

Tuesday – June 9, 2015 - 5:00 p.m.

Regular Meeting

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

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. RECOGNITION OF UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE CHANCELLOR MARY K. GRANT

Mayor Manheimer was pleased to recognize the University of North Carolina at Asheville's 7th Chancellor Mary K. Grant who began her new post on January 5, 2015. Dr. Grant thanked City Council for their support and looked forward to being a good partner with the City.

B. RECOGNITION OF THE AC REYNOLDS GIRL SOCCER TEAM AS STATE CHAMPIONS

On behalf of City Council, Mayor Manheimer recognized Principal Doris Sellers, Coach Patrick Gladys and the AC Reynolds Girl Soccer Team as achieving the first-ever public school state championship in girls' soccer for Buncombe County.

C. PROCLAMATION PROCLAIMING JUNE 11-21, 2015, AS "POLLINATION CELEBRATION WEEK"

Mayor Manheimer read the proclamation proclaiming June 11-21, 2015, as "Pollination Celebration Week" in the City of Asheville. She presented the proclamation to Ms. Phyllis Stiles, who briefed City Council on some activities taking place during the week.

D. PROCLAMATION PROCLAIMING JUNE 25, 2015, AS "KOREAN WAR DAY"

Mayor Manheimer read the proclamation proclaiming June 25, 2015, as "Korean War Day" in the City of Asheville. She presented the proclamation to Mr. Bill Lack, who briefed City Council on some activities taking place during the day.

II. CONSENT AGENDA:

Mayor Manheimer announced that Consent Agenda Item "M" has been removed from consideration.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 26, 2015

B. RESOLUTION NO. 15-104- RESOLUTION APPROVING THE ISSUANCE OF BONDS BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FOR FOR SPRUCE HILL APARTMENTS

Summary: The consideration of a resolution approving the issuance of bonds by the Housing Authority of the City of Asheville for the Spruce Hill Apartments.

SP Affordable Housing Group III LLC (SP) has requested that the Asheville Housing Authority issue up to \$10,000,000 in multi-family revenue bonds for the acquisition and renovation of Spruce Hill Apartments, consisting of 174 affordable apartments, located off Old Haw Creek Road in East Asheville. SP is seeking to keep these units affordable, using a combination of 4% Low Income Housing Tax Credits and bond debt.

Spruce Hill Apartments was constructed in 1975/1976 through the Federal Housing Administration ("FHA") 236 program, which provided the project with below-market rate financing in exchange for 104 rent-restricted units (60% of project units). This mortgage and its interest reduction payment subsidy are scheduled to expire in October 2017. The proposed prepayment of the 236 mortgage serves two purposes. First, it allows for a recapitalization of the Property with LIHTC equity and attractive long-term debt that will allow for a beneficial capital injection. Second, it triggers the issuance of HUD tenant protection vouchers to all qualifying residents. These vouchers act as a safety net for residents who might otherwise be rent burdened as existing subsidies expire.

The remaining 70 units (40% of project units) are supported by a project-based Section 8 Housing Assistance Payment ("HAP") contract. This contract will be extended for a 20-year term as part of the proposed recapitalization plan.

The Housing Authority approved a bond inducement resolution in August of 2014, and the North Carolina Housing Finance Agency approved the 4% LIHTC financing in February of this year.

On August 27, 2014, the Board of Commissioners of the Housing Authority of the City of Asheville ("HACA") approved a bond inducement resolution to issue multifamily revenue bonds in an amount up to \$10,000,000 for the acquisition and renovation Spruce Hill Apartments. On February 2, 2015, the North Carolina Housing Finance Agency ("NCHFA") offered its approval of the financing proposal, issuing a 42(m) tax credit commitment letter. All units at Spruce Hill will be affordable to households earning no more than 60% of Area Median Income for 30 years. 18 units will be affordable to households at 50% of Area Median Income.

The resident-in-place renovation will address a variety of project needs ranging from deferred maintenance items to project upgrades that will let Spruce Hill compete favorably with market rate product. The proposed scope of work includes new siding and insulation; new design elements including entryway canopies; full kitchen and bathroom renovations including energy efficient appliances and fixtures throughout; new durable flooring; new kitchen countertops; fire alarm and electrical upgrades; new HVAC systems and energy-efficient hot water tanks; ADA-accessible play structures; and improved landscaping and signage.

At present, there are no ADA compliant units at Spruce Hill. As part of the renovation, nine (9) units will receive ADA upgrades, as will all common areas, including the basketball court and new play structures, will be made accessible. These capital improvements will extend the Property's useful life, while hopefully improving quality of life for Spruce Hill's residents.

SP Affordable Housing Group III LLC is the affordable housing arm of Seattle-based Security Properties, one of the largest owners, operators, and developers of multi-family housing in the United States. Security Properties was founded more than 45 years ago as a syndicator of low income housing properties prior to the introduction of the Section 42 LIHTC program in 1986. Today, Security Properties owns approximately 16,000 units nationwide, of which 8,600 are affordable. Since its formation in 1969, Security Properties and its partners have invested over \$1.0 billion of equity in multifamily real estate, representing a portfolio value of nearly \$4.0 billion.

Staff notes that the 4% LIHTC program is ideally suited for a purchase/renovation project such as this. Although either the City or the Housing Authority is authorized to issue bonds, historically the Housing Authority has played this role for multi-family rental developments.

The IRS requires that any bonds issued by Housing Authority for developments such as this have the approval of the plan of financing by City Council, following a public hearing with respect to such plan. On May 27, 2015 the Housing Authority held a public hearing and there were no comments. Staff notes that approval does not obligate the City in any way to issue or pay for the bonds, or for any debt taken on by the developer.

Pro:

- 174 units of affordable housing will be preserved and renovated.

Con:

- None.

This financing plan does not require City investment, and maintains and improves residential tax base.

Staff recommends that City Council approve the resolution approving in principal the issuance by the Housing Authority of the City of Asheville up to \$10,000,000 of multi-family bonds for the Spruce Hill Apartments acquisition and renovation.

RESOLUTION BOOK NO. 37 - PAGE 141

C. RESOLUTION NO. 15-105 - RESOLUTION AUTHORIZING REVISIONS TO THE ASHEVILLE STANDARD AND SPECIFICATIONS AND MANUAL

Summary: The consideration of a resolution revising the Standard Specifications and Details Manual.

The updated Standard Specifications and Details Manual was approved by City Council on May 13, 2014, via Resolution No. 14-95. The purpose of the manual is to provide design guidelines and technical specifications for construction activities related to streets, sidewalks, water systems, storm drainage, parking lots, and pavement structure. It outlines the minimum construction standards which would be allowed within the City limits and it is applicable on both public and private property.

The various revisions include a unique numbering system throughout the manual, eliminating conflicts with the appeals process, making sure there are no conflicts with other regulations, adding new detail sheets, and making "housekeeping" adjustments.

The manual, which is in pdf format, is on the city's webpage under the Public Works Department and it can be copied at no cost.

This item was reviewed by City Council's Planning and Economic Development Committee on May 19, 2015, and it received a unanimous endorsement.

Pros:

- Makes clarification revisions and eliminates conflicts with the appeals process.
- Continues to provide minimum design and construction standards, guidelines, and specifications.
- Includes guidelines and specifications for complete streets principles.

Cons:

- There are no known negative impacts.

There is no known fiscal impact associated with this action.

City staff recommends that City Council approve a resolution revising the Standard Specifications and Details Manual.

RESOLUTION BOOK NO. 37 - PAGE 143

D. ORDINANCE NO. 4418 - BUDGET AMENDMENT WITHIN THE WORKERS' COMPENSATION FUND TO APPROPRIATE PREVIOUSLY UNBUDGETED WORKERS' COMPENSATION INSURANCE RECOVERY REVENUES TO FUND CLAIM EXPENSES IN FISCAL YEAR 2014-15

Summary: The consideration of a budget amendment within the Workers' Compensation Fund in the amount of \$92,963.87 to appropriate previously unbudgeted Workers' Compensation Insurance Recovery revenues to fund claims expenses in Fiscal Year 2014-15.

Since July 1, 2014, the City workers' compensation program has been reimbursed \$92,963.87 in workers' compensation claim costs by the City's excess workers' compensation insurance carrier. When the Fiscal year 2014-15 Workers Compensation Fund budget was adopted last spring, staff did not budget any revenue from insurance recovery. In order to fund claims expenses that are likely to be paid before June 30, 2015, staff is requesting that City Council appropriate this revenue and increase the claims expense budget by a like amount.

Pro:

- Provides funding for City workers' compensation claim expenses.

Con:

- None.

The insurance recovery funds have been fully received and deposited into the City Workers' Compensation Fund. Upon City Council approval, the overall budget of the City's Workers' Compensation Fund will increase by \$92,963.87.

City staff recommends City Council adopt the budget amendment within the Workers' Compensation Fund in the amount of \$92,963.87 to appropriate previously unbudgeted Workers' Compensation Insurance Recovery revenues to fund claims expenses in Fiscal Year 2014-15.

ORDINANCE BOOK NO. 30 - PAGE 1

E. RESOLUTION NO. 15-106 - RESOLUTION AUTHORIZING EXECUTION AN INSTALLMENT FINANCING CONTRACT WITH FIRST BANK FOR FISCAL YEAR 2015 CAPITAL IMPROVEMENT PROGRAM VEHICLES AND COMPUTER EQUIPMENT

Summary: The consideration of a resolution authorizing execution of a \$3,225,000 installment financing contract for Fiscal Year (FY) 2015 Capital Improvement Program (CIP) Vehicles and Computer Equipment.

Appropriations for FY 2015 include \$3,225,000 for various vehicles and computer equipment, with the capital expenditures financed through debt proceeds.

The City distributed on May 6, 2015, a Request for Proposal ("RFP") seeking competitive bids for the financing. Eleven proposals were received, the most favorable of which was

submitted by First Bank (the "Bank") at an interest rate of 1.15% per annum per annum for a term of 48 months (computer equipment) and 59 months (vehicles).

The proposed resolution authorizes an installment financing contract between the City of Asheville and the Bank for the purchase of the vehicles and computer equipment, and it authorizes the City Manager, City Attorney, Finance Director and City Clerk to execute and deliver any and all necessary documents. The contract will place a security interest in the vehicles and computer equipment in favor of the Bank in order to secure the City's obligation under the contract. Pursuant to a previously adopted reimbursement resolution, proceeds from this financing contract will allow the City to reimburse itself for the cost of the vehicles and computer equipment which have already been procured.

Pros:

- Provides funding of capital expenditures at a very favorable effective interest rate.
- Financing capital purchases spreads the cost of acquisition over several years of the useful life of the asset.
- Reimbursing this capital purchase with the proceeds of the financing, as opposed to paying for the purchase by using the City's available cash balances, increases currently available funds through restoration of fund balance.
- The financing conforms to the approved Financing Plan for capital expenditures.

Con:

- Financing the purchase increases nominally the lifetime cost of the acquisition due to the payment of interest and closing costs on the amount financed.

The annual debt service payments for this financing range between approximately \$370,000 in the first year and approximately \$301,000 in the fifth year. Funds are included in the City's FY 2015-16 proposed debt service budget to cover this cost.

City staff recommends that City Council adopt the resolution authorizing the City Manager to execute an installment purchase contract and closing process with First Bank for the acquisition of the vehicles and computer equipment.

RESOLUTION BOOK NO. 37 - PAGE 144

F. RESOLUTION NO. 15-107 - RESOLUTION TO ACCEPT AN OFFER BY ASHEVILLE AREA HABITAT FOR HUMANITY TO PURCHASE BY PRIVATE SALE REAL PROPERTY ACQUIRED THROUGH FORECLOSURE PROCEEDINGS FOR THE VILLAS AT CEDAR HILL LOCATED ON PISGAH VIEW ROAD

Summary: The consideration of an offer by Asheville Area Habitat for Humanity to purchase, by private sale, real property owned by the City known as the "Villas at Cedar Hill."

In summer 2003 and early 2004, a total of \$217,000 was loaned from the Housing Trust Fund to Villas at Cedar Hill, LLC for the development of forty-two (42) units of affordable multifamily housing. Only ten (10) of the units were completed.

In May 2009, the senior lien holder, Blue Ridge Bank, gave notice of foreclosure. The outstanding principal balance owed to the Trust Fund by Villas at Cedar Hill, LLC was \$206,785. The City became the successful bidder for two parcels, adjacent to the original site: a 9.8 acre and a 6.2 acre parcel for a total \$397,195 (inclusive of foreclosure costs).

Sewer access to an MSD-owned pump station via an existing easement was contested. The City filed an eminent domain lawsuit which has now been resolved with sewer access provided. The property was recently appraised for \$458,300.

In 2010, Asheville Area Habitat for Humanity proposed to purchase the property for \$450,000, with \$300,000 at closing and an additional \$150,000 to be applied as second mortgages to be held by individual homeowners. The offer was contingent on access to the MSD Sewage Pump Station. That offer was accepted by City Council; but due to the eminent domain litigation, Habitat's offer expired.

Habitat has now renewed their offer to purchase the property, for the current appraised value of \$458,300, with \$300,000 in cash and the remainder as second mortgages to the Habitat homeowners. Repayment of the second mortgages would be deferred as long as the houses, when sold, were sold to households earning 80% or less of Area Median Income. City staff asked for changes from the original agreement that Habitat has accepted. These include changing the second mortgages from a 0% interest to a shared appreciation basis, and Habitat agreeing to explore both greater density and permanent affordability of the homes built there.

Pros:

- At least fifty-five (55) units of affordable housing will be created.
- Upon sale, an anticipated \$300,000 of funds will be returned to the Housing Trust Fund for lending purposes
- The creation of fifty-five (55) single family homes will increase the City tax base by an estimated \$7.5-\$8 million in new development.
- The proposed development complements other City investment in the area.

Cons:

- An additional sales amount, estimated at \$158,300 and to be determined as the ultimate composition of the project is established, will be deferred until homes are resold by assisted homeowners to households earning more than 80% of Area Median Income.

Although the sale would not fully recover the City investment, it would result in the development of at least 55 new affordable homes, being sold to households making 80% or less of median income; and has the potential to either result in a significant amount available to lend for new affordable housing, and/or the creation of Asheville's first permanently affordable single-family home development. The development will increase the City's tax base by an estimated \$7-9 million. Staff anticipates returning to Council for final approval and a budget amendment if the structure of the sale changes.

Staff recommends that City Council concur with the HCD Committee recommendation to approve acceptance of the Purchase offer of Habitat for the City-owned property located at Pisgah View Road.

Mr. Paul Reeves, Director of Construction Services at Habitat for Humanity, thanked City Council for their past, current and future partnership with Habitat. He said that this is an exciting opportunity for the City and Habitat to partner to create 55 units of affordable housing.

RESOLUTION BOOK NO. 37 - PAGE 146

G. RESOLUTION NO. 15-108 - RESOLUTION GRANTING A FEE WAIVER TO THE NATIONAL PARK SERVICE FOR THE BLUE RIDGE QUARTER LAUNCH EVENT

Summary: The consideration of a resolution granting a fee waiver to the National Park Service for the Blue Ridge Quarter Launch event on June 25, 2015.

The United States Mint in partnership with the National Park Service/Blue Ridge Parkway has expressed interest in partnering with the City of Asheville to host a public event to

commemorate the release of the 2015 Blue Ridge Parkway quarter. The Blue Ridge Parkway quarter will be the 28th coin to be released in the US Mint America the Beautiful Quarters® Program.

The event and community celebration will be held at Pack Square Park's Roger McGuire Green on Thursday, June 25, 2015 between the hours of 10:00 a.m. and 11:00 a.m., and is expected to draw attendance of up to 2,000. Event components will include presentations and remarks from federal officials, a coin exchange in collaboration with Asheville Savings Bank, activities conducted by Parkway staff, and opportunities for all participants at the event 18 years of age or under to receive a new quarter in specially designed boxes from the United States Mint.

The fees and charges associated with this event include the special event application fee, park use fees, fees associated with the issuance of permits for temporary site additions, and fees for the closure of 7 metered parking spaces within City-County Plaza. The total of associated fees amounts to \$1,007.

Pro:

- Promotes cross-agency collaboration, maximizing benefits and resources between partnering organizations

Con:

- Results in lost revenue from processing, permits, property use fees, parking meters

Fiscal impact is \$1,007 of in-kind support and fee waivers

City staff recommends City Council approve a resolution authorizing the City Manager to waive \$1,007 in fees & charges associated with the Blue Ridge Parkway Quarter Release event at Pack Square Park.

RESOLUTION BOOK NO. 37 - PAGE 147

H. RESOLUTION NO. 15-109 - RESOLUTION AMENDING THE CITY COUNCIL 2015 MEETING SCHEDULE TO CANCEL THE AUGUST 11, 2015, FORMAL MEETING

RESOLUTION BOOK NO. 37- PAGE 148

I. ORDINANCE NO. 4419 - BUDGET AMENDMENT TO APPROPRIATE INSURANCE RECOVERY FUNDS FOR A TOTALED BUS HENDERSON COUNTY LEASED TO UTILIZE TOWARDS THE PURCHASE OF A NEW BUS TO LEASE TO HENDERSON COUNTY

Summary: The consideration of a budget amendment in the Transit Capital Fund in the amount of \$55,262.80 from insurance recovery funds for a totaled bus Henderson County leased to utilize towards the purchase of a new bus to lease to Henderson County.

On August 18, 2014, a bus owned by the City of Asheville and leased to Henderson County was totaled by a third-party and the City settled the property damage claim for \$55,262.80. Henderson County seeks to lease a new bus from the City to replace the totaled bus and the Transportation Department seeks to utilize the settlement funds towards the purchase a new bus to lease to Henderson County.

Pro:

- Provides funding for Transportation Department bus purchase.

Con:

- None.

The insurance recovery funds are held in the City Property & Liability Fund. Upon City Council approval, the funds will be transferred to the City Transit Capital Fund to be utilized towards the purchase of a new vehicle.

City staff recommends City Council adopt the budget amendment in the Transit Capital Fund in the amount of \$55,262.80 so the funds may be applied towards the purchase of a bus to lease to Henderson County.

ORDINANCE BOOK NO. 30 - PAGE 3

J. RESOLUTION NO. 15-110 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE 5TH WALNUT ANNIVERSARY PARTY

RESOLUTION NO. 15-111 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE INGLE'S INDEPENDENCE DAY CELEBRATION

RESOLUTION NO. 15-112 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE LEAF DOWNTOWN

RESOLUTION NO. 15-113 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE RIVERFEST

RESOLUTION NO. 15-114 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE VEGFEST

RESOLUTION NO. 15-115 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE CLIPS BEER & FILM TOUR

RESOLUTION NO. 15-116 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE RUNNING EXPERIENCE

RESOLUTION NO. 15-117 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP

Summary: The consideration of resolutions making provisions for the possession and consumption of malt beverages and/or unfortified wine at the 5 Walnut Anniversary Party on June 17, 2015, the Ingle's Independence Day Celebration on July 4, 2015, LEAF Downtown on August 1 & 2, 2015, RiverFest on August 8, 2015, Asheville VegFest on August 16, 2015, Clips Beer & Film Tour on September 4, 2015, Asheville Running Experience on September 5, 2015, and Beer City Cup on September 6, 2015.

- Asheville Greenworks has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the 5 Walnut Anniversary Party and allow for consumption at this event.

The 5 Walnut Anniversary Party will be held on Wednesday, June 17, 2015 from 5:00 p.m. – 10:00 p.m. at Walnut Street between the intersection of Broadway and Carolina Lane as per the event area limits referenced on the accompanying site map.

- The Asheville Downtown Association has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Ingle's Independence Day Celebration and allow for consumption at this event.

The Ingle's Independence Day Celebration will be held on Friday, July 4, 2015 from 11:00 a.m. – 10:00 p.m. at Pack Square Park as per the event area limits referenced on the accompanying site map.

- LEAF Community Arts has requested through the City of Asheville Community & Economic Development Department that City Council permit the sale of beer and/or unfortified wine at LEAF Downtown and allow for consumption at this event.

LEAF Downtown will be held on Saturday, August 1, 2015 from 12:00 p.m. – 10:00 p.m. and Sunday, August 2, 2015, from 10:00 a.m. – 8:00 p.m. at Pack Square Park as per the event area limits referenced on the accompanying site map.

- RiverLink has requested through the City of Asheville Community & Economic Development Department that City Council permit the sale of beer and/or unfortified wine at RiverFest and allow for consumption at this event.

RiverFest will be held on Saturday, August 8, 2015, from 1:00 p.m. – 7:00 p.m. at French Broad River Park as per the event area limits referenced on the accompanying site map.

- Brother Wolf Animal Rescue has requested through the City of Asheville Community & Economic Development Department that City Council permit the sale of beer and/or unfortified wine at Asheville VegFest and allow for consumption at this event.

Asheville VegFest will be held on Sunday, August 16, 2015, from 12:00 p.m. – 5:00 p.m. at Pack Square Park's Roger McGuire Green, Spruce Street, and Reuter Terrace as per the event area limits referenced on the accompanying site map.

- Asheville on Bikes has requested through the City of Asheville Community & Economic Development Department that City Council permit the sale of beer and/or unfortified wine at the New Belgium Clips Beer & Film Tour and allow for consumption at this event.

The New Belgium Clips Beer & Film Tour will be held on Friday, September 4, 2015, from 6:30 p.m. – 10:00 p.m. at Pack Square Park as per the event area limits referenced on the accompanying site map.

- Blue Ridge Roller Girls has requested through the City of Asheville Community & Economic Development Department that City Council permit the sale of beer and/or unfortified wine at the Asheville Running Experience and allow for consumption at this event.

The Asheville Running Experience will be held on Saturday, September 5, 2015, from 8:00 a.m. – 8:00 p.m. at Coxe Avenue between Banks and Hilliard as per the event area limits referenced on the accompanying site map.

- North Carolina Adult Soccer Association (NCASA) has requested through the City of Asheville Community & Economic Development Department that City Council permit the sale of beer and/or unfortified wine at Beer City Cup and allow for consumption at this event.

Beer City Cup will be held on Sunday, September 6, 2015, from 9:00 a.m. – 11:00 p.m. at Memorial Stadium as per the event area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for Asheville Greenworks, RiverLink, Brother Wolf Animal Rescue, and the North Carolina Adult Soccer Association

Con:

- Potential for public safety issues

City staff recommends City Council adopt resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the 5 Walnut Anniversary Party, Ingle’s Independence Day Celebration, LEAF Downtown, RiverFest, Asheville VegFest, Clips Beer & Film Tour, Asheville Running Experience and Beer City Cup.

RESOLUTION NO. 15-110 - RESOLUTION BOOK NO. 37 - PAGE 149

RESOLUTION NO. 15-111 - RESOLUTION BOOK NO. 37 - PAGE 152

RESOLUTION NO. 15-112 - RESOLUTION BOOK NO. 37 - PAGE 155

RESOLUTION NO. 15-113 - RESOLUTION BOOK NO. 37 - PAGE 158

RESOLUTION NO. 15-114 - RESOLUTION BOOK NO. 37 - PAGE 161

RESOLUTION NO. 15-115 - RESOLUTION BOOK NO. 37 - PAGE 164

RESOLUTION NO. 15-116 - RESOLUTION BOOK NO. 37 - PAGE 167

RESOLUTION NO. 15-117 - RESOLUTION BOOK NO. 37 - PAGE 170

K. RESOLUTION NO. 15-118 - RESOLUTION ESTABLISHING GOALS FOR THE PRODUCTION OF AFFORDABLE HOUSING PRODUCTION GOALS

Summary: The consideration of establishing a numerical goal for affordable housing production assisted by the City of Asheville.

In October of 2014, City Council met in work session to consider a Comprehensive Affordable Housing Strategy and Policy Framework. The Action Plan arising from that work session included the adoption by Council of short and long term goals for affordable production for the City of Asheville, pending an analysis of needs and resources.

The Affordable Housing Needs Assessment, completed in February of 2015, provides important information that is helpful in establishing a goal. According to that report, the four county region served by the Asheville Regional Housing has a overall rental vacancy rate of about 1%, and a projected regional supply gap of 5,575 units for households earning 120% or less of median income. In Asheville and Buncombe County alone, the rental supply gap for households earning 80% of median income or less is 4,175 units.

Staff has reviewed the tools and resources the City currently has available to assist in the production of affordable housing, including financial resources, land resources and regulatory tools. Staff has analyzed current and projected affordable housing production pipelines, and has estimated forward what are reasonable expectations about affordable housing production using the available resources and tools. These are:

- Financial resources considered include direct City investments in affordable housing: Housing Trust Fund, federal HOME and CDBG funds, the City’s “EDCIP,” and the Land Use Incentive Grant.

- Regulatory Tools include Density Bonuses, Accessory Apartments, UDO Changes, Conditional Zoning, Conditional use Permits, and Inclusionary Zoning (currently, voluntary only).
- City land resources include the Pisgah View Road parcel, Parks Maintenance, and an assumption that 3 additional parcels will be made available for affordable housing.

Other resources and tools may be made available that could increase the potential for affordable housing production assistance. However, using the above resources, staff estimates that the City could assist in the production of 2,800 units in the next seven years.

Affordable Housing Production Known/Projected Pipeline	2016	2017	2018	2019	2020	2021	2022
City Direct \$ Investment	181	207	327	162	227	200	200
Zoning density	0	40	60	80	100	120	150
City Land	0	70	40	60	75	0	0
CZ	76	50	75	75	75	75	75
TOTAL	257	367	502	377	477	395	425
Total all years							2800

The Housing and Community Development Committee reviewed the staff analysis at their meeting on April 21, 2015. The Committee agreed with the analysis and recommended that the goals be presented to City Council.

Pro:

- Goals will assist staff and Council establish and evaluate programs designed to produce affordable housing;

Con:

- Achievement of the goals relies in part on funding and costs not under the City's control.

The establishment of this goal does not have a direct fiscal impact, but is predicated on the assumption that financial resources for affordable housing will continue to be available through the duration of this projection timeframe.

Staff recommends that City Council concur with the HCD Committee recommendation to adopt the annual and seven year goal for affordable housing production assisted by the City of Asheville.

Councilman Smith was grateful to City Council for taking this bold step of setting a seven year goal. This is a bold and important step and hoped to find more partners, more tools and more resources to get an additional 2,800 units.

RESOLUTION BOOK NO. 37 - PAGE 173

L. RESOLUTION NO. 15-119 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH B. ALLEN CONSTRUCTION INC. FOR THE CONSTRUCTION OF THE KENILWORTH PARK RENOVATIONS

ORDINANCE NO. 4420 - BUDGET AMENDMENT FOR THE KENILWORTH PARK RENOVATIONS

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with B. Allen Construction, Inc. to replace the existing tennis & basketball courts, retaining walls, steps, drainage, park sign, and construct accessible parking at Kenilworth Park for an amount not to exceed \$298,884, and a budget amendment in the same amount from debt proceeds to fund the contract.

The City of Asheville (City) has determined the existing sports courts, retaining walls, steps, parking, and sports equipment at Kenilworth Park have exceeded their life expectancy, are in poor condition, and pose safety hazards for users. As a result, the city has identified the need for a renovation and has planned to complete the project under general capital improvement fund for Parks & Recreation Department.

The Parks and Recreation Department's ten-year Capital Improvement Plan and Outdoor Court deferred maintenance plan outline projects that have been prioritize and ranked based on the 2009 Parks and Recreation Master Plan, 2013 Assessment Report for Americans with Disabilities Act Compliance, The Recreation Advisory Board, and Public Feedback.

The Advisory Board reviews and prioritizes the deferred maintenance program with staff and input from the public in October of each year to make certain that the plan reflects the needs of the community.

The City issued an Advertisement for Bids for construction of the renovations and received two bids:

- Graham County Land Co., Robbinsville, NC (\$447,750)
- B. Allen Construction, Candler, NC (\$298,884)

The bid from B. Allen Construction, Inc. was selected as the lowest, responsible bidder with the base bid of \$298,884.

Pros:

- Improves safety by replacing uneven and cracked surfaces from years of patching and repairing; replacement of outdated/broken sports equipment.
- Provides safe alternative for recreation.
- Improves performance through ongoing care and maintenance.

Con:

- None

The budget amendment will provide budget authorization for the contract. Project expenses have already been included in the cash flow model for the five year Capital Improvement Program.

Staff recommends that the City Council adopt (1) a resolution authorizing the City Manager to enter into a contract with B. Allen Construction, Inc., to renovate Kenilworth Park for an amount not to exceed \$298,884.00; and (2) a budget amendment in the same amount from debt proceeds to fund the contract.

RESOLUTION BOOK NO. 37 - PAGE 174
ORDINANCE BOOK NO. 30 - PAGE 5

M. RESOLUTION AUTHORIZING THE CITY TO APPLY FOR FUNDS THROUGH THE US OFFICE OF JUSTICE 2015 EDWARD BYRNE JUSTICE GRANT - STATE SOLICITATION

This item has been removed from consideration.

N. RESOLUTION NO. 15-132 - RESOLUTION AUTHORIZING THE CITY TO APPLY FOR FUNDS THROUGH THE US OFFICE OF JUSTICE 2015 EDWARD BYRNE JUSTICE GRANT - LOCAL SOLICITATION

Summary: The consideration of a resolution authorizing the City to apply for funds through the US Office of Justice 2015 Edward Byrne Justice Assistance Grant – Local Solicitation in the amount of \$50,434.

The City of Asheville Police Department (APD) requests authorization to apply for the Byrne JAG – Local Solicitation. This is a predetermined amount of funds based on the Part 1 Uniform Crime Reporting Crimes. If the grant is approved the Asheville Police Department and Buncombe County Sheriff's Department will be allocated \$50,434 based on the award matrix, with Asheville receiving \$38,322 and Buncombe County receiving \$12,112. The distribution of funds would be approved through a signed Memorandum of Understanding.

Funds will be utilized to purchase Taser devices which will serve to enhance officer safety and potentially reduce the propensity for injury that offenders could be exposed to during altercations with officers. Effective Taser applications have demonstrated the capability to incapacitate threatening subjects by using an electrical charge to target the motor nerves that control movement. Ideally, these devices facilitate effective restraint while reducing the opportunity for injury to all involved parties, thereby potentially reducing workers' compensation claims and liability claims.

There will be an expense of \$38,322 by the APD for the purchase of approximately 30 Tasers. The Buncombe County Sheriff's Department will be awarded \$12,112 for its identified needs. This accounts for the total allocation of \$50,434 for this grant.

This is a 100% funded non-local match grant that will serve to enhance officer safety for substantially more patrol officers and potentially reduce the probability of injury for threatening offenders.

Pros:

- Increasing the number of Tasers for patrol officers will enhance officer safety and that of the community
- Increased accountability because of the downloadable content related to deployments
- Costs of the devices could offset the costs incurred by workers' compensation or liability claims

Cons:

- Additional burden on future operations budget for the cost of maintenance and replacement after the approximate five-year service life of the device
- Additional training costs associated with purchasing the training cartridges at an approximate cost of \$40 per year per device.

If the grant is awarded, there is no local match required, however there would be maintenance and replacement costs for the equipment that would need to be included in future fiscal year budgets.

Staff recommends City Council adopt the resolution authorizing the City Manager to apply for grant funds through US Office of Justice Programs in the amount of \$50,434.

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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.

Councilwoman Wisler moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda "M". This motion was seconded by Councilman Smith and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. LEGISLATIVE UPDATE

Mayor Manheimer highlighted Council on some the following current bills with potential impact on the City of Asheville budget: pending sales tax redistribution, JDIG, graffiti vandalism bill, and zoning design and aesthetic control bill.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER ADOPTION OF THE FISCAL YEAR 2015-16 ANNUAL OPERATING BUDGET

Finance Director Barbara Whitehorn said that City Council conducts a public hearing each year to receive public input on the Proposed Annual Operating Budget prior to adoption of the Annual Budget Ordinance.

The Fiscal 2015/2016 Proposed Annual Operating Budget was presented to City Council on May 26, 2015. The Fiscal Year 2015/2016 Proposed Budget is balanced with an Ad Valorem tax rate of \$0.475 per \$100 of assessed value, which represents a \$0.015 increase over the current year tax rate. All essential City services are continued in the Proposed Budget. A copy of the Proposed Budget is available for public inspection in the City Clerk's office. The Proposed Budget is also available for viewing on the City's website (www.ashevollenc.gov).

In accordance with the North Carolina Local Government Budget and Fiscal Control Act, a summary of the Proposed Budget along with a notice of the Public Hearing was published on May 29, 2015. Adoption of the Fiscal 2015/2016 Budget Ordinance is scheduled for June 23, 2015, at the regularly scheduled City Council meeting. The Proposed Budget may be changed by City Council in any way before adoption. It may also be changed by budget amendment after adoption, with the only exception being the Ad Valorem Tax rate, which cannot be changed once the Budget is adopted.

Staff recommends City Council conduct the public hearing on the City of Asheville Fiscal Year 2015/2016 Proposed Annual Operating Budget and include public input in its consideration of the Budget.

In response to Councilman Smith, Ms. Whitehorn explained the affordable housing funding with regard to the Housing Trust Fund and the Economic Development Capital Improvement Program (EDCIP). She said that staff analyzed the current estimate of the EDCIP (Parks Maintenance Relocation Project) to see if there was some leeway to reduce the EDCIP dollars, which will allow the reprogramming of those funds to either the Housing Trust Fund or other housing projects. It was determined that the Parks Maintenance Relocation Project would need approximately \$350,000, but was budgeted \$805,000.

At Mayor Manheimer's request, Ms. Whitehorn said that the budget includes funding for the living wage for part-time, seasonal and temporary workers. Staff is determining how it will be implemented.

Throughout discussion, Ms. Whitehorn responded to various questions/comments, some being, but are not limited to: how much property tax growth is forecast in the 2015-16 operating budget; does the forecast account for the projects in the development pipeline and their addition to the tax base; what is the fund balance trend; what is the effect of using fund balance as

opposed to increasing the tax rate; how is fund balance related to the City's debt rating; and what would the City have to do to get a AAA bond rating and what would the benefits to the City be.

There was discussion, initiated by Councilman Pelly, that the City could allocate a portion of fund balance for Fiscal Year 2015-16 for non-recurring, one-time capital expenditures and still maintain the 10% minimum relative growth. The proposed budget recommends a 17.2% unassigned fund balance of \$17,722,000. A fund balance of \$17,011,273 (16.5%) would keep the City at the 10% minimum relative growth, allowing for the reallocation of \$700,000.

Mayor Manheimer opened the public hearing for the budget at 5:45 p.m.

Mr. Alan Ditmore felt the friction the City sees between police funding and housing funding is more budgetary. He felt there are other law enforcement agencies to protect commuters, tourists, etc.

Mr. Chris Peterson said that the average City employee salary is \$70,000 and elsewhere in the City the average employee salary is \$30,000. He was opposed to the addition 1.5-cent tax increase. He questioned Council's economic development incentive for New Belgium since there is infrastructure, etc. that the City will have to improve.

Mr. Ken Michalove provided City Council with a memorandum in which he felt the City Manager's solution to getting a higher spending budget approved is to raise taxes and fees. He felt the City Manager should not recommend an ad valorem tax or fee increase, but reduce the expense in the general government area.

Ms. Jenny Bowen supported a living wage for all City employees.

Vice-President of the Five Points Neighborhood Association explained why the budget for infrastructure that affects public safety and livability needs to be increased substantially. She raised four points as follows (1) multiple items that need dedicated funding include sidewalk repairs, new sidewalks to complete critical linkages, repainting and improving crosswalks including access to transit stops and greenways, traffic calming measures, better signage, ADA improvements, bike lanes, and increased law enforcement; (2) dilapidated unsafe sidewalks near schools or along streets where many children live are in dire need of immediate attention; (3) funds selected for other things that do not affect safety and mobility should be scrutinized and reduced and shifted to go towards these public safety issues; and (4) include infrastructure improvements when the fire station for Five Points is built, i.e. if a new traffic signal is installed, allow it to be activated by pedestrians; and a safer Broadway crossing.

Ms. Julie Mayfield, Chair of the Transit Commission, read a prepared statement thanking City Council for including limited Sunday service, for the continued transfer of over \$600,000 from the Parking Fund to the transit system, and for the increase in the transit budget over the last five years. There are still many more improvements to be made to the system since the implementation of the Transit Master Plan in 2012, noting that we remain several years behind the anticipated schedule of improvements laid out in the Master Plan. The Committee asked that the following several key improvements to the system be included in the budget: (1) an additional bus on the S-3 Route to the Airport; (2) later service on several routes; (3) improved service to A-B Tech to downtown and Biltmore Village; and (4) an additional transportation planner. Implementing these requests would further advance the Master Plan and continue to enhance the quality of life of our citizens. They were disappointed there was no room in the budget for any of these improvements but they will remain steadfast in their request for these improvements in the next budget cycle. Mobility continues to be a top priority for people in Asheville.

Ms. Vickie Meath, Director of Just Economics, thanked City Council for continuing the limited Sunday bus service and also thanked Council for including in the budget a living wage for temporary and seasonal employees.

Ms. Billie Laughlin, resident of Five Points, thanked City Council for increasing funds for sidewalks and stressed the need for sidewalk maintenance.

Rev. L.C. Ray, CEO of One Youth at a Time, thanked City Council for their support of the One Youth at a Time program over the past years, and even though it is not slated to receive strategic partnership grant funding this year in the amount of \$5,000, he hoped City Council reconsider their decision.

Mr. Mark Ramsey supported a living wage for temporary and seasonal employees.

Mr. Rich Lee, representing the East-West Asheville Neighborhood, provided City Council with a letter from Adam Chase, Board Chair of East-West Asheville Neighborhood Association. He asked that improvements to the Craven Street Bridge are very important to the East-West Asheville neighborhood and to New Belgium and should be advanced into the CIP or the RADTIP as quickly as possible. Improvements to the Craven Street - Riverside Drive intersection and to Riverside Drive under the Norfolk Southern trestle are critical to be performed this fiscal year and their preferred alternative is to shift Craven Street to allow for truck turns from all directions.

Ms. Dawn Chavez, Executive Director of Asheville Greenworks, said that they had applied for strategic partnership grant funding in the amount of \$20,000 but were not one of the agencies chosen to receive the funding. She asked City Council to reconsider as they have worked closely with the City on a number of projects and they leverage all the funding they receive towards increasing their impact across the City.

Community Engagement Coordinator for Asheville Greenworks said that they have also applied for strategic partnership grant funding in the amount of \$17,500 but was not awarded the grant. She asked Council to reconsider their funding as they work with the low income community.

Mayor Manheimer closed the public hearing at 6:18 p.m.

Vice-Mayor Hunt proposed that out of the excess \$700,000 in fund balance (while still maintaining the 10% minimum relative growth) \$500,000 be used to accelerate the Craven Street Bridge, and \$200,000 be dedicated to the Affordable Housing Trust Fund.

Councilman Smith said that his priorities surround addressing the affordable housing crisis, living wage for all City employees, and transportation infrastructure. He would support the possible excess in the Parks Maintenance Relocation of \$450,000 be allocated to the Affordable Housing Trust Fund. Regarding the excess \$700,000 in fund balance, he supported \$500,000 for the acceleration of the Craven Street Bridge project, with the remaining \$200,000 be dedicated to more sidewalks, bus shelters at transit stops, or the Affordable Housing Trust Fund. He explained the uncertainty in our budget from the State level. He explained his concern by the Chamber of Commerce Economic Development Coalition (EDC) increase of \$40,000 - to total \$100,000. Regarding the strategic partnership funding, the City had \$98,400 to allocate and received 17 good applications for a total request of \$305,000. What Council will consider later in the meeting is a compromise with a recognition that the funds are not enough. He would be open to increasing the strategic partnership funding allowance, and also open to looking at a strategy that looks at all the agencies that are working with children that focus on the achievement gap.

After discussion, it was the consensus of the majority of Council to allocating an additional \$50,000 (\$25,000 from the \$500,000 allocation for the Craven Street Bridge project and \$25,000 from the \$200,000 allocation for the Affordable Housing Trust Fund) to the Strategic Partnership Fund and refer the strategic partnership funding process back to the Housing & Community Development Committee for another recommendation at the Council's June 23, 2015, meeting. Said review should include all prior applications received but not funded.

Councilman Bothwell suggested that instead of the \$50,000 coming out of the \$700,000 fund balance excess, that the \$40,000 increase that the EDC requested be dedicated to the Strategic Partnership Fund. He didn't feel the EDC has been a partner to the City in big issues recently.

Councilman Pelly felt it was important to maintain the City's AA rating and agreed that we are being squeezed by the state, but felt a tax increase should be the last resort. He did not feel Council was in the place yet that a tax increase was the only option available to Council. He could not support the 1.5-cent increase.

Councilman Davis agreed with Councilman Pelly and was uncomfortable in trying to amend the budget in piecemeal at this meeting. He felt that the \$40,000 increase that the EDC is requesting might be better spent to attract more jobs.

Mayor Manheimer said that the 1.5-cent increase will help sustain what we anticipate to be expenditures that don't go away year after year. When we talk about taking from our fund balance (rainy day fund), it is for a one-time allocation. You cannot avoid a property tax increase by taking from fund balance and patch the budget because you may get the bond rating in trouble, and by taking it from fund balance you're doing it to patch a reoccurring expense. If Council is going to honor a living wage for all City employees, and honor the recommendation for adjustment to salaries for personnel, with no tax increase, we will be looking at a different budget and will have to make cuts.

Ms. Whitehorn explained the three metrics used by the rating agencies and the City's position.

Councilman Pelly felt that with the excess of \$700,000 in property taxes this year coupled with the significant additional property taxes from additional projects in the pipeline (\$552 Million), we should not have to raise property taxes this year.

When Councilman Pelly asked Ms. Whitehorn to talk about what \$552 Million in development projects will be converted to in tax revenue, Ms. Whitehorn said that it is estimated that 80-90% of the projects will be completed. With a millage rate of \$.475 per \$100, if all of the projects in the 12-18 month timeline are completed and on the tax rolls within 18 months, Fiscal Year 2017-18 will see \$1.6 Million in additional revenue. However, it is important to consider that several of the large projects that are coming on line (or have already been added to the tax base) have economic development incentives associated with them. These incentives provide that if a company meets specific benchmarks, a percentage of the additional property tax revenue generated will be refunded for a number of years.

Councilwoman Wisler agreed with Councilman Davis in that additional thought needs to be given to using excess fund balance. She would support the 1.5-cent increase.

It was the consensus of the majority of Council to not allocate the excess \$700,000 in fund balance at this time, but allocate those funds later in the Fiscal Year via a budget amendment.

Discussion occurred regarding the increase of \$40,000 to the EDC budget, with the majority of Council choosing to support the increase. It was noted that they will be asking for \$100,000 a year for the next five years; however, each year the budget is reviewed.

It was the consensus of Council to reallocate the excess in the Parks Maintenance Relocation of \$450,000 be allocated to the EDCIP, noting that mid-year a budget amendment to the Affordable Housing Trust Fund would be appropriate.

Mayor Manheimer said that adoption of the Fiscal Year 2015-16 Annual Operating Budget will occur on June 24, 2015.

Closed Session

At 7:18 p.m., Councilwoman Wisler moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including a lawsuit involving the following parties: Gannett Pacific Corp. and the City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilman Pelly and carried unanimously.

At 7:43 p.m., Vice-Mayor Hunt moved to come out of closed session. This motion was seconded by Councilman Davis and carried unanimously.

B. PUBLIC HEARING TO CONSIDER REZONING 1 BUFFALO STREET FROM NEIGHBORHOOD BUSINESS DISTRICT TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT

ORDINANCE NO. 4421 - ORDINANCE TO REZONE 1 BUFFALO STREET FROM NEIGHBORHOOD BUSINESS DISTRICT TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT

Urban Planner Vaidila Satvika said that this is the consideration of an ordinance to rezone 1 Buffalo Street from Neighborhood Business District to RM-8 Residential Multi-Family Medium Density District. This public hearing was advertised on May 29 and June 5, 2014.

The area of the subject property is approximately 0.21 acres, measuring 41 feet wide along Buffalo Street, and 244 feet long, abutting property owned by State DOT and I-240W. The lot is currently vacant and is a legally conforming lot based on the development standards of the Neighborhood Business (NB) zoning district. Historically, the lot most likely served as an overflow parking lot for an adjacent neighborhood grocery/convenience store to the north that was destroyed by a fire years ago. The parcel borders an unopened right-of-way (ROW) to the south that measures approximately 12 feet wide and 245 feet long; the ROW is not an essential part of the street network as it is not maintained and it dead-ends at property owned by State DOT, adjacent to the I-240W corridor.

Due to the fact that the subject lot is nested within a residential zoning district, the request to rezone the lot to RM-8 would be consistent with the context of the neighborhood, which is primarily single-family. The zoning action, however, would create a noncompliant lot because RM-8 requires 50 feet of frontage and the subject property has only 41 feet of frontage. According to the UDO section 7-17-2, lawfully established nonconforming lots having dimensional nonconformities may be used for any permitted use allowed in the zoning district in which the lot is located provided that any structure meets all applicable dimensional and numerical requirements (such as setbacks, for example) and all applicable procedures are followed.

The NB zoning district provides opportunities in the city to establish low-intensity businesses that are accessible to pedestrians from surrounding residential neighborhoods yet without a waiver from the Tree Commission, the landscape buffer standards would require the subject property to include a 20-foot-wide planted buffer along the southern edge of the lot, thereby reducing any structure's buildable width to 21 feet wide. In addition, a residential use is

not permitted by right in the NB zoning district. Assuming that infill housing is the best use for this site, a rezoning to RM-8 is an appropriate action.

The Asheville City Development Plan 2025 encourages compatible “adaptive reuse, redevelopment and infill development” and states, “areas within the existing urban fabric that are vacant should be targeted for compatible infill development that takes advantage of existing infrastructure.” Staff feels this rezoning would be compatible with the goals of the Comprehensive Plan.

A consideration would be that the rezoning would create a noncompliant lot within the RM-8 zoning district.

Based on the above findings and the analysis provided in the report, staff finds this request to rezone 1 Buffalo Street from NB to RM-8 to be appropriate and consistent with the context of the neighborhood and broader city goals.

Mayor Manheimer opened the public hearing at 7:53 p.m. and when no one spoke, she closed public hearing at 7:53 p.m.

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

Councilman Pelly moved to approve the zoning map amendment from Neighborhood Business (NB) to Residential Multi-Family Medium Density (RM-8) District and (if approving) find that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans because it 1) encourages the adaptive reuse of vacant property and 2) would promote compatible infill development within the urban fabric of the city. This motion was seconded by Councilwoman Wisler and carried unanimously.

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C. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 29 OAK HILL DRIVE FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO RM-16/CZ RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING FOR THE CONSTRUCTION OF 72 RESIDENTIAL UNITS IN THREE BUILDINGS WITH ASSOCIATED INFRASTRUCTURE, AND CONDITIONS FOR REDUCED BUILDING SETBACKS, REDUCED PARKING COUNTS, AND INCREASE IN RESIDENTIAL DENSITY

ORDINANCE NO. 4422 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 29 OAK HILL DRIVE FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO RM-16/CZ RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING FOR THE CONSTRUCTION OF 72 RESIDENTIAL UNITS IN THREE BUILDINGS WITH ASSOCIATED INFRASTRUCTURE

Interim Planning Director Alan Glines said that this is the consideration of an ordinance to conditionally zone property located at 29 Oak Hill Drive from RM-16 Residential Multi-Family High Density District to RM-16/CZ Residential Multi-Family High Density District/Conditional Zoning for the construction of 72 residential units in three buildings with associated infrastructure, and conditions for reduced building setbacks, reduced parking counts, and increase in residential density. This public hearing was advertised on May 15 and 22, 2015.

The proposal is for the construction of 72 residential units in three 3-story structures each with 24 residential units and a single large area for parking. The plan is for twenty four one-

bedroom units to be offered at 50% of AMI for a period of ten years. These units will use the housing voucher program which is only available for periods of ten years but is expected to be renewed for up to 30 years. These specific units have received City of Asheville Housing Trust Funds to provide supportive affordable housing to qualifying households experiencing difficulties finding stable housing. In addition, five other units will be offered at 80% of AMI for a period of ten years. Staff also expects that the developer will submit an application for a land use incentive grant (LUIG) although at the time of this writing, there is not one in-hand.

The requested density for the proposal is 19.41 units per acre. The property is zoned residential multifamily high density (RM-16) and the proposal is to rezone to residential multifamily high density conditional zone (RM-16 CZ).

The site is a 3.70 acre site located at 29 Oak Hill Drive located about 450 feet from New Leicester Highway. The site is accessed from a driveway along Oak Hill and then opens to a wider area below the level of the road. Prior to this application the site was graded to its current condition and has few existing trees except at the top of the site at the street. The railroad is adjacent to this parcel and the right of way area (RR ROW) covers a significant portion of the parcel and affects placement of site improvements including buildings and plantings. The site also has a section of sewer line that crosses this property. Trees and structures are not allowed in the sewer line easement area.

The area has a variety of commercial uses along New Leicester Highway and single-family uses surrounding the proposed site to the east and north along Oak Hill Drive.

Access to the property is from Oak Hill Drive. This road has several connections to local streets including New Leicester Highway to the west and Hazel Mill Road to the northeast. A new sidewalk is proposed along Oak Hill Drive along the frontage area and an internal sidewalk will provide access into the site. There are 81 parking spaces provided on the plans which also will accommodate a required fire truck turn-around. The site is within 500 feet to transit service on New Leicester Highway. The ART route W4 travels along New Leicester Highway and back to downtown Asheville.

Landscaping is required for this parcel including street trees, parking lot landscaping, building impact landscaping, dumpster screening and tree-save plantings. The proposed landscaping meets or can meet the requirements of this section.

Open space is required for the development in compliance with 7-11-4 of the UDO. Open space is required at the rate of 500 square feet per unit for a total of .83 acre. The site plans show sufficient area to meet this standard.

The Technical Review Committee (TRC) reviewed this application at their meeting on April 20, 2015 and approved it with conditions. The Planning and Zoning Commission review the project at their meeting on May 6, 2015. City Council provides the final review of the conditional zoning proposal. If approved by Council, the proposal will return to the Technical Review Committee for a final TRC review.

City Council may consider conditions modifying requirements pursuant to 7-7-8 of the UDO which is a part of the conditional zoning approval process.

- *Density*- The project is seeing approval of 19.41 units per acre. The district standard is 16 units per acre. There is a verified shortage of residential units in Asheville and even accounting for the additional density the site can still meet other development standards. Affordable units are also needed for qualifying households at a variety of income levels. This proposal will provide 24 units targeted for qualifying households at 50% of AMI and 5 units for qualifying households at 80% of AMI.

- *Setbacks*- Setbacks in RM-16 are generally 40 feet from side and rear property lines when a single structure contains over 14 residential units. The project is seeking a setback reduction from 40 feet to 20 feet due to the location of the RR ROW which constrains the site and limits the locations where buildings may be located. The RR ROW is about .4 acre and does not permit any other features in this area.
- *Parking*- The UDO provides a formula for parking based on the land use and the number of bedrooms. The UDO requires 86 spaces and the current plans show 81 spaces. Staff recommends that 10 additional bicycle parking spaces be provided (over the minimum of 5%) to help offset the lower number of parking spaces for automobiles.

The applicant is proposing to conditionally rezone the site from RM-16 (residential multifamily high density) to the RM-16-CZ (residential multifamily high density conditional zone) as a way to impose conditions different from the zoning district standards as explained in the conditions section above. Properties to the north, west, and east are also zoned RM-16. These areas have mostly single family residential uses on them with some areas with larger vacant tracts. The existing cemetery on the south-east side of the tract is zoned RS-2. The area to the south is zoned Highway Business (HB) which allows a wide range of commercial and residential uses. The Salvation Army operates a donation center and store there. The proposed residential use is compatible with the residential uses in the surrounding area. Higher density zoning areas are often located where community infrastructure is in place and community services such as shopping centers and employment opportunities are nearby. Higher density multifamily zoned areas can act as a reasonable buffer from commercial areas and other lower density residential areas.

The Comprehensive Plan supports affordable housing as a crucial community need with concerns about the lack of available units. In addition the Comprehensive Plan is supportive of infill development where the infrastructure is sufficient and community services are close by to support the use. Other council adopted plans and studies have highlighted the continued scarcity of affordable units.

The proposal is aligned with the second focus area of the Strategic Plan, *Affordability and Economic Mobility*. The plan seeks to promote affordable housing close to the CBD, jobs and transportation. The proposal provides 29 of the 72 units at affordable rates and is located with access to transit service, employment and other community services.

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

Considerations:

- The proposal provides 72 residential units with an affordable component included at a rate of 24 one-bedroom units provided at 50% of AMI for a period of ten years (renewable for up to 30 years) and 5 additional units provided at 80% of AMI for a period of ten years.
- The proposal is conveniently located to transit and transportation systems.
- Shopping and employment centers are also in close proximity to the project site.
- The existing railroad right of way impacts the placement of structures and parking area on the parcel.

On May 6, 2015, the Planning and Zoning Commission recommended approval with a 5-0 vote. At the meeting four neighbors who live near the project site spoke during the public hearing. The main concerns were about existing traffic on Oak Hill Drive. Oak Hill Drive provides a connection between New Leicester Highway and Hazel Mill Road. Some neighbors were also concerned about existing condition and width of Oak Hill Drive. The project itself is not expected to have a major impact on traffic volumes.

Staff recommends approval of the proposed Oak Hill Village conditional zoning along with the conditions requested, finding the proposal consistent with City-adopted plans and strategic goals.

When Councilwoman Wisler asked where people would park if more parking was needed, Mr. Glines said that there is at least one parking space per unit and that if there was no landscape buffer in the front of the project, people might park there.

Mayor Manheimer opened the public hearing at 8:02 p.m.

Mr. Ward Griffin, applicant, said that he was excited with this great site and great design. They will have 29 of their 72 units at an affordable level. He said that will also complete the City's land use incentive grant where they intend to commit to another 10 units to affordability. He noted that a concern expressed by the community that Oak Hill Drive is being used as a cut through. They are prepared to commit to \$5,000 for traffic calming measures off site. He asked for Council's support.

In response to Councilman Pelly, Mr. Griffin said that there will not be a full-time property manager for the 72 units on site, but they will have areas for case managers and some property management in one of the buildings on site.

Councilman Pelly acknowledged the small portion of sidewalk on Oak Hill Drive.

Mr. Rich Lee, representing the Greenway Commission, said that the railroad is the potential future West Asheville Rails to Trails Greenway and when that happens, he hoped we are committed to making sure that West Asheville Rails to Trails Greenway happens.

Mr. Glines noted that a condition regarding the owner/developer providing \$5,000 for traffic calming measures will be added to the list of conditions.

Mr. Alan Ditmore said that when people have a problem parking they use alternative transportation modes. He suggested the City stop actively creating parking.

Mayor Manheimer closed the public hearing at 8:10 p.m.

In response to Councilman Pelly, City Traffic Engineer Jeff Moore said that Oak Hill Drive is number three on the list of traffic calming projects. That project is funded for this year and the \$5,000 offered will be placed in the traffic calming fund.

When Councilman Pelly asked what the schedule is on Leicester Highway sidewalks, Mr. Moore only knew that the project is in process; however, he felt that Transportation Director Ken Putnam would follow-up with Council on the timing of that project.

In response to Councilman Pelly, Mr. Moore acknowledged that there is no traffic light at the intersection of Leicester Highway and Oak Hill Drive to allow people to cross Leicester Highway to catch the bus. He said that Leicester Highway is a N.C. Dept. of Transportation road and felt that as demand grows the likelihood of a signal would increase.

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

Councilman Smith moved to conditional zoning request for Oak Hill Village on 29 Oak Hill Drive from zoning RM-16 (residential multifamily high density) to the RM-16-CZ (residential multifamily high density conditional zone) and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) the proposal provides 72 residential units and of these 29 will be affordable units which

are needed in the community (2) the site is conveniently located for transit and transportation facilities, and (3) shopping and employment centers are located nearby. This motion was seconded by Councilman Bothwell and carried unanimously.

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D. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO A CONDITIONAL ZONING OF PROPERTY LOCATED ON 673 SAND HILL ROAD TO ALLOW THE DEVELOPMENT OF ONE ADDITIONAL RESIDENTIAL UNIT IN AN UNFURNISHED SPACE IN AN EXISTING BUILDING

ORDINANCE NO. 4423- ORDINANCE TO AMEND CONDITIONALLY ZONE PROPERTY LOCATED ON 673 SAND HILL ROAD TO ALLOW THE DEVELOPMENT OF ONE ADDITIONAL RESIDENTIAL UNIT IN AN UNFURNISHED SPACE IN AN EXISTING BUILDING

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to amend conditionally zone property located on 673 Sand Hill Road to allow the development of one additional residential unit in an unfinished space in an existing building. This public hearing was advertised on May 15 and 22, 2015.

The original conditional zoning was approved by City Council in 2007, under Ordinance no. 3546.

The overall project site consists of two parcels (PINs 9627.59-1752 & 9627.49-9750) with a combined area of approximately 5.9 acres located at 673 Sand Hill Road. The parcels were conditionally rezoned from RM-6 to RM-8 by City Council in 2004 and 2007 and the Sand Hill Apartments are complete and occupied. Adjacent zoning includes RS-4 to the north, RM-6 to the east and west and Institutional-CZ to the south.

In 2004, City Council approved a conditional use rezoning (RM-6 to RM-8) for parcel 9627.49-9750 for the renovation and construction of a multi-family residential project, resulting in 25 units in six buildings. In 2007, a similar conditional zoning request for the adjacent parcel (9627.59-1752) was approved for the construction of 23 units in six buildings. The development has been constructed and under operation since then. With the 2007 approval, a condition was placed requiring the 23 units on the second parcel/phase to be deed restricted as affordable for a period of ten years, however since then the development went through a bank foreclosure process that eliminated the deed restriction for the new owner. This proposal would propose to add one unit in Building G on the second phase/parcel, resulting in a total of 49 units for the overall development.

Building G contains an unfinished space and the current owner is requesting to create one additional residential unit within this area of the building. No additional site work is required by the additional unit.

The parcels are accessed via a 20 foot private right-of-way (Deed Book 1400, Page 415) to Sand Hill Road. No changes to access are proposed or required.

The overall site is compliant with regards to parking and no additional spaces are required by the additional unit. Additionally, landscaping and open space were compliant from the 2007 approval.

The additional unit brings the residential density for the overall site up to 49 units; a total of 51 units would be the maximum allowed for the project area.

This proposal was approved with conditions by the Technical Review Committee on May

4, 2015. The Planning & Zoning Commission unanimously recommended approval at their meeting on May 21, 2015. Final TRC review is required prior to issuance of a zoning permit. No communication has been received from the public as of the writing of this report.

The apartment complex was approved and constructed through two separate conditional zoning actions, in 2004 and 2007. The development was approved with compliant parking, landscaping and open space and as the application is to finish out one additional residential unit within an existing building with no other site work, this proposal is considered compatible with the surrounding area.

One of the smart growth principles in the Asheville City Development Plan 2025 highlights the importance of higher density infill development where infrastructure can easily be provided. This is an existing development that was approved in 2007 and the additional unit can be included without site work or impact. Also, the Plan speaks at length about the issue of affordable housing. Staff has confirmed with the Housing Authority that this applicant is an established provider of dedicated housing units. Seven of the apartments are currently coordinated with the Housing Authority, which amounts to approximately 15% of the total number of units in the development being affordable.

Based on the above findings and the analysis provided in the staff report and as stated in the recommendation below, staff finds this request to be reasonable, consistent with the comprehensive plan and within the best public interest.

Considerations:

- The development is existing and established; the additional unit will be provided in an unfinished space requiring no additional site work outside of the structure.
- The applicant is a provider with the Housing Authority to provide dedicated units within the existing development.

Staff recommends approval of the proposed conditional zoning amendment to add one residential unit in the existing development, finding it consistent with City-adopted plans and strategic goals for development.

Mayor Manheimer opened the public hearing at 8:17 p.m. and when no one spoke, she closed the public hearing at 8:17 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 moved to recommend approval of the conditional zoning request for 673 Sand Hill Road from RM-8 CZ to RM-8 CZ and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) The development is existing and established through the 2007 conditional zoning; and (2) The one additional unit will be in an existing building and does not require any site work or disturbance. This motion was seconded by Councilman Pelly and carried unanimously.

ORDINANCE BOOK NO. 30 - PAGE 17

E. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO SECTION 7-11-8 (b) (4) TO CORRECT AN EARLIER AMENDMENT THAT PROVIDES A CLARIFICATION FOR A THRESHOLD FOR WHEN SIDEWALKS ARE REQUIRED

ORDINANCE NO. 4424 - ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TO SECTION 7-11-8 (b) (4) TO CORRECT AN

EARLIER AMENDMENT THAT PROVIDES A CLARIFICATION FOR A THRESHOLD FOR WHEN SIDEWALKS ARE REQUIRED

Interim Planning Director Alan Glines said that this is the consideration of an ordinance to amend the Unified Development Ordinance to Section 7-11-8(b)(4) to correct an earlier amendment that provides a clarification for a threshold for when sidewalks are required. This public hearing was advertised on May 29 and June 5, 2015.

Currently, among the variety of conditions for when sidewalks are required, item (4) reads:

"All existing office, institutional, commercial, and industrial development additions or expansions to structures where the expansion results in an increase of more than 50 percent value of the structure as defined in section 7-11-1 of this chapter;"

An amendment was approved in 2009 that revised the 50 percent threshold up to 75 percent. This was done to provide some minor relief for when properties were being renovated or retrofitted for new uses to encourage reinvestment and new business uses. During a later amendment, this same threshold was changed back to 50 percent by what appears to have been a typographical error. This has resulted in some inconsistencies within in the UDO.

Therefore, this ordinance amendment seeks to correct this requirement to say that, *"All existing office, institutional, commercial, and industrial development additions or expansions to structures where the expansion results in an increase of more than **75** percent value of the structure as defined in section 7-11-1 of this chapter"*

The Comprehensive Plan speaks to the need for and support for community infrastructure such as sidewalks and seeks to balance new investment and reinvestment in new construction activities in support of community infrastructure.

Staff recommends approval of this proposed amendment because it corrects an inconsistency in the ordinance and supports the construction of needed sidewalk infrastructure. The Planning and Zoning Commission reviewed the amendment at their meeting on May 6, 2015 and voted unanimously to recommend approval.

Mayor Manheimer opened the public hearing at 8:19 p.m. and when no one spoke, she closed the public hearing at 8:19 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 moved to approve the proposed amendment to Section Sec. 7-11-8(b)(4) as outlined in this report and find that the request is reasonable and is consistent with the Comprehensive Plan and other adopted plans, because it supports the construction of needed community infrastructure and provides a correction to the ordinance. This motion was seconded by Councilman Pelly and carried unanimously.

ORDINANCE BOOK NO. 30 – PAGE 24

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 15-121 - RESOLUTION AUTHORIZING THE APPROVAL OF THE 2015-16 STRATEGIC PARTNERSHIP FUND GRANTS

Community Development Manager Heather Dillashaw said that this is the consideration of a resolution approving the recommendations of the Housing & Community Development Committee for the 2015-16 Strategic Partnership.

The Housing & Community Development (HCD) Committee received applications from 17 eligible organizations for Strategic Partnership Funds for 2015-16, for a total of \$315,885. One application was withdrawn after submittal. The Committee considered these applications at their meeting on May 19, 2015, and recommends six applications for funding. The recommendations are:

Agency	Funding Support Purpose	2015 Funding Recommendation
Asheville Design Center	Support of the Asheville Design Center's effort to design and construct an Outdoor Learning Center at Hall Fletcher Elementary.	4,000
Blue Ridge Food Ventures	Support-shared use production at Blue Ridge Food Ventures through 90 unique food and natural products businesses.	25,000
Children First/Communities in Schools	Learning Center program: an afterschool safe haven where economically disadvantaged students receive academic assistance, a healthy snack, and enrichment activities, completely free of cost. Our Learning Centers emphasize education and reduce the achievement gap by offering academic assistance and mentoring relationships for students.	20,000
Homeward Bound of WNC	Fund will support the new AHOPE Coordinated Assessment Program from July 1, 2015 through June 30, 2016.	28,400
Pisgah Legal Services	Pisgah Legal Services will utilize the Strategic Partnerships Fund grant to research and draft policies related to increasing and improving affordable housing in the City of Asheville, including an incentive-based inclusionary zoning policy.	9,000
YWCA	Support the MotherLove Program for pregnant and parenting teens with goals of ensuring participants graduate high school, enroll in secondary education, vocational training or employment at a livable wage and delay a subsequent pregnancy.	12,000

Total recommended funding is \$98,400. This amount is unchanged from last year's Strategic Partnership Fund Program.

Pros:

- Approval of the Strategic Partnership Fund provides operating support to Asheville-based organizations that are providing direct services for Asheville residents.
- The Strategic Partnership Fund reflects the carefully considered recommendations of the City's Housing & Community Development Committee.

Con:

- Budget constraints continue to curtail the availability of funds; supported organizations will need to find alternate sources of program support. All worthy proposals could not be funded.

Strategic Partnership Funds are funded from the City's general fund. The funding recommendations do not exceed the fiscal limits included in the FY 2015-2016 Proposed Budget of \$98,400.

The HCD Committee recommends approval of the 2015-16 Strategic Partnership Fund grants as presented.

After a brief discussion, it was the consensus of Council to

After discussion, it was the consensus of the majority of Council to allocating an additional \$50,000 (from the excess \$700,000 fund balance) to the Strategic Partnership Fund and refer the strategic partnership funding process back to the Housing & Community Development Committee for another recommendation at the Council's June 23, 2015, meeting. Said review should include all prior applications received but not funded, with an emphasis on agencies that have been partners with the City in the past.

Rev. L. C. Ray, CEO of One Youth at a Time, thanked City Council for this re-consideration of funding.

Mr. Alan Ditmore spoke about the small amount of funding for the YWCA.

Community Engagement Coordinator for Asheville Greenworks also thanked Council for their re-consideration of funding, again noting their work with the low income community.

Ms. Kathy Peterson, representing Blue Ridge Food Venture, thanked City Council for their support.

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. 15-121. This motion was seconded by Councilwoman Wisler and carried unanimously.

RESOLUTION BOOK NO. 37 – PAGE 176

B. RESOLUTION NO. 15-120 - RESOLUTION APPOINTING A CHAIR TO THE CIVIL SERVICE BOARD

Vice-Mayor Hunt, Chair of the Boards & Commissions Committee, said it is the responsibility of City Council to annually appoint the Chair of the Civil Service Board.

In 2013, a process was established for future appointments to the chair role of the Civil Service Board. Said process offered members of the Civil Service Board to express interest in serving as Chair.

At the Civil Service Board meeting on June 4, 2015, all members were advised to contact City Clerk Burlison if they were interested in serving as Chair. Mr. Coxie was the only interested member.

Mayor Manheimer moved to reappoint Mr. Alan Coxie as Chairman of the Civil Service Board to serve a one-year term until your successor is duly appointed or until your term on the Civil Service Board expires, whichever occurs first. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 37- PAGE 175

C. BOARDS & COMMISSIONS

RESOLUTION NO. 15-122 – RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

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

The term of Marvin Chambers expires on July 1, 2015.

The following individuals applied for a vacancy: Tiffany DE'Bellott and Alberta Williams.

It was the consensus of the Boards & Commissions Committee to reappoint Mr. Chambers.

Vice-Mayor Hunt moved to reappoint Marvin Chambers to serve a three-year term, term to expire July 1, 2018, or until his successor has been appointed. This motion was seconded by Councilman Davis and carried unanimously.

RESOLUTION BOOK NO. 37- PAGE 177

RESOLUTION NO. 15-123 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ELECTRICAL EXAMINERS

Vice-Mayor Hunt, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Board of Electrical Examiners.

The terms of Tommy Wilson, Phil Wilson, David Martin, Gus Sims and Ken Frisbee expire on July 1, 2015.

The following individuals have applied for a vacancy: George Grigg and Charlie Wheeler.

The Boards & Commissions Committee recommended (1) reappointing David Martin (utility representative), Gus Sims (licensed engineer), and Ken Frisbee (layman); and (2) appointing George Grigg (electrical contractor) and Charlie Wheeler (journeyman electrician).

Vice-Mayor Hunt moved to (1) reappoint David Martin (utility representative), Gus Sims (licensed engineer), and Ken Frisbee (layman); and (2) appointing George Grigg (electrical contractor) and Charlie Weaver (journeyman electrician). All terms to expire July 1, 2018, or until their successors have been appointed. This motion was seconded by Councilwoman Wisler and carried unanimously.

RESOLUTION BOOK NO. 37 – PAGE 178

RESOLUTION NO. 15-124 - RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

Vice-Mayor Hunt, Chair of the Boards & Commissions Committee, said that this is the consideration of appointment members to the Civic Center Commission.

The terms of Joel Storrow, Chris Bubenik and J. Michael Burke expire on June 30, 2015.

The following individuals applied for a vacancy: Greg Duff, Anthony Mitchell, Harris Livingstain and Shelia Surrent.

It was the consensus of the Boards & Commission Committee to reappoint Mr. Storrow and Mr. Bubenik and appoint Greg Duff

Vice-Mayor Hunt moved to (1) reappoint Mr. Storrow and Mr. Bubenik to each serve a three year term respectively, terms to expire June 30, 2018; and (2) appoint Greg Duff to serve a three-year term, term to begin July 1, 2015, and expire June 30, 2018, or until his successor is appointed. This motion was seconded by Councilman Pelly and carried unanimously.

RESOLUTION BOOK NO. 37 – PAGE 179

RESOLUTION NO. 15-125 – RESOLUTION APPOINTING A MEMBER TO THE DOWNTOWN COMMISSION

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

Mr. Bruce Hazzard has resigned from the Downtown Commission, thus leaving an unexpired term until December 31, 2015.

The following individuals applied for the vacancy: Brent Campbell, John Menkes, Guillermo Rodriguez, Constance Richards, Drea Jackson, Audra Gaiziunas, Rae Geoffrey and Kelly Prime.

It was the consensus of the Boards & Commissions Committee to appoint Brent Campbell.

Vice-Mayor Hunt moved to appoint Brent Campbell to serve the unexpired term of Mr. Hazzard, term to expire December 31, 2015, or until his successor has been appointed. This motion was seconded by Councilman Davis and carried unanimously.

RESOLUTION BOOK NO. 37- PAGE 180

RESOLUTION NO. 15-126 – RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Hunt, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville-Buncombe Historic Resources Commission.

The terms of William Eakins and Tracey Rizzo expire on July 1, 2015.

No individuals applied for a vacancy.

It was the consensus of the Boards & Commissions Committee to reappoint Mr. Eakins and Ms. Rizzo.

Vice-Mayor Hunt moved to reappoint William Eakins and Tracey Rizzo to each serve a three-year term, terms to expire July 1, 2018, or until their successors have been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 37- PAGE 181

RESOLUTION NO. 15-127 - RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

Vice-Mayor Hunt said that this is the consideration of appointing members to the Multimodal Transportation Commission.

The terms of Julie Mayfield, Mary Weber and Don Kostelec expire on July 1, 2015. In addition, there currently exists a vacancy left by Robert Roepnack, whose term will expire July 1, 2016.

Vice-Mayor Hunt moved to (1) reappoint Julie Mayfield (representing Transit Committee), Mary Weber (representing Greenway Commission), and Don Kostelec (representing the Bike and Pedestrian Task Force), to each serve a three-year term, terms to expire July 1, 2018, or until their successors have been appointed; and (2) postpone the appointment of the Neighborhood Advisory Committee representative until the Neighborhood Advisory Committee has a full board. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 37 - PAGE 182

RESOLUTION NO. 15-128 – RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Hunt, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Neighborhood Advisory Committee.

The terms of Spencer Hardaway, Saul Chase and Joe Fioccola expire on July 1, 2015. In addition, Mr. Robert Roepnack has resigned, thus leaving an unexpired term until July 1, 2017.

The following individuals applied for a vacancy: Julie Hansbury, Philip Lenowitz and Greta Bush.

It was the consensus of the Boards & Commissions Committee, and recommendation from the Neighborhood Advisory Commission, to reappoint Mr. Hardaway and Mr. Fioccola and appoint Greta Bush and Philip Lenowitz.

Vice-Mayor Hunt moved to (1) reappoint Spencer Hardaway (representing 28803 or 28704 zip code), and Mr. Joe Fioccola (representing 28801 zip code); to each serve a three-year term, terms to expire July 1, 2018, or until their successors have been appointed; and (2) appoint Greta Bush (representing at-large) to serve a three-year term, term to expire July 1, 2018, or until her successor has been appointed; and (3) appoint Philip Lenowitz (representing 28804 zip code) to fill the unexpired term of Mr. Roepnack, term to expire July 1, 2017, or until his successor has been appointed. This motion was seconded by Councilman Pelly and carried unanimously.

RESOLUTION BOOK NO. 37- PAGE 183

RESOLUTION NO. 15-129 – RESOLUTION APPOINTING MEMBERS TO THE NOISE ORDINANCE APPEALS BOARD

Vice-Mayor Hunt, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Noise Ordinance Appeals Board.

The terms of Beau Dean (Regular member) and Elizabeth Franks (Alternate member) expire on July 1, 2015.

The following individuals have applied for a vacancy: Robert Glenn and Tod Leaven.

It was the consensus of the Boards & Commissions Committee to appoint Tod Leaven as a Regular member and appoint Robert Glenn to the Alternate seat.

Vice-Mayor Hunt moved to (1) appoint Tod Leaven as a Regular member to serve a three-year term, term to expire July 1, 2018; and (2) appoint Robert Glenn as an Alternate member to serve a three-year term, term to expire July 1, 2018. Both appointments will be until their successors have been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 37 – PAGE 184

RESOLUTION NO. 15-130 – RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

Vice-Mayor Hunt, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Public Art & Cultural Commission.

The terms of Sharon Trammel, Robert Todd and Constance Richards expire on June 30, 2015.

The following individuals have applied for a vacancy: Nancy Long, Irene Morris, Rob Laboray, K. Johnson Bowles, Monika Gross and Audra Gaiziunas.

It was the consensus of the Boards & Commissions Committee to reappoint Ms. Trammel and Ms. Richards and appoint K. Johnson Bowles.

Vice-Mayor Hunt moved to (1) reappoint Sharon Trammel and Constance Richards to each serve a three-year term respectively, terms to expire June 30, 2018, or until their successors have been appointed; and (2) appoint K. Johnson Bowles to serve a three-year term, term to expire June 30, 2018, or until her successor has been appointed. This motion was seconded by Councilman Pelly and carried unanimously.

RESOLUTION BOOK NO. 37- PAGE 185

RESOLUTION NO. 15-131 – RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

Vice-Mayor Hunt, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Recreation Board.

The terms of Barry Mundt, Forest Merithew, Robert Pierce, Hutch Kerns and Ashley Arrington expire on June 30, 2015. In addition, Josh O'Conner and Patrick Dennehy have resigned from the Commission, thus leaving two unexpired terms until June 30, 2017.

The following individual has applied for a vacancy: Dean Pistor.

It was the consensus of the Boards & Commissions Committee to reappoint Mr. Mundt, Mr. Merithew, Mr. Pierce and Ms. Arrington; and to re-advertise.

Vice-Mayor Hunt moved to (1) reappoint Barry Mundt, Forest Merithew, Robert Pierce, and Ashley Arrington to each serve a three-year term respective, terms to expire June 30, 2018, or until their successors have been appointed; and (2) re-advertise. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 37 - PAGE 186

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:47 p.m.

CITY CLERK

MAYOR