

Tuesday – February 25, 2014- 5:00 p.m.

Regular Meeting

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

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. N.C. FIRE CHIEF OF THE YEAR RECOGNITIONS

City Manager Jackson recognized Fire Chief Scott Burnette as being awarded the Career Fire Chief of the Year by the North Carolina Fire Chiefs Association. Greensboro Fire Chief Gregory H. Grayson (and former Asheville Fire Chief) nominated Chief Burnette for this recognition. This is the highest honor the NCFCA can bestow upon a member and speaks to the outstanding professionalism of Chief Burnette as well as the esteem with which he is held by his peers.

Director of Emergency Management Jerry VeHaun was also pleased to recognize the Volunteer Fire Chief of the Year Jeff Justice of the Reems Creek Fire Department.

City Manager Jackson noted Asheville's partnership with Reems Creek Fire Department which allowed our Standard of Cover in the Beaverdam area to increase from 20% to the high 90%.

On behalf of City Council, Mayor Manheimer thanked Chief Burnette and Reems Creek Fire Chief Justice for their professionalism and skill they bring to the City of Asheville and our area.

B. EMPLOYEE RECOGNITIONS

City Manager Jackson recognized several departments/individuals that performed at a high level of professionalism and efficiency during the entire winter storm period in mid-February 2014.

II. CONSENT AGENDA:

At the request of Mayor Manheimer. Consent Agenda Items "D" was removed from the Consent Agenda for discussion and/or individual votes.

A. APPROVAL OF THE MINUTES OF THE CITY COUNCIL RETREAT HELD ON FEBRUARY 7-8, 2014, AND THE REGULAR MEETING HELD ON FEBRUARY 11, 2014

B. MOTION APPROVING THE BOARD OF ALCOHOLIC BEVERAGE CONTROL'S TRAVEL POLICIES ADOPTED JUNE 28, 2011

Summary: Changes in Commission rules require ABC Boards across the state to adopt a travel policy that mirrors the travel policy of their appointing authority. In order to meet the requirements of Chapter 18B-700, Article 7 (g2), the Asheville ABC Board seeks to continue to use the travel policies of its appointing authority, the City of Asheville. Section g2 states, "The local board shall annually provide the appointing authority's written confirmation of such approval ..." The ABC Board approved the current policies on June 28, 2011. There are no changes to the current policies.

The Asheville ABC Board is requesting formal written confirmation of the approval of the Asheville Board of Alcoholic Control Board Member Travel Policy and the Asheville Board of Alcoholic Control Travel Policy.

C. RESOLUTION NO. 14-32 - RESOLUTION DELEGATING TO THE CITY MANAGER/DESIGNEE THE AUTHORITY TO EXEMPT IN WRITING, PARTICULAR PROJECTS UNDER \$50,000 IN ACCORDANCE WITH SECTION 143-34.31 OF ARTICLE 3D OF CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES

Summary: The consideration of resolution delegating to the City Manager/designee, the authority to exempt in writing, particular projects under \$50,000, in accordance with Section 143-34.31 of Article 3D of Chapter 143 of the North Carolina General Statutes.

N.C. Gen. Stat. sec. 143-64.31 is often referred to as the "Mini-Brooks Act." It requires that services for architects, engineers, surveyors or construction managers at risk be selected to perform work based on qualifications and not cost. In order to enter into contract with any of these professionals, state and local governments must solicit proposals from qualified professionals. The initial determination of which firm is best qualified must be done without regard to the fee or price.

The law allows for local governments to exempt projects from the provisions of this article for projects where the estimated professional fee is less than \$50,000. This exception must be done by the local government body in writing. The local government can delegate this authority to the City Manager or his designee.

The purpose of the exemption is to allow government officials to hire professionals for projects where time and/or resources are limited. Staff recommends delegating this authority to the City Manager in order to expedite projects performed by these professional firms.

Staff is committed to the intent of the Mini-Brooks Act in that only qualified professionals would be contracted to perform work. Furthermore, staff would initially seek informal proposals from local firms for work expected to be less than \$50,000. It is the intent of staff to contract with as many local firms as possible in order to achieve diversity in design and cost.

This exemption only includes projects where the professional services fee is under \$50,000. All other projects would be procured through request for proposals and/or request for qualifications.

Staff benchmarked other cities, counties and towns in North Carolina to see how they managed this process. There is a variation of how each of these local governments process professional services under \$50,000. Of the thirteen who responded, nine seek exemptions to the Mini-Brooks Act. Of those nine, six delegate the exemption authority to the City/County or Town Manager.

Pros:

- Significantly reduce staff resources and time in the procurement of professional services where the professional fee is anticipated to be less than \$50,000.

- Provide opportunity to contract with local qualified professionals in a more efficient manner.
- Professional firms would not utilize their time and energy preparing proposals for small fees in which they are not selected.

Con:

- Qualified professional firms may be concerned that the city would contract with a limited number of professionals and without the opportunity to submit qualifications, may not have the opportunity to perform work for the City.

The fiscal impact to the City would be indirect in that staff resources would be spent in the design construction phase of the projects as opposed to the selection of the professional firm.

Staff recommends City Council adopt a resolution delegating to the City Manager/designee, the authority to exempt in writing, particular projects under \$50,000, in accordance with Section 143-34.31 of Article 3D of Chapter 143 of the North Carolina General Statutes.

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D. RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING TO ACCEPT A DONATION OF 48 ACRES OF REAL PROPERTY AT 98 DESOTA STREET FROM DUKE ENERGY PROGRESS AND ENTER INTO A CONSTRUCTION AND MAINTENANCE AGREEMENT FOR JOINT STORMWATER IMPROVEMENTS

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

E. RESOLUTION NO. 14-34 - RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT TWO REMNANT PARCELS OF REAL PROPERTY FROM THE N.C. DEPT. OF TRANSPORTATION FOR THE PURPOSE OF ASSEMBLING THE PROPERTY INTO EXISTING RIGHT-OF-WAY AT SWEETEN CREEK INDUSTRIAL PARK

Summary: The consideration of a resolution authorizing the Mayor to accept the conveyance of two parcels of N.C. Dept. of Transportation (NCDOT) remnant property on Sweeten Creek Industrial Park in order to assemble the property into existing City right-of-way.

On January 28, 2014 Council approved a resolution to accept 2.79 acres of remnant property along Sweeten Creek Industrial Park. NCDOT owns a second parcel along Sweeten Creek Industrial Park road and has offered to donate this parcel to the City. This parcel measures 2.09 acres (identified as PIN 9657-33-3015) and is within close proximity to the new GE Aviation facility. The City plans to assemble the property into the existing city right-of-way at Sweeten Creek Industrial Park.

Pros:

- Increases the City's right of way along an industrial corridor.
- Donation from NCDOT

Con:

- Modest additional maintenance costs.

No monetary consideration required for the conveyance. Deed recordation fees will be the responsibility of the City, which should not exceed \$100.00.

City staff recommends City Council to adopt a resolution accepting the conveyance of NCDOT remnant property to assemble the property into existing right-of-way.

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F. RESOLUTION NO. 14-35 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE N.C. WATER AND WASTEWATER AGENCY RESPONSE NETWORK FOR AN INTRASTATE MUTUAL AID AND ASSISTANCE AGREEMENT BY AND BETWEEN WATER AND WASTEWATER UTILITIES

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with the North Carolina Water and Wastewater Agency Response Network (NCWaterWARN) for an intrastate mutual aid and assistance agreement by and between water and wastewater utilities.

The City of Asheville Water Resources Department wishes to enter into an intrastate mutual aid and assistance agreement by and between water and wastewater utilities. Through this agreement, members coordinate response activities and share resources during emergencies whether localized to the utilities or a declared disaster. The NCWaterWARN has prepared a contract to specify the role of its members, how to request assistance and the reimbursement of costs associated with the response to an emergency. This staff report seeks Council approval for the contract.

By entering into this mutual aid agreement, there is no duty to respond. Members may or may not choose to participate in any specific event. As circumstances develop, the provider may withdraw support after giving a notice of intent to withdraw. Reasonable costs for personnel (portal to portal), support of personnel, equipment and materials, as defined by FEMA or other agency, will be reimbursed by the recipient of the assistance.

A Member of NC WARN .may withdraw after providing written notice of the intent to withdraw given to NCWaterWARN. The withdrawal takes place 60 days after NCWaterWARN receives the notice.

There is no cost incurred by entering into this agreement. There may be some incidental costs incurred when responding to a request for assistance, but the majority of expenses will be reimbursed by the recipient of the mutual aid.

City staff recommends City Council approval of a resolution authorizing the City Manager to execute a contract with the North Carolina Water and Wastewater Agency Response Network.

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G. RESOLUTION NO. 14-36 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS AWARDED THROUGH THE 2013 BYRNE JUSTICE ASSISTANCE GRANT - LOCAL SOLICITATION

ORDINANCE NO. 4282 - BUDGET AMENDMENT FOR ACCEPTANCE OF 2013 BYRNE JUSTICE ASSISTANCE GRANT

Summary: The consideration of (1) a resolution authorizing the City Manager to accept funds awarded through the 2013 Byrne Justice Assistance Grant – Local Solicitation and (2) the accompanying budget amendment, in the amount of \$53,016.

The Asheville Police Department has applied for and has been awarded the Byrne JAG 2013 – Local Solicitation. This predetermined amount of funds was based on the Part 1 Uniform

Crime Reporting Crimes. The Asheville Police Department and Buncombe County Sheriff's Department were allocated \$53,016 based on the award matrix, with Asheville receiving \$38,844 and Buncombe County receiving \$14,172. The distribution of funds has been approved through a signed MOU.

APD plans to purchase in-car video systems to place in patrol cars. The recordings would generally serve as evidence to be utilized in court for the prosecution of criminal cases. However, recordings could also be used to aid in resolving allegations of wrongdoing by officers. This technology allows for an even greater level of protection of officers and citizens. The digital cameras provide high quality video/audio recording of events in and around the patrol car. Recordings such as this help protect the interests of citizens as well as the interests of police officers and City of Asheville. Recordings captured with these cameras could aid in mitigating potential civil liability for the City of Asheville by illustrating in detail the actual events that transpired. The secure evidentiary storage and wireless upload capabilities of the system create a user friendly system that is extremely secure and versatile.

The Buncombe County Sheriff's Office plans to purchase ATN Night Vision systems. The purpose of this equipment is to enhance officer safety and community safety through the use of technology. This equipment will allow officers to respond to crisis incidents during the hours of darkness or during reduced lighting conditions and operate as effectively as during daylight hours.

The APD will expend \$38,844 for the in-car video equipment. The Buncombe County Sheriff's Department will expend \$14,172 for the purchase of night vision equipment. This accounts for the total allocation of \$53,016 for this Grant.

This is a 100% non-matching grant that will enable the APD to greatly enhance documentation of patrol related activities such as vehicle stops, pursuits, etc. The video evidence will prove to be very valuable in court for both civil and criminal offenses. Additionally, such evidence will be valuable to for internal investigations into officer actions and encounters. This will enhance accountability for officer actions and increase officer and public safety.

Pros:

- Increasing In-Car video will allow for better documentation of police related incidents.
- Increases officer and citizen accountability through recorded interactions.
- Partnership with Buncombe County Sheriff's Office

Con:

- None.

There is no fiscal impact at this time for City Council to approve the resolution accepting this grant award. There will be maintenance and replacement costs for the equipment that will need to be included in future fiscal year budgets.

City staff recommends City Council adopt (1) the resolution authorizing the City Manager to accept grant funds through US Office of Justice Programs; and (2) the associated budget amendment, in the amount of \$53,016.

**RESOLUTION BOOK NO. 36 - PAGE 85
ORDINANCE BOOK NO. 28 - PAGE 468**

H. ORDINANCE NO. 4283 - BUDGET AMENDMENT FOR THE WNC NATURE CENTER

Summary: The consideration of a budget amendment in the amount of \$1,084.89 to transfer funds from the FY12 North Carolina Department of Commerce allocation budget for the WNC Nature Center, to the FY14 allocation budget.

Each year the State of North Carolina in the Department of Commerce allocates funds to 25 to 30 member museums, science centers and nature centers in North Carolina. The WNC Nature Center is a member of the collaborative. In FY12, the City of Asheville was allocated \$92,630 to support capital projects at the WNC Nature Center. Soon after, the City received an additional \$1,084.89 as a reversion payback however the funds were not added to the budget at that time.

In order to be authorized to spend the \$1,084.89, staff is requesting City Council approve a technical budget amendment to transfer this amount from the FY12 North Carolina Department of Commerce allocation budget for the WNC Nature Center, to the FY14 allocation. Funds will be used to support capital improvements at the Nature Center.

The technical budget amendment is a one-time transfer that will increase the existing budget for the FY14 North Carolina Department of Commerce allocation for facility improvements at the WNC Nature Center. The transfer is funded by a reversion payback associated with an allocation from the North Carolina Department of Commerce received in FY12. There is no impact to the City's General Fund budget.

Staff recommends City Council approve the technical budget amendment authorizing the City Manager to transfer \$1,084.89 as a reversion payback for funds associated with the FY12 allocation from the North Carolina Department of Commerce for the WNC Nature Center, to the budget for the FY14 allocation to be used to support improvements at the Nature Center.

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

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

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

ITEM REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTE

D. RESOLUTION NO. 14-33 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING TO ACCEPT A DONATION OF 48 ACRES OF REAL PROPERTY AT 98 DESOTA STREET FROM DUKE ENERGY PROGRESS AND ENTER INTO A CONSTRUCTION AND MAINTENANCE AGREEMENT FOR JOINT STORMWATER IMPROVEMENTS

Summary: The consideration of a resolution authorizing the Mayor to enter into a Memorandum of Understanding to accept a donation of 48 acres of real property at 98 Desota Street from Duke Energy Progress and enter into a Construction and Maintenance Agreement for joint stormwater improvements.

Duke Energy Progress (formerly known as Progress Energy of the Carolinas, and Carolina Power & Light) has offered to enter into a Memorandum of Understanding with the City for a real property donation and construction agreement. The overall partnership goals of the MOU are:

- Complete a land conveyance of Duke owned property at 98 Desota Street to the City to support the implementation of the French Broad River Greenway, and provide for a transmission line Right-of-Way for Duke.
- Develop joint stormwater facilities to service both the transmission line access road and the greenway.
- Facilitate the regulatory permissions associated with the planning, design, and implementation of the utility and other public infrastructure, such as the greenway, parking and stormwater improvements, associated with the aforementioned property.

Duke owns approximately 48 acres of unimproved land along the French Broad River between the RiverLink Bridge and the French Broad River Park (identified as PIN 9638-92-3484). Duke uses a portion of this property for transmission lines and plans to upgrade and relocate these lines within the parcel footprint. At this time, Duke has expressed interest in donating this parcel to the City, subject to an easement for the transmission line right-of-way.

If accepted, the City would utilize this parcel to connect the planned multi-use path at the New Belgium Brewing site to the existing greenway and park infrastructure at the French Broad River Park. The subject parcel is very steep and mostly riverfront, and an off-road multi-use path is likely the highest and best use for the parcel.

Both the transmission line relocation and the development of a city multi-use path would require the installation of stormwater improvements. Duke will present stormwater improvement plans to the city for approval, and will construct approved improvement during the transmission line rebuild project. Following the land transfer, the City will maintain those improvements, and in turn, Duke will provide a one-time fee for ongoing maintenance.

Given that the parcel is steep in some areas, the city greenway may include the development of retaining walls and other structures. Currently, certain Duke policies prohibit the development of retaining walls and other structures within Duke transmission line right-of-way. Within the terms of the MOU, Duke has agreed to work in good faith to resolve conflicts that may arise between the greenway and transmission line right-of-way policies in a way that promotes and allows for greenway development along this parcel of real property.

As part of the MOU between Duke Energy Progress and the City of Asheville, the City agrees to work in good faith to support the company's effort to locate parcels for utility substation construction and associated transmission lines to support the growing electrical demands within the city.

The proposed MOU outlines the intent of the parties to enter into two contracts -- a Donation Agreement for Real Property and a Construction and Maintenance Agreement for the joint stormwater improvements. The MOU sets forth the responsibilities of each party to fulfill, and timeline for implementation.

Pros:

- Provides for multi-modal transportation along the French Broad River adjacent to the West Asheville Neighborhood and River Arts District
- Donation of land from Duke Energy Progress
- Financial partnership for the joint stormwater improvements and maintenance

Con:

- Timeline for implementation of improvements must be coordinated with the City's budgetary process and CIP funding.

The capital requirements for the project will be defined as an outcome of the architectural and engineering study. The funding for this project will be presented to Council as part of the budgetary process.

City staff recommends City Council to adopt the resolution authorizing the Mayor to enter into a Memorandum of Understanding to accept a donation of real property from Duke Energy Progress and enter into a Construction and Maintenance Agreement for joint stormwater improvements.

Mr. Jason Walls, District Manager of Duke Energy Progress, was excited to be a partner with the City and to work with staff on that part of the river.

City Manager Jackson said that there will still need to be design work and communication with the associated neighborhood and other users.

Councilwoman Wisler thanked Duke Energy Progress for this donation and hoped they will continue their work with major energy users so we don't have to build too many more sub-stations.

Councilman Smith acknowledged the community group that has been involved in this process to date and their willingness to volunteer to get this up and running.

Councilwoman Wisler moved to adopt Resolution No. 14-33. This motion was seconded by Vice-Mayor Hunt and carried unanimously.

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III. PRESENTATIONS & REPORTS:

A. UPDATE ON HOMINY CREEK SPILL

Fire Chief Scott Burnette updated City Council on the Hominy Creek spill, located about one mile outside the City limits, on February 14, 2014. He explained the different roles that the different agencies played - City of Asheville Hazardous Materials Regional Response Team; Buncombe County Emergency Management; NC Dept. of Environment and Natural Resources (NC DENR); and the Environmental Protection Agency. NC DENR has advised the City that the contractor completed cleaning the non-porous surfaces, soils, retention pond and downstream booms. NC DENR anticipates the remaining booms will be removed before the weekend.

The next steps will be (1) initial abatement report to be submitted to NC DENR within 30 days; (2) preliminary lab results of three stream samples collected downstream of the site were non-detect for diesel range organics; and (3) on February 24, 2014, a Notice of Violation from the UST Section was issued to Harrison/APAC.

In response to Councilman Davis, Fire Chief Burnette said that he would be happy to make a report to the Public Safety Committee on what the City of Asheville has in place for spill containment to include local regulations and information on whether distance standards exist for large fuel storage near creeks and rivers.

In response to Councilman Pelly, Fire Chief Burnette said that NC DENR's initial reports that out of the 5,000 gallons spilled, 1,500 gallons could have impacted the stream.

When Councilman Smith asked how well equipped are we to respond to a situation like this, Fire Chief Burnette explained that we are much more prepared with equipment and training for those type events than other cities our size.

Mayor Manheimer asked that Fire Chief Burnette's PowerPoint be posted on line and that City Council be e-mailed the link so they may pass it along to interested citizens.

B. QUARTERLY REPORTS

Strategic Operating Plan

Interim Deputy City Manager Mike Morgan provided Council quarterly updates on key strategic initiatives associated with the three focus areas of the City of Asheville's Strategic Plan. Staff has tracked projects using performance indicators and measurements through Fiscal Year 2013-14.

This information is to update City Council on key operational initiatives specific to the Strategic Operating Plan. No action is necessary at this time.

Financial Report

Budget Manager Tony McDowell provided Council with the following financial information which reflects the City's overall financial position for the fiscal year through December, 2013.

Amendments. The General Fund budget presented in this second quarter report reflects the adopted budget of \$95,861,764 along with four budget amendments approved by Council. The only budget amendment approved since the first quarter report to Council was the \$7,786 amendment to budget the State of North Carolina annual grants to Harvest House and the Senior Opportunity Center. A summary of the budget amendments that were approved as of December 31, 2013, is presented below. None of these amendments involved an appropriation from fund balance.

Adopted Budget	95,861,764
Budget Amendments:	
Technical: Move Changing Together to Grant Fund	(79,060)
Technical: Move Computer Purch. to Capital Fund	(350,000)
Add School Resource Officer	49,842
Senior Op Center/Harvest House Grant	<u>7,786</u>
12/31/2013 Budget	<u>\$95,490,332</u>

Revenues. Through December 31, 2013, the City has collected \$55,761,424 in General Fund revenue, which represents approximately 58.4% of the total General Fund revenue budget. The percentage of revenue collected compared to budget is almost identical to the previous year's percentage through two quarters. Staff received assessed valuation data from Buncombe County in January that confirmed the FY 2013-14 property tax levy estimates. However, with the change from County to State collection of the motor vehicle tax, revenues from this portion of the tax base are lagging behind estimates. Staff will continue to monitor these collections. Sales tax revenue, which is up 2.8% compared to the same period last fiscal year, is also lagging behind budget. Through two quarters, state utility tax revenue is flat compared to the prior year but on track to reach budget estimates. On a positive note, revenue from Development Service fees continues to trend higher than anticipated and is at 70% of budget. Overall, staff is currently projecting that ***FY 2013-14 General Fund revenue will come in under budget by \$399,000 or 0.42%.***

Expenditures. General Fund expenditures through December 31, 2013 total \$41,215,333 or 43.2% of the budget, which is slightly under where we were last fiscal year after two quarters. Personnel expenses, the largest component of the General Fund budget, are running under budget through the first two quarters. Expenditures for fuel and fleet maintenance

are also performing better than budget through December. Utility costs are also under budget through December, but likely to increase and be higher than recent years in the second half of the fiscal year due to the colder winter. **Based on the trends noted above, staff is projecting that expenditures will finish the year under budget by \$840,000 (99% of budget) which will more than offset the expected revenue shortfall.**

Fund Balance. The City ended FY 2012-13 with available fund balance of \$15.4 million, which equated to 17.6% of FY 2012-13 expenditures. Based on **current revenue and expenditure projections for FY 2013-14, staff estimates that available fund balance at June 30, 2014, will be \$15.9 million or 16.8% of estimated expenditures.**

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF 12.33 ACRES FOR A PROJECT KNOWN AS THE AVALON LOCATED ON SWEETEN CREEK ROAD FROM INDUSTRIAL DISTRICT TO RM-16 MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING

ORDINANCE NO. 4284 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY KNOWN AS THE AVALON LOCATED ON SWEETEN CREEK ROAD FROM INDUSTRIAL DISTRICT TO RM-16 MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone 12.33 acres for a project known as The Avalon, located on Sweeten Creek Road, from Industrial District to RM-16 Multi-Family High Density District/Conditional Zoning for the development of 8 multi-family buildings and 1 clubhouse building. This public hearing was opened and continued from the December 10, 2013, meeting. On February 11, 2014, the applicant requested a continuance to this date due to inclement weather.

Ms. Bernstein said that the applicant is requesting review of a conditional zoning request from Industrial to Residential Multi-family High Density (RM-16), in accordance with Section 7-7-8 of the UDO, for the construction of a multi-family apartment complex.

She said that when Council last heard the staff report on the conditional zoning request for The Avalon, a continuation of the public hearing was requested to allow staff the time to do some additional analysis on industrial properties in the city, and this site in particular, after Council concerns were expressed about losing industrially zoned land. Economic Development Director Sam Powers reported the results of that evaluation to the Planning & Economic Development Committee on January 21.

The study looked at zoning adjustments related to Industrial zoned land over the past 10 years, noting that the city has not lost all that much industrial property (excluding the airport) during that timeframe. The report concluded that this site is not considered as having a high potential for industrial development by the Economic Development Commission, and staff recommended proceeding with the rezoning. The Committee indicated general support for the staff conclusions and voted 3-0 to move the application back to the full Council.

Vice-Mayor Hunt gave a brief history of the industrially-zoned land. He said that industrial sites are very few in the County and City and in order to achieve economic development goals, it's important we have sites available for industry to locate. He said that our Economic Development staff and the Economic Development Coalition of Asheville & Buncombe County have renewed their commitment to understanding more about industrial inventory and how we might need to approach that in the future. Staff has determined that from in industrial site inventory, this site could be supported to conditionally zone.

Mr. W. Louis Bissette, attorney representing the developer for the Avalon Project, said that this company is family owned and are based in Gastonia, N.C. The currently have a project underway in Asheville on Mills Gap Road. He agreed with City staff that this is not a high priority site for industrial property. He believed the 192 units are needed in this area and it is shovel ready. He explained that these are work-force oriented apartments.

Mr. William Ratchford, Vice-President of Triangle Realty, reiterated that they are owners and long-term operators of their projects. He explained some of the green features on the site being Energy Star Appliances, low flow water saving fixtures, permeable pavement sections in part of the parking areas, and a community garden. He said that 12 years ago the site was graded and there is a lack of vegetation on the site. They will put in 100 new trees and several hundred bushes.

Councilman Smith noted we are trying to create affordable housing and we have had hundreds of apartment units approved by Council in the last few months and only 14 of them are designated affordable. We do need to improve housing stock, but this looks like we are only creating one kind.

Mr. Ratchford said they are market rate owners. They feel that Asheville does have affordability problems but not just for low income, but throughout the entire group of rental housing. They should open up 224 units with The Palisades next summer. If this project is approved they will add another 416 units to a supply market that will help reduce rents. Their workforce housing rates are for a one-bedroom start at \$800; a two-bedroom starts at \$1,000; and a three-bedroom starts at \$1200-1300. He believes that the market rate apartments will drive the economy and make it better for not just low income apartment units, but for all units.

Councilman Smith was disappointed on the lack of affordability for this project, but he did value the unit stock.

When Councilman Pelly asked if local government has a role to address the situation where 40% of our tenants are paying more than 40% of their income, Mr. Ratchford felt that from the development end, the ability to get through plans and marketing is tough in Asheville, but consistency and knowing what to expect from the beginning is good.

Vice-Mayor Hunt believed that the reforming the Unified Development Ordinance (UDO) and updating our Comprehensive Plan will allow us to better accommodate multi-family development for not only addressing the supply/demand curve, but also infill density. His preference would be to move forward over the next couple of years to reform our UDO and make it a level playing field for more predictability for everyone and also have it geared to incentivize and encourage affordable housing development.

Councilman Smith looked forward to creating that policy framework to improve affordable housing. City Council has to be clearer on what we expect, noting that that conditional zonings are the type zonings that City Council can ask for things to meet their strategic goals.

At 6:22 p.m., Mayor Manheimer asked for public comment, and after no one spoke, she closed the public hearing at 6:22 p.m.

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

Vice-Mayor Hunt 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. 4284 to conditionally zone 12.33 acres for a project known as The Avalon, located on Sweeten Creek Road, from Industrial District to RM-16 Multi-Family High Density District/Conditional Zoning,

subject to 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 the issuance of any site development 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 the 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; and (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. This motion was seconded by Councilwoman Wisler and carried on a 5-2 vote, with Councilman Pelly and Councilman Smith voting "no."

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B. PUBLIC HEARING TO CONSIDER CONDITIONALLY ZONING PROPERTY LOCATED AT QUAIL HOLLOW DRIVE AND WESTON ROAD FROM RS-4 RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY DISTRICT AND INSTITUTIONAL DISTRICT TO RS-4 RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY DISTRICT/CONDITIONAL ZONING

ORDINANCE NO. 4285 - ORDINANCE TO CONDITIONALLY PROPERTY LOCATED AT QUAIL HOLLOW DRIVE AND WESTON ROAD FROM RS-4 RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY DISTRICT AND INSTITUTIONAL DISTRICT TO RS-4 RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY DISTRICT/CONDITIONAL ZONING

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone property located at Quail Hollow Drive and Weston Road from RS-4 Residential Single-Family Medium Density District and Institutional District to RS-4 Residential Single-Family Medium Density District/Conditional Zoning to create a major subdivision with the extension of the existing roadway to accommodate twelve single-family home lots. This public hearing was advertised on February 14 and 21, 2014.

The project site involves 4.29 acres of land at the terminus of Quail Hollow Drive and with frontage on Weston Road. The project area, which is comprised of a portion of two parcels, is split-zoned RS-4 and Institutional, with the majority of the property in the RS-4 zone. Surrounding properties are Institutional (INST) to the west, INST and RM-16 to the north, INST and RS-4 to the south and RS-4 to the east.

The applicant is proposing to subdivide 4.29 acres from two larger parent parcels to develop a continuation of an adjacent residential development to the north. The proposal shows the creation of 14 separate lots; 12 of which will contain single-family homes and the remaining two (closest to Weston Road) designated for open space. Due to the split-zoning on the property, the applicant requests a conditional zoning to eliminate the Institutional portion, resulting in a single-family development all zoned RS-4. The developers have not indicated any plans for the residual acreage of the parent parcels, located to the south.

Quail Hollow Drive is shown to be extended, terminating in a cul-de-sac to the west and a stub-out turnaround to the southeast. Street lights (5) are shown along the new roadway as well.

Street trees are required along the new road and are shown at a rate of one tree every 40 feet, resulting in 37 trees. Thirty percent of the total acreage is required to be dedicated as tree save area (1.29 acres) and will be planted according to section 7-11-3 of the UDO. Twenty percent of the area (0.86 acres) is designated as open space and is provided in the two lots with frontage along Weston Road.

The request for all RS-4 zoning is appropriate as the bulk of the project area is already under this designation. When creating new lots, it is preferable to avoid a development with split-zoning. Additionally, the proposed subdivision as it is shown is allowed by-right in the existing RS-4 zoning. The conditional zoning application is proposed only to resolve the split-zoning.

The proposal was approved with conditions by the Technical Review Committee on January 6, 2014.

The Planning & Zoning Commission reviewed this request at their meeting on February 5, 2014. Staff supported the rezoning but felt the cul-de-sac should be instead opened to Weston Road. The developer indicated a concern that high speeds and blind curves along Weston Road, as well as other street entrances within close proximity, would make the connection unsafe. Residents of the existing subdivision were present and voiced concern over the lot sizes being smaller than their own and expressed a desire for the connection to Weston Road.

The Commission was supportive of the proposed rezoning/subdivision extension (voting 5-0 in favor); but based on City goals to provide connectivity throughout residential neighborhoods, they requested that the developer provide the connection to Weston Road *if the DOT would determine that the connection can be safely made* since Weston Road is under DOT control and any new driveways would be under their authority to permit, rather than the City. Since that meeting the staff received a determination from DOT stating that they believe the connection to Weston Road would not be safe and therefore, the suggested condition from the Planning & Zoning Commission would not be applicable.

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 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 site is currently undeveloped (wooded) and has an average natural grade of 12.85%. The proposed use to extend Quail Hollow Drive and create 12 single-family home lots should be compatible with the existing topography of the area. No significant mitigation measures are expected to be needed.
3. *That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.*
As a continuation of the similar residential neighborhoods to the east, the proposed single-family development is not expected to injure the value of adjoining properties.
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.*
The continuation of Quail Hollow Drive with 12 single-family home lots is compatible with the scale, bulk, coverage, density and character of the area especially to the north, east

and south, which is predominantly single-family residential as well. The residential development to the immediate north, although in the RS-4 zone, was developed with larger lots than this proposal. The parcels to the west are mostly undeveloped and zoned Institutional. Any development on this land would be required to provide a buffer against the residential use.

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 project generally conforms to the comprehensive plan and City Council's strategic plan in that the continuation of the existing single-family development preserves and further strengthens the residential neighborhoods in the immediate vicinity, preserves open areas and provides opportunities for housing.

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 accessible by vehicle. The nearest transit route is the S3 at Hendersonville and Buck Shoals Road (less than 0.5 miles). Adequate water supply, police protection, waste disposal and similar facilities are verified during the TRC review process.

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

Based on a review of the plans for this project, the proposed use should not cause undue traffic congestion or create a traffic hazard. Staff has concerns with the proposed stub on the east side of the development, as if it had access to Weston Road there would be another access to the property for residents and emergency vehicles. Weston Road is; however, under the control of DOT and their letter dated February 7, 2014, states that the connection is not considered as a viable option due to safety concerns and would not be permitted by the Department.

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

Considerations:

- Conditionally zoning the entire property to RS-4 eliminates the split-zoned result of residential lots with an Industrial portion, which can lead to conflicting development standards
- The proposal is a continuation of an existing single-family development and is consistent with the development pattern in the vicinity.
- The proposal as shown is permitted by-right in RS-4 zoning.
- While not prohibited, stubbed cul-de-sac streets are strongly discouraged on local and residential streets because they are seen to disrupt connectivity, safety and access, *however, the DOT controls Weston Road and they do not consider a connection to be a viable option due to safety concerns.*

Staff recommends supporting the request to conditionally zone the proposed major subdivision from RS-4 and Institutional to all RS-4, with the following suggested 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 the 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; and (5) The term of validity for the conditional zoning amendment is contingent on pursuit of the specified development. Without such action, the zoning amendment

can expire as per UDO Sec. 7-7-8(c)(9) and 7-7-8(c)(10). The proposal eliminates a split-zoned situation which would otherwise result in multiple conflicting standards on each single lot.

City staff recommends City Council approve/deny the Conditional Zoning from RS-4 and Institutional to RS-4 and (if approving) subject to the conditions suggested by staff and find that the request is reasonable and is consistent with the Comprehensive Plan and other adopted plans, based on information provided in the staff report and as stated in the staff recommendation.

Mr. William Lapsley, consulting engineer for the project, said that this is the completion of the original development by the same owner/developer. He said that he met with the NC Dept. of Transportation District Engineer and discussed the possibility of connecting the stub-out to Weston Road. He and the District Engineer felt that the connection should not be made from a safety standpoint.

Mayor Manheimer opened the public hearing at 6:30 p.m. and when no one spoke, she closed the public hearing at 6:30 p.m.

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

Councilwoman Wisler 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. 4285 to conditionally zone property located at Quail Hollow Drive and Weston Road from RS-4 Residential Single-Family Medium Density District and Institutional District to RS-4 Residential Single-Family Medium Density District/Conditional Zoning for single-family residential restructures, subject to 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 the 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; and (5) The term of validity for the conditional zoning amendment is contingent on pursuit of the specified development. Without such action, the zoning amendment can expire as per UDO Sec. 7-7-8(c)(9) and 7-7-8(c)(10). This motion was seconded by Councilman Davis and carried unanimously.

ORDINANCE BOOK NO. 28 - PAGE 476

C. PUBLIC HEARING TO CONSIDER REZONING A PORTION OF 101 BRUCE ROAD FROM INSTITUTIONAL DISTRICT TO COMMERCIAL INDUSTRIAL DISTRICT

ORDINANCE NO. 4286 - ORDINANCE TO REZONE A PORTION OF 101 BRUCE ROAD FROM INSTITUTIONAL DISTRICT TO COMMERCIAL INDUSTRIAL DISTRICT

Urban Planner Blake Esselstyn said that this is the consideration of an ordinance to rezone a portion of 101 Bruce Road from Institutional District to Commercial Industrial District. This public hearing was advertised on February 14 and 21, 2014.

The subject property has an area of approximately 5.9 acres, but the zoning change would only affect about 0.4 acres along the southern boundary (roughly 7% of the lot). The majority of the lot is currently occupied with a tractor and equipment sales/rental/service

business, but the portion subject to the rezoning is vacant, with a row of evergreen trees paralleling Sand Hill School Road. The area proposed to be rezoned is a rectangular strip about fifty feet deep, and the land slopes downward away from the road. There are distant mountain views from this point on the property. The lot also has frontage on Highland Center Boulevard and Bruce Road, but these streets are not expected to be significantly affected by the rezoning.

The applicant has requested a standard rezoning from INST (Institutional) district to CI (Commercial Industrial) district, which currently is the zoning for 93% of the parcel, in order to lessen the complexity of having different standards applied to different parts of the lot.

At their February 5, 2014, meeting, the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request.

Compatibility Analysis: Because the area subject to a change in zoning is a shallow strip seven times as wide as it is deep, analysis of the surrounding properties is different than it would be for more typical rezonings. A good way to consider the proposed change is simply shifting the boundary between INST and CI zoning south 50 feet.

The uses to the east and west (a single family home zoned RM16 and church zoned INST, respectively) already are adjacent to the CI zoning; the proposal would merely widen the juncture of the districts by 50 feet. To the north, the applicant's property is already zoned CI – designating the entire property with a consistent zoning district would be a benefit.

The Sand Hill-Venable elementary school across the street to the south (zoned INST) would go from having INST zoning across the street, albeit shallow, to CI zoning across the street. This interface ostensibly represents the most significant potential change, but, as will be discussed below, actual impact is less than what might be perceived at first consideration.

The existing zoning appears to date back to the adoption of the UDO in 1997 – before that, there was not a split-zoned situation. For some years, the character of the stretch of Sand Hill School Road between the bridge over Smokey Park Highway and Sand Hill School Road has been almost entirely residential and institutional: a mix of homes and church and school uses.

Staff's supposition is that the strip of INST zoning currently in effect was put in place to preserve uniformly residential and institutional zoning along the corridor. Such splitting of properties has largely come to be considered a zoning practice to be avoided. Other than imposing a lower limit on sign size, and pushing certain developments slightly farther back from the street, the zoning has little practical effect on the development of high-impact uses on the bulk of the lot.

Further, the City's Institutional zoning district allows a variety of non-institutional uses, such as lodging facilities, microbreweries, banks, pharmacies, and health and fitness facilities. As an example, even under the current zoning, a large hotel could theoretically be built within 15 feet of the Sand Hill School Road property line. Interestingly, the parcel's current dominant land use (large equipment sales/service) is not a permitted use in Institutional zoning. The proposed zoning would allow that use, and other uses such as a nightclub, car wash, flea market, or kennel (already allowed on the northern 93% of the lot) to be built slightly closer to the road.

While one might expect that "up-zoning" the stretch along Sand Hill School Road (a state-maintained road) would increase the chances for a driveway using that frontage, both NCDOT and City traffic engineers generally direct developers to place such ingress/egress on the side street (in this case, Highland Center Blvd). Additionally, if a new high traffic use on the lot were expected to substantially increase traffic at that intersection, staff would work with NCDOT and the developer to install appropriate traffic signals – at the developers' expense.

On January 27, 2014, staff contacted the Principal of the Sand Hill-Venable Elementary School by phone and discussed the proposed zoning change, and there was no indication of opposition. On February 17, 2014, staff received a call from the Buncombe County Schools Facilities Director, who also wanted to discuss the rezoning. He stated that their primary concerns were safety and accessibility, and he asked a number of questions, but indicated that he needed to consult with others before he could state any position about the matter.

As of this writing, staff has received no other communications from other citizens.

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

Considerations:

- Rezoning would resolve a split-zoned situation.
- Would facilitate compliance with UDO for property owner, reducing needless obstacles to development without additional risk of detriment to neighborhood.
- Could allow for larger signage on Sand Hill School Road.

The current situation complicates appraisal of the property, imposes inconsistent setbacks and other standards, and generally muddles the status of the land, contrary to recommended zoning practice. Any perceived benefits of the current zoning status, on the other hand, are almost entirely illusory and based on zoning practices no longer followed. Staff feels the proposed rezoning will yield an improvement over the existing arrangement, and strongly recommends approval.

Mayor Manheimer opened the public hearing at 6:34 p.m. and when no one spoke, she closed the public hearing at 6:34 p.m.

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

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. 4286. This motion was seconded by Councilman Smith and carried unanimously.

ORDINANCE BOOK NO. 28 – PAGE 480

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 14-37 - RESOLUTION ADOPTING THE HAYWOOD ROAD VISION PLAN

Urban Planner Alan Glines said that this is the consideration of a resolution adopting the Haywood Road Vision Plan.

The Haywood Road Vision Plan has been developed through an initiative by the West Asheville Business Association (WABA) and interested local residents to improve the corridor and identify revitalization strategies. The first meeting organized by WABA for business and property owners and interested residents was held in 2002. Since the effort was organized by WABA, the initial efforts focused on encouraging new businesses, special events and beautification projects. In 2003, staff from the former *City Development Office* (a sub-unit of the Planning and Development Department) began to coordinate meetings and focus on major challenges and areas of potential for the corridor with the assistance of a dedicated citizen planning committee.

Over time components that defined the future vision became the focus of staff and the committee as the existing zoning, current infrastructure trends and a lack of a cohesive community vision were seen as both a challenge and opportunity.

Over a number of years, progress was made on the plan but then would need to be postponed due to other department priorities or staff obligations. Major milestones in the creation of the plan are as follows:

- 2005 - Prioritized topics of the plan were identified by the planning committee members
- 2006- Preference survey was created and sent to adjacent property owners with notification to the general community; 450 responses received
- 2007 - Large community meeting held to illustrate responses to the survey questions and priorities for developing the plan and identifying strategies to implement
- 2009 - Creation of the Downtown Master Plan required Haywood Road focused meetings to address changes to Central Business District (CBD) zoned properties
- 2010 - UDO changes were adopted to modify the downtown and the west Asheville CBD areas which reignites interest to complete the study for the remainder of the corridor
- 2011 - Prioritized topics were reviewed again and a second preference survey sent out to adjacent property owners with notification to the general community to revisit community priorities; 600 responses received;
- 2012 - Large community meeting held to correlate findings with the draft Vision Plan and to finalize community strategies.
- 2013 - City Council community meeting was conducted in West Asheville: points of the Vision Plan presented again and the form based code process for Haywood Road was introduced to the community; in September the planning charette for Haywood Road Form Code project with Code Studio team was held to address land use, potential growth and roadway issues

The final version of the plan developed through the wide range of community outreach identified six community priority subject areas: Transportation and Streetscape Issues; Historic Preservation; Zoning and Land Use Issues; Economic Development; Safety; and Neighborhood Issues.

Transportation & Streetscape issue highlights include (1) Complete Streets and Streetscape Improvements; (2) transit improvements and a reduction of driveway curb cuts from 36%; and (3) increases use by pedestrians and bikes.

Historic Preservation issues highlights include (1) there are two historic districts in west Asheville; and (2) a form based code can help with historic preservation.

Land Use and Economic issues highlights include (1) consolidate zoning districts through form based code project; (2) community supports new mixed-use development (3) and creation of pedestrian districts with local character and new green space; (4) support for new and expansion of local businesses; (5) maintain variety of businesses and fill in with daily and weekly needs within the corridor; (6) streetscapes affect economic vitality; and (7) parking is a growing challenge.

Safety and Neighborhood issues highlights include (1) drive curb-cuts on corridor are a safety issue - 36% of the length of the roadway; (2) crosswalks and sidewalks with pedestrian

signals needed - also I-240; (3) more pedestrians on the street make the entire community safer; and *4) facility social media and other out of the box ways to communicate with the community.

Each one of these priorities was identified with a list of needs or opportunities for improvement along the corridor. The items identified will be the focus of the City where appropriate and for others may be community driven efforts.

Their community outreach included: consistency with a steering committee; focus group meetings; citizen surveys; large community meetings; and some website presence.

Each one of these priorities was identified with a list of strategies and opportunities for improvement along the corridor. The items identified through the Vision Plan will become the focus of the City where appropriate and for others may become community driven efforts.

Two areas of the plan: *Zoning and Land Use* and *Transportation and Streetscape* are being addressed through the Form Based Code process that is currently underway and will be finalized with the adoption of a new zoning code for sections of the corridor. These topical areas of the Vision Plan are getting a fine level of planning through this process.

Community plans are generally reviewed by the Planning and Zoning Commission and then are adopted or accepted by City Council. During the Planning and Zoning meetings on January 16 the Commission had a discussion about the plan, and five members of the Haywood Road Community attended and expressed their support for the plan. At the February 5th meeting the Commission considered the plan for adoption. A member of the Plan Steering Committee again attended and spoke in support of adoption. The Commission voted 5-0 (with two absent) to recommend adoption of the Vision Plan to the City Council.

The Comprehensive Plan encourages denser sustainable infill development along existing corridors in the city. The Haywood Road Vision Plan is a corridor-based study looking at future development that provides direction for the community's growth and redevelopment. The Comprehensive Plan encourages neighborhood plans developed through community input and feedback. In addition, the Haywood Road Vision Plan fits within City Council's goal for Economic Growth and Financial Stability because the plan seeks to leverage investment in community infrastructure and create strong mixed-use neighborhoods. The plan relied on community input to develop goals for the corridor.

Because staff finds that the request is reasonable and is consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report, City staff recommends City Council adopt the Haywood Road Vision Plan because it provides direction for the community's future and was developed with community input.

Councilman Davis said this has been a long time to get to this point and felt this was a great process with a lot of community participation.

In response to Councilman Smith, Mr. Glines briefly explained the difference between the Vision Plan and the form based code.

Councilman Smith noted some of the policy considerations in the Vision Plan that City Council should consider as we are doing long-range transit planning. The Plan also has background on Haywood Road that will help with the Charlotte Street corridor. He hoped that the N.C. Dept. of Transportation will lower the large "Pedestrian Crossing" signs. He also felt that the form based code will allow for continued growth and development on Haywood Street while holding onto the preservation of small businesses and housing.

Ms. Alice Oglesby, West Asheville Business Association, spoke in support of the Vision Plan noting that the community supports it as well. She felt that other parts of the community can benefit from this same process in working on their Vision Plan.

Mr. Steve Rasmussen, member of the Steering Committee, agreed that this was an open and transparent process and that the community found a lot of consensus on the three top priorities that the Plan reflects. He urged Council to adopt the Plan.

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. 14-37. This motion was seconded by Councilman Davis and carried unanimously.

RESOLUTION BOOK NO. 35 – PAGE 86

B. RESOLUTION NO. 14-38 – RESOLUTION APPOINTING A MEMBER TO THE CITY-COUNTY AFRICAN AMERICAN HERITAGE COMMISSION

Vice-Mayor Hunt, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the City-County African American Heritage Commission.

City Council established the City-County African American Heritage Commission on January 14, 2014, and three of the nine members are to be appointed by City Council.

The following individuals applied for the vacancies: Donnell Sloan, Rebecca Bernstein, Phyllis Utley, James E. Lee III, Jan Goffney, Warren G. Smith, Angel Redmond, Sheneika Smith, Sandra Elaine Kilgore, Marvin D. Chambers, Johnnie N. Grant, Annie Burton, DeWayne Barton, Sasha F. Mitchell, Mychal Bacoate, Desmond McAfee, Jesse Junior, Lamar Hylton, Georgia M. Shannon, Alfred J. Whitesides Jr., Daniel Jonas Young, Viola Spells and Damita Jo Wilder.

On February 11, 2014, it was the consensus of the Boards & Commissions Committee to interview Jan Goffney, Marvin D. Chamber, Johnnie N. Grant, DeWayne Barton, Lamar Hylton and Alfred J. Whitesides Jr.. Dr. Hylton and Mr. Barton were unavailable for interview; however, they were going to contact individual Council members outside the interview process.

After City Council spoke highly of all candidates, Jan Goffney received 4 votes; Marvin Chambers received 6 votes, Johnnie Grant received 1 vote, DeWayne Barton received no votes, Lamar Hylton received 7 votes, and Alfred Whitesides received 3 votes. Therefore, Jan Goffney was appointed to serve an initial one-year term; Marvin Chambers was appointed to serve an initial two-year term; and Lamar Hylton was appointed to serve a three-year term. All terms are to begin after the ninth member is appointed and until their successors have been appointed.

Councilwoman Wisler moved to appoint Councilman Pelly as the Council liaison to the Commission. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 36- PAGE 87

C. RESOLUTION NO. 14-39 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Marc Hunt, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Asheville-Buncombe Historic Resources Commission (HRC).

Brian Cook has resigned as a member of the HRC, thus leaving an unexpired term until July 1, 2015.

The following individuals applied for the vacancy: Stephens Smith Farrell, Tom Hartwell, Keaton Edwards, Jesse James, William S. Eakins, Gary Herndon, Patricia Darcy, Kendra Turner and Geoff Mohny.

On February 11, 2014, City Council instructed the City Clerk to arrange an interview for William Eakins, noting that Kendra Turner is known by City Council and it was not necessary to bring her in for an interview.

After Council spoke highly of the candidates, Kendra Turner received 2 votes and William Eakins received 5 votes. Therefore, William Eakins was appointed as a member of the Asheville-Buncombe Historic Resources Commission to serve the unexpired term of Mr. Cook, term to expire July 1, 2015, or until his successor has been appointed.

RESOLUTION BOOK NO. 35 – PAGE 88

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Ken Michalove spoke to Council about his concerns regarding Pack Place and the Asheville Art Museum.

Ms. Jeanie Rosenthal spoke to Council about the dangers of electronic cigarettes.

When Rev. Lisa Landis asked City Council on how she can obtain a prayer for relief, Mayor Manheimer said that she would be contacted by the City Manager's Office with instructions on how to submit a claim for alleged damages.

Mr. Steve Rasmussen strongly urged Council to oppose the 1-26 widening proposal that the N.C. Dept. of Transportation is calling "Section A" - the 8-10 widening of I-26.

Closed Session

At 7:10 p.m., Councilwoman Wisler moved to go into closed session for the following reasons: (1) to consider the qualifications, competence, performance, character, fitness, conditions of appointment of an individual public officer or employee. The statutory authorization is contained in G.S. 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to G.S. 160A-168, the Personnel Privacy Act. The statutory authorization is contained in G.S. 143-318.11(a)(1); 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 Pelly and carried unanimously.

At 7:25 p.m., Vice-Mayor Hunt moved to come out of closed session. This motion was seconded by Councilwoman Wisler and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:25 p.m.

CITY CLERK

MAYOR