

Tuesday – June 26, 2012 - 5:00 p.m.

Regular Meeting

Present: Mayor Terry M. Bellamy, Presiding; Vice-Mayor Esther E. Manheimer; Councilman Cecil Bothwell; Councilman Jan B. Davis; Councilman Christopher A. Pelly; Councilman Gordon D. Smith; City Manager Gary W. Jackson; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: Councilman Marc W. Hunt

PLEDGE OF ALLEGIANCE

Mayor Bellamy led City Council in the Pledge of Allegiance.

INVOCATION

Councilman Pelly gave the invocation.

I. PROCLAMATIONS:

A. BICYCLE FRIENDLY COMMUNITY AWARD

Mr. Mike Nix, member of the League of America Bicyclists Board of Directors and Chairman of the National Bicycle Dealers Association, was pleased to present the Bicycle Friendly Community Award to the City of Asheville. He explained that the award is presented only to communities with remarkable commitments to bicycling.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 12, 2012

B. RESOLUTION NO. 12-146 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A RENEWAL OF THE ADOPT-A-PARK AGREEMENT WITH JUST FOLKS

Summary: The consideration of a resolution authorizing the City Manager to sign a renewal of the Adopt-a-Park Agreement with Just Folks including a waiver for park use fees for Triangle Park for FY 2012-2013.

Just Folks is a local non-profit organization whose primary purpose is to support community-building activities in the Eagle/Market Street area. The members of the Board of Directors are all residents who grew up in the area and are actively engaged in efforts to improve the environment in Triangle Park by providing more positive uses of the park. Their focus on Triangle Park began eight (8) years ago when they were encouraged to produce cultural events in the park by a past City of Asheville Cultural Arts Superintendent. Last year City Council authorized the City Manager to sign an amended Adopt-a-Park agreement with Just Folks that included a waiver of park use fees and permit waivers for up to \$2,500 for FY 2011-2012 to allow them to hold events in the park including music festivals, community cookouts and other community-building events in the park May to December on Saturdays and Sundays.

During FY 2011-2012, Just Folks has fulfilled the terms of the amended Adopt-a-Park agreement through activities that included:

- o Conducting regular clean-ups

- Weeding and maintaining the planted beds
- Mulching paths and planting beds
- Providing volunteers to participate in these and other projects
- Providing the tools and materials to carry out regular maintenance and special approved projects
- Participating in the development of a mural project for the walls of the park assisted by the Asheville Design Center and city staff and scheduled to be implemented in the fall of 2012.
- Holding a minimum of two (2) events each weekend during the course of the year, including music events and community cookouts that were free and open to everyone in the community.

The presence of Just Folks members and their programming in the park have continued to contribute to the reduction of nuisance behaviors in and around the park and improved appearance of the park, which has made the park more attractive to downtown visitors and community members and meeting specific City Council goals for economic and community development

Just Folks is requesting that their Adopt-a-Park agreement with the city be renewed for FY 2012-2013 and include waivers for park usage and event permitting fees at the same level of \$2,500 approved for FY 2011-2012.

This action addresses City Council Strategic Goal for Asheville to be one of the safest and most secure communities compared to similar cities. The events held by Just Folks in Triangle Park proactively promote positive community interactions in the area and have significantly improved public safety in "The Block". Strategic partnerships allow the city to leverage programming and events to reach a wider and more diverse audience.

Pros:

- Provides additional quality cultural programming and diversity in a park that is generally not used for this type of event.
- Reduces staff time in processing fee waiver requests related to this group's events.
- This action is consistent with other partnerships the City has entered into for park programming in key community development areas.

Con:

- The reduction in permit fees result in lost revenue for the city; however, the city has not budgeted for this revenue in FY 2012-2013.

The estimated value of the waived park usage fees is \$2,500; however, this revenue has not been included in the FY 2012-2013 budget.

Staff recommends that City Council authorize the City Manager to sign an Adopt-a-Park Agreement with Just Folks including a fee waiver for park usage fees associated with programming in Triangle Park.

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C. RESOLUTION NO. 12-147 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 2012 INGLES 4TH OF JULY CELEBRATION

RESOLUTION NO. 12-148 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 2012 BELE CHERE FESTIVAL

Summary: The consideration of a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the 2012 Ingles 4th of July Celebration and the 2012 Bele Chere Festival.

- The Benevolent Patriotic Order of the Does has requested that City Council permit them to serve beer at the 2012 Ingles 4th of July Celebration and allow for consumption at this event.

The 2012 Ingles 4th of July Celebration will be held at Pack Square Park on Wednesday, July 4, 2012, from 4:00 PM – 10:00 PM. The festival area will be open on Wednesday, July 4 from 4:00 PM – 10:00 PM.

The sale of malt beverages will end at 9:30 PM. However, the possession of open containers of malt beverages or consumption of malt beverages would be allowed during the festival hours of 4:00 PM – 10:00 PM.

- The following organizations: Wild South, Asheville Ski Club, Asheville Area Paralegals, BPO Does, The Mediation Center, Cataloochee Ski Patrol, PBL –AB Tech, St Johns Episcopal Church, Green Opportunities, Asheville Breakfast Rotary Club, and Engineers without Borders have requested that City Council permit them to serve beer and/or unfortified wine at the 2012 Bele Chere Festival and allow for consumption at this event.

The 2012 Bele Chere Festival's Festival Area will be open on Friday, July 27, 2012, from 12:00 PM – 10:00 PM, Saturday, July 28, 2012 from 10:00 AM – 10:00 PM and Sunday, July 29, 2012 from 12:00 PM – 6:00 PM.

The sale of malt beverages and/or unfortified wine will end at 9:45 PM in all instances; however, the possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine would only be allowed during the periods as follows:

Friday, July 27, 2012, from 12:00 Noon to 10 PM
Saturday, July 28, 2012, from 10:00 AM to 10 PM

There will be no sales and/or consumption of malt beverages and/or unfortified wine permitted on Sunday, July 29, 2012.

These actions have no direct connection with the City of Asheville Strategic Operating Plan.

Pro:

- Allows fundraising opportunities

Con:

- Potential for public safety issues

The potential for public safety issues requires additional police presence and more overtime pay for Asheville Police Department officers. This expense is built into the FY 2012-13 Police Department operating budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the 2012 Ingles 4th of July Celebration and the 2012 Bele Chere Festival.

Councilman Davis thanked Ingles for providing fireworks at their 2012 4th of July celebration.

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D. RESOLUTION NO. 12-149 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN AGREEMENT WITH BUNCOMBE COUNTY TO OVERSEE THE ADMINISTRATIVE COORDINATION OF THE COLLABORATIVE COMMUNITY CRIME PREVENTION PROJECT, CHANGING TOGETHER

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville an agreement with Buncombe County in which the City will act, for a second year, as the coordinating agency for the Changing Together community project aimed at reducing violence through strategic prevention, intervention and suppression

Changing Together is a comprehensive and collaborative community project with participation from law enforcement, the District Attorney's Office and numerous non-profit and social service agencies throughout Asheville and Buncombe County. It was formed to address the issue of violence and chosen by the Governor's Crime Commission (GCC) as a Tier 1 site for implementation of the Focused Deterrence Model (High Point Model) in fiscal year 2009.

On September 13, 2011, Council adopted a resolution authorizing the City Manager to enter into an agreement with Buncombe County to have the City oversee the administrative coordination of Changing Together. Since that time, the initiative has more clearly defined its goal of addressing violent crime through the focused deterrence model.

A call-in was held March 22, 2012 in which 13 of 19 offenders heard the message that their violent actions will no longer be tolerated and that law enforcement agencies are coordinating through an information-sharing network to ensure that call-in participants that continue to commit violent acts receive the most severe sentencing under the law. They also were made aware that if they reached out to initiative staff, Changing Together was committed to assisting in providing access to a variety of resources. After the call-in, 6 individuals spoke with staff and 4 of the 6 are receiving assistance and support from Changing Together staff, community members and service providers.

Currently, the County receives grant funding from the Governor's Crime Commission to coordinate direct services for call-in participants age 16 and older. Funding pays for the coordination of Changing Together, which includes a salary for the program director, project assistant and one resource counselor. For fiscal year 2012-13, the grant is \$79,955.

The County is requesting the City continue responsibility for administrative coordination of Changing Together. One factor prompting the request is that the Governor's Crime Commission emphasized a preference for the coordination to be located in a municipality because of the stability it provides due to organizational capacity and infrastructure. The Buncombe County District Attorney's Office and the Buncombe County Sheriff's Office continue to be supportive of this restructuring of program coordination responsibilities.

If the agreement is approved, the program director and project assistant positions will again be overseen by the community relations division of the city manager's office with associated funding from the County in an amount not to exceed \$79,060. The remainder of the grant will fund formal and informal service support systems. These components will be managed by Buncombe County Human Services. As part of the grant match, Buncombe County will also pay \$20,400 for a Resource Counselor and \$7200 for an outreach partner.

This action complies with City Council's Strategic Operating Plan in the Core Focus Area – Safety. This partnership will continue to assist the Asheville Police Department in its work to successfully work with youths at risk of gang exposure and as a strategy to improve safety in neighborhoods with high crime.

Pros:

- Through initiatives such as West Riverside Operation Weed and Seed, the City of Asheville has impactful experience administering federal and state grants focused on community-based crime prevention.
- Changing Together has a regional focus area which provides a natural evolution for the site-specific Weed and Seed program. Community members involved with Weed & Seed will be able to share their experiences with other neighborhoods and communities experiencing crime.
- Administrative coordination by the City creates an opportunity for seamless crime prevention coordination with the community and greater flexibility in adapting the Focused Deterrence function of Changing Together to meet future crime trends.

Con:

- Public perception of program effectiveness may be associated with only the City when it is actually a collaboration between the community, City of Asheville, Buncombe County and other state and federal agencies.
- Additional administrative resources related to contract management and accounts payable will be required.

Buncombe County has agreed to provide the required grant match of \$26,665 for fiscal year 2012-13. With revenue in the amount of \$79,060 received from the County, the City will manage funds budgeted for the program director and project assistant positions. These funds have been included as part of the FY 2012-13 budget. All positions will be contract employees in order to re-evaluate available state funding at the conclusion of the current fiscal year. Other than the time commitment related to administrative oversight, there is no hard cost impact on the current year budget.

Staff recommends City Council adopt the resolution authorizing the City Manager to execute, on behalf of the City of Asheville, the agreement with Buncombe County to continue administrative coordination of Changing Together

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E. RESOLUTION NO. 12-150 - RESOLUTION AUTHORIZING THE CITY MANAGER ENTER INTO A CONTRACT WITH RIVERTOP CONTRACTING INC. FOR GROUND MAINTENANCE AT VARIOUS PARKS AND GREENWAYS

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Rivertop Contracting, Inc. to provide grounds maintenance services at various parks and greenways.

The City issued an Advertisement for Bids for grounds maintenance for parks and greenways on December 22, 2012. Rivertop Contracting, Inc., was lowest responsive and responsible bidder for a total of \$125,600.

The grounds maintenance contract will extend from July 1, 2012 to June 30, 2013 with the option for two (2), twelve (12) month extensions based on contractor performance.

This action complies with the City Council Strategic Operating Plan in that it supports operation of the Park Maintenance operations to the highest levels of fiscal responsibility as well

as enhances a basic city service. It also complies with the Parks, Recreation and Cultural Arts Master Plan in that it provides ongoing maintenance and care for the City's park system.

Pro:

- Supports the efficient delivery of core park maintenance services.

Con:

- None

The \$125,600 to support the grounds maintenance contract is budgeted in the FY 2012-2013 Parks, Recreation & Cultural Arts Department operating budget as part of the Park Maintenance budget.

City staff recommends City Council to adopt a resolution authorizing the City Manager to enter into a contract with Rivertop Contracting, Inc. to provide grounds maintenance services at various parks and greenways for a 12 month period with an option for 2, twelve month extensions based on contractor performance for a total of \$126,500 beginning July 1, 2012.

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F. RESOLUTION NO. 12-151 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTI-YEAR LEASE WITH THE MONTFORD PARK PLAYERS FOR CERTAIN PREMISES LOCATED AT 92 GAY STREET, KNOWN AS THE HAZEL ROBINSON AMPHITHEATRE

Summary: The consideration of a resolution authorizing the Mayor to execute a multi-year lease with the Montford Park Players for certain premises located at 92 Gay Street, Asheville, NC, known as the Hazel Robinson Amphitheatre.

The Montford Park Players have been operating a theatre company at the Montford Community Center since 1973 with the mission to present the works of Shakespeare and other classical playwrights to the public free of charge. In 2012, the Montford Park Players were awarded funding from the Tourism Development Authority (TDA) for capital improvements to the Hazel Robinson Amphitheatre and as such, the Montford Park Players would like to enter into a formal lease agreement for the Amphitheatre and immediate vicinity.

The Hazel Robinson Amphitheatre is located to the rear of the Montford Center recreation complex and the proposed lease area measures approximately 1 acre. The original amphitheatre, constructed in 1983, is a one-story 1,800 square foot structure which combines all of the following: two-story stage house, scene shop, properties shop, costume shop, two dressing areas, electrical area for stage lighting control and a lounge area for actors waiting to go on stage. The hillside lawn facing the stage is terraced for audience seating. The proposed lease terms are as follows:

- Term: Initial ten years, with two renewal periods of five years each
- Tenant responsibilities: Installation of all improvements, per zoning standards.
- Rental: \$1 per year
- All utilities to be paid by the tenant
- Maintenance: All maintenance to be performed by Tenant
- Standard provisions of all City leases (e.g. insurance, indemnity, etc.) will also apply

The proposed renovations to the Hazel Robinson Amphitheatre include (1) construction of a 400 square foot Guest Services Facility at the entrance to the Amphitheatre to house the concessions, patron restrooms and box office area, (2) improvements to the stage and lawn seating to bring the audience closer to the stage, (3) completion of the Stagehouse façade in the Elizabethan-Tudor style (4) construction of a two story 5,600 sq. ft. multi-use facility adjacent to

the existing building that will contain a rehearsal hall, backstage restrooms, dressing rooms, costume storage and actors lounge/ green room and (5) construction of a graded pathway for handicap accessibility to the Amphitheatre.

This action supports the City of Asheville Parks, Recreation, Cultural Arts & Greenways Master Plan by increasing the city's resources with alternative funding sources ensuring a high level of service in parks and facilities by addressing capital maintenance of existing parks and facilities to meet community standards. This action also complies with the City Council Strategic Operating Plan – Fiscal Responsibility by leveraging a community partnership to pursue capital improvements to an aging facility.

Pros:

- Community investment in a Parks facility at no cost to the City
- Supports the cultural arts and Asheville's performance arts community

Con:

- None

No expenses or in-kind services are required of the city for this lease. The city will receive no rental income from this lease.

City staff recommends City Council adopt a resolution authorizing the Mayor to execute the lease agreement with the Montford Park Players on behalf of the City of Asheville.

Mayor Bellamy congratulated the Montford Park Players for a grant received from the Public Development Fund and looked forward to their performances at the Hazel Robinson Amphitheatre.

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G. RESOLUTION NO. 12-152 - RESOLUTION AUTHORIZING THE MAYOR TO APPROVE A GRANT OFFER FROM THE FEDERAL AVIATION ADMINISTRATION FOR THE ASHEVILLE REGIONAL AIRPORT

Summary: The consideration of a resolution authorizing the Mayor to approve a Grant Offer from the Federal Aviation Administration (FAA) in the amount of \$1,558,054.

The FAA has offered a grant agreement to the Asheville Regional Airport. This grant, in the amount of \$1,558,054, is for passenger boarding bridges (design, purchase, building modification).

Staff recommends adoption of the resolution authorizing the Mayor to execute the grant agreement for Project No. 3-37-0005-041-2012. This authorization is contingent on the City's continued legal status as a sponsor of the Asheville Regional Airport, and recognition by the FAA, following the anticipated enactment of a law to establish the Asheville Regional Airport Authority, and transfer the operational responsibility for the Airport to that Authority.

City Attorney Oast noted that the resolution has been amended to reflect the authorization is contingent on the City's continued legal status as a sponsor of the Asheville Regional Airport.

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

Mayor Bellamy 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 Smith moved for the adoption of the Consent Agenda, with the amendment to Resolution No. 12-152. This motion was seconded by Councilman Pelly and carried unanimously.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF 44 LINDEN AVENUE

ORDINANCE NO. 4094 - ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF 44 LINDEN AVENUE

Director of Building Safety Robert Griffin said that this is the consideration of an ordinance ordering the demolition and removal of the dwelling located at 44 Linden Avenue, Asheville, N.C. This public hearing was advertised on June 15, 2012.

This property first came to the attention of the Building Safety Department in the summer of 2009, having been the scene of a fire several years earlier. Numerous efforts were made to locate the whereabouts of the property owner to no avail. The owner was in default of a deed of trust and the lender had instituted foreclosure proceedings. Upon the lender's failure to follow through with the foreclosure sale, the City after giving notice, held an administrative hearing, ordering the demolition of the dwelling. The order of demolition was served upon the owner and the owner has voiced no opposition. The dwelling is in a severely dilapidated condition in that fire has substantially impacted the structural integrity of the foundation of the dwelling, no windows, gutters are missing, the eaves are burned and failing with the interior of the dwelling severely smoke damaged throughout. In its current condition, the dwelling structure represents a public health and safety hazard.

This action supports the City's strategic goal of implementing strategies to significantly improve public safety in neighborhoods.

Pro:

- Eliminates a health and safety hazard and contributes to the City's tax value

Con:

- There is a \$113,750 Deed of Trust along with a \$21,340.00 line of credit against the property in favor of Bank of America. To protect the City's demolition lien, the City, maybe forced to litigate the superiority of its lien over Bank of America's liens.

City Council authorized the use of fund balance for demolitions on March 13, 2012. The demolition is expected to cost \$8,750.

City staff recommends that City Council adopt the ordinance ordering the demolition of the dwelling located at 44 Linden Avenue.

Mayor Bellamy opened the public hearing at 5:12 p.m.

Mr. Jim Johnson, adjacent property owner, urged Council to support this demolition as they have been living next to this blight for five years.

Mayor Bellamy closed the public hearing at 5:12 p.m.

In response to Vice-Mayor Manheimer, Assistant City Attorney Martha McGlohon said that the City's lien will take priority over any deed of trust. The only item our lien will not take priority over is the ad valorem taxes.

In response to Councilman Smith, Ms. McGlohon said explained the process of getting a blighted structure removed and the timeframe, which could take anywhere from 3 months to one year, depending on if there are complications.

It was the consensus of Council to have information regarding the process of getting a blighted structure removed on the City's website.

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

Councilman Pelly moved for the adoption of Ordinance No. 4094. This motion was seconded by Councilman Davis and carried unanimously.

ORDINANCE BOOK NO. 27 – PAGE

B. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING FOR WHITE OAK GROVE APARTMENTS LOCATED AT 275 AND 281 HAZEL MILL ROAD FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO RM-16 RESIDENTIAL MULTI-FAMILY DENSITY DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF 92 APARTMENT UNITS HOUSED IN THREE BUILDINGS

Mr. Bob Grasso, applicant, requested City Council to continue his public hearing until July 24, 2012, since a valid protest petition has been received requiring 6 out of 7 Council members to vote in favor of his application and Councilman Hunt is absent from this meeting. Therefore, Councilman Bothwell moved to continue this public hearing until July 24, 2012. This motion was seconded by Councilman Pelly and carried unanimously.

C. PUBLIC HEARING TO CONSIDER A SIGNAGE PACKAGE FOR INGLES MARKETS INC. LOCATED AT 1115 AND 1141 TUNNEL ROAD

Assistant Planning & Development Director Shannon Tuch said that this is the consideration of an ordinance approving a signage plan for Ingles Markets Inc. located at 1115 and 1141 Tunnel Road. This public hearing was advertised on June 15 and 22, 2012.

The proposed master signage plan is associated with a Level 1 expansion of the Oteen Ingles shopping center that proposes to add a new gas station (Ingles Gas Express) to the property. The main store is not being renovated at this time; however, the same signage that has been permitted for other Ingles Gas Express is desired for this new station. Additionally, staff and the applicant thought it prudent to also include consideration of new signage for the store if or when a renovation is considered. This additional signage would also match that permitted for the other stores and, if approved, would be valid for a period of five years. This signage would include the attached signage commonly used for the main store (including Starbucks), the gasoline sales/convenience store, and car wash facilities, along with a free-standing sign for both the gas express and the multi-tenant sign for Ingle's and other tenants.

The project site consists of two parcels totaling approximately 9.38 acres, zoned Highway Business (HB), and is considered to be a multi-tenant development. The Unified Development Ordinance (UDO) currently allows multi-tenant developments one free-standing development or joint identification sign (25' tall, 200 s.f.) and also attached signage for each individual business

within the development (one square foot per one linear foot of building frontage, not to exceed 200 s.f.). Additionally, tenants within a multi-tenant development are not permitted to have separate freestanding signs as is being proposed here.

The following table provides information on each of the signs that has historically been requested as part of the standard Ingles' signage plan as well as what is normally allowed and to what extent the request exceeds the normal standard. All of the following signs are included in this current request and are consistent with those approved for 1865 Hendersonville Rd., 85 Tunnel Rd., and 153 Smokey Park Highway.

1115 & 1141 Tunnel Rd. (Oteen Ingles)

| INGLES MARKET EXHIBIT | PROPOSED | WHAT IS ALLOWED | AMOUNT EXCEEDED |
|-----------------------------|-------------|--|---------------------------------------|
| Ingles (Store Sign) | 201.95 s.f. | 1 attached sign; not to exceed 200 s.f | 1.95 s.f. |
| American Owned | 36.0 s.f. | Not allowed | # of signs and s.f. has been exceeded |
| Fresh Foods | 29.46 s.f. | Not allowed | " |
| Starbuck's | 16.0 s.f. | Not allowed | " |
| Cafe | 8.48 s.f. | Not allowed unless not visible from the R.O.W. | " |
| Pharmacy | 13.13 s.f. | Wayfinding/directional | allowed |
| Vineyard (replaces "Video") | 16.09 s.f. | Not allowed | " |
| Free-standing Pylon | 180.26 s.f. | 1 sign @ 200 s.f | Permitted and Complies |

| GAS CENTER EXHIBIT | PROPOSED | WHAT IS ALLOWED | AMOUNT EXCEEDED |
|-----------------------------|------------------------|--|---|
| Gas Express, canopy | 36.6 s.f. | Not allowed; not a separate tenant | # of signs and s.f has been exceeded |
| Ingles, canopy | 24.0 s.f. | Not allowed; not a separate tenant | " |
| The i Market | 16.37 s.f. | Minimum of 25 s.f. or 1:1 ratio | Permitted and Complies |
| Wash Express and Laser Wash | 33.86 s.f. 4.32 s.f | Minimum of 25 s.f. or 1:1 ratio | Permitted and Complies |
| Free-standing Pylon | 121.84 s.f. | (1) Joint identification sign per development. | Number of free-standing signs have been exceeded. |

The stated purpose of allowing the consideration of a separate signage plan is as follows:

The purpose behind this section is to permit creativity in sign design and placement to address site issues and constraints associated with topography, pedestrian-orientation, way-finding and other conditions unique to the subject development.

Based on the nature of the activities occurring on the property, the surrounding site context on the commercial corridor, and other non-technical considerations, staff feels that the request is supportable. Staff also feels that a precedent for Ingles has been set through the approval of three other sign packages that were substantially similar to the package included in this report.

Pros:

- Provides clear and recognizable signage to a large grocery retailer.
- Maintains consistency with signage for other stores.

Cons:

- Exceeds existing standards without creatively addressing pedestrian-orientation or way-finding.
- Establishes a possible precedent or expectation that large box retailers are entitled to greater sign allowances.

Staff recommends that the signage plan for the Ingles development located at 1115 and 1141 Tunnel Rd. be approved as submitted with the following conditions: (1) All signs shall meet the HB zoning district setbacks, the site distance triangle requirements and all applicable building code requirements; (2) Window films shall be limited to image displays only; films that incorporate any form of commercial advertisement or trademark must be counted towards the development's signage requirements which are not included in this application; (3) Any changes to the signage included in this plan may require a new review by City Council; and (4) All signs shall comply with the proposed standards and no exceptions or variances are permitted.

Mayor Bellamy opened the public hearing at 5:22 p.m. and when no one spoke, she closed the public hearing.

At Councilman Pelly's request, Ms. Tuch elaborated on the con that it would exceed existing standards without creatively addressing pedestrian-orientation or way-finding.

Councilman Smith felt we have a separate standard for Ingles than we do for anyone else. He was concerned about having one entity consistently violate the sign ordinance because there are many people who struggle to stay within the sign ordinance. He did acknowledge what a wonderful partner Ingles is in so many ways in this community, but as far as maintaining a level of consistency and fairness, as far as the sign ordinance, he could not support a motion to approve the signage plan.

Councilman Davis said that the Ingles stores are a lot bigger today than what they were when the sign ordinance was adopted. He recalled discussion in the past to perhaps amend our ordinance or consider a sign package that is consistent with their stores, especially if they have more locations.

Ms. Tuch responded to Councilman Davis noting that after Ingles first application they consulted with the City Attorney's Office about whether or not there was a method available to us for a blanket approval for all their stores and avoid having to go through the public hearing process. However, the way the application is designed and the way it is written in the ordinance, it is per site. That was not an option available. To amend the Code would require direction from City Council.

Councilman Bothwell said that he would vote against this, as he has done in the past for other Ingles sign packages that are inconsistency with our sign ordinance. He felt this is excessive advertising and runs exactly against the reason we have the sign ordinance. Although Ingles is often a good community partner, in his opinion if they wanted to be a better community partner they should comply with the same rules that everyone else complies with.

Councilman Davis noted that Ingles is not unique as Council has amended sign packages for Mission Hospitals, Biltmore Park, etc.

At Councilman Davis' request, it was the consensus of Council to have staff review the sign ordinance to accommodate the changing nature of large grocery retailers. Councilman

Smith was amenable but expressed concern over the trend for larger or more signage and would prefer consideration for other more creative options.

Councilman Davis found that the request is reasonable based on information provided in the staff report and as stated in the staff recommendation, and that it is consistent with the master plan and other plans adopted by the City, and moved for the adoption of Ordinance No. 4095, to approve a signage plan for Ingles Markets Inc. located at 1115 and 1141 Tunnel Road, subject to the following conditions: (1) All signs shall meet the HB zoning district setbacks, the site distance triangle requirements and all applicable building code requirements; (2) Window films shall be limited to image displays only; films that incorporate any form of commercial advertisement or trademark must be counted towards the development's signage requirements which are not included in this application; (3) Any changes to the signage included in this plan may require a new review by City Council; and (4) All signs shall comply with the proposed standards and no exceptions or variances are permitted. This motion was seconded by Vice-Mayor Manheimer and failed on a 3-3 vote, with Mayor Bellamy, Vice-Mayor Manheimer and Councilman Davis voting "yes" and Councilman Bothwell, Councilman Pelly and Councilman Smith voting "no."

Mayor Bellamy was pleased that Asheville has two women leading the effort to plan our great City – Director of Planning & Development Judy Daniel and Assistant Planning & Development Director Shannon Tuch. She thanked Ms. Tuch for her leadership. She was also pleased about the award for Lexington Avenue as being named as one of the great main streets in the United States.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 12-153 - RESOLUTION TO DESIGNATE ASHEVILLE THE INAUGURAL BEE CITY, USA

Ms. Phyllis Stiles, Chair of the Bee City USA Steering Committee, explained why we need a Bee City USA program; Ms. Janet Peterson, Past President of the Buncombe County Chapter of the N.C. State Beekeeping Association, explained why Asheville should be the inaugural Bee City USA (sustainability; the Buncombe County Chapter is the nation's largest Bee Club; green; and Asheville is home for the Center of Honey Bee research); and Mr. Carl Chesick, Executive Director for Center for Honey Bee Research, explained the standards the City would be agreeing to if designated Bee City USA.

Both Asheville's SACEE Committee and Tree Commission have endorsed the principles of Bee City, USA, and many of Asheville's design standards, specifications, and developmental requirements contain many elements of Bee City, USA, and are readily adaptable to adoption of revisions to support Bee City, USA.

Pros:

- The plan continues Council's goals of improving the environment.
- Expanded pollination can improve food growth, production and quality.
- Identifying additional goals clarifies the mission of sound environmental stewardship of Asheville's resources.
- Aligns with other Asheville initiatives, such as Tree City, USA.
- Serving as the inaugural Bee City, USA advances Asheville's stake as a leader in conscientious environmental policies.
- Many of Asheville's existing standards and specifications already meet Bee City, USA guidelines.

Cons:

- Misunderstood perceptions of bees, particularly their role in a municipal environment, can be seen as a negative.
- Some slight revisions to standards and/or specifications may have to occur.
- Individual plans lose broader impact and collaboration.

This action meets Council's goal on several fronts: It supports and furthers sound environmental policies. It offers additional local opportunities to assist in green initiatives. It helps Asheville maintain its goal as a leader in the field.

Habitat budget can be incorporated into existing budgets and efforts in several departments, and standard and specification revisions can be incorporated into routine updates; therefore, no additional financial impact.

Staff recommends that Asheville City Council adopt a resolution designating Asheville as the inaugural Bee City, USA.

Councilman Smith recognized that the pollinators are a vital fundamental piece of having healthy food systems and it is his hope that as we move forward in an effort to create a food security plan, that the pollinators have a home within that as well.

When Mayor Bellamy asked for public comments, none were received.

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

Councilman Bothwell moved for the adoption of Resolution No. 12-153. This motion was seconded by Councilman Smith and carried unanimously.

RESOLUTION BOOK NO. 34 – PAGE 457

B. RESOLUTION NO. 12-154 - RESOLUTION ADOPTING A COMPLETE STREETS POLICY

Director of Transportation Ken Putnam said that this is the consideration of a Complete Streets Policy.

In response to City Council's current strategic operating plan under the multi-modal transportation focus area (objective # 6); staff convened a multi-disciplinary working group to draft a complete streets policy for the City. The proposed policy is based on best practices identified by the National Center for Complete Streets and it meets the center's criteria for a comprehensive complete streets policy. Complete Streets policies have been adopted by the N.C. Dept. of Transportation (NCDOT), the City of Charlotte, and the Town of Chapel Hill. This policy will apply to new and existing city streets. It is complemented by the NCDOT's recently adopted complete streets policy and implementation guidelines.

Adopting the policy is only the first step. Implementation guidance will need to be developed so that the policy would have a lasting effect. The first steps include reviewing the Unified Development Ordinance and the City's engineering standards and specifications and modifying them as necessary, most likely during regular reviews of the documents rather than as a stand alone review. Staff might also seek adoption of guidelines similar to the recently published NCDOT complete streets guidelines if staff determines they are necessary.

The Complete Streets Policy is not a traffic calming technique. Complete Streets is the ability for us to look at the street and figure out a way to make it work for all modes of transportation. Traffic calming either diverts traffic away from a street or it slows traffic down.

The Complete Streets Policy may make use of some of the tools that traffic calming has, but that is not the purpose.

This action complies with the current City Council Strategic Operating Plan in the multi-modal transportation focus area by satisfying objective # 6 which states "City Council adoption of a complete streets policy".

This item was reviewed by the Planning and Economic Development Committee on April 17, 2012, and they recommended that it move forward to full City Council. It has also been presented to and endorsed by the Asheville Transit Commission, Greenway Commission, and the Asheville Bicycle and Pedestrian Task Force.

Pros:

- Meets objective # 6 under the multi-modal transportation focus area of the current Strategic Operating Plan.
- Formalizes a balanced approach to meeting the transportation needs for all modes of transportation.
- Provides a formal policy framework to coordinating transportation infrastructure maintenance and improvement projects.
- Supports existing best management practices for complete streets elements.
- Recognizes the need for pedestrians to be able to travel along a corridor as well the need to be able to cross a corridor.
- Includes maintenance activities; for example, resurfacing as well as new construction activities.

Cons:

- Could limit the ability to spread infrastructure improvements throughout the City in a given year.
- Could delay independent projects in order to make comprehensive improvements to a street or corridor.
- Could increase the complexity of transportation infrastructure maintenance project planning, design, and construction.
- Could increase the timeframe for project planning and design in order to consider all appropriate elements.

The subject policy will clarify the direction in which the City has been moving with its development regulations, engineering standards, and plans, including already adopted downtown, transit, bicycle and pedestrian plans. The subject action has no fiscal impact but there could be an unknown (at this time) fiscal impact during the implementation process.

City staff recommends that City Council adopt the complete streets policy as submitted.

Councilman Smith was excited about this as we have made a commitment to a multi-modal future in the City and it has so many benefits to our community.

Councilman Davis said that the French Broad River Metropolitan Planning Organization is advocating complete street policies in other communities and felt it was Asheville's role to be a leader and move forward with this Policy.

When Mayor Bellamy asked for public comments, none were received.

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

Vice-Mayor Manheimer moved for the adoption of Resolution No. 12-154. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 34 – PAGE 460

C. MOTION AUTHORIZING CITY STAFF TO PREPARE AND RELEASE A REQUEST FOR QUALIFICATIONS FOR A COMPREHENSIVE TRAFFIC ENGINEERING ANALYSIS ALONG THE CHARLOTTE STREET CORRIDOR

Director of Transportation Ken Putnam said that the purpose of this update is to seek approval to prepare and release a request for qualifications (RFQ) for a comprehensive traffic engineering analysis along the Charlotte Street Corridor which is defined as that section of street from the I-240 westbound on/off ramps to Edwin Place. The subject corridor has a total length of about 0.50 mile.

The planning process began in 1996 when City Council directed the Planning Department to develop a small area plan for the subject corridor. Background information including historical development and existing conditions was collected and an Advisory Committee was established. The Advisory Committee designed a planning process that included community workshops/meetings and an intensive two-day design charrette. The results of the charrette were intended to be used as a foundation from which to develop the plan, rather than as a final product. One of the recommendations from the charrette process was to **explore** the possibility of creating a redesigned right-of-way along Charlotte Street between Chestnut Street and Edwin Place that would include two through movement traffic lanes and a center left-turn lane.

A statement included on page 3 of the document entitled “Asheville City Plan 2010 Charlotte Street Corridor Plan” indicates that a traffic corridor analysis prepared by the City’s Engineering Department during August 1997 concluded that a three-lane section would reduce the overall level of service to “F”, which is not good. Unfortunately, staff has been unable to locate that specific analysis and therefore cannot verify the results.

Following the charrette process, additional meetings were held, recommendations were eliminated and added, the draft plan was prepared and shared with the Advisory Committee and the community through an informal public meeting, and then it was presented to the Planning and Zoning Commission and the City Council for review and adoption. City Council adopted the plan on January 12, 1999 (Resolution # 99-11). The intention of the plan, as adopted, was to serve as a guide for future development and improvements along Charlotte Street. In addition, the Charlotte Street Transition Overlay Zoning District was approved by City Council on April 25, 2000 (Ordinance # 2690).

During 2001, a study known as the “Charlotte Street Transportation Enhancement Study” was undertaken by Kubilins Transportation Group, Inc. The overall goal of the study was to develop a **conceptual** design that would provide interim and long range enhancements to the Charlotte Street corridor through a balance of traffic analysis, responsive design, land use compatibility and substantive public involvement. As a part of the study process, the project team exhaustively researched known and available data and concluded that there were discrepancies between the traffic volumes listed in the 2010 Charlotte Street Small Area Plan and those collected by the North Carolina Department of Transportation. Therefore, additional traffic counts were collected during March 2001 and these counts served as the “base” for the current study. Using the updated traffic counts, a traffic analysis revealed that reducing the roadway to include two through traffic lanes and a center left-turn lane produced similar modeling results as existing conditions (four lanes without left-turn lanes).

The Charlotte Street Transportation Enhancement Study, which was completed during January 2002, concluded that dissention remained clear amongst the various interest groups on

the topic of transforming the corridor from an automobile dominated environment to a corridor where mobility options are balanced for all modes of transportation. One of the recommendations of the study was that a **comprehensive** study of traffic operations be conducted to model all affected intersections and to provide critical information regarding roadway geometry and signal timing and phasing.

During late 2009 and early 2010, City staff began meeting with concerned citizens who were interested in having the City take a more active approach to making Charlotte Street safer and more accessible to pedestrians. From the very beginning, staff encouraged the citizens to reach out to the area business owners and other community members in exploring possible changes to the corridor that would enhance the pedestrian experience (Although unsuccessful, City staff applied for a planning grant during the early part of 2009 as a part of a pilot program for creating walkable communities sponsored by the Federal Highway Administration).

The citizens formed a committee which is known as the “Charlotte Streetscape Committee” and they spent a lot of time during the past two years meeting with residents and business owners. They also circulated a survey and made a presentation to City Council on August 30, 2011. Their presentation to City Council emphasized their goal of identifying the least expensive and most effective way to enhance pedestrian safety and walkability along Charlotte Street that would not adversely impact the needs of the business owners. Overall, the results of the survey are consistent with public comments and suggestions received during the previous study periods. Many drivers use the street as a “cut-through” street to access other parts of the city and many pedestrians do not believe it is safe or comfortable to walk along the existing sidewalks.

A public meeting was held on February 6, 2012 at the Jewish Community Center with an estimated attendance of about 200 persons including four City Council members. The purpose of the meeting was informational **only**. No decisions were made before the meeting, during the meeting, or after the meeting. The format of the meeting provided ample time for questions and opportunities for public comment under the direction of an independent facilitator. City staff stressed the importance of receiving public comment at the meeting by oral communication and/or written communication. In addition, a public comment period was extended through February 17, 2012. Regarding the **possibility** of changing the existing four-lane section along Charlotte Street to a three-lane section, citizens were passionate on both sides of the issue (similar reactions have been documented in the previous studies). Some business owners located in the immediate study area are very concerned about potential loss of business as a result of any changes to Charlotte Street. Although there was not “clear cut”, overwhelming consensus regarding 3 lanes versus 4 lanes, there seemed to be consensus on the following items:

- On-street parking along Charlotte Street is not needed.
- Improvements to the existing sidewalks are needed.
- Do **not** change Charlotte Street to 3 lanes on a trial basis.
- The section of Charlotte Street between I-240 and Chestnut Street should be separated from the section of Charlotte Street between Chestnut Street and Edwin Place.
- Overhead utilities should be placed underground.

City staff has worked very hard during the past two years to provide guidance and information to our citizens regarding the process of implementing various approved plans that exist. We have strived to remain neutral throughout this time period and now we need direction before moving forward. Possible next action steps include the following items:

- Prepare a request for qualifications (RFQ) to perform a comprehensive traffic engineering analysis that would model all of the affected intersections and would provide critical information regarding roadway geometry and signal timing and phasing (Estimated cost = \$50,000 +/-).

- Prepare a request for qualifications (RFQ) to perform a comprehensive study to determine how to make pedestrian improvements without changing the existing Charlotte Street footprint (Estimated cost = \$50,000 +/-).
- Do nothing (Existing conditions remain in place and no further action by staff).

The subject memorandum was presented to the PED Committee on March 20, 2012 and after due consideration, a recommendation was made for staff to submit and present the memorandum to City Council with the action step of authorizing staff to proceed with option 1, the comprehensive traffic engineering analysis.

The fiscal impact of Option 1 is estimated to be about \$50,000 and the recommended source of funds is the Traffic Safety Projects Fund using the current available balance and part of the new allocation for FY 2012-13. In North Carolina, contracts for professional engineering services must be based on qualifications rather than low bid.

The scope of work for the comprehensive traffic engineering analysis would include the following tasks at a minimum:

- Reviewing previously collected traffic count data and collecting current traffic count data (2012).
- Establishing benchmarks (including levels of service, delay, and queue lengths) that all data would be compared to.
- Performing traffic engineering analyses for existing conditions (four lanes) and potential new conditions (three lanes) for the morning, mid-day, and afternoon peak hours during a typical weekday (Tuesday, Wednesday, or Thursday) using nationally recognized capacity software.
- Preparing a computer model that would clearly demonstrate the results under every scenario.
- Attending and speaking at any needed public meetings.
- Addressing concerns from citizens that have been submitted to staff.
- Discussing the pros and cons of moving forward with three lanes on a trial basis and determining the benchmarks for its success or failure.

It should be stressed that by moving forward with the comprehensive traffic engineering analysis, a decision has **not** already been made that Charlotte Street will be converted to three lanes. The analysis could conclude that Charlotte Street remain as a four-lane cross-section.

Based on the information in the subject memorandum, staff recommends moving forward with the comprehensive traffic engineering analysis in FY 2012-13 which begins on July 1, 2012.

The following individuals spoke in support of moving forward with a comprehensive traffic engineering analysis for several reasons, some being, but are not limited to: since there are a lot opinions, the study will look at a variety of options for the street, not just the 3-lane option; in 1994 there was interest in making Charlotte Street more walkable, neighborhood and pedestrian friendly commercial district; 38 businesses on Charlotte Street would like to see some improvement; and the study relates to the City's commitment to foster ways to promote multi-modal transportation:

Ms. Grace Curry, member of the Charlotte Street Streetscape Committee and north Asheville resident

Ms. Claudia Nix

Ms. Gwen Wisler, resident on Charlotte Street

Mr. Robin Wood

Owner of Charlotte Street Animal Hospital

The following individuals spoke in opposition of the City spending approximately \$50,000 on a study to possibly reduce the lanes on Charlotte Street from 4 to 3, basically due to the already congested 4 lanes and the potential for additional response times by emergency vehicles:

Mr. Tom English, north Asheville resident
Representative of the Buncombe County Emergency Services
Mr. Chris Peterson, resident off Charlotte Street
Mr. R. L. Bailey, resident on Charlotte Street
Rev. Christopher Chiaromonte
Mr. Jerry Sternberg, resident on Charlotte Street
Mr. Martin, employee of Fuddruckers Restaurant on Charlotte Street

In response to Councilman Pelly, Mr. Putnam said that he has not been made aware of any additional emergency response time needed after the change on College Street and felt sure that if the Fire Department was having any problems, they would have already been in contact with the Transportation Department.

When Councilman Pelly asked about previous studies, Mr. Putnam said that the other studies done were more conceptual and the last study done determined that before we move forward that a comprehensive study should be performed.

Councilman Smith said that the purpose of the study is to balance our roadways so different people can use them. We need to provide options for citizens and looked forward to seeing the results of the study.

In response to Councilman Davis, Mr. Putnam said that the comprehensive study would show us clearly, through a computer model, what is going on out on the street today. Hopefully they will be able to model that to exactly what people are experiencing. That would be the base from which we work from. At the same time, he wants the study to take the same existing data and assume that it will be a 3-lane section and then re-model it to see if it will improve or make things worse. He didn't want the study to give a definitive answer either way but only to give us enough information for staff, and involving the public, can be comfortable with the outcome. The study is only a tool to give Council the information for the ultimate decision.

When Councilman Davis asked if the study could be done in-house, Mr. Putnam said he and his staff do not have the amount of time necessary to devote to the study. They will, however, be involved with it.

In response to Councilman Davis, Mr. Putnam said that they did apply for a grant; however, they were not chosen to receive it.

Councilman Bothwell said that the study seems excessive, but felt it's the best way to move forward.

Vice-Mayor Manheimer reassured the public that the intention of Council is not to make anything worse or create problems for the businesses on Charlotte Street. The intention of Council is to make something better for all parties involved. She was interested in seeing what the study will produce.

Councilman Smith moved to direct staff to move forward with the comprehensive traffic engineering analysis in Fiscal Year 2012-13 for the Charlotte Street Corridor. This motion was seconded by Councilman Bothwell and carried unanimously.

D. RESOLUTION NO. 12-158 - RESOLUTION PROHIBITING TOBACCO COMPANY SPONSORSHIP OF CITY OF ASHEVILLE EVENTS, INCLUDING, BUT NOT LIMITED TO BELE CHERE, EFFECTIVE JULY 30, 2012

Councilman Bothwell said that Project ASSIST submitted a request to the City of Asheville in January 2012 via the Recreation Advisory Board to eliminate tobacco advertisement at Bele Chere. Project ASSIST is a service of Buncombe County Health Department to improve the health of county residents by promoting tobacco-free lifestyles, smoke-free places, and policies that support these efforts. The Tobacco Prevention and Control Program is managed through the Project ASSIST Tobacco Prevention Coalition, a local partnership of community members and agencies.

Because the ultimate decision regarding this policy change would be City Council, he felt it would be appropriate to bring it directly to Council and by-pass any other advisory boards. He said that there was one tobacco sponsorship last year that donated approximately \$15,000 to the Bele Chere Festival. It's the policy of Council not to permit smoking in City buildings and City parks, he felt it was reasonable to prohibit tobacco sponsorship at our City events. Although he has not seen anything in writing, he has heard that Mission Hospitals is willing to make up those sponsorship dollars.

He then read the following resolution: "Whereas, tobacco smoke has been conclusively linked to cancer, cardio-vascular disease and emphysema; and Whereas, tobacco-related disease affects public health costs in our community, state and nation; and Whereas, 20 percent of our youth continue to take up a habit that will shorten their lives and the lives of those near to them; and Whereas, the City of Asheville prohibits smoking in public buildings and city parks; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: Tobacco company sponsorship of City of Asheville events, including but not limited to Bele Chere, is prohibited, effective July 30, 2012."

Because the Bele Chere Festival contract for July 27-29, 2012, have already been let, he is asking for the effective date of July 30, 2012.

Rev. Christopher Chiaromonte urged Council not to support the resolution.

Vice-Mayor Manheimer clarified that we are banning tobacco sponsorships only and that all regular ordinances still apply to Bele Chere.

In response to Councilman Bothwell, City Attorney Oast said that streets don't lose their character as streets just because they are barricaded – they are just banned from vehicular traffic.

Councilman Bothwell moved to adopt Resolution No. 12-158. This motion was seconded by Councilman Pelly and carried unanimously.

RESOLUTION BOOK NO. 34 – PAGE 467

E. BOARDS & COMMISSIONS

RESOLUTION NO. 12-155 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE REGIONAL AIRPORT AUTHORITY

Vice-Mayor Manheimer, Chair of the Boards & Commissions Committee, said that her term on the Airport Authority expires on June 30, 2012. City Attorney Oast said that the legislation that is pending would prohibit elected officials from serving on the Airport Authority has

passed on the second or third reading today in the Senate and it has to go back to the House for concurrence. The legislature has predicted an adjournment date of July 2, 2012.

Vice-Mayor Manheimer said that basically the bill says that if you are serving in a term when the bill passes, you would finish that term.

There was a brief discussion on when the term would begin – either immediately or on July 1, 2012.

The following individuals have applied for the vacancy: Michael L. Hudkins, Albert Anderson, Tilt Thompkins, Bradley J. Cain, Julian D. Jones and Aixa Wilson.

Because Mayor Bellamy was interested in serving on the Airport Authority, Vice-Mayor Manheimer moved to appoint Mayor Bellamy to serve a four-year term, term to begin immediately and expire on June 30, 2016, or until her successor has been appointed. This motion was seconded by Councilman Smith and carried unanimously.

RESOLUTION BOOK NO. 34 – PAGE 464

RESOLUTION NO. 12-156 - RESOLUTION APPOINTING ALTERNATE MEMBERS TO THE BOARD OF ADJUSTMENT

Vice-Mayor Manheimer, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing two alternate members to the Board of Adjustment.

There currently exists two alternate seats, left vacant by Mr. James Sheeler, term to expire January 21, 2015; and Mr. Douglas Hattaway, term to expire January 21, 2014.

The following individuals have applied for the vacancies: Dimi Kulakov, Daniel Summerlin, Robert M. Swicegood and Derek Weekley.

On May 22, 2012, City Council instructed the City Clerk to arrange interviews for all the candidates. Mr. Kulakov withdrew his application.

Because there was an error in the voting at the June 12 meeting, this matter is being brought back before Council.

After Council spoke highly of the candidates, Daniel Summerlin received 6 votes; Robert M. Swicegood received 5 votes; and Derek Weekley received 1 vote. Therefore, Mr. Summerlin was appointed as an alternate member to the Board of Adjustment to serve the unexpired term of Mr. Sheeler, term to expire January 21, 2015, or until his successor has been appointed; and Mr. Swicegood was appointed as an alternate member to the Board of Adjustment to serve the unexpired term of Mr. Hattaway, term to expire January 21, 2014, or until his successor has been appointed

RESOLUTION BOOK NO. 34 – PAGE 465

RESOLUTION NO. 12-157 – RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Manheimer said that on June 12, 2012, it was the consensus of City Council to appoint Robert Roepnack, Barber Melton, Elaine Poovey, DeWayne Barton and Carmen Ramos-Kennedy to the Neighborhood Advisory Committee.

Also on June 12, City Council, it was the consensus to interview Alan Escovitz, Saul Chase, Jean W. Boyd, Peggy Dutton, Teddy Jordan and Aixa Wilson. Mr. Wilson was unable to attend the interview.

After Council voted highly of the candidates, in summary after votes were counted, Alan Escovitz, Saul Chase, Jean W. Boyd and Peggy Dutton were appointed as members of the Neighborhood Advisory Committee to serve until their successors have been appointed. City Clerk Burleson would stagger the terms.

RESOLUTION BOOK NO. 34 – PAGE 466

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Patricia Dockery asked for Council to adopt a temporary noise ordinance designating night hours from 11:00 p.m. until 7:00 a.m. until the Public Safety Committee concludes their outreach. Councilman Bothwell, Chair of the Public Safety Committee, explained that staff will bring back a report to the Committee in 60 days.

Rev. Christopher Chiaromonte commented about Asheville losing its uniqueness.

Mr. Alan Ditmore spoke about sleeping in public is a right as a human need.

At Mayor Bellamy's suggestion, it was the consensus of Council to direct the City Manager to participate in the Bloomberg Philanthropies Mayors Challenge to come up with creative, local solutions to the problems affecting communities from coast to coast. The deadline is July 16.

Mayor Bellamy thanked all those City departments and other agencies that came to her and her family's assistance when a large tree fell on her home on July 21. She was proud to be Mayor of such a wonderful group of public servants.

Closed Session

At 7:17 p.m., Councilman Pelly moved to go into closed session for the following reasons: (1) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including lawsuits involving the following parties: The Institute for Southern Studies, Inc., d/b/a Carolina Public Press, Gannett Pacific Corporation, d/b/a Asheville Citizen-Times, Green Line Media, Inc., d/b/a Mountain Xpress, Western North Carolina Public Radio, Inc., d/b/a WCQS, and Sinclair Broadcast Group, Inc., d/b/a WLOS TV; City of Asheville; and Buncombe County District Attorney's Office. The statutory authorization is contained in G.S. 143-318.11(a)(3); (3) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the City Council, including agreement on a tentative list of economic development incentives that may be offered in negotiations, provided that any action authorizing the payment of economic development incentives will occur in open session. The statutory authority is contained in G.S. 143-318.11(a)(4); and (3) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(e). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1). This motion was seconded by Councilman Smith and carried unanimously.

At 7:57 p.m., Councilman Bothwell moved to come out of closed session. This motion was seconded by Councilman Davis and carried unanimously.

VIII. ADJOURNMENT:

Mayor Bellamy adjourned the meeting at 7:57 p.m.

CITY CLERK

MAYOR