

Tuesday – January 22, 2013- 5:00 p.m.

Regular Meeting

Present: Vice-Mayor Esther E. Manheimer, Presiding; Councilman Cecil Bothwell; Councilman Jan B. Davis; Councilman Marc W. Hunt; 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: Mayor Terry M. Bellamy (illness)

PLEDGE OF ALLEGIANCE

Vice-Mayor Manheimer led City Council in the Pledge of Allegiance.

INVOCATION

Vice-Mayor Manheimer gave the invocation.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING FEBRUARY 2013 AS “BLACK HISTORY MONTH”

Councilman Bothwell read the proclamation proclaiming February, 2013, as "Black History Month" in the City of Asheville.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 8, 2013

B. RESOLUTION NO. 13-11 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A MUNICIPAL AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR IMPROVEMENTS ON 8-26 AT EXIT 40

Summary: The consideration of a resolution authorizing the City Manager to sign a municipal agreement with the N.C. Dept. of Transportation approving a project for making improvements on I-26 at Exit # 40, which is the interchange with NC 280 (Airport Road) at the Asheville Regional Airport.

The N.C. Dept. of Transportation (NCDOT) plans to make improvements on I-26 at Exit # 40, which is the interchange with NC 280 (Airport Road) at the Asheville Regional Airport. The project, which is identified as I-5501, has a letting date of September 17, 2013. The improvements include grading, drainage, paving, and traffic signals to retrofit the existing interchange to a diverging diamond configuration. As a part of the agreement, the City agrees to effect the necessary adjustment of any utilities under franchise without cost to the NCDOT and to provide for the adjustment of any municipally-owned utilities without cost to the NCDOT, except that the NCDOT will reimburse the City in accordance with the NCDOT's Municipally-Owned Utility Policy. These requirements are standard requirements in all of NCDOT's Municipal Agreements and may or may not be applicable for a specific project. The City's Water Resources Department has reviewed the agreement and understands that there will be some water utility construction as a part of the project that is the responsibility of the Water Resources Department. At this time, the cost of the work is estimated to be about \$400,000 and a separate utility agreement will be prepared at a later date.

This action complies with the City Council Strategic Operating Plan in the Fiscal Responsibility Area by partnering with the North Carolina Department of Transportation (NCDOT) to make improvements to the existing street infra-structure.

Pros:

- An existing diamond interchange will be improved to increase traffic flow efficiency.
- The NCDOT is funding and constructing the project.

Con:

- The City's Water Resources Department is responsible for some water utility construction at an estimated cost of \$400,000.

The City's Water Resources Department is responsible for some water utility construction at an estimated cost of \$400,000. Funding is included in the existing Water Department's Capital Improvement Program for this project.

Staff recommends that City Council approve a resolution authorizing the City Manager to sign a municipal agreement with the NCDOT formally approving Project I-5501.

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C. RESOLUTION NO. 13-12 - RESOLUTION ACCEPTING HOLIDAY DRIVE AS A CITY-MAINTAINED STREET

Summary: The consideration of a resolution to accept Holiday Drive as a city-maintained street.

Code of Ordinance sec. 7-15-1(f)(4)a requires that streets dedicated for public use be accepted by resolution of the City Council. The developer's engineer submitted a written request on December 17, 2012 asking the City to accept the subject street as a city-maintained street.

Holiday Drive from US 25A (Sweeten Creek Road) to its dead-end is a developer-constructed street that has an average width of 19 feet with valley curb, a length of 0.17 mile, and a right-of-way width of 35 feet.

Transportation Department staff and Public Works Department staff inspected the subject street and determined that it was constructed according to current standards as indicated in the City of Asheville's Standard Specifications and Details Manual. In addition, the developer's engineer has furnished a signed and sealed letter verifying that the subject street was constructed to current City of Asheville standards.

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

This action complies with the City Council Strategic Operating Plan within the Sustainable Focus Area by accepting street infra-structure to help support the healthy growth of the City.

Pros:

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

Con:

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

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 street.

Staff recommends that City Council accept Holiday Drive as a city-maintained street.

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D. RESOLUTION NO. 13-13 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE MEN'S GARDEN CLUB OF ASHEVILLE FOR A PORTION OF CITY-OWNED REAL PROPERTY AT 80 HARDESTY LANE, ASHEVILLE, NC

Summary: The consideration of a resolution authorizing the City Manager to execute a Lease Agreement with the Men's Garden Club of Asheville for a portion of city-owned real property at 80 Hardesty Lane, Asheville, NC.

The Men's Garden Club of Asheville is a non-profit organization that seeks to provide a forum for those interested in horticulture and gardening, and seeks to serve the community through area beautification projects. Each year, the Men's Garden Club cultivates a large variety of plant material to sell to the public, in order to generate funds for a community college scholarship program in horticulture. In 2000, the Club leased a 0.50 acre +/- portion of City property at 80 Hardesty Lane, and established a greenhouse to support the Club's mission.

The property at 80 Hardesty Lane is approximately 33 acres in total and is located at the back of the Recreation Park complex, between the Swannanoa River and the railroad. The current uses of this property are: (1) The City of Asheville Public Works Department operates a 5-acre beneficial fill site for waste concrete and other inert materials; (2) New Sprout Organic Farms leases 10 acres of land for certified organic fruit and vegetable production; and (3) Danny's Dumpster leases 5 acres for an industrial compost operation.

At this time, the lease between the City and the Men's Garden Club has expired, and the Men's Garden Club wishes to re-establish a lease of the property for a five year term.

The proposed lease terms are as follows:

- Rental: As consideration for the lease, the Men's Garden Club will provide goods and services to revitalize and re-establish the ornamental gardens at the John B. Lewis Soccer Complex as directed by the Parks, Recreation and Cultural Arts Department
- Tenant responsibilities: Maintenance of all improvements, cleanliness of lease area and clearing of debris
- All utilities to be paid by the tenant
- Mutual rights to terminate lease
- Standard provisions of all City leases (e.g. insurance, indemnity, etc.) will also apply

The Notice of Intent to enter into a Lease Agreement with the Men's Garden Club was published on January 11, 2013, in the Asheville Citizen-Times. Ten days have passed since the publication and authorization to execute the Lease Agreement is being requested.

This action complies with the City Council Strategic Operating Plan by addressing the following goal: Fiscal Responsibility - by leveraging an external partnership to perform landscape improvements at a City Facility and thereby reduce City service costs. This action also 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.

Pros:

- Mission of Men's Garden Club supports educational opportunities for local students
- Beautification of John B. Lewis Soccer Complex
- Community investment in a Parks facility at low cost to the City

Con:

- None

The City will receive no rental income from this lease.

City staff recommends City Council adopt a resolution authorizing the City Manager to execute the lease agreement with the Men's Garden Club of Asheville on behalf of the City of Asheville.

When Councilman Smith asked if the Men's Garden Club would be willing to devote some of their plantings to edibles, City Manager Jackson said that the City will encourage them to include a fair amount of edible plants and will report back to Council.

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E. RESOLUTION NO. 13-14 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH BUCHANAN AND SONS INC. FOR THE CHEROKEE ROAD RETAINING WALL CONSTRUCTION PROJECT

ORDINANCE NO. 4155 - BUDGET AMENDMENT FOR THE CHEROKEE ROAD RETAINING WALL CONSTRUCTION PROJECT

Summary: The consideration of: 1) a resolution authorizing the City Manager to execute a unit price contract in the amount of \$390,900.00 with Buchanan and Sons, Inc., for the project known as the Cherokee Road Retaining Wall Construction Project, Project # ENG-11-12-011; and 2) a budget amendment in the amount of \$175,468 from unused debt proceeds from projects completed under budget to fund the contract and a 15% contingency.

In response to a visual inspection conducted by the City that found the stability of the existing retaining wall to be in question, a Request for Qualifications for an Engineering Firm to evaluate, recommend and design a solution was advertised on October 27, 2011.

The engineering firm of Michael Baker Engineering Inc. was selected for this undertaking. They provided an Analysis Report on March 27, 2012, which recommended replacing the existing structure.

This wall, which is located in the Historic Albemarle Community, required the new design to be approved by the Historic Resource Commission. This approval was received on May 9, 2012.

The project generally consists of removal of the existing wall and constructing a cast-in-place concrete wall that will be veneered with the stone from the existing structure; and updating and installing storm drainage features, relocating a section of waterline and resurfacing.

The contract for the construction of this project was advertised for competitive bidding on November 5, 2012. Five (5) bids were received and were opened on December 13, 2012.

Buchanan and Sons Inc., of Whittier, NC, was the apparent lowest responsible bidder at an amount of \$339,913.50.

This action supports the City of Asheville's Strategic Operating plan under the goals of Fiscal Responsibility.

Pros:

- Updating aging infrastructure.
- Retain the historic aesthetic nature of the Albemarle community with a modern retaining wall.
- Completion of a key 2012/2013 fiscal year CIP project.

Cons:

- Project management and contract administration will consume staff time and City funds.
- Temporary road closures.

As noted above, in order to fully fund the contract and a 15% contingency, a budget amendment in the amount of \$175,468 is included with this agenda item. Funding for this budget amendment will come from unused debt proceeds associated with projects that were included with the City's 2012 Limited Obligation Bonds (LOBs) debt offering. Several of the LOB's projects have been completed under budget, producing savings to date of approximately \$1.2 million. If Council approves the budget amendment of \$175,468 for this contract, there will be approximately \$1.0 million in available LOBs proceeds remaining that can be allocated to other projects. Staff is recommending that this remaining balance be allocated during the upcoming FY 2013-14 capital improvement process.

Staff recommends City Council to: 1) authorize the City Manager to execute a unit price contract with Buchanan and Sons, Inc., in the amount of \$390,900.00 which includes an additional 15% to cover any changes or unexpected occurrences; and 2) approve a budget amendment in the amount of \$175,468 from unused debt proceeds from projects completed under budget to fund the contract and a 15% contingency.

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**F. RESOLUTION NO. 13-15 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO ENTER INTO AN AGREEMENT WITH THE US DEPT. OF
HOMELAND SECURITY TO ACCEPT SUBGRANTEE FUNDS**

**ORDINANCE NO. 4156 - BUDGET AMENDMENT TO ACCEPT SUBGRANTEE
GRANT FROM THE US DEPT. OF HOMELAND SECURITY**

Summary: The consideration of (1) a resolution authorizing the City Manager to enter into an agreement with the US Department of Homeland Security through North Carolina Emergency Management to accept sub-grantee funds for APDs Hazardous Devices Unit Equipment to include a Remote Firing Device and shock tube initiator; and (2) to approve the budget amendment accepting funds in the amount of \$7,547.

The purchase of a Remote Firing Device with 2 Recievers (approximately \$6,256) and the 3 of the two button handheld shock tube initiator with tip (approximately \$1290) for the Hazardous Devices Unit (HDU) will enhance APD's Bomb Squad by insuring we maintain NIMS III Standard and FBI Accreditation Standards.

This investment will support the State Homeland Security Strategy goals by enabling the local Bomb Squad Units to respond more effectively and efficiently on a regional basis, ensuring

faster response to explosive incidents and other explosives related matters. This addresses a National Overarching Priority by implementing the NIMS III Standards to all bomb squads across North Carolina. In addition, it addresses a National Capability Specific priority by strengthening CBRNE detection and response capabilities.

The purchase and implementation of the above equipment by the APD HDU will greatly enhance the safety of our Citizens, as well as those in surrounding communities due to the regional response capability of APD's HDU. This equipment will also increase the safety for the members of the HDU.

This action complies with City Council's Strategic Operating Plan in the Focus Areas - Safe - Asheville will be one of the safest and most secure communities when compared to similar cities.

Pros:

- Increase safety for HDU members
- Increased safety for our communities

Con:

- None

The acquisition cost for the items is fully-funded with the \$7,547 NC Emergency Management grant; thus, there is no fiscal impact on the Police Department's capital outlay budget.

City staff recommends City Council adopt (1) a resolution authorizing the City Manager to enter into an agreement with the US Department of Homeland Security through North Carolina Emergency Management to accept sub-grantee funds; and (2) a budget amendment accepting funds in the amount of \$7,547.

**RESOLUTION BOOK NO. 35 - PAGE 164
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G. ORDINANCE NO. 4157 - BUDGET AMENDMENT TO ACCEPT PRIVATE DONATIONS FOR THE ASHEVILLE POLICE DEPARTMENT

Summary: The consideration of a technical budget amendment, in the amount of \$15,137, from donations by citizen groups for the Asheville Police Department, in order to move donated funds that have already been received from the City's balance sheet to the Special Revenue Fund.

The Asheville Police Department (APD) has received \$15,137 in donated funds from various sources. These donated funds are currently held in a balance sheet account on the City's financial statements. In order for APD to be able to spend these funds, Council must first approve a budget amendment authorizing use of those funds in the City's Special Revenue fund. These funds are to be used by the APD as needed. The APD has requested that these funds be applied to the APD Private Donations project account to assist with the Annual Awards Program. The APD wishes to acknowledge the generosity, and express gratitude for their support of the Asheville Police Department.

This action complies with City Council's Strategic Operating Plan in the Focus Areas – Fiscal Responsibility and Safe.

Pros:

- Acceptance of gift from various citizen groups
- Furtherance of APD Annual Awards Program to recognize employees and citizens in enhancing our community and Department

Con:

- None.

As noted above, \$15,137 in donated funds are currently included on the City's balance sheet. Moving these funds to the Special Revenue Fund and authorizing their use has no fiscal impact.

City staff recommends City Council adopt the technical budget amendment in the amount of \$15,137 to move donated funds that have already been received from the City's balance sheet to the Special Revenue Fund.

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H. ORDINANCE NO. 4158 - TECHNICAL BUDGET AMENDMENT FOR PLAYGROUND CONSTRUCTION AT WNC NATURE CENTER

Summary: The consideration of a technical budget amendment in the amount of \$110,089 to move budget from the special project fund to the general capital project fund.

On November 27, 2012 City Council approved a contract with B Allen Construction, Inc. for construction of the red wolf exhibit improvements, spider kingdom playground and trail extension at the WNC Nature Center. Upon execution of the contract, staff realized that the budget for the construction contract was split between two separate City funds. To facilitate the contracting process and the recording of the fixed asset improvements that will result from this work, the Finance Department recommends consolidation of the budget for this contract in the City's general capital projects fund.

Pros:

- Consolidation of budgets will facilitate the contract process and the proper recording of fixed asset improvements.

Cons:

- None

There is no fiscal impact to this action; the budget for this contract has been previously approved by City Council.

City staff recommends City Council approve the technical budget amendment in the amount of \$110,089 to move budget from the special project fund to the general capital project fund.

ORDINANCE BOOK NO. 28 - PAGE

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

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

III. PRESENTATIONS & REPORTS:

A. HOUSING AUTHORITY UPDATE

Mr. Brian Weinkle, Chairman of the Housing Authority of the City of Asheville, briefed Council on their activities of the past year and goals for the upcoming year.

Mr. Weinkle and Mr. David Nash, COO of the Housing Authority, responded to various questions from Council, some being, but are not limited to: what constitutes termination for fault; what strategies does the Housing Authority implement to encourage residents to conserve energy; what will the Housing Authority do to reassess their approach under the Choice Neighborhoods grant; what is the timeline for completion of the Aston Park Tower and W.C. Reid Center projects; and what is the total number of people living in housing that the Housing Authority manages.

On behalf of City Council, Vice-Mayor Manheimer thanked Mr. Weinkle for his leadership and the entire Authority for their dedication.

B. CARBON FOOTPRINT ANNUAL REPORT

Ms. Maggie Ullman, Sustainability Program Manager, provided Council with the Carbon Footprint Annual Report. She briefly reviewed the policy context and reviewed charts of annual reductions, key reduction efforts, annual reductions by government sector, total energy spending over time, fleet gas and diesel consumption over time, and the average price per gallon of fleet fuel.

In conclusion, (1) a 6.42% annual reduction is a tremendous achievement; and (2) after 5 years of plucking low hanging fruit we may need to get the ladder (a) fuel usage reductions and fuel diversification will be essential to continue hitting carbon reduction targets; (b) significant fuel usage reductions will be essential to offsetting continued fuel price increases in the future; and (c) unpredictable seasonal temperature variations due to climate change may challenge carbon reduction planning going forward.

Ms. Ullman responded to various questions from Council, some being, but are not limited to: how many hybrid vehicles does the City have; suggestion to follow-up with the Asheville High electrical engineering people about converting hybrids into plug-in hybrids; can our City buses be converted to natural gas; and update on the community carbon footprint.

C. SIDEWALK UPDATE

Director of Transportation Ken Putnam said that there are two purposes of this update. One is to update City Council on new sidewalk construction projects within the corporate limits. The last time staff updated City Council was during August 2010, first at a council meeting on August 10, 2010, and second at a community council meeting (in East Asheville) on August 31, 2010. And, the second purpose is to update City Council on revisions to the sidewalk ordinance that were approved on December 15, 2009.

As indicated in the previous update, 7.5 linear miles of new sidewalk were constructed with City funds and/or labor during the five-year time period between FY 2005-06 and FY 2009-10 at a cost of \$1,371,000. During the last two fiscal years, 2.6 linear miles of new sidewalk have been constructed at a cost of \$564,000. Three projects have been completed in the current fiscal year for a total length of 1.0 linear mile. Notable achievements include completed sidewalks along Tunnel Road and Patton Avenue. We now have completed connections from downtown Asheville to the Veteran's Center along Tunnel Road (except for a very short section near Gashes Creek) and to Haywood Road (West Asheville) along Patton Avenue. The N.C. Dept. of

Transportation was a major partner in the sidewalk projects along Tunnel Road by constructing 1.5 linear miles.

The primary funding source for new sidewalk construction is within the City's Capital Improvement Plan process and the Transportation Department is responsible to develop a working list of projects every budget year for consideration. This list is based on the recommended criteria included in the City of Asheville Pedestrian Plan (February 22, 2005) to prioritize projects. The criteria includes zoning jurisdiction, proximity to schools, parks, and community centers, proximity to transit stops, needed linkages that complete a pedestrian network (the pedestrian plan identified about 108 linear miles of needed sidewalk linkages) or address a safety concern, feasibility of construction, and major thoroughfares and connector streets.

In addition to the recommended criteria included in the Pedestrian Plan, City staff adheres to the following guiding principles:

- Safety – installing sidewalks along the higher traffic volume streets.
- Connectivity and multi-modal (complete streets principles).
- Economy and efficiency – grant leveraging and competent deployment of City forces.
- Balancing projects throughout the City (north, south, west, and east).

Given the city's limited resources, especially during the current economic climate, staff is committed to surveying, designing, and constructing new sidewalks in the most efficient manner possible including leveraging our resources with appropriate partners while making viable connections to existing infra-structure such as bus stops and/or shelters and community buildings, schools, parks, and libraries.

City Council approved the following changes to the sidewalk ordinance (via Ordinance # 3816 and Resolution # 09-266) on December 15, 2009:

- Consolidate the geographical areas where the fee-in-lieu-of construction funds can be spent.
- Allow developers eligible for the fee-in-lieu-of construction to pay 50% of the fee if sidewalk is only required on one side of the street.
- Provide the ability for the fee-in-lieu-of construction amount not to exceed 15% of construction costs even if the sidewalk is shown as needed linkage on the Pedestrian Thoroughfare Plan.

To date, \$173,000 has come into the newly established single fund. \$100,000 is being used for new sidewalk construction during the current fiscal year and at least \$50,000 will be budgeted for use in FY 2013-14.

No negative comments regarding the changes have been received during the past three years.

Mr. Putnam responded to various questions from Council, some being, but are not limited to: when will the sidewalk master plan adopted in 1999 and updated in 2005 be updated again; what are the details and timeline for the two projects (Hendersonville Road and New Leicester Highway) identified by the Transportation Improvement Plan; and is there evidence that developers are choosing to pay the fee in lieu of instead of constructing sidewalks.

D. WATER RESOURCES UPDATE

Project Manager Phil Kleisler updated City Council on the Water Resources process update from January 8 - 22, 2013. He then provided Council with the information sharing

between the City and MSD. He noted that he has received 36 resolutions from North Carolina cities that have adopted opposing legislation that provides for the forced taking of a water system.

Councilman Smith hoped that our legislators will withhold any action until we have the opportunity to sit down with all our partners regarding our good faith efforts to find a local solution achieving the cost savings and efficiencies sought by the Study Commission.

Vice-Mayor Manheimer said that the League is hosting a function in Raleigh for officials to meet with their legislators on various issues. She, Councilman Hunt, Councilman Pelly and City Attorney Oast will be attending that function.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF HARRIS TEETER PHASE 2, LOCATED ON 17 AND 23 ELOISE STREET AND 136, 176 AND 180 MERRIMON AVENUE, FROM HIGHWAY BUSINESS DISTRICT, COMMERCIAL BUSINESS I DISTRICT AND RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO HIGHWAY BUSINESS DISTRICT/CONDITIONAL ZONING IN ORDER TO FACILITATE ADDITIONAL OUTPARCEL DEVELOPMENT IN ADDITION TO THE HARRIS TEETER STORE, AND A MODIFICATION REQUEST TO THE LANDSCAPE BUFFER

Urban Planner Julia Fields said that this is the consideration of an ordinance to conditionally zone Harris Teeter Phase 2, located at 17 and 23 Eloise Street and 136, 176 and 180 Merrimon Avenue, from Highway Business District, Community Business I District and RS-8 Residential Single-Family High Density District to Highway Business District/Conditional Zoning in order to facilitate additional outparcel development in addition to the Harris Teeter Store, and a modification request to the landscape buffer. This public hearing was advertised on January 11 and 18, 2013.

Ms. Fields said that the project site is approximately 8.45 acres in size, consists of four separate parcels, and is currently addressed as 17 and 23 Eloise Street and 136, 176, and 180 Merrimon Avenue. The vast majority of the property (7.3 acres) is zoned Highway Business (HB). The remainder of the property is zoned Community Business I (CBI), and Residential Single-Family High Density (RS8) Districts. Construction is underway on approximately 4.62 acres of the southern portion of the site for a Harris Teeter grocery store (45,000 square feet). There are two vacant houses and office buildings on the remainder of the property.

The applicant is petitioning for conditional zoning of the entire site to Highway Business Conditional Zoning (HBCZ) to allow for the construction of up to five outparcels on the approximately 3.83 acres of the northern portion of the property in addition to the construction of the grocery store. On the site plan there are three outparcels depicted, however, this configuration is subject to change. The developer has proposed placing the following parameters on the development of the outparcels:

- No more than four outparcels.
- Buildings shall be no more than 32 feet in height.
- Those buildings fronting on Merrimon will be oriented to the street and placed as close to Merrimon as is reasonably possible based on the ultimate uses.
- The architectural design and building materials used for the outparcels will be similar to that being utilized in the Harris Teeter construction.
- A maximum of 25,000 square feet of building space will be constructed on the outparcels.
- No more than one drive-thru operation will be permitted.
- As each outparcel is brought in for detailed review a Level I review may be triggered, dependent on the extent of variation from this concept plan.

The developer met with the residents/property owners from the neighborhood to listen to their concerns and discuss the plans. The developer incorporated a number of the neighborhood interests into the plans submitted for review.

Access to the site is as was approved under the Level II review via Merrimon Avenue and East Chestnut Street. A traffic impact analysis was prepared in conjunction with the conditional zoning application and was based on the above parameters and one drive through facility being located on the property. Sidewalks will be provided along all sides of the property.

Parking was approved for Harris Teeter (214 spaces) under the Level II review. Parking for the outparcels will be reviewed as details for each are finalized.

Buffering, street buffers, and street trees will be reviewed as part of the conditional zoning process subsequent to approval of the rezoning. Building impact and vehicular use area landscaping will need to be checked for compliance as details for each outparcel are finalized. Alternative compliance for the buffer along Holland Street (due to existing site conditions) on the Harris Teeter portion of the site received approval from the Tree Commission. The developer is requesting a minor modification of the required buffer width and plantings along Eloise Street, due to the retaining wall proposed and sidewalk placement. Open space is proposed to be urban open space. The development proposes to incorporate a number of urban open space features throughout the site with a focus along Merrimon Avenue. The buildings will be located closer to Merrimon than the typically required 35 foot front setback for Highway Business zoning. A public area and bus stop will be located near the corner of Merrimon Avenue and East Chestnut Street and the urban open spaces all along Merrimon Avenue will be connected via a 10 foot sidewalk. The sidewalk area will contain benches periodically spaced to offer public seating. An existing stone monument and wrought iron fence from the site will be incorporated into the bus stop/public area. Based on the final use of the parcels fronting on Merrimon Avenue, outdoor seating may be incorporated into the areas and connected to the sidewalk on Merrimon Avenue. Significant portions of the historic stone walls have been maintained and new walls erected are designed to complement these walls.

The Technical Review Committee of the City of Asheville reviewed this application at its meeting on November 19th.

The Planning and Zoning Commission first heard this matter at a meeting on December 5, 2012. At that meeting they did not support the proposal (3-3 vote) and the issue of most concern was a proposal for allowing two drive-thru uses (which the staff also did not support). However, due to a notification error resulting from changes to computer software, the conditional zoning request was reheard on January 2, 2013. At that meeting the developer had changed the proposal to limit the development to only one drive-thru use. The Commission voted at this meeting to recommend the rezoning to you in a vote of 4-1. The Commission did express general concern about the underlying zoning of the property, but there was general acknowledgement that the current proposal was not the correct venue for those concerns.

Section 7-7-8(d)(2) of the Unified Development Ordinance (UDO) states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in section 7-16-2. Reviewing boards may consider these criteria; however, they are not bound to act based on whether a request meets all seven standards.

1. That the proposed use or development of the land will not materially endanger the public health or safety.

The proposed concept master plan has been reviewed by the City's Technical Review Committee which approved the plan with conditions. In conducting this review, the TRC evaluated health and safety issues.

- 2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**

There are no significant natural or topographic features on the site and much of the site has already been improved as part of the grocery store construction. The proposed development is similar to other uses/buildings along Merrimon Avenue. While staff believes that City policy indicates a preference for buildings of a more urban nature, the proposed one story limitation is permitted, and not unusual, in the Highway Business zoning district.

- 3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**

The site was previously occupied primarily by a car dealership and later by other commercial ventures and largely consisted of impervious surfaces. The concept plan is anticipating commercial development of the entire site but should improve the value of adjoining properties through improved landscaping and aesthetics on the site.

- 4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

As previously indicated, the conceptualized commercial development of this site is similar to the scale, bulk, coverage, and character of much of the commercial development along Merrimon Avenue in the vicinity.

- 5. That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

The area is shown as a potential urban village in the Asheville City Development Plan 2025. [An urban village proposal in 2007 was pulled from consideration by the applicant at the time]. The proposal supports the goal of locating larger commercial uses in appropriate areas easy to access from the interstate and adequately served by public services. The proposal supports the strategy of providing a transit stop as part of a redevelopment located along a transit route. Certain elements of the proposed development do not support the City's interest in limiting suburban development patterns in more urban settings, but the current Highway Business zoning of the majority of the property does not support this goal.

- 6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.**

The development is located along a principal transit route and on a major thoroughfare in the City. The project has received approval from the City's Technical Review Committee concerning issues of water, fire, police protection, etc.

- 7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.**

The applicant has submitted a traffic impact analysis for the project that has been reviewed and approved by the City's Transportation Department. A traffic signal and other improvements to Merrimon Avenue and East Chestnut are incorporated in the plans.

Pros:

- Provides for greater use of a large property on a major thoroughfare within the city limits.

- Improved transportation amenities, large sidewalks, public open space areas, and greatly enhanced landscaping will improve the aesthetic impact of the site.

Con:

- The development, while providing some urban amenities, is largely suburban (auto access oriented) in nature in a gateway area close to downtown.

This conditional zoning request was recommended for approval by a 4-1 vote of the Planning and Zoning Commission. Five people spoke at the Planning & Zoning meeting with most speakers concerned about drive thru facilities and in particular fast food restaurants. There was also concern expressed about traffic congestion in the surrounding residential area.

At a meeting on November 19, 2012, the Technical Review Committee of the City of Asheville reviewed this proposal and approved it with conditions. On January 2, 2013, the Planning and Zoning Commission recommended approval (4-1) with the following conditions:

- The conditions recommended in the TRC report.
- The standard conditions listed below.
- That there are no more than four outparcels.
- Buildings shall be no more than 32 feet in height.
- Those buildings fronting on Merrimon shall be oriented to the street and placed as close to the street as is reasonably possible based on the ultimate uses.
- The architectural design and building materials used for the outparcels will be similar to that being utilized in the Harris Teeter construction.
- The developer is allowed no more than one drive thru operation.
- A maximum of 25,000 square feet of building space will be constructed on the outparcels.
- As the uses are submitted for final review, if the traffic counts exceed those indicated in the originally submitted traffic study, a new traffic impact analysis would need to be conducted and approved including the traffic impact from Trader Joe's.
- There be sidewalk connectivity from Merrimon Avenue to the buildings constructed on the outparcels.
- City Council review and condition the list of permitted uses for the site.
- No dumpster will be located within 100 feet of residential properties.

She then responded to various questions Council raised earlier, those being: can the parking lot be shielded; why wouldn't the N.C. Dept. of Transportation (NC DOT) install a traffic light at Broad Street and Merrimon Avenue; if the project is denied, what can the developer do as a use by right; could the developer develop the commercial part of the property; can the developer leave the RS-8 portion of the property undeveloped; and if the project is denied, could the developer ignore the other recommended conditions.

City Traffic Engineer Jeff Moore said the original study was produced in 2010 which included two restaurants - one with a drive through and one without. When the project was revised to be one restaurant with a drive through and additional retail space, the impact of the restaurants went down and freed up a lot of trips. The improvements being done to mitigate the traffic are still appropriate with the change. The NC DOT has the jurisdiction over Merrimon Avenue and under their guidelines, the Broad Street traffic light would be too close to the existing traffic signal on Chestnut. The new signal will be incorporated into the NC DOT computers for timing. The right-in and right-out condition being installed at Broad Street is another condition that NC DOT required. It will make it safer because of the crest of the hill on Merrimon Avenue. Future out parcels will be reviewed as they come in. If the impact of the traffic of future uses exceeds that which was projected in the original TIS then it will have to be reviewed again and at that time the traffic from Trader Joe's will be factored in.

In response to Councilman Bothwell, Mr. Moore said that there will be a left turn lane into Trader Joe's going north.

In response to Councilman Davis, Mr. Moore said that when the original TIS was done, Trader Joe's was not proposed, therefore, the TIS only took into account existing conditions at that time. When they learned about Trader Joe's, we allowed the developer to keep the TIS because the impact was less than what was originally proposed. If something happens to change this (a use that caused additional traffic so that these numbers are no longer valid), the TIS would have to be re-done. At that point, since it would be a new TIS and we now know about Trader Joe's, it would have to take that traffic into account.

City Attorney Oast said that Council has the ability, through this process, to add conditions.

In response to Councilman Hunt, Mr. Moore pointed out on the master plan all pedestrian accesses into and out of the site. Ms. Fields said that there are a narrow set of steps (which are not Americans with Disabilities Act compliant) in the back of the property and on Eloise Street at the request of the neighborhood.

When Councilman Hunt asked how a drive through restaurant compares to a walk-in restaurant, Mr. Moore said that he expected to see more trips for a drive through due to the convenience factor.

Mr. Steve Vermillion, developer, was happy to answer questions. He did note that there is a sidewalk that runs the entire length of the property. He asked that Council consider delaying the vote until Mayor Bellamy can take part in the discussion.

When Councilman Hunt asked how critical a fast food drive-through is on the site, Mr. Vermillion said it is critical for the success of the development. He said they cut back on their request from two drive-throughs to one in order to attract of the users, like a bank or coffee shop or a fast food restaurant.

Vice-Mayor Manheimer opened the public hearing at 6:40 p.m.

The following individuals spoke about their concerns of a drive through, especially for a fast food restaurant, for several reasons, some being, but are not limited to, drive throughs run counter to the 2025 Plan; idling produces carbon and contributes to global warming; need to get people to get out of their cars, which will help in the obesity epidemic; air quality issues from idling, Harris Teeter will already have a drive-through; developer should help pay for traffic calming in the area; developer should not be allowed to use Chestnut Street; request that the developer lease the 2-door house on the property; fast food restaurants are responsible for a lot of litter; lights from development should be shielded for the neighborhood; developer should renovate the two homes on Eloise Street and not tear them down; the development will encroach on established residential neighborhoods; homes are beginning to be renovated in the area and bringing in a fast food restaurant will not help revitalize the area; need for sidewalks in the area; safety for pedestrians, bicyclists and drivers; cut-through traffic; need for traffic calming measures due to speeding; already traffic congested area; odor from fast food restaurants; concern of additional Trader Joe traffic in the area; narrow streets cannot handle additional traffic; request for no through traffic on area streets; quality of life of neighborhood will suffer; will decrease property values in the area; suggestion to ask developer to make this a mixed-use plan and include housing on site to help further reduce global warming; dumping of refuse and litter behind the site; existing excessive traffic; noise; distracted drivers; significant crossing issue at Chestnut and Maxwell intersection; suggested City adopting the anti-idling policy for service trucks; and parking on the streets is now a problem:

Ms. Heather Rayburn, representing the Five Points Neighborhood

Ms. Megan Kirby, resident on Eloise Street
Mr. Nick King, resident on Fulton Street
Mr. Alan Ditmore, Leicester resident
Ms. Shelly Lloyd, resident on Holland Street
Resident on Mt. Clare
Ms. Brandee Boggs, resident of Five Points Neighborhood
Mr. Greg McCoy, resident on Monroe Place

Vice-Mayor Manheimer closed the public hearing at 7:23 p.m.

City Attorney Oast suggested that if City Council continues this matter that they reserve the right to re-open the public hearing if new information is brought forward, noting that if the hearing is re-opened that the comment will be limited only to the new information.

Councilman Hunt moved to continue this matter until February 12, 2013, and that Council reserve the right to re-open the public hearing to receive new information only. This motion was seconded by Councilman Smith.

Councilman Hunt said that the 2025 Plan represents the principles of smart growth and in that Plan it suggested that this area be developed as Urban Village. That would have been the most appropriate development for this site. The zoning of this property is almost entirely Highway Business and a big part of the struggle is how do we deal with it given the hand we're dealt. It is painful for him to see a suburban strip mall development so close to downtown. He agreed that we need to step back and consider other sites around town and be careful that they are zoned in a way that reach the goals laid out in the 2025 Plan. The options before Council do not include an option to unilaterally make it so that there won't be a fast food restaurant on the site. Council can vote in favor of the conditional zone and there be one drive-through, or vote it down and the developer as a right by use can have a drive-through. He hoped the continuance would allow for continued dialogue for the City and the developer to consider other conditions.

Director of Transportation Ken Putnam responded to Councilman Pelly when he asked about the ordinance prohibiting truck traffic from using specific roads.

In response to Councilman Pelly, City Attorney Oast said that he was not aware of the anti-idling policy on loading and unloading being anything but a suggestion or a recommendation by the N.C. Dept. of Environment and Natural Resources, but would be happy to check on that.

Ms. Fields responded to Councilman Bothwell when he asked about why the buildings are as close to Merrimon Avenue as possible. City Attorney Oast said that Council can specify in the conditional zoning permit that vehicular maneuvering areas be located away from the Merrimon Avenue frontage.

When Councilman Bothwell asked Mr. Vermillion if he would consider a restriction on not having a fast food drive through restaurant on the site, Mr. Vermillion replied no. He said that from a financial standpoint as well as other reasons, the owner doesn't feel they can do that.

The motion made by Councilman Hunt and seconded by Councilman Smith carried unanimously.

Closed Session

At 7:41 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 litigation involving the following parties: City of Asheville; Roger Aly. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (2) 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 7:56 p.m., Councilman Smith moved to come out of closed session. This motion was seconded by Councilman Pelly and carried unanimously.

B. PUBLIC HEARING TO CONSIDER A SIGNAGE PLAN FOR UNC-ASHEVILLE

FIRST READING OF ORDINANCE NO. 4159 - ORDINANCE APPROVING A SIGNAGE PLAN FOR UNC-ASHEVILLE

Assistant Planning & Development Director Shannon Tuch said that this is the consideration of a comprehensive signage plan addressing a wide variety of signage needs for the UNC-Asheville campus. This public hearing was advertised on November 2 and 9, 2012. This public hearing was continued from November 13, 2012, to this date.

Vice-Mayor Manheimer opened the public hearing at 8:09 p.m.

The applicant is seeking the approval of a comprehensive signage plan addressing a wide variety of signage needs for the UNC-A Campus including:

- Building identification (free-standing)
- Building identification (attached)
- Pedestrian directional
- Vehicular directional
- Gateway
- Informational kiosk
- Parking lot
- Street & traffic control
- Banners

The project area is quite large, approximately 300 acres, and is somewhat unique in that it must provide appropriate identification and wayfinding to both a significant pedestrian population as well as to the steady flow of vehicles that visit the campus throughout the day. In addition to providing signage that helps visitors find their way around campus, the University also set forth the goals to define the campus perimeter, create a strong sense of place, and to highlight the university's assets, features, amenities and destinations.

The majority of the signs included in the package are located internally to the campus property and not visible from the boundaries, and under the existing sign standards these signs would not be required a sign permit. As a result, these signs which generally include building identification (both attached and free-standing), traffic & street signs, pedestrian information & directional, and parking lot signs are not evaluated in any great detail and are reviewed for their consistency in design & style (typography, color palette, iconography, etc.) with the overall plan. The more substantial signs, both in size and visual impact are the focus of this report's analysis – these signs include:

- Vehicular Informational signs
- Vehicular directional signs
- Gateway signs, and
- Pole banners

Vehicular Informational signs. There are only two of these signs proposed where motorists would pull up and review the campus map to understand the overall layout and perhaps seek directions to a specific location. These signs are single-faced, free-standing signs with a wide base, and are proposed to have an overall height of 5'10" and will be approximately 25 square feet.

The number and proposed locations for these signs appears appropriate and appear to offer valuable information. The individual permit should include a schematic of the pull off area to allow the transportation department the opportunity to review for conflicts and ensure safe maneuvering.

Vehicular Directional Signs. There are 24 vehicular directional signs proposed. These signs are double-faced, post-mounted signs and stand approximately 14' tall and are 22.5 square feet per face. These signs are intended to pick-up where the regional wayfinding signs leave off, providing more detailed information. Once being directed off of WT Weaver Blvd. or Broadway Ave. the motorist can rely on UNC-A's directional signs to guide them to the appropriate entrance and the most direct route to their desired destination.

An earlier version of the UNC-A proposal generated some concern with overlap and/or conflict with the existing CVB wayfinding signage, particularly for those signs located on WT Weaver Boulevard and Broadway Avenue. After meeting with the City staff and the CVB, the application has been amended to largely address these concerns. The only remaining concern was voiced by the neighbors in the area at a recent community meeting and generally related to the overall number of signs that a non-campus visitor may have to experience, some of whom use these routes multiple times a day.

Gateway signs. There are five proposed gateway sign locations:

- Merrimon Ave. & WT Weaver Blvd.
- WT Weaver Blvd. & University Heights (round-about)
- University Heights & Campus Drive (triangle intersection)
- Broadway Ave. & Campus Dr.
- Broadway Ave. & WT Weaver Blvd.

The dimensions and square footages vary some based on the intersection location, whether there is an existing stone base that would be re-used, and whether the sign is a curved or straight. In general, the overall dimensions are not concerning and are appropriately scaled for the type and style of sign, and the proposed stone bases provide a natural and attractive aesthetic. Generally speaking, gateway signs serve an important purpose and provide a valuable "announcement" that the traveler has entered the main campus property. Once beyond the "gate" the traveler would normally expect to rely on Vehicular Directional Signs to find the appropriate directions to the desired location.

As currently proposed, however, a traveler approaching from Merrimon Ave. or Broadway Ave. would potentially pass three separate "gateways" before arriving on the main campus. The more concerning locations are the two located at Merrimon & Weaver and Broadway & Weaver. Both of these locations have existing CVB wayfinding signage that would appropriately direct motorists off of the main thoroughfares toward the campus entrances. To approve the signs as currently proposed would result in an overlap with the existing CVB vehicular directional signs that include signage for the Botanical Gardens as well as UNC-A. These two signs also have the potential for communicating to the unfamiliar motorists that the UNC-A property continues south rather than east or west, depending on where they would observe the signs.

Banners. There are approximately 67 banners proposed to be mounted on existing Progress Energy light poles, with additional poles installed as needed to maintain a consistent

spacing pattern. These proposed banners are rectangular double sided and approximately 12 square feet. Of the 67 banners proposed, 44 are located in the core campus area on the University controlled roads of Campus Dr. and University Heights. The other 23 banners are located along WT Weaver Blvd. and Broadway Ave.

The City of Asheville has an existing banner policy established in 2004 that established standards for a growing interest in use of banners for the promotion of special events and neighborhood identification. Also, that policy generally addresses banners as a temporary or occasional use. Banners for the use of marketing or branding were strongly discouraged during the consideration of this policy. The UNC-A banner proposal could be considered neighborhood identification but, it could also be argued that the use of banners is an effort to promote the UNC brand, and it is unclear how institutional uses should be considered. With respect to the standards regulating banners for neighborhood identification, the UNC-A proposal deviates primarily because it is intended to be permanent identification when the existing standards limit duration for a period of one year, renewable at the discretion of the director.

The banners proposed to be located internally on Campus Dr. and University Heights are not of great concern because they have limited visibility and, therefore, minimal impact on the larger Asheville community. The UNC-A proposal for the banners on Broadway and WT Weaver are of greater concern because these are roads that are commonly used by non-campus visitors, particularly by those residents in the adjacent neighborhoods of Jackson Park, Five-Points, and Montford. Additionally, while UNC-A owns property along WT Weaver and Broadway, the use of the banners extends beyond what is generally considered the campus boundaries and includes segments of WT Weaver and Broadway that are commonly used for access by other users and property owners.

A secondary concern is that the banner signs proposed are non-standard. The standardization for banner sizes in the banner policy was intentional to allow for shared use of hardware and poles by multiple users. The non-standard size and permanency of the UNC-A banners would preclude the use of the banners by other users. Additionally, UNC-A proposes to install new poles along the roadways where there is limited visibility and shoulder space. This results in new obstructions along the roadway and may necessitate the pruning or removal of existing vegetation.

Staff Findings: The University has provided a statement regarding the desired goals for identification, wayfinding, and place making, which has inspired several aspects of their signage plan. However, the City's 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.

The large majority of the proposed signage plan is easily supported and offers valuable and consistent identification and wayfinding for students and campus visitors. The areas of concern center on the gateway signage removed from the campus and the unprecedented use of pole banners in size, number of banner poles proposed, and intent for continuing use.

The gateway signage proposed to be located at 1) WT Weaver & Merrimon and, 2) WT Weaver & Broadway overlap with existing regional wayfinding signage already located at those intersections directing visitors to the campus property. One significant goal of the regional wayfinding program was to reduce the need for multiple signs which is in conflict with this proposal.

The pole banners on WT Weaver and Broadway are one method of perimeter identification, however, creative alternatives could also be considered that do not require the use

of banners. Also of concern, regarding both the gateway and pole banners, is that those signs that are located further from the campus perimeter appear to provide branding more than wayfinding or identification.

Pros:

- Provides improved identification and wayfinding to students, faculty, and campus visitors.
- Improved consistency of color, font, and iconography between all signs improves campus recognition.

Cons:

- Signs are numerous and have a visual impact on adjacent neighborhoods and non-campus travelers using perimeter roads.
- Multiple gateway signs may confuse visitors.
- Two of the five gateway sign locations overlap with existing regional wayfinding signage and is contrary to one of the regional wayfinding goals.
- Use of pole banners (permanency and non-standard size) is inconsistent with the City's banner policy.
- Permanent banners preclude the use of banners by other users.
- Signs not consistent with city policies and practices have the potential to establish an undesirable precedent.

Staff recommends that the signage plan for UNC-A be approved, subject to the following conditions:

- 1) Gateway signs be limited to the following locations:
 - WT Weaver Blvd. & University Heights (round-about)
 - University Heights & Campus Drive (triangle intersection)
 - Broadway Ave. & Campus Dr.
- 2) Pole banners are restricted to Campus Dr. and University Heights.
- 3) All signs located within road rights-of-way shall obtain all necessary approvals or encroachments from the regulating agencies.
- 4) Any changes to the signage included in this plan may require a new review by City Council.
- 5) All signs shall comply with the proposed standards and no exceptions or variances are permitted (minor changes to sign location due to visibility or other site constraints may be permitted).

Alternative Recommendation: Should Council wish to consider an alternative allowing pole banners on Broadway and WT Weaver, staff recommends substituting the following condition #2:

- 2) Eliminating the eastern segment of WT Weaver (from University Heights to Merrimon) and the southern segment of Broadway (from WT Weaver south) from consideration for pole banners, and requiring the use of standard size banners and options for shared use by other users (per the banner policy) on the other segments of these roads.

In response to Councilman Bothwell, Ms. Tuch said that the City adopted a banner policy in 2004 for the purpose of providing neighborhood and business district identification or to promote a special event. One concern about the banners is that the infrastructure that UNC-A proposes to use wouldn't be consistent with what we are looking for when we established the banner policy. The infrastructure was to promote multiple users and the hardware was a standard size to allow special event promoters to make use of that hardware at different times. UNC-A proposes to install their own poles and use their own hardware. It would not be available to the general public. It is also less consistent with the banner policy because that policy requires a one-year renewable time period, but UNC-A proposes the banners to be permanent.

Vice-Mayor Manheimer opened the public hearing at 8:24 p.m.

Mr. Rob Nelson, representing UNC-A, listed the goals for the project, which included improving wayfinding for visitors to their campus. As a result of meetings with City staff, Convention & Visitors Bureau, and some neighbors, they made changes to their original plan. They reduced the number of banners by 50% along WT Weaver and Broadway; reduced the overall size of the individual banners from 30x84 inches to 24x72 inches; eliminated the double banners on one pole; revised their approach on the gateways; and made sure that all signs and banners will be on UNC-A property. He urged Council to approve their request in order to allow them to achieve their goals.

Mr. Chad Roberson, representing PBC&L, reviewed the details of the plan outlined the need for wayfinding on and off campus.

Vice-Mayor Manheimer closed the public hearing at 8:33 p.m.

As Councilman Smith felt that having the pole banners on the boundaries really defines their space, but he didn't want other people who already have a neighborhood identity to have to adopt the UNC-A identity. Therefore, Councilman Smith moved to approve the UNC-A sign package, subject to the following conditions: (1) Gateway signs be limited to the following locations: (a) WT Weaver Blvd. & University Heights (round-about); (b) University Heights & Campus Drive (triangle intersection); and (c) Broadway Ave. & Campus Dr.; (2) Eliminating the eastern segment of WT Weaver (from University Heights to Merrimon) and the southern segment of Broadway (from WT Weaver south) from consideration for pole banners; (3) All signs located within road rights-of-way shall obtain all necessary approvals or encroachments from the regulating agencies; (4) Any changes to the signage included in this plan may require a new review by City Council; and (5) All signs shall comply with the proposed standards and no exceptions or variances are permitted (minor changes to sign location due to visibility or other site constraints may be permitted).

Councilman Davis said that UNC-A owns the land and even though there is neighborhood around them, it's still their campus. He supported the package submitted by UNC-A (including the two additional gateway signs).

Councilman Smith withdrew his motion.

Councilman Bothwell could not support the motion as he didn't think you need to enhance natural beauty by putting up signs.

Councilman Pelly understands they own the property along Broadway and WT Weaver, but it's largely undeveloped now. Then the time comes when the property is developed by UNC-A he would be fine having the pole banners along that route as well. But now, if you lived in the immediate neighborhood around there, the perception would be that the university banners border a residential neighborhood area.

Councilman Hunt felt that our sign ordinance is largely geared toward commercial signage and this is more of a wayfinding context. He said that UNC-A is a partner in the community in so many ways and rather than override a specific request they have made, he moved to continue the public hearing until February 12, 2013, and encourage City staff and UNC-A to look at the issues more closely and try to reach a consensus. This motion was seconded by Councilman Davis.

When Vice-Mayor Manheimer asked for public comment on the motion to continue, no one spoke.

Councilman Hunt and Councilman Davis withdrew their motion to continue the matter.

Councilman Smith said that he has not heard from any of the neighbors about their objection to the pole banners, and hoped that if UNC-A receives any negative feedback that they would take that feedback seriously as neighborhood identities run deep. Therefore, he moved to adopt Ordinance No. 4159, approving the UNC-A sign package, subject to the following conditions: (1) Gateway signs be limited to the following locations: (a) WT Weaver Blvd. & University Heights (round-about); (b) University Heights & Campus Drive (triangle intersection); (c) Broadway Ave. & Campus Dr; (d) Merrimon Ave. & WT Weaver Blvd.; and (e) Broadway Ave. & WT Weaver Blvd.; (2) All signs located within road rights-of-way shall obtain all necessary approvals or encroachments from the regulating agencies; (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 (minor changes to sign location due to visibility or other site constraints may be permitted). This motion was seconded by Councilman Davis.

Vice-Mayor Manheimer opened the public hearing at 8:44 p.m. and when no one spoke, she closed the public hearing at 8:44 p.m.

The motion made by Councilman Smith and seconded by Councilman Davis carried on a 4-2 vote, with Councilman Bothwell and Councilman Pelly voting "no."

City Attorney Oast said that because the motion failed to receive the 2/3 vote necessary to pass on the first reading, it will have to come back to Council at their next meeting for adoption on the second reading.

ORDINANCE BOOK NO. 28 - PAGE

RESOLUTION NO. 13-18 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT THE THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE FOUNDATION INC. FOR TRAIL DEVELOPMENT ON 525 BROADWAY DRIVE FOR THE REED CREEK GREENWAY

Director of Parks, Recreation & Cultural Arts Roderick Simmons said that this is the consideration of a partnership with The University of North Carolina at Asheville Foundation, Inc. for the development of 525 Broadway as part of the Reed Creek Greenway Corridor.

The City has received a request from The University of North Carolina at Asheville Foundation, Inc. for the City to partner in development of 525 Broadway as part of the Reed Creek Greenway Corridor. The City of Asheville, RiverLink, Inc., the Foundation, and others have had continuing discussions regarding the construction of a greenway to be located on a portion of the property in approximately the location 525 Broadway as a part of the Reed Creek Greenway envisioned by the City.

The Foundation will submit a 2013 Federal Recreational Trails Program (RTP) Grant Application to the North Carolina Division of Parks and Recreation for a \$200,000 potential grant to fund a portion of the design and construction costs for the greenway project with a target completion date of no later than August, 2015. The Grant Application is due no later than January 31, 2013.

The total cost of the greenway based on current estimated design and construction costs will be approximately \$410,000. The Foundation will provide an amount not to exceed \$75,000 toward the estimated costs. The Foundation would like the City to support the Final Grant Application and for the City to provide \$75,000 in matching financial support, and RiverLink, Inc. to support the Final Grant Application and to provide \$60,000 in financial support toward the construction component of the greenway.

The City's \$75,000 contribution for this project will come from the approved FY 2010-2011 capital improvement budget for greenway development in the Parks, Recreation & Cultural Arts Department.

Revenue sources for the project are summarized below:

City's Contribution	\$75,000
UNC-A Foundation Contribution	\$75,000
River Link (Private Donations)	\$60,000
RTP Grant (if awarded)	\$200,000
Total project budget	\$410,000

In the event that total project cost is less than \$410,000 then the project costs will be shared in the proportions indicated above between the Foundation, City and RiverLink such that each parties' contribution commitment would be reduced pro rata.

If the Foundation does not receive the full \$200,000 requested in the Final Grant Application or the final cost estimates or bids for the design and construction of the Greenway project exceed \$410,000, then the Foundation shall continue to work with the City, RiverLink and other interested parties to find an alternative way to accomplish the Greenway project

The Foundation is requesting approval of a partnership agreement with the City to develop the Reed Creek Greenway component as outlined below:

- 1) Support the Foundation submitting a 2013 RTP Grant for \$200,000
- 2) Provide \$75,000 in matching funds towards development of the project
- 3) Support a future land swap that will move the greenway closer to the stream.

This action complies with the City Council Strategic Operating Plan by demonstrating fiscal responsibility through leveraging external partners to pursue master plan implementation. In addition, the Greenway Commission reviewed and approved the terms of this partnership agreement at its meeting on January 10, 2013.

Pros:

- Leverage outside funding to implement the Greenway Master Plan
- Accelerate the development of this greenway section
- Provide a needed linkage in the Reed Creek Greenway Corridor

Con:

- None

The requested \$75,000 has been allocated for Greenway Development and is already included in the Park, Recreation and Cultural Arts Department's Capital Improvement Plan.

City staff recommends City Council to adopt a resolution authorizing the City Manager to enter into an agreement with The University of North Carolina at Asheville Foundation, Inc. for the development of 525 Broadway as part of the Reed Creek Greenway Corridor.

Vice-Mayor Manheimer was excited to note that the UNC-A students have committed a small portion of their fees to be dedicated towards this project. She felt this is a nice public/private/student partnership.

Councilman Hunt also spoke in support of the resolution acknowledging all the partners in this project.

Mr. Tim Schaller, formerly Montford resident, spoke in support of this project.

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

Councilman Hunt moved for the adoption of Resolution No. 13-18. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 35 – PAGE 169

C. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR NEW BELGIUM BREWING COMPANY LOCATED AT 157 CRAVEN STREET FOR A BREWERY AND DISTRIBUTION CENTER, WITH A MODIFICATION TO THE DRIVEWAY WIDTH, BUILDING HEIGHT AND LANDSCAPING

ORDINANCE NO. 4160 - ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR NEW BELGIUM BREWING COMPANY LOCATED AT 157 CRAVEN STREET FOR A BREWERY AND DISTRIBUTION CENTER, WITH A MODIFICATION TO THE DRIVEWAY WIDTH, BUILDING HEIGHT AND LANDSCAPING

ORDINANCE NO. 4161 - BUDGET AMENDMENT FOR MULTI-MODAL IMPROVEMENTS ON HAYWOOD ROAD

RESOLUTION BOOK NO. 13-16 - RESOLUTION IN SUPPORT OF PRIORITIZING FUTURE FUNDING OF THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT TO INCREASE THE CLEARANCE OF THE RIVERSIDE DRIVE RAILROAD OVERPASS (IF FEASIBLE) AND IMPROVE THE RADIUS AT THE CRAVEN STREET BRIDGE AND RIVERSIDE DRIVE IN BOTH DIRECTIONS TO ALLOW FOR LARGE TRUCKS TO TURN, AS THE FIRST FUNDED COMPONENTS OF THE PROJECT

City Clerk Burlison administered the oath to anyone who anticipated speaking on this matter.

City Attorney Oast reviewed with Council the conditional use district zoning process. This process is the issuance of a conditional use permit, which is a quasi-judicial site specific act. At this public hearing, all the testimony needs to be sworn.

All Council members disclosed that they have visited the site, received e-mails and attended community meetings; however, they would each consider this issue with an open mind on all the matters before them without pre-judgment and that they will make their decision based solely on what is before Council at the hearing.

City Attorney Oast said that as documentary evidence is submitted, he would be noting the entry of that evidence into the record.

City Attorney Oast said that the Authorized Practice Committee of the North Carolina State Bar has issued an advisory opinion that appearing in a representative capacity for a party before a local governmental body in a quasi-judicial proceeding is the practice of law, especially with respect to such aspects of the hearing as examining or cross-examining witnesses, or advocating for legal conclusions or results. This does not prevent persons, including land use professionals, from presenting information or expressing opinions within their knowledge or area of expertise.

After hearing no questions about the procedure, Vice-Mayor Manheimer opened the public hearing at 8:56 p.m.

Urban Planner Jessica Bernstein submitted into the record City Exhibit 1 (Affidavit of Publication), City Exhibit 2 (Certification of Mailing of Notice to Property Owners); and City Exhibit 3 (Staff Report).

Ms. Bernstein said that this is the consideration of the issuance of a conditional use permit for the project identified as New Belgium Brewing Company located at 157 Craven Street (City Exhibit 4 - Location Map), to develop a brewery and distribution center (the 216,237 square foot facility will also include administrative offices, visitor's center, and outdoor recreational spaces) and the a request for modifications to driveway width, building height and landscaping.

Ms. Bernstein said that the applicant is requesting review of site plans for the construction of a brewery for the production of up to 700k barrels of beer per year with additional space for administrative offices, a retail/visitor center, parking and outdoor recreational spaces (City Exhibit 5 - Master Plan Rendering). This project is considered a Level III review pursuant to Section 7-5-9(a) of the UDO which designates review for industrial uses of over 100,000 square feet. Level III projects are reviewed as Conditional Use Permits in all zoning districts.

The site consists of a 19.81 acre parcel located on Craven Street between Haywood and Hazel Mill Roads in the River District of West Asheville. The parcel is zoned River and is currently vacant (previously held uses included storage and the old stockyards - buildings have not yet been removed as of the writing of this report but the uses have ceased). The site is bordered by the French Broad River to the east, River District and Commercial Industrial-zoned parcels to the north, Commercial Industrial and RM-8 to the west and River District to the south. The immediate vicinity across Craven Street includes some single-family houses, commercial uses and vacant parcels (both residentially and commercially-zoned).

The proposal is to create a brewery with packaging, administrative and production facilities as well as retail, recreation and visitor uses. Plans indicate a total of 205,737 square feet divided between the production building (42', 2-stories, and 193,757 square feet – storage tanks up to 88') and the liquid center (28', 1-story, and 11,980 square feet). There is also a separate recycling building included in the overall square footage (60', 4,200 square feet).

Additionally the proposal includes space provided for truck access and loading/unloading, separate employee and visitor parking, an event lawn and an active greenway connection along the French Broad River. The site is loosely divided between production and employee uses to the north and visitor uses to the south.

Vehicles will access the site from three driveway cuts with one 40' driveway at the northern end for truck access. The 24' wide employee driveway and the 30' two-way visitor access point are both located towards the southern end of the site.

Parking is provided in three locations as well. The primary employee lot will provide 56 spaces (2 HC accessible); the visitor lot has 51 spaces (2 HC accessible) and 6 spaces are proposed near the loading area at the production center (1 HC accessible). There will be 50 bike spaces divided between two locations. **Note that plans show two alternatives for the employee surface parking lot. There is an interpretation currently under review at the State level prohibiting off-street parking under high voltage power lines. Plans provided address the desired layout with parking in the easement location but also moved outside that area in case the interpretation stays as written.

There are abundant pedestrian pathways into and throughout the site and sidewalks are to be provided along the entire frontage of the property as a part of the separate Major Subdivision submittal.

Landscaping is required for this project and will include street trees, street buffer, parking lot landscaping, building impact landscaping, screening of loading docks and preservation of landscaping in the required River Resource Yard (an area designated to preserve existing tree stands for river bank stabilization, erosion control and improved water quality). Due to existing Progress Energy transmission lines, the spacing and composition of the street trees and other landscaping up towards Craven Street in these areas may need to be varied in order to comply with utility company restrictions.

Fifteen percent of the total lot area is required to be dedicated as open space, which would be 2.97 acres for this site. More than the minimum is proposed, with at least 3.16 acres shown on the plans. Developments in the River District are required to provide a River Resource Yard and this location is shown on the plans coinciding with the setback from the French Broad River and encompasses dedicated open space as well as a greenway path.

Modifications: The applicant is requesting the following standards to be modified, based on the unique features of the site and use:

1. *Driveway Width* - The maximum driveway width allowed per the UDO is 24 feet at the throat and 36 feet at the radii. Plans indicate a 40 foot throat / 100 foot radius at the truck entrance; a 30 foot / 75 foot radius with a raised median at the visitor parking access and a driveway with a 50 foot radius at the employee access.
2. *Building Height* - Maximum building height allowed is 60 feet in the River; the malt building maximum height is 77 feet and the storage and production tanks are 88 feet maximum.
3. *Landscaping* - Restrictions from planting around Progress Energy lines along Craven Street may necessitate alternative spacing of street trees as well as a break in the continuous buffer for the loading area and street buffer. Additionally, the applicant is requesting to plant shrubs instead of trees in the loading dock screening and some smaller street trees under the transmission lines.

A separate Major Subdivision application has been approved by the TRC and Planning & Zoning Commission and includes the infrastructure improvements to be performed by the City of Asheville, such as roadway improvements and realignments along Craven Street, Emma Road and other intersections along the project site. This submittal also includes two public parking locations north of the site, the sidewalks and greenway connection, on-street parking along Craven Street and stream restoration interior to the site.

This proposal was approved with conditions by the Technical Review Committee on November 19, 2012. Evaluation by the River District Design Review Committee occurred on November 28, 2012 and by the Asheville Area Riverfront Redevelopment Commission on January 10, 2013 (unanimously supported). Although not technically required, the overall project was brought before the Greenways Commission on December 13th to receive their informal support and comment (comments included a desire to see connections to and from the river onto the site and greenway).

The Planning and Zoning Commission discussed this proposal at their meeting on January 2, 2013. Significant community comment was expressed relating to the impact of increased traffic that would be generated by this development, with particular emphasis on the designated truck routes. Speakers were particularly concerned about heavy truck traffic along Haywood Road, with issues and concerns relating to safety for both pedestrians and bicycle users and impact to the historic commercial and residential character of the corridor. The Commissioners voted 4-2 in support of the project and modifications but recommended adding the following conditions: 1.) Annual review of the truck routes and traffic impacts will be required

until full build out, with reports to both the Planning & Zoning Commission as well as City Council; 2.) NBB should try to minimize the radius and width of the visitor and employee driveways to increase pedestrian safety; and 3.) NBB should divert the approximately 70% of the truck traffic that is under their control off of Haywood Road and onto the designated alternate route.

Since the Commission hearing, City staff has been meeting with community members and working towards better understanding of the issues and towards alternative solutions. City staff support conditions 1 and 2, but the staff does not recommend that Council support condition number three. Staff does recommend that Council include a condition that NBB will contribute \$50,000 towards the construction of sidewalks along Haywood Road.

City Council must take formal action as set forth in Section 7-5-5(e)(3) of the Unified Development Ordinance (UDO), and must find that all seven standards for approval of conditional uses are met based on the evidence and testimony received at the public hearing or otherwise appearing in the record of this case pursuant to Section 7-16-2(c). Staff's review indicates that all seven standards are met as proposed in the site plan.

- 1. That the proposed use or development of the land will not materially endanger the public health or safety.**
The proposed project has been reviewed by City staff and appears to meet all public health and safety related requirements. The project must meet the technical standards set forth in the *UDO*, the *Standards and Specifications Manual*, the *North Carolina Building Code* and other applicable laws and standards that protect the public health and safety.
- 2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**
The bulk of the site has been previously graded through its past uses, including the old WNC stockyard and most recently as a mini-storage facility and auction house. Building placement and impervious development is sited outside of the 50 foot setback from the river and respects the required River Resource Yard, which preserves and maintains existing vegetation to stabilize the riverbank, aid in erosion control and improve water quality. There is a separate project submittal addressing stream restoration in the interior portion of the site. The overall project is quite sensitive to the natural features and incorporates many features to improve and respect water quality and natural resources.
- 3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**
The overall proposal includes multiple upgrades and amenities that should enhance the value of the area and should not injure the value of adjoining or abutting properties. The development is sited so that the manufacturing portion is aligned with adjacent Commercial Industrial-zoned properties and is set back from the road, screened with vegetation. Improvements proposed with the associated submittal will enhance access to the area through the realignment of Craven Street and multiple intersections and the inclusion of bike lanes and sidewalks as well as will provide upgrades to the water line. Increased traffic and truck routes have been identified as a community concern.
- 4. That the proposed use or development or the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**
The proposed manufacturing, retail and recreation uses are all supported by the River zoning district and City-adopted plans as stated earlier in this report. The development of the site is designed to respect the required setbacks from the French Broad River and maximize the river and designated open space as amenities. Additionally, the production

aspect of the use is sited on the northern end of the parcel, closer to adjacent Commercial Industrial zoning with parking and open space providing a “buffer” against the nearby residential zoning at the southern end of the site. While there are requested height modifications above the 60 foot maximum in the zoning district; they are only for a portion of the production building and the majority of the structures are well under the maximum height allowed. The design of the buildings should compliment the character of the area, relating to the history of manufacturing along the river while incorporating contemporary and unique design elements (example reused beer bottle bottoms pressed into exterior walls of production building).

5. **That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**
Elements of the overall project are directly aligned with the City’s goals and objectives including enhancing the riverfront, infill development on a brownfields location, supporting a manufacturing use, multiple multi-modal transportation elements, job creation, economic and community investment, emphasis on water quality and stormwater best practices, recreational amenities with a greenway segment and related infrastructure improvements in the vicinity.
6. **That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.**
The site is located in an area supported by transit (W1 & W2) and accessible by vehicle. Adequate water supply, fire and police protection, waste disposal and similar facilities are verified during the TRC review process. Associated infrastructure improvements will enhance multi-modal access, emergency protection, waste disposal and water supply.
7. **That the proposed use will not cause undue traffic congestion or create a traffic hazard.**
The draft traffic impact study has been submitted and is currently being reviewed by the Transportation Department. The purpose of the TIS is to determine the possible impacts that the project will have on the surrounding street network when the business opens in 2015 and at full buildout in 2022 and to identify any mitigation improvements that might be needed. In addition, this specific TIS is providing a comprehensive review of potential traffic generated by the project and it will address concerns that are raised by the nearby neighborhoods. The primary truck access has been identified as Haywood Road because it is classified as a minor arterial and it provides the most direct access between I-240 and the site. At this time, certain mitigation improvements have been identified and will be addressed by the developer of the project, the City of Asheville, and the North Carolina Department of Transportation.

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

Pros:

- The proposal revitalizes an adopted brownfields site and is in an area targeted by multiple City plans as an ideal location for development
- The brewery and retail use creates jobs and supports the region’s growing craft beer reputation
- The overall project includes construction of a greenway segment along the French Broad River
- The site layout includes significant open space and preservation of existing vegetation, especially along the riverbed to stabilize the bank and improve water quality and erosion

- Multi-modal design features are incorporated into the design, including abundant bike parking and a transit shelter. Related infrastructure improvements will result in bike lanes and ADA-compliant sidewalks along Craven Street

Cons:

- Due to the unique use and site constraints, plans do not comply with height standards for a portion of the production facilities, landscaping requirements and driveway widths.
- Community concern has been expressed regarding the impacts from increased traffic and truck routes along Haywood Road

Staff recommends approval of the Level III development proposal for the New Belgium Brewing Company, subject to the conditions recommended by City staff, standard conditions, and conditions imposed by the Planning & Zoning Commission.

Executive Director of Public Works and Multimodal Transportation Cathy Ball said that surrounding elements of the project are being done in part by the City of Asheville, made possible with easements granted by New Belgium and a large part associated with grants. Council will not be voting on the City components of the project that are really elements to improve the entire area. Using the New Belgium presentation (Applicant Exhibit 1), Ms. Ball showed the elements that the City of Asheville will be constructing as part of the Craven Street improvements. This includes Craven Street, a realignment of the intersection coming off the Craven Street Bridge and Hazel Mill Road, a low impact development parking lot, a greenway along the River, as well as some much needed stream restoration and improvements. These are components of the project that will be constructed by the City. We are running along the same timeframe. This is a Complete Street, which showed sidewalk, parking, bike lanes on both sides, canopy trees, etc. She explained the greenway element, which will form as a trailhead at the low impact parking lot area and will go in between the New Belgium Brewery and the French Broad River. It will not have any connection to the Brewery itself for safety and security reasons. At the other end of the greenway there will be two bus stops at that location on Haywood Road. There is a jurisdictional map stream that runs through the center of the property. New Belgium has worked with the City and she thanked the Clean Water Management Trust Fund for providing a \$400,000 grant to allow these improvements to occur. The improvements consist of improving that jurisdictional stream, which most of the segment is piped, and allowing for the stream to take a natural flow and to be able to clean out most of the sediments from a real urbanized watershed. In working with Buncombe County, there is a piece of property that they own that we are looking at putting in a low impact parking lot so that people can access the greenway from that location.

Ms. Ball then proceeded with the presentation for Council to consider (1) a budget amendment in the amount of \$220,000 to construct multi-modal improvements on Haywood Road; and (2) Resolution in support of prioritizing future funding of the RADTIP to increase the clearance of the Riverside Drive railroad overpass (if feasible) and improve the radius at the Craven Street Bridge and Riverside Drive in both directions to allow for large trucks to turn, as the first funded components of the project (City Exhibit 6 - PowerPoint).

As part of the New Belgium Brewery (NBB) development large truck traffic will utilize Haywood Road from the Haywood Road Bridge to I-240. The first year of operation 6 additional trucks (12 trips) will be added to Haywood Road per day. Upon full build-out in 2022, 52 trucks (104 trips) trucks would service the NBB site. The draft traffic impact study has determined that if all the trucks at full build-out were routed on Haywood Road it would double the number of large vehicles that currently use the roadway today.

Staff has been meeting with several neighborhood groups over the past six months to discuss the impact the NBB project would have on the groups they represent. These groups include the East West Asheville Neighborhood Association (EWANA), West End Clingman Neighborhood (WECAN), Haywood Road Business Association, Asheville on Bikes, River Arts Business Association and the Emma community.

The original traffic study completed considered the primary truck route from the Craven Street Bridge north to Riverside Drive and Hill Street. This route was not feasible because large trucks could not make the turn from the Craven Street Bridge to Riverside Drive, and the railroad underpass has only 13 feet of clearance when a minimum of 13.5 feet would be required for large truck access on Riverside Drive.

It is hopeful that from 2015 (opening of NBB) to 2022 (full build-out) that some funding for RADTIP will be obtained so that Riverside Road would be an option for large trucks. RADTIP as it currently is planned, would improve the turning radius at the Craven Street Bridge and Riverside Drive in both the north and south directions. It currently does not, however, include changes to provide more clearance between the road and the railroad bridge to allow for taller trucks.

While the traffic study indicates that Haywood Road can handle the additional truck traffic, the additional trucks would create more conflicts for other users of the roadway including bikes and pedestrians. The Planning & Zoning Commission, during their January 2, 2013 meeting, recommended a condition that would disperse traffic on other routes in an effort to mitigate this impact. While the intent of this recommendation was supported city staff and most stakeholders, the method for mitigation may not be the most appropriate or effective solution. Since the January P&Z meeting, staff, NBB and the neighborhood have been working to develop ways to mitigate this impact through other means. These alternatives items are summarized in the action items listed below for consideration by City Council.

- Adopt a budget amendment in the amount of \$220,000 to construct a sidewalk, climbing lane and sharrows on Haywood Road from the West Asheville RiverLink Bridge to Beecham's Curve. The project would be funded jointly by the City and NBB. The City's portion of the funding would come from unallocated capital project savings that are being held in reserve. These improvements will allow safer multi-modal use of Haywood Road.
- Direct staff to include the feasibility of increasing the scope of RADTIP to include increasing the clearance of the railroad bridge and Riverside Drive. The feasibility study would include the consideration of lowering the roadway, decreasing the clearance of the railroad bridge, replacing the railroad bridge, etc. This option would not only improve large truck access to the NBB site but would also support current and future developments along the river. Staff would be directed to provide results from this feasibility study as soon as it is available, assuming that the feasibility portion of the work would be complete before the 70% RADTIP drawings are complete.
- Adopt a resolution stating that when RADTIP is funded, this component be funded for construction first. Along with this, the additional component of improving the radius at the Craven Street Bridge and Riverside Drive in both directions (already included in RADTIP). If it is determined that the clearance of the overpass is not feasible, the radius improvements at the Craven Street Bridge and Riverside would receive priority RADTIP funding.
- Direct staff to study one-waying Clingman Avenue Extension and Roberts Street.
- Direct staff to evaluate ways to mitigate truck traffic on Hanover Street.
- Support the Planning and Zoning Commission's recommendation to perform an evaluation of the truck traffic on Haywood Road and report back in one year from the opening of NBB.

- Not support Planning and Zoning Commission's recommendation that the truck traffic be split 30% Haywood Road and 70% other routes (see Planning Department staff report for description of the Planning and Zoning Commission meeting, deliberation and recommendation).

This action meets Council goals by enhancing the City's long-term financial commitment to infrastructure maintenance and capital improvements. Additionally, this project leverages internal and external partnerships for pursuing capital improvements and infrastructure projects.

Pros:

- Provides for multi-modal transportation improvements on Haywood Road which is prioritized for bike and pedestrian improvements.
- Establishes a defined plan for evaluating the feasibility of increasing the clearance of the opening between Riverside Drive and the railroad overpass. Not only will this allow for better large truck traffic routing for New Belgium but will also accommodate current and future businesses in the area.
- Address the need to further evaluate ways to diversify and mitigate truck traffic on Haywood Road.
- Prioritizes for construction the radius improvements and the bridge clearance, accommodating a variety of trucks and other vehicles for all businesses in the area.

Con:

- We will not know the likelihood of increasing the clearance between the railroad bridge and Riverside Drive until the feasibility study is complete.
- Requires an appropriation from unallocated capital project reserves.

The multi-modal improvements for Haywood Road from the Haywood Road Bridge to Beecham's curve are estimated to cost approximately \$220,000. New Belgium Brewery will contribute \$50,000 toward the project. The City will fund \$170,000 of the cost through an appropriation from unallocated capital project savings that are being held in reserve. There is currently \$305,000 available in capital reserves; after this appropriation, there will be \$135,000 remaining. Staff recommends that this remaining balance be allocated as part of the FY 2013-14 Capital Improvement Program.

The additional cost to expand the feasibility study to increase the clearance of the Riverside Drive Railroad overpass is unknown and will be covered within the project budget.

Staff recommends City Council consider the following:

- Adopt a budget amendment in the amount of \$220,000 to construct a sidewalk, climbing lane and sharrows on Haywood Road from the West Asheville RiverLink Bridge to Beecham's Curve. The project would be funded jointly by the City and NBB. The City's portion of the funding would come from unallocated capital project savings that are being held in reserve. These improvements will allow safer multi-modal use of Haywood Road.
- Direct staff to include the feasibility of increasing the scope of RADTIP to include increasing the clearance of the railroad bridge and Riverside Drive. The feasibility study would include the consideration of lowering the roadway, decreasing the clearance of the railroad bridge, replacing the railroad bridge, etc. This option would not only improve large truck access to the NBB site but would also support current and future developments along the river. Staff would be directed to provide results from this feasibility study as soon as it is available, assuming that the feasibility portion of the work would be complete before the 70% RADTIP drawings are complete.
- Adopt a resolution stating that when RADTIP is funded, this component be funded for construction first. Along with this, the additional component of improving the radius at the

Craven Street Bridge and Riverside Drive in both directions (already included in RADTIP). If it is determined that the clearance of the overpass is not feasible, the radius improvements at the Craven Street Bridge and Riverside would receive priority RADTIP funding.

- Direct staff to study one-waying Clingman Avenue Extension and Roberts Street.
- Direct staff to evaluate ways to mitigate truck traffic on Hanover Street.
- Support the Planning and Zoning Commission's recommendation to perform an evaluation of the truck traffic on Haywood Road and report back in one year from the opening of NBB.
- Not support Planning and Zoning Commission's recommendation that the truck traffic be split 30% Haywood Road and 70% other routes (see Planning Department staff report for description of the Planning and Zoning Commission meeting, deliberation and recommendation). On the 70% split, the only option for that traffic now is to go on Amboy Road and that section of roadway (from the City's prospective) has a park and a lot of children crossing the street.

Mr. Edwin Fowler, representing New Belgium as the project manager, highlighted some of the best steps they have taken to get to this point. They have made tangible commitments to involve the community in all aspects of the process. They hosted open houses, gathered community feedback and are meeting regularly to help guide their path and become good neighbors. They are involved with many community organizations. They have also committed to searching for and hiring local design consultants, contractors, artists and photographers and each of these companies we have partnered with to date has committed to do the same throughout the development process. The development process contains many concepts, design elements and sustainable features that go beyond the standards and requirements for similar developments. We have partnered with the City to develop shared stormwater bioswales, remediate the stream that bisects the site and further the development of the regional greenway plan. We have also planning buildings that are energy efficient and are being designed to fit within the culture of the community while incorporating materials that are soon to be deconstructed from the existing site. These steps represent the foundation and partnerships moving forward.

Ms. Susan Freyler, representing the design team for the Level III project, walked Council through the site addressing specific design elements (Applicant Exhibit 1). The upper portion of the site is the public portion that contains the Liquid Center, the associated visitor parking, an event lawn and pavilion, and perhaps an orchard or some other edible landscaping, as well as where we can use as much native material as possible. There are all walks through the site. The lower half of the site is more of the private side in that it has the production facility, loading docks, recycling area, fermentation tanks, malt building, etc. The Liquid Center will be placed at the top of the bank overlooking the French Broad River. She then explained the three modifications requested and the need for them.

Mr. David Geiser, design architect for the project, spoke to Council about the architecture on the site (Applicant Exhibit 1), worked with New Belgium to make it pleasing and a better neighborhood within the community. He explained the malt building, the brew house, the fermentation tanks, production and support (labs, maintenance facilities, etc.), administrative wing and packaging facility. Efforts have been made to reduce the scale of the building to make it more friendly. He showed views of the project site and said they have tried to introduce as much glass into the two facilities to bring daylight in and for the public to get a glimpse of what is going on inside. He outlined some of the sustainable strategies they are working on - reused/re-purposed materials from project site; local materials; daylight harvesting for interior spaces; clean construction strategies; LEED certification; brownfield revitalization; stormwater treatment in bioswales and bioretention areas; use native plants; approximately ¾ mile from City bus stop;

adjacent to greenway; ground source heat pumps for the Liquid Center; rainwater harvesting; solar domestic hot water; exhaust air energy recovery; and mixed mode ventilation to use natural ventilation for portions of the year.

Mr. Gabe Quesinberry, Mattern & Craig Traffic Engineer that performed the TIS, provided Council with a history of the traffic process, using the off-site improvements and proposed truck routes map found in Applicant Exhibit 1. The initial study identified five potential routing options. Each route was based on the same factors. Through the ranking, the Haywood Road route was the primary route with the Roberts Street/Lyman/Amboy Road as the secondary route. In July we held a meeting at the US Cellular Center and explained the two routes. In October community meetings were held to help define the scope of the technical TIS. Using this feedback, they developed a scope which included a normal TIS process and an expanded community look at the short term and long term impacts for the project. As part of the study, we assumed the worse case scenario that all the trucks would be on Haywood Road. They also looked at the visitor traffic - estimated 100,000 visitors per year to the Liquid Center, and the employee traffic to the facility. It will be a phased opening and they accounted for that in their study. As a result, the current traffic on Haywood Road at I-240 is now 12,000 average daily traffic - .7% of that traffic is classified as trucks. At Craven Street that number is about 8,000 vehicles per day currently - .7%. At full buildout, at I-240, this will increase to 16 trips per day (1.2% truck traffic) and at Craven Street, the number will increase to 11,000 per day - 1.7% classified as trucks. In addition to the improvements Ms. Ball outlined, the off-site improvements will also include turning improvements at Roberts Street and Lyman to allow the radius improvements to allow truck maneuvers there. The Beecham's curve traffic signal project was already in the planning stages for some time. In addition, NC DOT will also be constructing some widening at the I-240 ramps at Hanover Street. They also recognize that there is a need in the City's infrastructure to diversify the routes for commercial trucks. We also identified what potential future projects would diversify feasibly future traffic within the River District, west Asheville and the surrounding areas. The most logical point of that is the RADTIP project. New Belgium is supportive of the RADTIP.

Mr. Jay Richardson, General Manager of New Belgium in Asheville, said that it's clear that the community has helped New Belgium reach the point they are at now. There has been a collaboration of business and neighborhood associations, non-profits, advocacy groups, in conjunction with City staff. This is what can be accomplished with honest dialogue. The culture and values of the City of Asheville will align very closely with that of New Belgium. The neighbors have welcomed and challenged them. Going forward there will be aspects of their business that will require discussion and they look forward to being as collaborative then as we have been to date. We don't view our relationship with the community as just a means to get approval - we view those as beginning of long-term relationships. On behalf of New Belgium, we are excited to make this project successful and to make our neighbors happy.

Councilman Hunt felt that protected bike lanes are more functional than stripped lanes that are immediately next to traffic. He asked City staff to consider (and report back), on Haywood Road, one sidewalk and a protected climbing bike lane on the other side. Ms. Ball said that she would be happy to look at that.

Councilman Smith asked that as we look at a possible protected bike lane that we look at street cross infrastructure.

In response to Councilman Bothwell, Mr. Fowler said that they have not selected a site for the distribution center yet. They looked at some operational ways to make the Riverside Drive north work. Using a lower height truck is something that New Belgium can do without a big operational impact, but that does not make the route usable. The bigger concern is we can't have a 53-foot box truck to make the turn. Our distribution team looked into it and they can make the turn with a 32-foot box truck, but the problem with that is that it results in 40% more trucks. That is 40% more diesel and then buying another tractor and another drive. That has a large long-

term operational impact. If that intersection were improved under the proposed RADTIP project, that would resolve that issue.

When Councilman Hunt asked what would be the timetable New Belgium would need to decide on the height of the trucks to use, Mr. Fowler said sometime in the 2014-15 range. There is some time before the trucking contacts would be finalized.

The following individuals welcomed New Belgium to Asheville and supported the project, but expressed concern mainly regarding the primary truck access of Haywood Road. Some concerns/questions/comments expressed included: high volume trucking route on Haywood Road from the French Broad River to I-240; considerable safety impacts to walkers, bikers and commuters; noise and pollution burden on neighborhood residents and businesses; impact on property values and future development along the corridor, including plans for high density, mixed-use development; need alternative solution for a trucking route north on Riverside Drive; urge Council to immediately fund and approve the purchase of rights-of-way and re-engineering intersection of Craven Street/Riverside Drive/W. Haywood Road to allow adequate turning radius for long bodied trucks; attention to misaligned sewer grates along Haywood Road that are creating bicycle hazards; develop design plans with community input; study pedestrian safety improvements for the neighborhoods off of Waynesville Avenue; request for earlier process for citizen engagement; many businesses on Haywood Road have pull-in parking, which requires backing out onto Haywood Road; there are 15 City bus stops between Craven Street and I-240 and when the bus stops, all traffic stops; there are 4-8 public schools stops between Craven Street and I-240 and fear for children safety since they are standing at the road; there is not a minimal impact of trucks as seen from the TIS numbers; concern about construction truck traffic at Hanover and Haywood especially with a pre-school across the street; New Belgium will bring other businesses to the area; WECAN would like their neighborhood developed as laid out in their Master Plan - including more affordable infill development, safer pedestrian access and routes, multimodal transit, and ecological restoration enhancing the public experience; seek commitment from NC DOT and City to prioritize developing Haywood Road as a compliment to Clingman Avenue serving as a continuous multimodal mixed-use corridor; broaden language to complete a feasibility study that identifies how to provide straight vehicle access to I-240 in the shortest possible route without crossing through neighborhood corridors; WECAN does not currently see the need to change the Clingman Extension and Roberts Street one-way; actively pursue routes with less impact while using the Haywood Road route as the immediate route; explore the option of lowering the grade under the Norfolk Southern Railroad crossing at Riverside Drive; do not support the Planning & Zoning Commission's recommendation to split the brewery traffic 30% Haywood and 70% other routes as this is unrealistic as a condition on New Belgium; New Belgium supports multimodal transportation infrastructure, finances greenways, providing environmental clean-up, sponsorship of community events, providing meaningful jobs and training, and dedication to stream and river health; New Belgium will be a partner to help with support for infrastructure changes; encourage New Belgium to use lower height trucks; when infrastructure changes are made, ensure that crosswalks are brought up to Code and that includes conditions for the handicapped and blind; request that the rail height as Haywood Road crosses over I-240 be raised; New Belgium is a good project that offers greenways, advanced site development, environmental cleanup, construction jobs, community investment and employment opportunities for many of our citizens; the 88 foot height of the 50 fermenting tanks will be higher than the Jeffrey Bowen Bridge; the trestle over Riverside Drive reads 13 feet (we need 13.6 clearance for trucks) but measurement of the trestle in 10 different locations under the bridge reveals ranges from 13.4-13.11 feet; this type development is not good for the type of slow, steady growth in West Asheville; thoroughly examine opportunities to eliminate or mitigate deficiencies in our commercial corridors that inhibit economic redevelopment, including the low clearance issue at the Norfolk Southern bridge and substandard design and placement of the Amboy Road (at Lyman Street) bridge; New Belgium is a transformational project at the core of our regional riverfront redevelopment area; negative impacts are indicators of larger economic development and neighborhood planning issues and need to be addressed in a comprehensive manner, separate from the review of this project; visitors, employees and cut-through traffic will

use Waynesville Avenue which has no sidewalks and has blind curves; New Belgium has projected 154 direct new jobs and support 260 indirect jobs among local businesses, generating new annual labor income for families of Asheville; Haywood Road Pedestrian and Bicycle Safety Audit shows that Haywood Road falls short of meeting Americans with Disabilities Act compliance and makes travel along the corridor dangerous for all modes - we need NC DOT support and investment; and Wilma Dykeman envisioned this type of development on the River:

Mr. Joshua Martin, member of East West Asheville Neighborhood Association
(Neighborhood Exhibit 1)
Ms. Ava Carr, member of East West Asheville Neighborhood Association
Mr. Rich Lee, member of East West Asheville Neighborhood Association (Neighborhood
Exhibit 2)
Mr. Wilson, member of East West Asheville Neighborhood Association
Mr. Tom Burnette, member of East West Asheville Neighborhood Association
Mr. Stuart Green, representing the Emma community
Ms. Rachael Larson, representing West End Clingman Avenue Neighborhood
Association
Mr. Trip Howell, representing River Arts District Business Association
Ms. Alice Oglesby, representing West Asheville Business Association
Mr. Rod Hudgens, representing the Council of Independent Business Owners
Mr. Jonathan Wainscott, representing West Asheville Watch
Mr. Joe Ferikes, representing Asheville Area Riverfront Redevelopment Commission
Mr. Scott Caranna, resident on Waynesville Avenue
Mr. Clark Duncan, representing the Economic Development Coalition
Mr. Mike Soule, representing Asheville on Bikes
Ms. Karen Cragolin, Executive Director of RiverLink

After hearing no rebuttal, Vice-Mayor Manheimer closed the public hearing at 10:51 p.m.

City Attorney Oast said that Council has heard information, mostly from Ms. Ball, about potential future improvements along Riverside Drive. He advised Council to base their decision with that caution in mind.

Councilman Bothwell felt that the problems presented are solvable.

Vice-Mayor Manheimer was pleased to see that the neighborhoods and different organizations worked with the City and New Belgium towards a great compromise. New Belgium is the kind of business we are lucky to have interested in Asheville and we hope they are not the last. Their experience with us should send some sort of indication to other great businesses that may be interested in coming to Asheville that you can work with the City and our neighborhoods and achieve a great compromise. Our RADTIP program is a fantastic program aimed at revitalizing our River District just so that it can in part be a home to future great businesses that will contribute to the fabric of Asheville.

Councilman Hunt felt this has been an incredibly healthy process and the quality dialogue and strategic vision of neighborhoods and business associations have been awesome.

Councilman Bothwell 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. 4160, to approve the conditional use permit adopting the proposed master plan for the New Belgium Brewing Company subject to the conditions recommended by City staff, and the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) This project will undergo final review by the TRC prior to issuance of any required permits; (3) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10 of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with this

ordinance, will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; (6) New Belgium Brewery is to construct one transit shelter on a concrete ADA pad built by the City on the east-bound side of Haywood Road, just southwest of Craven Street; (7) New Belgium Brewery will contribute \$50,000 towards the construction of sidewalks along Haywood Road to aid in pedestrian safety along the designated truck route; (8) Annual review of the truck routes and traffic impacts will be required until full build out, with reports to both the Planning & Zoning Commission as well as City Council; and (9) NBB should minimize the radius and width of the employee and visitor driveways to increase pedestrian safety. This motion was seconded by Councilman Davis and carried unanimously.

ORDINANCE BOOK NO. 28 – PAGE

Vice-Mayor Manheimer said that members of Council have been previously furnished copies of the resolution and ordinance and they would not be read.

Councilman Bothwell moved for the adoption of Ordinance No. 4161, in the amount of \$220,000, to construct a sidewalk, climbing lane and sharrows on Haywood Road from the West Asheville RiverLink Bridge to Beecham's Curve. This motion was seconded by Councilman Davis and carried unanimously.

ORDINANCE BOOK NO. 28 – PAGE

Councilman Smith was pleased that New Belgium will investigate the use of smaller trucks to get down to the solution - Riverside Drive. In the past the City has had mixed results in working with the railroad, but it was his hope that since we have the City, the County, the Economic Development Coalition, New Belgium and the Governor's Office that we will be able to work successfully with the railroad and find the solution at Riverside Drive. That will also lay the groundwork for a lot of future development in our River District. He did think that Waynesville Avenue will be affected. We may be able to post no through trucks, but ultimately we need to make sure that we have really good wayfinding to get to the Brewery and that the trucks are not using Haywood so cars feel that they need to use cut-through streets. He hoped that Council will consider both the protected bike lane and sidewalks on Haywood Road. He supported seeing the Craven Street turning radius to be improved, fixing the sewer grates on Haywood Road, and a Complete Street from Beecham's Curve to I-240.

City Manager Jackson confirmed it was the consensus of Council to do the alternative analysis of Haywood, looking at a separated bike lane and also evaluating in more detail the options for bringing about the safest solution on Haywood. Staff will bring that report back to Council. He also noted that the City will continue to work with the East West Asheville Neighborhood Association to explore traffic calming and evaluate the feasibility and the neighborhood consensus for those improvements.

Councilman Bothwell moved (1) for the adoption of Resolution No. 13-16, in support of prioritizing future funding of the RADTIP to increase the clearance of the Riverside Drive railroad overpass (if feasible) and improve the radius at the Craven Street Bridge and Riverside Drive in both directions to allow for large trucks to turn, as the first funded components of the project; (2) to direct staff to include the feasibility of increasing the scope of RADTIP to include increasing the clearance of the railroad bridge and Riverside Drive. The feasibility study would include the consideration of lowering the roadway, decreasing the clearance of the railroad bridge, replacing the railroad bridge, etc. This option would not only improve large truck access to the NBB site but would also support current and future developments along the river. Staff would be directed to

provide results from this feasibility study as soon as it is available, assuming that the feasibility portion of the work would be complete before the 70% RADTIP drawings are complete; (3) to direct staff to study one-waying Clingman Avenue Extension and Roberts Street; (4) to direct staff to evaluate ways to mitigate truck traffic on Hanover Street; and (5) to support the Planning and Zoning Commission's recommendation to perform an evaluation of the truck traffic on Haywood Road and report back in one year from the opening of NBB. This motion was seconded by Councilman Smith and carried unanimously.

RESOLUTION BOOK NO. 35 – PAGE 165

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 13-17 - RESOLUTION AUTHORIZING THE CITY MANAGER TO INCLUDE THE MUNICIPAL FOOD POLICY GOALS AND ACTION PLAN INTO THE PREVIOUSLY ADOPTED SUSTAINABILITY MANAGEMENT PLAN

Sustainability Program Manager Maggie Ullman said that this is the consideration of a resolution authorizing the City Manager to include the Municipal Food Policy Goals and Action Plan into the previously adopted Sustainability Management Plan.

In April 2012 Council directed the Sustainability Advisory Committee on Energy and the Environment (SACEE) to work with community members of the Asheville Buncombe Food Policy Council (ABFPC) to evaluate how food security strategies may be integrated into the city's Sustainability Management Plan. The Sustainability Management Plan (SMP) was adopted in June 2009 as the road map for municipal sustainability.

SACEE went through a due diligence process to research and assess how the municipality could contribute in order to compliment the larger community effort. This process included: national best practice research, presentations from regional experts, regular updates from ABFPC during SACEE meetings, reviewing the ABFPC's strategic plan, and ultimately co-creating the proposed action plan. The proposed municipal goals and action plan are a subset strategically selected for the municipality from the wide range of goals and activities identified by the ABFPC.

Through this resolution the proposed municipal action plan would be incorporated into the Sustainability Management Plan. With approval of this resolution the management process to evaluate, prioritize, and implement sustainability activities will be expanded to include food activities.

This resolution supports the following activities in the Strategic Operating Plan: 1) Consider leasing City-owned parcels to area farms and gardeners; 2) Support diversified job growth and business development.

Pro:

- This resolution contributes to Councils goal to be the southeastern leader in clean energy and environmental sustainability.

Con:

- None

There is no direct fiscal impact. Potential impacts from implementation of this plan will be considered by Council on an individual basis.

City staff recommends City Council adopt a resolution authorizing the City Manager to incorporate the Food Policy Goals and Action Plan into the previously adopted Sustainability Management Plan.

Ms. Susan Garrett, representative of the Asheville-Buncombe Food Policy Council, spoke in support of this action which will encourage urban agriculture and mobile markets which in turn help food-related economic development.

Councilman Smith was pleased to thank the many volunteers, especially Susan Garrett who has been a real leader, who have brought this extensive process to Council.

Mr. Tim Ballard, representing SACEE, thanked the Food Policy Council on the excellent work they did to engage the community. He encouraged City Council to adopt the resolution.

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

Councilman Smith moved for the adoption of Resolution No. 13-17. This motion was seconded by Councilman Hunt and carried unanimously.

RESOLUTION BOOK NO. 35 – PAGE 166

VI. NEW BUSINESS:

A. RESOLUTION NO. 13-19 - RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

Vice-Mayor Manheimer, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Sustainable Advisory Committee on Energy & the Environment (SACEE).

The terms of Dane Barrager, Torin Kexel and Jane Mathews, expired on December 31, 2012. Mr. Barrager is not interested in serving another term and Ms. Mathews is not eligible to serve another term.

The following individuals have applied for the vacancies: Charles Rosenblum, Peter Brezny, Marcus Renner, Lawrence Pittman, Alan Watts, Brandee Boggs, Melita Kyriakou, Stuart Smith, Timothy Sadler, Josh O'Conner, Forrest Patrick Merithew, Sabrina Wells, Christine Laporte and Robert Brady.

On January 8, 2013, it was the consensus of Council (1) reappoint Torin Kexel; and (2) interview Josh O'Conner, Brandee Boggs, Marcus Renner and Lawrence Pittman.

After Council spoke highly of the candidates, Josh O'Conner received 3 votes, Brandee Boggs received 3 votes, Marcus Renner received 3 votes and Lawrence Pittman received 4 votes. Because of a tie for the second seat, another vote as follows was taken: Josh O'Conner received 4 votes, Brandee Boggs received 1 vote and Marcus Renner received 1 vote. Therefore, Josh O'Conner and Lawrence Pittman were appointed as members of SACEE to serve each serve a three-year term respectively, terms to expire December 31, 2015, or until their successors have been appointed.

In addition, it was the consensus of Council to reappoint Torin Kexel to SACEE to serve an additional three-year term, term to expire December 31, 2015, or until his successor is appointed.

RESOLUTION BOOK NO. 35 – PAGE 170

B. RESOLUTION NO. 13-20 - RESOLUTION APPOINTING MEMBERS TO THE DOWNTOWN COMMISSION

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

The terms of Bruce Hazzard, Rebecca Hecht, Guadalupe Chavarria and Matthew Sprouse expired on December 31, 2012.

The following individuals have applied for the vacancies: Edward Loewe, Patric Mullen, Karl Katterjohn, Dean Pistor, Laurie Miller, Andrew Montrie, Adam Bowers, Luther Smith, Dane Barrager and Larry Holt.

On January 8, 2013, it was the consensus of Council to reappoint Bruce Hazzard, Rebecca Hecht and Matthew Sprouse and postpone the final vacancy for further clarification. The Boards and Commissions Committee recommends appointment of Dane Barrager.

Councilman Bothwell moved to (1) reappoint Bruce Hazzard, Rebecca Hecht and Matthew Sprouse to the Downtown Commission to each serve an additional three-year term respectively, terms to expire December 31, 2015, or until their successors are appointed; and (2) appoint Dane Barrager to serve a three year term, term to expire December 31, 2015, or until his successor has been appointed. This motion was seconded by Councilman Pelly and carried unanimously.

RESOLUTION BOOK NO. 35 – PAGE 171

C. RESOLUTION NO. 13-21 - RESOLUTION APPOINTING MEMBERS TO THE GREENWAY COMMISSION

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

The terms of Glen Locascio and James Grode expired on December 31, 2012.

The following individuals have applied for the vacancies: Stuart Smith, Bryan Mitchell, Forrest Patrick Merithew, Adam Bowers and Luther Smith.

It was the consensus of the Boards & Commissions Committee to reappoint Mr. Grode and let Council vote on whether to appoint Mr. Stuart Smith or Mr. Bryan Mitchell.

After Council spoke highly of both candidates, Stuart Smith received 2 votes and Bryan Mitchell received 4 votes. Therefore, Bryan Mitchell was appointed to the Greenway Commission to serve a three year term, term to expire December 31, 2015, or until his successor is appointed and qualified.

In addition, it was the consensus of Council to reappoint James Grode to the Greenway Commission to serve an additional three-year term, term to expire December 31, 2015, or until his successor is appointed.

RESOLUTION BOOK NO. 35 – PAGE 172

D. RESOLUTION NO. 13-22 - RESOLUTION APPOINTING MEMBERS TO THE TRANSIT COMMISSION

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

The terms of Julie Mayfield, Georgia Shannon, Tom Tomlin and Paul Van Heden expired on December 31, 2012.

The following individuals have applied for the vacancies: Mark L. Harris, Bruce Emory, George E. Keller, Itiyopia Ewart and Bryan Mitchell.

On January 8, 2013, it was the consensus of was the consensus of Council to (1) reappoint Julie Mayfield and Tom Tomlin; (2) appoint Bruce Emory; and (3) interview Itiyopia Ewart and George Keller. However, due to federal requirements for the Transit Commission, the Committee recommended appointing Itiyopia Ewart. The Boards & Commissions Committee did not recommend reappointment of Ms. Georgia Shannon due to the failure to meet attendance requirements.

Councilman Hunt moved to (1) reappoint Julie Mayfield and Tom Tomlin to each serve a three-year term respectively, terms to expire December 31, 2015, or until their successors are appointed; and (2) appoint Bruce Emory and Itiyopia Ewart to each serve a three-year term respectively, terms to expire December 31, 2015, or until their successors are appointed. This motion was seconded by Councilman Smith and carried unanimously.

RESOLUTION BOOK NO. 35 – PAGE 173

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Councilman Smith was proud of Asheville High School's marching band at the Presidential Inauguration on January 21 representing Asheville N.C.

VIII. ADJOURNMENT:

Vice-Mayor Manheimer adjourned the meeting at 11:25 p.m.

CITY CLERK

MAYOR