grove Park-Sunset Mountain Neighborhood Association Board, representing over 600 households voted unanimously to support the conditional zoning request to rezone property at One Sunset Parkway. This vote is based upon information provided by City of Asheville Urban Planner Julia Fields."

Mr. Mark Allison, architect of 1 Sunset Parkway, urged the Council to support this great use of this building.

Mayor Manheimer closed the public hearing at 6:48 p.m.

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

Councilman Pelly moved to approve the conditional zoning request of Howard Stafford for property located at 1 Sunset Parkway from RS-4 (Residential Single-Family Medium Density District) to RM-6CZ (Residential Multi-Family Low Density District) and find that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposal supports the goal found in the City's comprehensive plan of promoting the adaptive reuse of the City's valuable commercial and residential historic resources; and (2) The proposal supports the goal found in the City's comprehensive plan of promoting adaptive reuse of vacant or underutilized structures, while ensuring that neighborhood compatibility is met. This motion was seconded by Councilman Davis and carried unanimously.

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B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING ON PROPERTY LOCATED AT 39 ELM STREET FROM COMMUNITY BUSINESS II DISTRICT TO COMMUNITY BUSINESS II DISTRICT/CONDITIONAL ZONING, WITH CONDITIONS TO BUILDING SIZE, IMPERVIOUS AREA AND SETBACK, FOR THE CONSTRUCTION OF A 5-STORY HOTEL WITH PARKING

At the applicant's request, Councilman Smith moved to continue this public hearing until August 25, 2015, in order to provide more time for N.C. Dept. of Transportation and the City to continue with their current pedestrian study for the Merrimon Avenue corridor and determine what is appropriate for improvements and to propose a solution to benefit all parties. This motion was seconded by Councilman Davis and carried unanimously.

C. PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO INCREASE THE ALLOWANCES FOR REAL ESTATE AND CONSTRUCTION SIGNAGE

Process Manager for the Development Services Department Chris Collins said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinances to increase the allowances for real estate and construction signage. This public hearing was advertised on March 13 and 20, 2015.

In December of 2014, City Zoning Enforcement staff served a notice of violation (NOV) to the City Centre and Hilton Garden Inn projects for construction signage in excess of that allowed by Section 7-13-2(d)(7) at 301 and 309 College Street. The NOV was generated due to the fact that the above listed construction projects are currently displaying construction signage that is in violation of the UDO allowance of two (2) signs with a maximum of 32 square feet in area per sign face with a required ten (10) foot setback from the right-of-way.

In response to the serving of this NOV, the developer met with City staff and subsequently submitted a formal request for a wording amendment to Section 7-13-2(d)(7) to increase the allowed number of and size of construction signs when attached to construction fence screening materials. The request noted the following benefits of allowing further construction signage when attached to screening materials:

- Screening attached to construction fencing makes for a much better appearance to the public; and
- This type of signage assists in vendor and delivery identification for construction sites; and
- The ability to advertise on construction screening helps mitigate the cost to developers of installing the screening material itself.

In receipt of this request which is centered on an active construction site within the Central Business District (CBD) zoning district, staff prepared a report and proposed wording amendment for presentation to the City's Downtown Commission. On February 13, 2015, staff presented the option of allowing unlimited 32 square foot sign panels on construction fencing screening materials when said panels were spaced at least 50 linear feet apart and eliminated the requirement of a 10 foot setback for this type of signage within the CBD. The majority of the Downtown Commission members demonstrated support for increasing the allowance for the construction signage. Several members identified the possibility of allowing a greater size and quantity than that identified in the staff report.

On March 4, 2015, the City's Planning & Zoning Commission unanimously adopted a motion to recommend approval of an amended and less restrictive ordinance allowing unlimited sign faces that are no more than 50 square feet in area and no closer than 20 linear feet to the next sign face.

Research by City staff has found that many other cities have a regulation in place mirror our current 32 square foot requirements. Research has also indicated that this type of construction screening materials is often not regulated nor enforced by other cities. If the trend of relaxing the proposed restrictions on construction screening signage is an indicator, Council may want to consider exempting this type of signage from regulation. The use of construction screening material on construction fencing is not required by City ordinance.

Currently, the text of Section 7-13-2(d) (7) reads as follows:

- 7) *Construction Signs.* Construction signs shall be allowed provided such signs do not exceed one sign per street frontage with a maximum of two signs per construction site. Such signs shall not exceed four square feet in area per display face, two faces per sign

for single-family or duplex residential construction or 32 square feet in area per display face for multi-family residential or non-residential construction, and a maximum of ten feet in height. Construction signs shall not be erected prior to the issuance of a building permit and shall be removed within seven days of the issuance of a certificate of compliance. A minimum setback of ten feet is required.

This proposed UDO text amendment adds one new definition to Section 7-2-5. These definitions are as follows:

Construction Screening: Temporary and opaque material attached to a perimeter fence or barrier surrounding an active construction site for the purpose of minimizing the visual distraction and safety issues of the subject site.

Additionally, the proposed text amendment revising the wording of Section 7-13-2(d)(7) as follows (additions are underlined):

7) *Construction Signs*.

- a. *Freestanding Construction Signs*: Shall be allowed provided such signs do not exceed one sign per street frontage with a maximum of two signs per construction site. Such signs shall not exceed four square feet in area per display face, two faces per sign for single-family or duplex residential construction or 32 square feet in area per display face for multi-family residential or non-residential construction, and a maximum of ten feet in height. ~~Construction signs shall not be erected prior to the issuance of a building grading permit and shall be removed within seven days of the issuance of a certificate of compliance.~~ A minimum setback of ten feet is required.
- b. *Construction Signs Attached to Construction Screening*: When used in lieu of a Freestanding Construction Sign, construction signage may be attached to construction screening materials subject to the following:
 - i. Sign area shall not exceed 50 square feet per sign.
 - ii. Individual signs may be repeated an unlimited number of times but shall be spaced a minimum of 20 linear feet apart, measured from the closest two edges of the sign face.
- c. Construction signs shall not be erected prior to the issuance of a building grading permit and shall be removed within seven days of the issuance of a certificate of compliance.

This wording amendment may support (1) Focus Area 1 (Economic Growth & Stability) of the Strategic Plan by adding allowances for a common practice in large developments thereby promoting important projects within the community; an (2) Focus Area 2 (High Quality of Life) may be promoted through this wording amendment by the improved visual quality and pedestrian safety offered by the use of construction screening materials. This amendment also supports the following goals from the City Development Plan 2025: (1) Economic Development Goal I: Insure that Asheville's urban planning, zoning, and permitting processes, as created and administered by the City, facilitate sustained and positive development; and (2) Transportation Goal II: Making Asheville a more walkable and livable city.

Considerations:

- Provides a specific definition for *Construction Screening* within the UDO.
- Incentivizes the use of construction screening material thereby assisting with the aesthetics of active construction sites and reducing the risk of an attractive distraction.

- Signage affixed to screening materials eliminates the more commonly used free-standing signs which may contribute to visual clutter.
- Higher allowances may improve project recognition within the community and communicate valuable information.
- Benchmarking from the standards of other jurisdictions has produced mixed results. The large majority of those surveyed enforce a similar standard to that currently found in the UDO. However, many of those surveyed noted that signage affixed to screening is not commonly regulated.

City staff recommends approval of this wording amendment.

After a brief discussion about whether the City wanted to regulate this type of construction screening material, noting that even with this amendment the City Centre and Hilton Garden Inn projects would still be out of compliance, Council agreed that screening is a good idea, but having advertising on the screening is not.

Mayor Manheimer opened the public hearing at 7:04 p.m. and when no one spoke, she closed the public hearing.

Councilman Davis moved to approve the proposed wording amendment to Sections 7-2-5 and 7-13-2(d)(7) of the UDO of the City of Asheville and find that this request is reasonable and is consistent with the Comprehensive Plan and other adopted plans, based on information provided in the staff report and as stated in the staff recommendation. This motion was seconded by Councilwoman Wisler and said motion failed on a 2-5 vote, with Mayor Manheimer, Vice-Mayor Hunt, Councilman Bothwell, Councilman Smith and Councilman Pelly voting "no."

In response to Councilman Bothwell, Director of Development Services Shannon Tuch said that if Council chooses to direct staff to craft a different wording amendment, any enforcement action against City Centre and Hilton Garden Inn projects would be suspended, as they are currently in violation of the Unified Development Ordinance for construction signage.

City Attorney Currin said that Ms. Tuch will contact the developer and give them some time to come into compliance, noting that they have already exhausted a larger period of their grace time already.

D. PUBLIC HEARING TO CONSIDER A REQUEST FOR A CONDITIONAL ZONING FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT AND RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING FOR A NINE-LOT MAJOR SUBDIVISION LOCATED OFF OF SHELBURNE DRIVE

Mayor Manheimer said that this item does not need City Council consideration as all City requirements can now be met.

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 15-58 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE CITY BOARD OF EDUCATION

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

The terms of Jacquelyn Hallum and Precious Folston expire on April 1, 2015. Ms. Hallum and Ms. Folston are not eligible for reappointment.

The following individuals have applied for the vacancies: Joanna Best, John S. Brigham, Martha L. Geitner, Elizabeth Hampton Jones, James "Drew" Shelfer, Melissa Sites, Greg Walker Wilson, Verita Brown Woods, Shaunda Sandford, James E. Lee III, Maceo Z. Keeling, Kate Fisher, Steve Dykes and Erica Englesman Rawls. Ms. Sites did not complete the written essay questions and was therefore not considered for these vacancies.

It was the consensus of City Council to interview Joanna Best, Martha L. Geitner, Greg Walker Wilson, Shaunda Sandford, James E. Lee III and Steve Dykes.

Council spoke highly of all the very qualified candidates and after noting it was a hard decision, Joanna Best received 1 vote, Steve Dykes received 3 votes, Martha Geitner received 3 votes, James Lee received no votes, Shaunda Sandford received 6 votes, and Greg Walker Wilson received 1 vote.

Because there was a tie between Mr. Dykes and Ms. Geitner, City Council voted again as follows: Joanna Best received no votes, Steve Dykes received 3 votes, Martha Geitner received 4 votes, James Lee received no votes, and Greg Walker Wilson received no votes.

Therefore, Shaunda Sandford and Martha Geitner were appointed as members of the Asheville City Board of Education, to each serve a four year term respectively, terms to begin April 1, 2015, and expire April 1, 2019. All terms are until their successors have been appointed.

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VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Rev. Christopher Chiaromonte spoke to Council.

Mr. Todd Stimson urged City Council to adopt a resolution in support of medical cannabis.

Closed Session

At 7:24 p.m., Councilwoman Wisler 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. Gen. Stat. § 143-318.10(3). The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Councilman Pelly and carried unanimously.

At 7:37 p.m., Councilman Smith moved to come out of closed session. This motion was seconded by Councilman Pelly and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:37 p.m.

CITY CLERK

MAYOR