

Tuesday – July 26, 2016 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman Gordon D. Smith; Councilman W. Keith Young; 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:

II. CONSENT AGENDA:

Councilwoman Mayfield asked that Consent Agenda "I" be voted on separately due to a conflict of interest.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 5, 2016

B. MOTION ADOPTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR THE CONDITIONAL USE PERMIT FOR 1401 TUNNEL ROAD FOR THE VETERANS' HOUSING PROJECT

Summary: This public hearing was held on June 28, 2016.

C. RESOLUTION NO. 16-169 - RESOLUTION ACCEPTING HOSPITAL DRIVE AS A CITY MAINTAINED STREET

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

Hospital Drive was constructed in June 2011. Since that time, the City of Asheville has consistently maintained Hospital Drive, including snow removal. On June 3, 2016, the property owner/developer of Hospital Drive sent the City an email, offering to dedicate Hospital Drive to the City for public use and requesting the City to accept Hospital Drive as a City street.

Hospital Drive from US 25 (McDowell Street) to SR 3214 (Biltmore Avenue) is a developer-constructed street that has an average width of 76 feet with 24-inch curb and gutter, a length of 0.14 mile, and a variable right-of-way width of 101 to 102 feet.

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

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

Pros:

- The City of Asheville will receive Powell Bill Funds from the North Carolina Department of Transportation (NCDOT) to help maintain the street.
- The street provides a much needed connection between McDowell Street and Biltmore Avenue.

Con:

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

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

Staff recommends that City Council accept Hospital Drive as a City street.

RESOLUTION BOOK NO. 38 - PAGE 117

D. RESOLUTION NO. 16-170 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE LEAF DOWNTOWN AVL

RESOLUTION NO. 16-171 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL

Summary: The consideration of resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at LEAF Downtown AVL and the Goombay Festival.

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

LEAF Downtown AVL will be held on Saturday, July 30, 2016 from 12:00 p.m. to 10:30 p.m., and Sunday, July 31, 2016 from 10:00 a.m. to 7:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- YMI Cultural Center 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 Goombay Festival and allow for consumption at this event.

The Goombay Festival will be held on Friday, September 9, 2016 from 5:00 p.m. to 10:00 p.m., Saturday, September 10, 2016 from 10:00 a.m. to 10:00 p.m., and Sunday, September 11, 2016 from 1:00 p.m. to 6:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for LEAF Community Arts and YMI Cultural Center

Con:

- Potential for public safety issues

There is no fiscal impact.

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 LEAF Downtown AVL and the Goombay Festival.

RESOLUTION NO. 16-170 - RESOLUTION BOOK NO. 38 - PAGE 119

RESOLUTION NO. 16-171 - RESOLUTION BOOK NO. 38 - PAGE 122

E. RESOLUTION NO. 16-172 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE NATIONAL POLLUTION PREVENTION DISCHARGE SYSTEM PHASE II RENEWAL APPLICATION

Summary: The consideration of a resolution authorizing the City Manager to sign the National Pollution Prevention Discharge System (NPDES) Phase II Renewal Application and any other documents necessary in order to comply with the Environmental Protection Agency (EPA) Federal Non-Funded Mandate.

In 1998, EPA adopted a rule known as the NPDES Stormwater Phase II rule. This rule applies to all municipalities with a population less than 100,000 that own or operate a Municipal Separate Storm Sewer System. The City currently is a Phase II compliant city and must renew this permit. The permit is renewed every 5 years.

The NPDES Phase II requirements include continuing to implement the following: Public Education and Outreach, Public Participation and Involvement, Illicit Discharge Detection and Elimination, Construction Site Runoff Control, Post Construction Runoff Control and Pollution Prevention and Good Housekeeping measures.

Pros:

- The City will satisfy all current State and Federal minimum requirements for participation in the NPDES Phase II program
- The City is already a Phase II city and will continue to promote water quality

Con:

- The NPDES program is a non-funded federal mandate to the City.

This program is currently funded under the stormwater utility, no additional impact is expected by the renewal.

City staff recommends that City Council adopt a resolution authorizing the City Manager to sign the National Pollution Discharge Elimination System (NPDES) Phase II Renewal Permit Application and any other paperwork necessary to comply with the EPA Federal Non-Funded Mandate.

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F. RESOLUTION NO. 16-173 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS THROUGH THE N.C. GOVERNOR'S CRIME COMMISSION'S STATE APPROPRIATION COMMITTEE FOR 2016-17 BODY-WORN VIDEO CAMERAS

Summary: The consideration of a resolution authorizing the City to apply for funds through the NC Governor's Crime Commission's State Appropriation Committee—Local Solicitation for a state-issued matching grant in the amount of \$100,000.00.

The City of Asheville Police Department (Police Department) requests authorization to apply for the NC Governor's Crime Commission's State Appropriation Committee's 2016-17 Body-Worn Video Cameras - Local Solicitation. If the grant is approved, the Police Department will be allocated \$100,000.00 based upon the state-issued matching grant (\$1 state for every \$2 local) through a Memorandum of Understanding. The Finance Committee considered the item and recommended City Council approval during its June 28 meeting.

Existing Police Department funds would be utilized to purchase 120 BWC systems (\$223,474.20), while grant funds would be used to purchase an additional 60 Body-Worn Taser Axon Flex Camera Systems along with accessories through TASER's Officer Safety Program for a total cost of \$100,000.00 as a part of the Police Department's Body-Worn Camera program which is intended to achieve the following:

- 1) enhance the police-community partnership guided by integrity, fairness, respect, and professionalism;
- 2) produce a "civilizing effect" for both the police officers and citizens;
- 3) enhance the police-community partnership by decreasing citizen complaints on police officers, to include decreasing the use-of-force complaints;
- 4) decreasing the number of assaults against police officers; and
- 5) Augment criminal and internal investigations through audiovisual evidence that corroborates the factual basis of an incident.

Pros:

- Body Worn Cameras should produce a "civilizing effect" that enhances the police-community partnership with decreased citizen complaints on the police; decreased use-of-force complaints; and decreased assaults on police officers.
- Enhanced criminal and internal investigations

Cons:

- Ongoing City funding to sustain the Body-Worn Camera program for future police operations. This includes cost of the Law Enforcement Technology Specialist to manage the program and the cost of maintenance and replacement.
- Five-year service and purchase agreement must be renewed to enable continued use and data storage.
- Ongoing tasks and costs associated with managing devices and data, storing data, providing audio and video for court discovery, and following retention schedules.

If awarded, the City will incur an expense based on the matching grant requirements (\$1 state for every \$2 local). The total expense for the purchase of the 180 camera systems is \$323,474.20. Thus, the COA portion will be \$223,474.20 with a grant award of \$100,000.00. The five-year service and purchase agreement must be renewed to enable continued use and data storage. As noted above, the general fund impact in FY 2016-17 will be \$223,474.20. This amount is already included in the Police Department's adopted FY 2016-17 budget. At the end of the grant, the general fund impact would be approximately \$225,000.00 per year to cover additional accessories, safety plan and licenses for 4 additional years. The chart below outlines the general fund impact over the remainder of the proposed Body Worn Video Program implementation.

	Camera Systems, accessories and licenses		Grant	General Fund
Year #01 (FY 2017)	120	\$ 223,474.20		\$ 223,474.20
*Grant (FY 2017)	60		\$ 100,000.00	\$ 100,000.00
Year #02 (FY 2018)		\$ 215,532.45		\$ 215,532.45

Year # 03 (FY 2019)		\$ 221,244.00		\$ 221,244.00
Year # 04 (FY 2020)		\$ 221,244.00		\$ 221,244.00
Year # 05 (FY 2021)		\$ 221,244.00		\$ 221,244.00
Total	180	\$ 1,102,738.65	\$ 100,000.00	\$ 1,202,738.65

Staff recommends City Council to adopt the resolution authorizing the City Manager to apply for grant funds through the NC Governor’s Crime Commission’s State Appropriation Committee for the 2016-17 Body-Worn Video Cameras - Local Solicitation in the amount of \$100,000.00.

When Councilman Young asked what is needed to get the entire 180 cameras if the grant is not awarded, Police Chief Tammy Hooper explained that the final 60 would be in the Fiscal Year 2017-18 budget. She said that staff will also look for other grant opportunities. The City might know whether they receive the grant or not in the October timeframe.

RESOLUTION BOOK NO. 38 - PAGE 126

G. ORDINANCE NO. 4514 - BUDGET AMENDMENT FOR EMERGENCY SOLUTIONS GRANT

Summary: The consideration of a budget amendment, in the amount of \$30,372, from the State Division of Aging and Adult Services, Housing and Homeless Unit, for the Emergency Solutions Grant.

The State of North Carolina awarded 2015-16 funds to the City of Asheville in order to fund local agencies to provide emergency shelter and rapid rehousing services for homeless individuals and families, as well as administrative support for the City of Asheville. Due to high outcomes in FY14-15, additional Rapid Re-housing money and administration support was awarded.

The City of Asheville was granted an additional \$30,372 in the FY16 cycle for the following activities:

	Emergency Response	Housing Stabilization	Administration	Total
Organization				
Homeward Bound		\$ 28,372		\$ 28,372
City of Asheville			\$ 2,000	\$ 2,000
TOTAL AWARD		\$ 28,372	\$ 2,000	\$ 30,372

The award of funds was limited to Homeward Bound and the City of Asheville, as the other ESG recipients do not perform Rapid Re-housing or Administration activities. All of the State’s requirements have been met by the agencies being recommended for the additional grant funds.

Pros:

- The Amendment was inadvertently omitted in the June 28, 2016 City Council approval.
- Approval of the Amendment allows additional homeless households to move to permanent housing in 2016.

Con:

- None noted.

The Emergency Solutions Grant is fully funded from the State of North Carolina Division of Aging and Adults Services, Housing and Homeless Unit.

Staff recommends approval of the budget amendment in the amount of \$30,372 in Emergency Solutions Grant funds from the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit.

ORDINANCE BOOK NO. 30 - PAGE 378

H. ORDINANCE NO. 4515 - ORDINANCE RE-ADOPTING THE CITY OF ASHEVILLE WATER RESOURCES DEPARTMENT POLICY MANUAL

Summary: The consideration of an ordinance authorizing the re-adoption of the City of Asheville Water Resources Department's Policy Manual.

The Water Resources Department Policy Manual (herein "Manual") was last updated and adopted by City Council on December 14, 2010. The Manual must be periodically revised to align with federal and state regulations and to remain relevant with present business practices. Along with grammatical revisions, the substantive revisions to the Manual include, but are not limited to: addition of a table of contents which allows for future revisions to be made by individual sections and better navigation of the document; revisions that align with the Water Design and Construction Manual; revisions that align with federal, state, & local regulations; and revisions that align with present business practices.

Pros:

- Re-adoption of the Manual will ensure that it aligns with federal and state regulations and remains relevant with present business practices.
- Changes provide better document navigation and clearer interpretation.
- Changes align with the Water Design and Construction Manual.
- Changes allow for future revisions to be made by individual sections independently.

Cons:

- Failure to re-adopt the Manual may cause confusion about interpretation of the policies.
- Failure to re-adopt could cause policies to be noncompliant with federal, state, and local regulations and present business practices.

Staff recommends City Council adopt an ordinance authorizing the re-adoption of the City of Asheville Water Resources Department's Policy Manual.

ORDINANCE BOOK NO. 30 - PAGE 380

I. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTI-YEAR GENERAL SERVICES AGREEMENT WITH MILLS RIVER PARTNERSHIP INC. TO PARTIALLY FUND PROJECTS DIRECTED RELATED TO WATER QUALITY PROTECTION AND/OR IMPROVEMENT IN THE MILLS RIVER WATERSHED

This item was removed from the Consent Agenda due to a conflict of interest with Councilwoman Mayfield.

J. RESOLUTION NO. 16-175 - RESOLUTION AUTHORIZING THE CITY

MANAGER TO APPLY FOR AND RECEIVE FUNDS FROM THE N.C. DEPT. OF TRANSPORTATION BICYCLE AND PEDESTRIAN PLANNING GRANT TO CONDUCT A GREENWAY FEASIBILITY STUDY IN EAST ASHEVILLE: SWANNANOA RIVER CORRIDOR GREENWAY - PHASE I

Summary: The consideration of a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization (MPO) for a grant from the N.C. Dept. of Transportation (NCDOT) for bike and pedestrian planning projects; and if the application is successful, to accept grants and sign necessary agreements with the MPO, or state agencies to receive the funds.

The NCDOT Bicycle and Pedestrian Planning grants are small grants to assist with bike and pedestrian planning projects. They typically award 3-4 grants of \$100,000 or less per year for projects that need additional financial assistance. If awarded, the City of Asheville would receive the funds in early August. We requested \$100,000 to match the \$37,000 we currently have for the project. Our matching funds are provided to the City via the Asheville Parks and Greenways Foundation and the Friends of Connect Buncombe.

The East Asheville Greenway is a segment of the Swannanoa River Greenway Corridor. It is a 2.2 mile project that parallels the Swannanoa River Rd and the Swannanoa River from the intersection of S. Tunnel Rd. (Lowe's) to the Azalea Park. This project is identified as a priority project in the recently adopted AIM Plan. This feasibility is supported by the Asheville Greenway Committee and was identified by them as a priority project in 2014.

Once finished, this feasibility study will poise this project for engineering and final design work.

Pros:

- This project will be 100% funded by donations from private entities and granted funds
- This will be the first greenway study on the east side of town.

Con:

- Staff support will be needed to conduct this study

No additional City funds required. These funds, if awarded, would be added to the \$37,000 mentioned earlier in the staff report to produce a feasibility study for the first segment of the Swannanoa River Greenway Corridor, known as the East Asheville Greenway.

City staff recommends City Council approve a resolution authorizing the City Manager apply for and receive funds from the NCDOT for a greenway feasibility program.

RESOLUTION BOOK NO. 38 - PAGE 128

K. RESOLUTION NO. 16-176 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE SECOND-YEAR OPTION OF A CONTRACT WITH SAGE SECURITY SOLUTIONS LLC FOR SECURITY PROTECTION SERVICES AT VARIOUS CITY-OWNED FACILITIES

Summary: The consideration of a resolution authorizing the City Manager to: (1) exercise the second-year option to renew the contract in the amount of \$40,923.55 with Sage Security Solutions, LLC for security protection services at various facilities owned by the City of Asheville (City) for the second year in the cumulative amount of \$122,815.55; and (2) to exercise the option to renew the contract for one (1) additional twelve-month period based on the contactor's satisfactory performance and available budget.

The General Services Department (Department) contracts for maintenance and repair of security protection systems within City facilities. The City entered into a one-year contract with Sage Security Solutions, LLC for FY 2014-2015 for security protection service and new equipment in the amount of \$43,222.22, and amended the contract for FY 2015-2016 in the amount of \$38,670.70 with an option to renew for one year. By electing to exercise the second year in the amount of \$40,923.55, increases the cumulative amount of the contract to \$122,815.55, an amount which requires City Council consideration and approval.

Pro: • Supports the efficient delivery of core facility maintenance services.

Con: • None

The \$40,923.55 funding required to support this security systems protection contract is budgeted in the Fiscal Year 2016-2017 Department operating budget as part of the Facilities Maintenance division budget.

Staff recommends that City Council adopt a resolution authorizing the City Manager to: (1) 1) exercise the second-year option to renew the contract in the amount of \$40,923.55 with Sage Security Solutions, LLC for security protection services at various facilities owned by the City of Asheville (City) for the second year in the cumulative amount of \$122,815.55; and (2) 2) to exercise the option to renew the contract for one (1) additional twelve-month period based on the contractor's satisfactory performance and available budget.

RESOLUTION BOOK NO. 38 - PAGE 129

L. RESOLUTION NO. 16-177 - RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOTIATIONS AND EXECUTE A CONTRACT WITH HYDROCYCLE ENGINEERING FOR THE PROFESSIONAL SERVICES WITH A WATERSHED ASSESSMENT OF THE WELLINGTON STREET AREA

Summary: The consideration of a resolution authorizing the City Manager to complete negotiations and sign a contract with HydroCycle Engineering for the completion of the watershed assessment for the Wellington Street drainage area not to exceed \$47,000.

During heavy rainfall events the neighborhood located in the Wellington Street area experience flooding issues due to overland flow. Citizens of this neighborhood, expressed concerns to council in June, in which Council asked Staff to perform a watershed assessment of the area to identify possible solutions to these issues.

The area is primarily a residential area made up of single family homes and the public street infrastructure. Also located in this drainage area is a city school. The drainage infrastructure in this area is a mixture of material types and sizes, of which appear to be undersized for the drainage area upstream of the public roadway.

This watershed assessment will be under \$50,000, this will allow the City Manager to sign an exemption from the Mini-Brook Act. If professional services are over the \$50,000, a Request for Qualifications and review process would be required for the selection of the design team. City staff has asked HydroCycle Engineering, who was a sub-consultant for the recent City Wide Drainage Assessment, to provide a scope of services for this project. This design team is made up of local engineers who are very familiar with the area and the rain events which our area has been experiencing.

Pros:

- Identify opportunities to solve drainage issues impacting a neighborhood through public private partnerships.

- The project will evaluate green infrastructure and will look to provide localized flood mitigation.
- Utilize the stormwater utility fee for construction related projects

Con:

- The project was not originally identified in this current budget year.

The City's Stormwater Utility will be responsible for the cost for the professional services contract. The total contract for professional services will be less than \$50,000. Funding for this contract is included in the adopted FY 2016-17 Stormwater Fund budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to complete negotiations and execute a contract with HydroCycle Engineering for the professional services associated with the watershed assessment for the Wellington Street area. The total cost of the design services for this project is \$47,000.

RESOLUTION BOOK NO. 38 - PAGE 130

M. RESOLUTION NO. 16-178 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH CAROLINA CORNERSTONE CONSTRUCTION INC. FOR THE 14 RIVERSIDE DRIVE RENOVATION PROJECT

ORDINANCE NO. 4516 - BUDGET AMENDMENT FOR 14 RIVERSIDE DRIVE

Summary: The consideration of (1) a resolution authorizing the City Manager to execute a construction contract with Carolina Cornerstone Construction Inc. in the amount of \$724,980 with a 15% contingency of \$108,900 any associated change orders for said contract up to the budgeted amount, for the project known as 14 Riverside Drive Renovation project, City of Asheville project number #RAD-15-16-001; and (2) a budget amendment in the amount of \$312,939 from debt proceeds to fully fund the contract and other project costs.

The structure at 14 Riverside Drive was built ca. 1930 and is listed on the National Register of Historic Places as a contributing building to the Riverside Industrial Historic District. It was donated to the City, and has not been occupied for many years.

This renovation project fulfills the next step of vision for this building; that being for the facility to serve as a highly visible publicly owned, arts and culture information portal for the greater River Arts District; providing information about the district for visitors on shopping, studios, galleries, recreation opportunities, events, and restaurants. It is also intended to be a destination in its own right, with plans for a public-private-partnership lease, and to serve as flexible space for a gallery, office, studio, retail, or performance space that would be rented to private sector partners.

The project, will include the selective demolition and renovation of the 1745 square foot historic structure and related site improvements, including:

- The construction of a 1300 square foot deck that will wrap around the building on the north and west elevations.
- The interior/common space is designed for flexibility. A large overhead garage style door will open to flow to the deck at the west elevation, facing the river.
- Public facilities including restrooms, and drinking fountain; as well as 13 parking spaces, and sidewalk.
- All improvements will meet current NC Building Code requirements.

- Additionally, the contract will, to the extent reasonable, use “green demolition”. Care will be exercised in extracting of older fixtures or equipment for re-use.

The project was advertised on June 6, 2016. Bids were opened on July 6, 2016, with the following results:

<u>Bidder</u>	<u>Base bid</u>
Abbot Construction	\$817,099
Carolina Cornerstone	\$726,026
H&M Constructors	\$898,000

Pros:

- Confirms investment in community revitalization of historic structures in Asheville.
- Replaces an otherwise unusable structure for public purposes.
- Provides public restrooms, interior programmable space for public and artists use, and open space interaction with the city’s natural resources.

Con:

- Project management, contract administration, and other staff and budget resources will be consumed that could be used on other City priorities.

Based on revised estimates, the project budget needs to be increased by \$312,939 to a new budget of \$933,620. This project is funded with a mixture of Tourism Product Development Fund grant funding (\$415,000) and debt proceeds. The budget amendment of \$312,939 will be fully funded with additional debt proceeds. With the additional debt being financed over a twenty-year amortization period, the estimated increase in annual debt service will be approximately \$32,000.

City staff recommends that City Council adopt a resolution awarding the contract to Carolina Cornerstone construction Inc, for the amount of \$724,980.00 plus contingency and approve a budget amendment of \$312,939 in order to fully fund the construction project.

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ORDINANCE BOOK NO. 30 - PAGE 381**

N. RESOLUTION NO. 16-179 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH DR. J. PAUL MARTIN (D/B/A ASHEVILLE ADDICTION CONSULTANTS, PA) FOR PHYSICIAN SERVICES

Summary: The consideration of a contract amendment extending the current physician services for the Employee Health Center on a month-to-month basis for a period not to exceed six months and a value not to exceed \$60,000.

In July of 2015, Council authorized a twelve-month contract for physician services at the Employee Health Center to be provided by Dr. J. Paul Martin, MD, DBA Asheville Addiction Consultants, PA. The services were to be performed on an hourly basis at a rate of \$190.00 per hour. The maximum contract value was \$120,000 over twelve months.

A Request for Proposals (RFP) is being issued the week of July 18 to solicit offerings from physicians or physician practices to provide professional services at the Employee Health Center. The current timeline indicates the procurement should be ready for Council review by September 27 with implementation of the new service agreement in October.

While the procurement is in process, it is necessary for physician services to continue at the Employee Health Center. The existing service provider is available to provide physician

services at the current service level and at the current hourly rate. The contract terms indicate the agreement may be terminated with thirty days prior written notice, which has the effect of a month-to-month agreement. The proposed contract amendment would allow up to six months in case of any delays in the implementation of a new service agreement.

Pros:

- Maintains the current service level at the current hourly rate;
- Provides time for the orderly procurement of a physician or physician practice to provide long-term professional services; and
- Allows cancellation of existing services to coincide with implementation of new contract.

Cons:

- None identified.

Funding for physician services is included in the approved FY17 Health Insurance Fund budget, and the proposed expenditures are within the existing budget.

City staff recommends that City Council authorize the City Manager to execute an amendment extending the current physician services contract for a period not to exceed six months and a value not to exceed \$60,000.

RESOLUTION BOOK NO. 38 - PAGE 132

O. RESOLUTION NO. 16-180 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT, BY DONATION, EASEMENTS OF REAL PROPERTY FOR THE STORMWATER IMPROVEMENTS ALONG PATTON AVENUE, PEARL STREET AND HILLIARD AVENUE

Summary: The consideration of a resolution authorizing the City Manager to accept, by donation, easements of real property for the stormwater improvements located along Patton Avenue, Pearl Street and Hilliard Avenue.

The City of Asheville's Stormwater Division has been working with Delray at Patton Avenue, LLC, on a public private partnership for stormwater improvements. City Council approved the public private partnership on March 22, 2016.

This work includes installing a new storm drainage system, beginning on Patton Avenue to the intersection with Pearl Street, traveling down Pearl Street where it will cross through what is now private property to Hilliard Avenue, where it will end at the connection with an existing storm drainage system on Hilliard Avenue. The original plan was to install the drainage system within the existing public right of way. As the design team has continued their efforts while working closely with City Staff, they have found that the most constructible and cost effective solution is to install a portion of the drainage system across private property, requiring additional stormwater easements. The easements are to be donated by the private partner to the City. As part of the public private agreement, Delray at Patton Place is required to obtain the necessary stormwater easements which will be granted directly to the City and meet the usual City requirements for such easements. Three easements will be granted to the City: an easement from Claude DeBruhl to the City for an area consisting of approximately 2,657 SF; an easement from Claude and William DeBruhl to the City for an area consisting of approximately 2,416 SF; and an easement from Cope Street Complex, LLC to the City for an area consisting of approximately 4,640 SF.

Pros:

- The necessary easements are to be acquired by the development partner and granted to the City at no cost.

- If approved, the construction team would be able to expedite the construction of the new pipe, minimizing future damage to properties.
- Pearl Avenue currently has minimum storm drainage infrastructure and this project will allow new drainage infrastructure to be installed.
- This project will maximize city's stormwater funding to allow for more infrastructures to be installed through this public private partnership.
- This project would complement previously identified stormwater infrastructure needs.

Cons:

- None noted, this public-private stormwater improvement project has already been approved by the Council and the acceptance of these easements will facilitate this process.

No fiscal impact, as Delray at Patton Avenue expects to grant the easement at no cost to the City.

City staff recommends that the City Council approve a resolution authorizing the City Manager to accept, by donation, easements of real property for the stormwater improvements located along Patton Avenue, Pearl Street and Hilliard Avenue.

RESOLUTION BOOK NO. 38 - PAGE 133

P. RESOLUTION NO. 16-181- RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH H&M CONSTRUCTORS TO PROVIDE DESIGN SERVICES FOR THE PARKS MAINTENANCE FACILITIES RELOCATION PROJECT

Summary: The consideration of a resolution authorizing the City Manager to enter into a design-build contract with H&M Constructors for the design phase of the Parks Maintenance Relocation project, and to execute any change orders within the budget, in the amount of \$151,840 plus a contingency of \$30,368 for a total of \$182,208.

In support of the reuse of property owned by the City of Asheville (City) for affordable housing initiatives, the Parks Maintenance facilities and operations currently at 338 Hilliard Ave will be relocated. The City-owned property at 75 Shelburne Road, the "Old Armory Site" previously owned by the National Guard, was selected as a workable location for the Parks Maintenance operations.

The site currently houses or serves a number of other City functions including Facility Maintenance, Public Works, and various APD functions. The intent of this site selection was to consolidate City functions at the Armory, and to provide a cost effective intermediate location for Parks Maintenance. A long-term strategic assessment will be determined after the Facilities Asset Master Plan is performed.

Additional facilities and site work are required to accommodate Parks Maintenance functions. The plan includes a 6,000 square foot, pre-engineered building that will provide workspace for equipment maintenance and storage, offices, workshops, and other support functions needed for the staff to perform their day to day tasks. The design, which will meet all City and North Carolina building and zoning codes, will take into consideration the best use of space and resources for all the staff at the site, and will work to maximize logistical flow given the site's layout and topography.

In support of the City's commitment to sustainable practices, the building will be designed and constructed based on industry standard practices for energy efficiency. Additionally, as this

will be a new City-owned building greater than 5,000 square feet, it will be designed, contracted and built to achieve the LEED™ 'Gold Certification' level. This standard is consistent with City Council resolution 07-91, adopting Leadership in Energy and Environmental Design (LEED™) Standards. On 3/15/16, the City Manager approved the use and design build method for this project in accordance with the design build criteria and requirements adopted in City Council resolution 15-45 approved by council on 2/23/16.

A request for qualifications (RFQ) was issued for a design-build delivery method on April 12th, and reissued on May 5th with H&M Constructors submitting a statement of qualifications.

Pros:

- Clears the City-owned property at Hilliard Ave for planned development for affordable housing.
- Provides new energy efficient facilities for employees to work and operate.

Con:

- None

The funds required for this design project are budgeted in the Capital Improvement Program for FY 2016-17.

City staff recommends that City Council adopt a resolution awarding the contract to H&M constructors, in an amount not to exceed \$182,208.00, for the Parks Maintenance Relocation project.

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Q. RESOLUTION NO. 16-182 - RESOLUTION AMENDING THE 2016 CITY COUNCIL MEETING SCHEDULE

Summary: The Asheville City Council (1) will schedule a formal meeting on September 6, 2016, beginning at 5:00 p.m. in the Council Chamber, located on the 2nd Floor of City Hall; and (2) cancel the September 13, 2016, formal meeting.

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

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

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

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

I. RESOLUTION NO. 16-174 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTI-YEAR GENERAL SERVICES AGREEMENT WITH MILLS RIVER PARTNERSHIP INC. TO PARTIALLY FUND PROJECTS DIRECTED RELATED TO WATER QUALITY PROTECTION AND/OR IMPROVEMENT IN THE MILLS RIVER WATERSHED

Councilwoman Mayfield recused herself from participating in this matter due to a conflict of interest.

Summary: The consideration of a resolution authorizing the City Manager to execute a multi-year general services agreement for the entire agreement with the Mills River Partnership, Inc., for the Mills River Watershed Best Management Practices project for a not-to-exceed amount of \$180,000.00 over three (3) fiscal years contingent upon funding each year.

On November 12, 2013, City Council authorized a three year agreement between the City of Asheville Water Resources Department (Department) and the Mills River Partnership (MRP) for a not-to-exceed amount of \$180,000 (\$60,000 per fiscal year) to provide financial support of projects intended to protect and/or improve water quality in the Mills River Watershed. The Department desires to continue to partner with the MRP to help fund water quality projects in the Mills River Watershed. Staff requests Council consideration of a new three year agreement with MRP.

The City of Asheville (City) has an ongoing interest in watershed management. Water quality in the upper watershed continues to be excellent and overall water quality indices have improved during the past 10 years. The strategy now is to focus on efforts to protect and improve water quality. Funding initiatives are to be considered with an understanding of their long-term impact on water quality.

The proposed agreement is reflective of the commitment of the City and Department to financially support projects that are directly related to water quality protection and/or improvement. These activities include selection and installation of Best Management Practices to control contamination of the river from storm runoff, and educational materials and activities. The suggested level of participation is an amount up to \$60,000 per fiscal year (approximately \$0.01 per CCF system-wide) for a maximum of three fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds.

The level of recommended funding is up to \$60,000 per fiscal year for a maximum of three fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds.

Pros:

- Opportunity to partner with the Mills River Partnership to strategically address areas of concern in the Mills River watershed.
- Funding from the City could make some water quality projects feasible for farmers and local landowners.
- Funding from the City could support public education efforts related to water quality protection.
- Projects in the watershed could improve source water and drinking water quality.
- The Department supports efforts to maximize benefits to water quality.

Con:

- If the City does not participate in the funding of specific water quality projects, these projects may not occur and there could be potential negative impacts on water quality.

Any expenditure in the Mills River watershed is subject to review by Department staff. The full amount needed for the three year agreement is currently allocated within the Department's Operating Fund for Fiscal Year 2016-17. The total not-to-exceed contract amount of \$180,000 will be encumbered upon City Council approval, even though the MRP will only be allowed to request a not-to-exceed amount of \$60,000 per fiscal year for the next three years.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a multi-year general services agreement for the entire agreement with the Mills River Partnership, Inc., for the Mills River Watershed Best Management Practices project for a not-to-exceed amount of \$180,000 over three (3) fiscal years contingent upon funding each year.

Vice-Mayor Wisler moved for the adoption of Resolution No. 16-174. This motion was seconded by Councilman Bothwell and carried unanimously on a 6-0 vote, with Councilwoman Mayfield recused from voting.

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III. PRESENTATIONS & REPORTS:

A. UPDATE ON HOMESTAY PERMITTING PROGRAM

Director of Development Services Jason Nortz said that this report is an update on the Homestay Permitting Process enacted via a wording amendment that was adopted on November 17, 2015. The data in this report spans a time frame from November 18, 2015 to July 1, 2016.

Due to strong demand for homestay lodging, City Council passed a text amendment to Section 7-16-1(c)(9) to modify the requirements for a Homestay. Some of the changes to the requirements are as follows:

- The removal of a 500-foot separation requirement (between homestays)
- The removal of the minimum home size requirement of 2,500 sf.
- The removal of the need for additional off-street parking
- The removal of the requirement to provide a morning meal
- Only one homestay shall be permitted per lot
- Provisions requiring appropriate insurance
- Provisions for a required annual inspection
- Requirement that a maximum of no more than two (2) bedrooms be used for the homestay.
- Expansion of the zoning districts where homestays may be permitted as a use by right or use by right subject to special standards.

With these and other smaller changes, a Homestay shall:

- Be operated by a full time resident of the property
- The full time resident must be present when guests are present
- Meet all applicable life safety codes
- Exist as the only homestay on the parcel
- Provide all proper insurance policies
- Pay all applicable taxes.

Applications for approval of a Homestay are submitted to and reviewed by the Development Services Department (DSD).

The DSD began receiving applications for Homestay permits under the new provisions on November 18, 2015. Through July 1, 2016, there have been 93 applications submitted for the Homestay permits. The properties subject to these applications have been primarily focused within a few neighborhoods. He showed Council a map of the homestay applications.

When the March update was made, the majority of the properties for which a Homestay use was desired were located generally in the area known as "North Asheville". As the map above shows, Homestay permits have been trending to areas west and east of downtown Asheville as well as north. The table below (figure two) contains further information related to Homestay permitting thus far.

Number of Applications Submitted	93 ↑
Number of Permits Issued	81 ↑
Average Total Home Size	1,987 sf ↓
Average Homestay Area Size	274 sf ↓
Average Percentage of Total Home Size	15% ↔
Average # of Bedrooms	1.5 ↔
Average Age of Structure	65 years ↓
Homestays Providing Off-Street Parking	76% ↑

Homestay Data Through 7.1.2016. Arrows Indicate Change From March 2016 Report.

Along with amending the requirements for homestays, the City hired a fulltime staff member for enforcement and increased the fines for violations. At the onset of the new regulations, there were also several ongoing enforcement cases that now had the opportunity to convert to legal Homestay uses through the permitting process. Prior to the adoption of the Homestay amendment, there were over 50 existing short-term rental violations. Roughly 22 percent have come into compliance through the Homestay permitting process. Since the adoption of the changes to the Homestay Ordinance, the City has opened 68 cases that have resulted in active enforcement for violation of the Homestay Ordinance or operation of a short-term rental where it is prohibited by zoning district.

Since the March homestay update was presented, city staff has focused on proactive enforcement which is based upon official observation in addition to complaints. Of the 68 total enforcement cases that have occurred since November, 49% of them have been proactively initiated through City staff investigations. The attached exhibit 4 shows the count of the resolution and status of those opened enforcement cases.

Through the administration of the revised permitting program, staff has encountered many different scenarios through homestay applications and enforcement. Included among these concerns are:

- Adaptation of rental listing websites by actions such as the removal of all location identification information from advertisements;
- Possible false representation of residency;
- Floorplans not representing legally permitted building work;
- Accurately identifying livable space and unit separation; and
- Continuing press and recognition of the value of the short-term rental market in Asheville.

Staff will continue to explore ways to more proactively enforce short-term rental violations as well as look at other ways to enhance the efficiency of the program. The next 4 month update will be in November.

When Councilwoman Mayfield asked how staff is working to address their concerns, Mr. Nortz said that City Council has approved additional resources for homestay permitting and enforcement in the form of 1 ½ full time employee position and associated supplies such as vehicles and computers. In addition, staff is looking at third-party vendors for pro-enforcement.

B. UPDATE ON MAYOR'S DEVELOPMENT TASK FORCE

Director of Development Services Jason Nortz said that in 2009 the City of Asheville created the Development Services Department (Department). The primary purpose of the Department was to create a one stop-shop to help streamline the permit process, improve communication, and create more accountability. In the summer of 2014 the Mayor established the Development Task Force (Task Force). The primary purpose of the Task Force was to identify the most significant barriers to the development process and to make recommendations for improving sound growth and development in the City of Asheville.

Beginning in September of 2014, the City hosted a task force designed to review and discuss challenges associated with developing in the City of Asheville. The group of 23 stakeholders met once a month for four months and identified numerous issues commonly experienced during the development process. In March of 2015 staff from the Development Services Department (DSD) presented the outcomes of that process to City Council.

He reported that there have been numerous accomplishments since staff last provided City Council with an update in March of 2015. The most notable accomplishment which has helped guide staff and establish a level of accountability has been the formation of the Development Customer Advisory Group (DCAG) in September of 2015. The primary purpose of the DCAG is to discuss strategies for implementation of the Task Force recommendations. The DCAG is comprised of 12 stakeholders that meet with DSD staff once a month to review progress, provide input and make recommendations for moving forward. Included as a goal of the DCAG was to provide the Planning and Economic Development Committee with status updates every 6 months. It's worth noting that two of the stakeholders that were on the Task Force are also part of the DCAG.

In addition to the list of recommendations provided by the Task Force the DCAG provided staff with a list of key areas for improvement based on their experiences with the development process. Key areas identified included:

- Fast track process for professionals
- "Can do" attitude
- Better defined processes/checklists
- More online submittals
- Improved communication

The work of the DCAG helps to focus current and future actions, helps identify what resources are needed and works with staff to establish realistic timelines for implementation. He provided Council with a spread sheet which identifies the Task Force recommendations and level of priority. Areas identified as "high" priority included:

1. Simplifying/expediting the submittal and review process
 - Offering formalized early assistance
 - Expanding options for on-line submittals
 - Looking at opportunities for expedited submittals and reviews
2. Improving communication between departments, and between customers and staff
 - Improve permitting system to communicate project status
 - Develop consistency meetings between departments
 - Explore options for sharing/posting valuable information
3. Improving the delivery of our service
 - Implement an electronic lobby queuing system

- Improve permitting system to simplify permit numbers
- Expand hours of operation

Staff has been primarily focused on addressing the “high” priority tasks within the last year. Emphasis has been placed on these efforts due to their overall impact on the efficiency and effectiveness of the services we provide. The following notable accomplishments, which align with the high priority tasks identified above, have been completed in the last year:

1. Expanded hours of operation to a 5 day work week
2. Implemented a formalized Early Assistance Program
3. Implemented a lobby queuing system
4. Numerous Accela Phase II improvements
 - a. Created master permit #
 - b. Added 5 more permits available for online application (14 total permits)
 - c. Automated warning delivered to applicant 2 weeks prior to permit expiration
5. Created a Drop-Off Line to reduce lobby wait times
6. Communication improvements
 - a. Formed the Development Customer Advisory Group
 - b. Hired office assistant for purposes of answering calls/voice mails/scheduling inspections
 - c. Created Planner of the Day phone line for specific land use related questions
 - d. Regularly work with Community and Public Engagement Division on press releases to update our customers
7. Improved payment process/online payment option

In addition to tackling the high priority items numerous lower level priority tasks have been completed and are provided in the attached Status Report. Progress is still needed and DSD will continue to work on addressing the recommendations of the Task Force. Efforts will continue to be placed on higher priority items such as:

1. Electronic document review/digital submittals
2. Website upgrades
3. Improved communication/processes with outside agencies (MSD, Air Quality, etc...)
4. Increased consistency on city processes, requirements and deadlines
5. Fee study
6. Online fee estimating tool

This report is being provided as an informational update.

In response to Councilman Smith, City Manager Jackson said that he will provide Council with an update regarding more coordination and communication tools available for neighborhoods to participate in the processes.

In response to Councilman Bothwell, Mr. Nortz said that costs are not increased because even though the building was only open for days for the public, staff worked five days. City Manager Jackson said that there were carbon savings with the 4-day workweek. The real benefit of expanding to five days is to even out the work flow. With the continued pressure of activity and turn-over, maintaining staffing will continue to be the priority to adequately turn around the reviews and to conduct inspections.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER LAND USE INCENTIVE GRANTS FOR SMITH MILL PLACE (BIOTAT LLC)

RESOLUTION NO. 16-183 - RESOLUTION APPROVING A LAND USE INCENTIVE GRANT FOR SMITH MILL PLACE (BIOTAT LLC)

Assistant Community & Economic Development Director Jeff Staudinger said that this is a public hearing to consider approving a land use incentive grant for Smith Mill Place (Biotat LLC). This public hearing was advertised on July 15, 2016.

The developer of Smith Mill Place, Biotat LLC, has applied for a Land Use Incentive Grant per the policy adopted by Council, and amended on September 22, 2015.

Biotat LLC, represented by Ward Griffin, seeks to develop a 3.71 acre site, located at 29 Oak Hill Road. The developer estimates a total development cost of \$6.95 million. The project consists of 72 residential rental apartments (36 one-bedroom units, and 36 three-bedroom apartments) in three, three story buildings.

The project meets the following Eligibility Requirements:

- The proposed development consists of three or more dwelling units for rent;
- At least 10% of the units will meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income.
- The affordable units will be affordable to and leased to income-eligible households for at least 15 years.
- The proposed development must be located inside the city limits.
- The proposed development must be located to provide residents convenient access to jobs, schools and services

Scoring

Affordable Rental Housing - The proposed project will provide 36 units affordable to households at 60% or less of median income, and the developer has committed to more than the minimum affordability period of 15 years (see Long-Term Affordability, below). The project qualifies for 60 points.

Workforce Rental Housing - The proposed project will provide 36 units (the remainder of the units) for households earning 100% of less of median income (this has been verified with the developer, who indicated 120% of median income in the application), for a period of 20 years. The project qualifies for 15 points.

Superior locational efficiency - The proposed project is within .25 mile of an existing bus-stop served by one-half hour ART transit frequency. The project qualifies for 10 points.

Long term affordability - The proposed project will be committed to serving households at the designated rental rates for a period of 20 years. This qualifies the project for 10 points.

Staff has scored the project with 95 points, and the developer agrees with that scoring. The project qualifies for a Nine and One-Half Year (9.5) Land Use Incentive Grant.

The Housing and Community Development Committee reviewed the application at their meeting on June 14, 2016, and unanimously recommended approval of the Land Use Incentive Grant as outlined.

Pros:

- The proposed project will provide affordable rental housing to 60 households earning 60% or less of area median income, for a period of at least 20 years;
- The proposed project addresses the pressing need for affordable one-bedroom apartments;
- The proposed project has a significant economic impact. Construction wages and material purchases will positively affect the local and regional economy.

Con:

- Cost estimates are not yet fully developed, and project costs as presented may change as it moves towards development.

Estimated value of Land Use Incentive: The current assessed value of the property is \$243,100. The developer's estimate of completed project taxable value is \$6,949,313. The current annual city tax, based on current assessed value, is \$1,154.73. The annual estimated city tax post completion, based on the developer's estimate of value is \$33,009.24. Therefore, the estimated annual Land Use Incentive Grant would be \$31,854.51, the exact amount to be determined by the length, in years, of the grant award, and the actual assessed value of the development upon completion. If approved for 9.5 years, the estimated Grant would be \$302,617.86. The subsidy per affordable and workforce unit would be \$4,203. The subsidy amount per affordable and workforce unit/year would be \$210.

The estimated amount of fees payable for Zoning Permit, Building Permit, Driveway Permit, Grading Permit, Plan Review Fees and Water Service Connection Fee is \$162,000. The value of each 10% of the fee rebate would be \$16,200. The exact amount would be determined by the percentage of fee rebate awarded as part of the Land Use Incentive Grant. If approved at the 95 point level, the fee rebate would be \$153,900, which is \$2,138 per unit. Therefore, the total LUIG grant per unit is estimated at \$6,341.

Staff recommends that Council approve the request of Biotat, LLC for a 9.5 year Land Use Incentive Grant.

Mayor Manheimer opened the public hearing at 5:31 p.m. and when no one spoke, she closed the public hearing at 5:31 p.m.

Councilman Smith thanked those involved in helping the Land Use Incentive Grant Program work better for the community and for builders.

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

Councilman Smith moved for the adoption of Resolution No. 16-183. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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B. PUBLIC HEARING TO CONSIDER APPROVING A SIGN PACKAGE FOR INGLE'S MARKETS INC. FOR THE PROPERTY LOCATED AT 863 BREVARD ROAD

Principal Planner Shannon Tuch said that this is the consideration of approving a sign package for a newly reconstructed Ingle's grocery store and various ancillary use(s) located at 863 Brevard Road. This public hearing was advertised on July 15 and 22, 2016.

The subject property consists of a single parcel, 8.06 acres in size, located at 863 Brevard Road, across Brevard Rd. from the entrance to the Asheville Outlets. The parcel is

zoned Regional Business (RB) and is surrounded by a mix of uses and zoning but which is predominately commercial with some low density residential. The site is mostly flat with very good visibility from the main corridor. There is some significant topography at the rear (west end) of the property where retaining walls and graded slopes transition up to the residential neighborhood behind the site.

The applicant, Ingles Markets Inc. is requesting special consideration for a comprehensive signage plan for the new store and gas facilities as allowed per *Unified Development Ordinance* (UDO) Sec. 7-13-10. *Signage Plan*. The signage plan request is associated with the Level II approval for the construction of a new 70,000 square foot Ingles store with gas facilities to be built where an older store had previously stood. The Level II project was approved in September of 2015 and construction work is nearing completion.

The UDO classifies the Ingles development on Brevard Rd. as a multi-tenant development and all multi-tenant developments are afforded a single free-standing development or joint identification sign and individual, attached signage for each individual business within the development. In lieu of these basic allowances, this signage plan seeks to have two separate free-standing signs along with a variety of attached signage on both the grocery store and the gas/convenience store buildings.

The following tables provide information on each of the signs that has been requested as well as what is normally allowed and to what extent the request exceeds the normal standard.

Attached Signs - Brevard Rd. Ingles (grocery store building)

SIGNS REQUESTED	PROPOSED SIZE	WHAT IS ALLOWED	AMOUNT EXCEEDED
Sign #1 – “Beer & Wine”	22 s.f.	<p><u>One</u> attached tenant sign at a rate of 1 s.f. per 1 linear foot of building face for each separate business, not to exceed 200 s.f.</p> <p>The main store is a single tenant and has 324 linear feet which would support a single 200 s.f. sign.</p>	<p>Total square footage of front elevation signage is <u>403</u> s.f. when dead space is excluded and exceeds allowance by 203 s.f.</p>
Sign #2 – “Rx Drive-Thru”	14 s.f.		
Sign #3 – “American Owned”	45 s.f.		
Sign #4 – “Ingles”	257 s.f.		
Sign #5 – “Fresh Foods”	37 s.f.		
Sign #6 – Starbuck’s Logo Sign	20 s.f.		
Sign #7 – “Café”	8 s.f.		

Attached Signs – Brevard Rd. Gas Express

SIGNS REQUESTED (GAS CENTER)	PROPOSED SIZE	WHAT IS ALLOWED	AMOUNT EXCEEDED
Front Elevation			
Sign #1 - “Gas Express” on canopy	33 s.f.	<u>One</u> attached tenant sign at a rate of 1 s.f. per	Total square footage of front elevation signage is

Sign #2 – gas price panels on canopy	39 s.f.	1 linear foot of building face for each separate business, not to exceed 200 s.f.	85.6 s.f. and falls within allowance when dead space is excluded; however, the total number of signs exceed the single sign normally allowed.
Sign #3 – “Gas Express” on kiosk	13.6 s.f.	The gas station is a single tenant and the canopy has 154 linear feet which would support a single 154 s.f. sign <i>*note: dead space between signs is normally included</i>	
Side Elevations			
Sign #1 - “ingles” on right side canopy	21.5 s.f.	One secondary tenant id sign at a rate of 1 s.f. per 3 linear feet. Side elevations are 24 linear feet and would allow a single 8 s.f. sign	Only one secondary sign permitted (2 proposed) Each canopy sign exceeds allowance by 13.5 feet and two signs are proposed where only one would normally be permitted
Sign #2 - “ingles” on left side canopy	21.5 s.f.		

Free-standing Monument Signs - Brevard Rd. Ingles & Gas Express

SIGNS REQUESTED	PROPOSED SIZE	WHAT IS ALLOWED	AMOUNT EXCEEDED
Sign #1 - “Gas Express” monument	95.5 s.f. 15’ tall	One free-standing joint identification sign (aka “multi-tenant sign”) at a maximum of 200 s.f. and 25 feet tall	Only one free-standing identification sign is allowed (2 proposed). Either sign falls within the allowance but combined they exceed by 100 s.f.
Sign #2 – “ingles” monument sign	200 s.f. 25’ tall		

Past Proposals – Four separate signage plan requests, plus one amendment, have been made by Ingles Markets, Inc. in the past with varying success. A summary of those requests are as follows:

Address	Date	Description	Result
1865 Hendersonville Rd. (Skyland Ingles)	9/25/07	Main Store: 7 attached signs; 178 s.f. free-standing sign Gas Express: 3 attached signs; 144 s.f. free-standing sign	Approved unanimously (Reduced Gas Express sign to 125 s.f.)
85 Tunnel Rd. (Tunnel Rd. Ingles)	9/25/07	Main Store: 6 attached signs (no Starbucks); 178 s.f. free-standing sign Gas Express: 3 attached signs; 144 s.f. free-standing sign	Approved unanimously (Reduced Gas Express sign to 125 s.f.)

85 Tunnel Rd. (Tunnel Rd. Ingles)	11/23/07	Adds 16 s.f. Starbucks sign to package	Approved
1141 Tunnel Rd. (Oteen Ingles)	6/23/09	Adds 16 s.f. attached Starbucks sign	Denied, motion fails 3:3
153 Smokey Park Highway (Smoky Park Ingles)	2/22/11	Main Store: 6 attached signs; 180 s.f. free-standing sign Gas Express: 3 attached signs; 112 s.f. free-standing sign	Approved 5:2 (combined with CZ request)

In review of staff notes and meeting minutes, the support expressed included the need for more flexibility within the code for large retailers with large store fronts but was balanced by concerns for over-branding, unnecessary advertising, lack of creativity and the potential for setting an undesirable precedent.

Required Reviews – Per UDO Sec. 7-13-10(4) a request for a signage plan is scheduled for council consideration without review by other bodies. As described in the UDO, the city council shall take the following matters into consideration when reviewing a proposed signage plan:

- a. *The extent to which the proposed signage plan deviates from the sign allowances otherwise applicable in this article.*
- b. *The rationale provided by the applicant for the deviations.*
- c. *The extent to which the signage plan promotes city goals for way-finding, pedestrian-orientation, and business identification.*
- d. *The degree to which the signage plan creatively and effectively addresses the issues and constraints unique to the site with regard to signage.*

In addition to the above, UDO Sec. 7-13-10(1) states the purpose of allowing the consideration of a separate signage plan, which is as follows:

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

The applicant has submitted a cover letter outlining their reasons for the request and how they feel that they satisfy these standards.

The Asheville City Development Plan 2025 does not directly address business signage, however, the goal for attractive and effective business identification is related to Land Use and Transportation goals for attractive streetscapes and to Economic Development goals that support business growth and development.

As with the city’s comprehensive plan, the Asheville City Council’s Vision Goals do not directly address business signage, however, the goal for a Thriving Local Economy and a Well-Planned and Livable Community both have elements related to this request such as supporting local business and allowing for creativity and flexibility in business identification.

Considerations:

Overall:

- The overall project design is suburban in nature and site is located on an urban highway (NC 191).
- Site is flat and has good visibility from the corridor.
- Grocery store is 320 feet from Brevard Rd.; Gas station is 70 feet from Brevard Rd. Both structures are located on the same parcel.

- Proposed signage plan incorporates elements of both single-tenant and multi-tenant sign allowances and exceeds what would be allowed under either scenario.
- This site has two tenants – the Ingle's grocery market and the Ingle's gas express. Starbucks and Chop Stix are not classified as separate tenants.
- The state of NC (Department of Agriculture) requires gas stations to post gas prices.

Attached signs:

- Larger signs are designed to be visible from the road. Faster speeds require larger letters for readability.
- Much signage is trademarked, which allows for faster recognition without requiring reading.
- Smaller signs (on main store) would not be legible from Brevard Rd. and advertise services and products.
- Proposed signage plan incorporates elements of both single-tenant and multi-tenant sign allowances and exceeds both.
- Space between letters on the large attached "Ingle's" sign could be reduced to reduce overall size.
- "Beer & Wine" attached sign is new and not previously included in sign package requests.

Free-standing signs:

- Multi-tenant free-standing signs are larger than single tenant free-standing signs (200 s.f. versus 125 s.f.) in order to accommodate signage for multiple tenants; Free-standing signs could be combined to reduce sign structures.
- Both free-standing signs include changeable copy panels and are duplicative in purpose.
- Monument signs have mass (square footage) not included in the sign area calculations.

Based on the nature of the activities occurring on the property, the surrounding site context on the commercial corridor, and other technical and non-technical considerations outlined by the applicant, consideration of some special allowances may be warranted; however, the extent of the request may exceed what is reasonable or necessary and could be improved. Staff recommends that the applicant take more time to consider the minimum necessary to accomplish their goals and employ more creative techniques for identification that minimizes advertising/branding. As an alternative, Council may choose to approve the plan with or without specific conditions.

When Vice-Mayor Wisler asked if this Ingle's sign package request is pretty consistent with their other sign package requests, Ms. Tuch said that this request is similar; however, this is incrementally a little larger and more than some of the past Ingle's requests.

Councilman Bothwell will vote against this as he has others in the past. We have a sign ordinance to regulate signs and everyone should adhere to it. He didn't think that anyone would turn in at the Ingle's monument sign and miss the store.

When Councilwoman Mayfield asked if Council regularly makes sign ordinance exceptions for other businesses, Ms. Tuch said that the Ingle's applications have been a little unique as there have been more of them. There is no other signage plan applicant that has submitted more than one request. There have been a instances of larger campus-like environments, e.g., hospital, airport, etc. Staff doesn't get a lot of signage plan requests - maybe 5-6 since adopted in 2008 or 2009.

Councilman Smith understands that Ingle's is a valuable community partner, but it's hard to justify this because if another grocery provider comes in and requests a similar exception it puts Council in a difficult position. He would prefer staff work with Ingle's to figure out how in the

future the can come into compliance and not have to go through this every time another store wants signage.

When Councilwoman Mayfield asked if other grocery stores come in and ask for exceptions, Ms. Tuch said that it is fairly common for people to ask for exceptions at the Board of Adjustment, but those exceptions are based on physical constraints and hardships that make regular compliance impractical. This process allows consideration beyond physical hardships.

A representative on behalf of Ingles, but employed by Rainbow Sign Company, felt that Ingle's is not asking Council to do something for them that Council wouldn't do for someone else. He said that there are challenges when you have a store Ingle's size and what they offer the citizens and tourists of this area. He pointed out how Ingle's complies with the 2036 Council Vision. He stressed that with the amount of traffic on Brevard Road, they need a sign that can be recognized at a glance. They are trying to do effective communication. He asked Council for their support.

Mr. Preston Kendall, representing Ingle's Markets, said that this store sits off the road and there are conditions in place that if you are heading south on Brevard Road there is motel and you can't see Ingles until you are past the motel. He explained how the other signs are directional signs. He felt that when the ordinance was written, no one was building a 72,000 sq. ft. grocery store. He said that this signage is small compared to what would be allowed if this were a strip shopping center. He then explained the need of each sign, noting it's about visibility and what people can see from the roadway.

Mayor Manheimer opened the public hearing at 6:03 p.m. and when no one spoke, she closed the public hearing at 6:03 p.m.

Since Vice-Mayor Wisler felt that this request is excessive, she moved to continue the sign plan request for Ingles Markets Inc. located at 863 Brevard Road until September 6, 2016, in order for Ingle's to work with City staff and try to come into closer compliance with the sign ordinance. This motion was seconded by Councilman Smith and carried on a 6-1 vote, with Councilman Haynes voting "no."

Mayor Manheimer noted that if Ingle's comes into compliance with the sign ordinance, they will not have to come back to Council.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. GENERAL OBLIGATION BOND REFERENDUM

BENCHMARK STUDY RESULTS

Mr. Tige Watts, representing Campaign Research and Strategy, provided Council with the benchmark study results. He reviewed the background and methodology, noting that 403 telephone surveys were conducted with registered voters between the evenings of June 29 and July 1, 2016. The representative sample was randomly selected with respect to voter registration records of the County and are reflective of the turnout from the November 2012 election. The margin of error for this study is 4.9% at a confidence interval of 95%. He then reviewed all the questions posed, and in summary, at this snapshot in time, there is clear indication there is support for all three bond issues. He said that he believed this is one of the strongest baseline for bond packages in quite some time.

Director of Finance and Management Services Barbara Whitehorn said that this is consideration of adoption of resolutions authorizing staff to proceed with the necessary action to conduct a general obligation bond referendum on November 8, 2016.

Adoption of resolutions to conduct a \$74,000,000 general obligation bond referendum on November 8, 2016. The referendum includes \$32,000,000 of transportation bonds, \$17,000,000 of park improvement bonds, and \$25,000,000 of housing bonds. The statutory requirements for the legal process include applying to the Local Government Commission (LGC) for approval, holding a public hearing on the proposed bond orders, setting of the special referendum, and certification of the results. The LCG application was timely submitted on July 18, 2016.

The current action is the second of four City Council actions. This second action will specifically authorize:

- Introduction of the bond orders:
 - \$32,000,000 transportation bonds
 - \$17,000,000 park improvement bonds
 - \$25,000,000 housing bonds
- Adoption of a resolution regarding bond orders authorizing the issuance of above mentioned bonds and setting public hearings on the bond orders.

Next Steps:

- On August 9, the City Council will be asked to hold a public hearing on each of the bond orders, approve the bond orders (including the form and language of the ballot), and set a special bond referendum.
- After November 8, the City Council will be asked to adopt a resolution certifying and declaring the results of the special bond referendum. This action will occur after the Buncombe County Board of Elections certifies the results of the vote.

Pros:

- Provides funding for transportation, parks and housing needs as identified in City master plans and Council strategic goals.
- Ensures City's compliance with North Carolina General Statutes.

Con:

- None.

A general obligation bond commits the full faith and credit of the City of Asheville to repayment of the bonded debt. Additional tax levy may be required to fund the debt service over the life of the bonds.

Staff recommends that Council adopt the resolutions authorizing staff to proceed with the necessary action to conduct a general obligation bond referendum on November 8, 2016.

Mayor Manheimer then introduced the following three bond orders and the resolution of the City of Asheville, North Carolina, regarding Bond Orders authorizing the issuance of \$32,000,000 General Obligation Transportation Bonds, \$25,000,000 General Obligation Housing Bonds and \$17,000,000 General Obligation Parks and Recreation Bonds, and setting a public hearing thereon and directing publication of a notice of said public hearing.

**BOND ORDER AUTHORIZING THE ISSUANCE OF \$32,000,000 GENERAL OBLIGATION
TRANSPORTATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA**

WHEREAS, the City Council of the City of Asheville, North Carolina (the “*City Council*”) has ascertained and hereby determines that it is necessary to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, pedestrian and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; acquiring, constructing, extending and improving greenways, providing related landscaping, retaining walls, storm drainage and any other necessary improvements; and the acquisition of land and rights-of-way in land required therefor; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Transportation Bonds hereinafter described as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Asheville, North Carolina, as follows:

Section 1. In order to raise the money required for the purposes described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Transportation Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Transportation Bonds authorized by this order shall be \$32,000,000.

Section 2. A tax sufficient to pay the principal of and interest on said General Obligation Transportation Bonds when due shall be annually levied and collected.

Section 3. A sworn statement of the City’s debt has been filed with the City Clerk and is open to public inspection.

Section 4. This bond order shall take effect when approved by the voters of the City at a referendum scheduled for November 8, 2016.

BOND ORDER AUTHORIZING THE ISSUANCE OF \$25,000,000 GENERAL OBLIGATION HOUSING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Asheville, North Carolina (the “*City Council*”) has ascertained and hereby determines that it is necessary to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto, and the relocation of City facilities to make land available for the construction of housing for persons of low income, or moderate income, or low and moderate income, and the acquisition of land and rights-of-way required therefor; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Housing Bonds hereinafter described as required by the Local Government Bond Act, and the

City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Asheville, North Carolina, as follows:

Section 1. In order to raise the money required for the purposes described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Housing Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Housing Bonds authorized by this order shall be \$25,000,000.

Section 2. A tax sufficient to pay the principal of and interest on said General Obligation Housing Bonds when due shall be annually levied and collected.

Section 3. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 4. This bond order shall take effect when approved by the voters of the City at a referendum scheduled for November 8, 2016.

BOND ORDER AUTHORIZING THE ISSUANCE OF \$17,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Asheville, North Carolina (the "*City Council*") has ascertained and hereby determines that it is necessary to pay the capital costs of infrastructure improvements for various parks and recreation facilities of the City, including the cost of related studies, plans and design, acquiring, constructing, reconstructing, improving, installing or providing storm drainage, grade and surface improvements, construction, reconstruction and improvements of recreation fields; construction, reconstruction and improvements of restroom facilities; sidewalks, bike paths and pedestrian trails; paving, resurfacing, grading or improving parking lots, roads and intersections, providing public open space, landscaping and lighting, and acquiring any necessary equipment, land, interests in land and rights-of-way therefor; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Parks and Recreation Bonds hereinafter described as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Asheville, North Carolina, as follows:

Section 1. In order to raise the money required for the purposes described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Parks and Recreation Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Parks and Recreation Bonds authorized by this order shall be \$17,000,000.

Section 2. A tax sufficient to pay the principal of and interest on said General Obligation Parks and Recreation Bonds when due shall be annually levied and collected.

Section 3. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 4. This bond order shall take effect when approved by the voters of the City at a referendum scheduled for November 8, 2016.

RESOLUTION NO. 16-184 - RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA REGARDING BOND ORDERS AUTHORIZING THE ISSUANCE OF \$32,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS, \$25,000,000 GENERAL OBLIGATION HOUSING BONDS AND \$17,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS, SETTING A PUBLIC HEARING THEREON AND DIRECTING PUBLICATION OF A NOTICE OF SAID PUBLIC HEARING

WHEREAS, bond orders entitled:

“BOND ORDER AUTHORIZING THE ISSUANCE OF \$32,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;”

“BOND ORDER AUTHORIZING THE ISSUANCE OF \$25,000,000 GENERAL OBLIGATION HOUSING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;” and

“BOND ORDER AUTHORIZING THE ISSUANCE OF \$17,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;”

have been introduced at a meeting of the City Council (the “*City Council*”) of the City of Asheville, North Carolina this 26th day of July, 2016; and

WHEREAS, the City Council desires to provide for the holding of a public hearing thereon on August 9, 2016 and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, , NORTH CAROLINA that the public hearing on said bond orders shall be held on the 9th day of August, 2016 at 5:00 p.m. in the Council Chamber, 2nd Floor of City Hall, 70 Court Plaza, Asheville, North Carolina.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of said bond orders to be published with a notice of such hearing in the form prescribed by law in a newspaper of general circulation in the City on or before the 3rd day of August, 2016.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby directed to file prior to publication of the bond orders with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the net debt of the City, the assessed value of property subject to taxation by the City and the percentage that net debt of the City bears to the assessed value of property subject to taxation.

BE IT FURTHER RESOLVED that this Resolution shall become effective on the date of its adoption.

Councilwoman Mayfield moved for the adoption of Resolution No. 16-184. This motion was seconded by Councilman Smith.

Councilman Smith said that it's good to see these survey results because it lets Council know they are on the right track with a lot of City Council priorities and that Asheville is ready to accelerate progress in all of the bond areas and are willing to invest in it. Should the bonds pass we will get a lot more done a lot faster than we would have otherwise, and establish a bond program for the City of Asheville that may endure for years to come. Regarding the transportation bond order, he understood that the projects have to be capital and projects already talked about and planned for. Regarding the Transit Center and recognizing the needs of the Transit Center, it would be a capital expenditure but we are not at the point in planning where it could be a whole project in a bond package. He suggested we include the planning for the Transit Center in this transportation bond order. Or, alternatively, he suggested Council initiate that process outside of the bond through the capital improvements process and that be parallel to the bond process.

City Manager Jackson didn't know if we have the ability to use a transportation allocation to do the site analysis and renovation plans. Ms. Whitehorn responded that we don't have a lot of solid information about the transportation bond yet; however, she did know what the LGC won't allow us to use bond funds to fund things like a feasibility study or preliminary planning, unless it's part of a larger package. And, they are fairly limited in what kind of planning they will allow.

In response to Councilman Bothwell, Ms. Whitehorn said that when we write the bond question, the question is written in such a way that it leaves the option open for Council to add or remove particular projects. Council could conceivably add that in, but you would have to cut something else out because the total amount cannot change.

Mayor Manheimer noted that Council doesn't have to make that decision at this time. All Council is deciding at this time is whether to advance the planning process for a Transit Center. Council will then need to determine before the August 9 public hearing whether or not the planning monies would come out of the bond package or from a separate capital improvement plan.

Mayor Manheimer said that even though there is flexibility once the bonds are approved, there are expectations from the community. Currently we are making presentations that give lists of roads that will be repaved, sidewalks that will be built, and are developing an interactive tool that people can actually take a tour of the bond and see where this money will be spent. Because we do have community trust that we will spend the money on what we say we will spend the money on, it's important that we stick to that plan. There are other big ticket items not in this bond that will need some creative planning.

Councilman Young said that regardless of whether the bond order passes or not, it's clear that the Transit Center is very important for the future.

Mr. Fred English did not support the bond issue due to the increase in property taxes.

Mr. Sidney Bach felt that Council has not disclosed what it will really cost the taxpayers for financing these bond orders.

City Manager Jackson noted that Asheville has a AAA bond rating because the City's finances are in good health.

The motion made by Councilwoman Mayfield and was seconded by Councilman Smith carried unanimously.

RESOLUTION BOOK NO. 38 - PAGE 137

B. BOARDS & COMMISSIONS

Regarding the Sustainability Advisory Committee, the following individuals applied for the vacancy: Rich Lee, Kendra Sherrod, Brad Rouse, April Brown, Emily Boyd, Amanda Fairley, Bridget Herring and Michael Whitmire. It was the consensus of Council to interview Emily Boyd, Bridget Herring and Brad Rouse.

RESOLUTION NO. 16-185 - RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the term of Viola Spells as a member of the African American Heritage Commission expired on July 1, 2016.

The following individuals applied for the vacancy: S. Antanette Mosley and Michael Zuckerman.

It was the consensus of the Boards & Commissions Committee to appoint Ms. Mosley.

Vice-Mayor Wisler moved to appoint S. Antanette Mosley to serve as a member of the African American Heritage Commission, to serve a three-year term, term to expire July 1, 2019, or until her successor has been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 38 – PAGE 138

RESOLUTION NO. 16-186 - RESOLUTION APPOINTING MEMBERS TO THE CITIZENS-POLICE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that on May 17, 2016, City Council amended the composition to (1) convert the Asheville-Buncombe Community Relations Council seat to a seat dedicated to a resident of property owned by the Housing Authority; and (2) convert the two current ad hoc member seats to at-large seats appointed by City Council with three-year terms.

The following individuals applied for the one at-large seats: Lisa Thomson, Larry Layton and Shana McDowell.

It was the consensus of the Boards & Commissions Committee to appoint Shana McDowell.

Vice-Mayor Wisler moved to appoint Shana McDowell to serve as an at-large member of the Citizens-Police Advisory Committee, to serve a three-year term, term to expire June 30, 2019, or until her successor has been appointed. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 38 - PAGE 139

RESOLUTION NO. 16-187 - RESOLUTION APPOINTMENT MEMBERS TO THE COMPREHENSIVE PLAN ADVISORY COMMITTEE

Vice-Mayor Wisler said that the Comprehensive Plan Advisory Team will represent a broad diversity of interests on topics relevant to the Comprehensive Plan and will have representation, at minimum, from the following committees/organizations (in no particular order), plus three at-large members:

- Planning and Zoning Committee;
- African American Heritage Committee;
- City of Asheville Recreation Board;

- Asheville Downtown Commission;
- Historic Resources Commission of Asheville & Buncombe County (HRC);
- Public Art and Cultural Commission (PACC);
- Buncombe County liaison;
- Downtown Commission;
- Sustainability Advisory Committee on Energy and the Environment (SACEE);
- Asheville Multi-modal Transportation Commission;
- Asheville Affordable Housing Advisory Committee;
- Neighborhood Advisory Committee; and
- Asheville Area Chamber of Commerce.

The following individuals applied for one of the three at-large seats on the Comprehensive Plan Advisory Committee: Cate Ryba, Laura Evans, Kevin Teater, Suzanne Devane, Barber Melton Marjorie McGuirk, Robert Carroll, Rachel Murdaugh, Mike Marcus, Jane Mathews, Sabrah n'haRaven, Linda Giltz, Blake Esselstyn, Steven Rasmussen, Michael Sule, Toya Hauf, Joe Archibald, Elizabeth Sterling, Michael Whitmire, Steven Sizemore, Bob Oast, Robert Maddox, Marni Graves and Ryan Israel.

It was the consensus of the Boards & Commissions Committee to appoint Steven Sizemore, Linda Giltz and Blake Esselstyn.

After discussing the many well-qualified individuals, Vice-Mayor Wisler moved to appoint Steven Sizemore, Linda Giltz and Blake Esselstyn to serve as the at-large members to the Comprehensive Plan Advisory Committee. This motion was seconded by Councilman Smith and carried unanimously.

Vice-Mayor Wisler said that these meetings will be open to the public and that staff will be reaching out to the public for input as well.

RESOLUTION BOOK NO. 38 - PAGE 140

RESOLUTION NO. 16-188 - RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the terms of Bruce Emory (demonstrated transit interests), James Grode (demonstrated greenway interests), Terri March (demonstrated bike & ped interests), Philip Lenowitz (representative of the Neighborhood Advisory Committee; and Kristy Carter (representative of the Planning & Zoning Commission) expire on July 1, 2016.

The following individuals have applied for a vacancy: Meredith Gregory, Eric Workman, Richard Rozzelle, Keaton Edwards, Seth Connelly, Michael Speciale, Devin Clancy, Adam Charnack, Kevin Teater, David Nutter and Billie Lofland.

It was the consensus of the Boards & Commissions Committee, at the suggestion of the Multimodal Transportation Commission, to reappoint Bruce Emory, Terri March, Philip Lenowitz and Kristy Carter.

It was also the consensus of the Boards & Commissions Committee, at the recommendation of the (1) Greenway Committee to appoint David Nutter; and (2) the Multimodal Transportation Commission, to appoint Billie Lofland.

Vice-Mayor Wisler moved to (1) reappoint Bruce Emory (demonstrated transit interests), Terri March (demonstrated bike & ped interests), Philip Lenowitz (representative of the Neighborhood Advisory Committee; and Kristy Carter (representative of the Planning & Zoning

Commission) to each serve a three-year term respectively, terms to expire July 1, 2019, or until their successors have been appointed; (2) appoint David Nutter (demonstrated greenway interests) to serve a three-year term, term to expire July 1, 2019, or until his successor has been appointed; and (3) appoint Billie Lofland (demonstrated bike and interests) to serve a three-year term, term to expire July 1, 2019, or until her successor has been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 38 - PAGE 141

RESOLUTION NO. 16-189 – RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the terms of DeWayne Barton (representing 28806 or 28728 zip code); and Teddy Jordan (at-large member) expire on July 1, 2016.

The following individuals applied for a vacancy: Pat Deck and Carter Webb.

It was the consensus of the Boards & Commissions Committee, and recommendation from the Neighborhood Advisory Commission, to appoint Pat Deck. Since no applicants applied for the 28806 or 28728 vacancy, it will be re-advertised.

Vice-Mayor Wisler moved to appoint Pat Deck (at-large member) to serve a three-year term, term to expire July 1, 2019, or until her successor has been appointed. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 38- PAGE 142

RESOLUTION NO. 16-190 - RESOLUTION APPOINTING A MEMBER TO THE TREE COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that there currently exists a vacancy (left by the passing of Justin Price) until December 31, 2017.

The following individuals applied for the vacancy: John Brigham and Diane Hillgrove.

It was the consensus of the Boards & Commissions Committee to appoint Diane Hillgrove.

Vice-Mayor Wisler moved to appoint Diane Hillgrove to serve as a member of the Tree Commission, to serve the unexpired term of Mr. Price, term to expire December 31, 2017, or until her successor has been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 38 – PAGE 143

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Donna Dreyling and Mr. Dan Bridges spoke to Council about the disrespect by residents and tourists toward handicapped parking ticket volunteers. They requested the City issue them uniforms or at least shirts for official recognition of their positions.

Mr. Mike Wasmer asked that Council delay the public hearing on August 9, 2016, to establish utility substation regulations in order for the South French Broad neighborhood to understand such a complex issue. Mayor Manheimer said that she understands the concerns raised and that she will be meeting with Duke Energy Progress ("Duke") representatives next

week. After that meeting, a decision will be reached to either delay the public hearing or try to reach a compromise by the August 9 public hearing date. She noted that the City doesn't have authority to tell Duke where it can buy land and site substations; however, the City does have some input is on the buffering. We are running the risk that Duke may make application before we get an ordinance in place. Councilman Bothwell hoped that Duke would consider building a substation that is indistinguishable from a residential home similar to their substation in Charlotte, North Carolina.

Ms. Lia Kaz was appalled about the lack of response to House Bill 972, which makes it illegal for citizens to view police footage. She said we need more accountability between citizens and the police.

Ms. Dee Williams, technical advisor of Black Lives Matter in Asheville, felt that Council should have made more of an effort to personally talk to Jerry Williams' mother. She offered her assistance to help the City change policies and procedures.

Mr. Ray Mapp spoke about domestic terrorism.

A lady felt now is a pivotal time to address the issue of race in Asheville. She also felt there needs to be a bigger push to discuss this and for Council to explore community policing, with therapy for police in their stressful positions.

A member of the Tree Commission's newly formed Subcommittee on Tree Preservation. She spoke about the idea of a public education campaign designed to create awareness of the precious resource of trees. Mayor Manheimer asked that she e-mail her information to Vice-Mayor Wisler, Chair of the City Council Planning & Economic Development Committee, for consideration.

A west Asheville resident was concerned about racial justice issues in Asheville.

Mayor Manheimer said that a member of the Racial Justice Coalition called her and said they came up with an idea of wanting to be involved with the City immediately to look at policies such as the Police Department's use of force policy and their vehicle chase policy. They are also interested in looking at a de-escalation policy, what kind of implicit bias training the City offers to its officers, and what kind of citizen complaint process the City uses. They presented these concepts to the City's Public Safety Committee on July 25, and Police Chief Tammy Hooper responded that she was quite willing to work with the Racial Justice Coalition in this effort. Even though the Coalition is working quickly, they want to be thoughtful about who to include in this process and has not finalized who they will bring to the table to have this important community dialogue. She said that we, as a Council, are struggling and we hear the community and we want to be responsive and inclusive and thoughtful and we are looking for a way to try to constructively move forward.

Closed Session

At 7:33 p.m., Councilman Young moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C. Gen. Stat. § 143-318.10(a)(3). The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the following parties: The City of Asheville v. Stewart et al. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 8:31 p.m., Vice-Mayor Wisler moved to come out of closed session. This motion was seconded by Councilman Young and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:31 p.m.

CITY CLERK

MAYOR