

Tuesday – April 25, 2017 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer (left meeting at 6:56 p.m.), 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:

A. PROCLAMATION PROCLAIMING APRIL, 2017, AS "PARKINSON'S DISEASE AWARENESS MONTH"

Councilman Bothwell read the proclamation proclaiming April, 2017, as "Parkinson's Disease Awareness Month" in the City of Asheville. He presented the proclamation to Ms. Nancy Hall, and others, who briefed City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING APRIL, 25, 2017, AS "METASTATIC BREAST CANCER AWARENESS DAY"

Councilwoman Mayfield read the proclamation proclaiming April 25, 2017, as "Metastatic Breast Cancer Awareness Day" in the City of Asheville. She presented the proclamation to Ms. Jean Sellers of the North Carolina Oncology Navigators Association, Dr. Rachel Raab, and others, who briefed City Council on some activities taking place during the day.

C. PROCLAMATION PROCLAIMING APRIL, 25, 2017, AS "NATIONAL DAY OF PRAYER"

Councilman Young read the proclamation proclaiming April 25, 2017, as "National Day of Prayer Day" in the City of Asheville. He presented the proclamation to Ms. Karen Brooks, who briefed City Council on some activities taking place during the day.

D. PROCLAMATION PROCLAIMING APRIL, 2017, AS "STAND AGAINST RACISM MONTH"

Vice-Mayor Wisler read the proclamation proclaiming April, 2017, as "Stand Against Racism Month" in the City of Asheville. She presented the proclamation to YWCA CEO Beth Maczka and YWCA Racial Justice Coordinator Gerry Leonard, who briefed City Council on some activities taking place during the month.

E. PROCLAMATION PROCLAIMING MAY, 2017, AS "BUILDING SAFETY MONTH"

Councilman Smith read the proclamation proclaiming May, 2017, as "Building Safety Month" in the City of Asheville. He presented the proclamation to Chief Code Official Mark Matheny and others, who briefed City Council on some activities taking place during the month.

F. PROCLAMATION PROCLAIMING MAY 7-13, 2017, AS "NATIONAL

DRINKING WATER WEEK"

Councilwoman Mayfield read the proclamation proclaiming May 7-13, 2017, as "National Drinking Water Week" in the City of Asheville. She presented the proclamation to Water Resources Director Jade Dundas and Interim Resources Director David Melton who briefed City Council on some activities taking place during the week.

II. CONSENT AGENDA:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 11, 2017**
- B. RESOLUTION NO. 17-71 - RESOLUTION AMENDING POLICY GOVERNING CITY COUNCIL APPOINTMENTS TO CLARIFY THE ROLE OF CITY COUNCIL LIAISONS**

Summary: The consideration of a resolution amending the Rules on Boards and Commissions policy to clarify the Council Liaison's role on boards and commissions.

There has been some confusion regarding the role of the Council Liaison to the various Boards and Commissions. On April 11, 2017, the Boards and Commissions Committee discussed this issue and is recommending the policy be amended as follows:

Remove the following Section 4 of the "Board at Work":

"The City Council may appoint a City Council person as liaison to the board or commission and that member is entitled to receive all agendas, minutes, and other correspondence and be eligible to attend all meetings of the board including closed sessions. The role of the liaison shall be to serve as a direct communication link between the City Council and the board or commission, and not to play an active role in the deliberation of the board or commission. The liaison shall notify the board or commission of long-range issues and projects under consideration by the Council which would be of interest to that board or commission and shall likewise advise the Council of such matters under consideration by the board or commission."

Replace with the following amended Section 4 of the "Board at Work":

"The City Council may appoint a City Council person as liaison to the board or commission. The role of the liaison shall be to provide information regarding long-range issues and projects under consideration by the Council which would be of interest to that board or commission and assist the board with procedural questions and scope of work. The liaison can address questions regarding Council's strategic goals and feasibility, but shall not play an active role in deliberation of the board or commission. Council liaisons are encouraged to attend meetings, but it is not required."

Pro:

- Clarification of the Council Liaison's role on Boards and Commissions

Con:

- None noted

City staff recommends City Council adopt the amendment to the policy governing Boards and Commissions.

Councilman Smith said this is simply a clarification that Council members, serving as liaisons are there to be a conduit between Council and citizen boards and commissions. That liaison is to be a two-way communicator to carry forward the efforts of the boards and commissions and to carry to the boards and commissions the strategic goals and priorities of Council.

RESOLUTION BOOK NO. 38 - PAGE 387

C. RESOLUTION NO. 17-72 - RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, AND IF AWARDED, ENTER INTO A GRANT AGREEMENT WITH THE N.C. DEPT. OF ENVIRONMENT AND NATURAL RESOURCES FOR A NORTH CAROLINA PARKS AND RECREATION TRUST FUND GRANT FOR FIRST PHASE OF RENOVATION OF THE MONTFORD CENTER COMPLEX

Summary: The consideration of a resolution authorizing the Mayor to apply for and, if awarded, enter into a grant agreement with the North Carolina Department of Environment and Natural Resources for a North Carolina Parks and Recreation Trust Fund (PARTF) grant for first phase of renovation of the Montford Center Complex.

Funds are available through the North Carolina Department of Environment and Natural Resources, Division of Parks and Recreation in PARTF to assist with the development of parks, recreational facilities, and greenways. The City of Asheville wishes to submit a grant application not to exceed \$402,150. If awarded, grant funds will be used to reimburse the city for future expenses related to the first phase of renovation of the Montford Center Complex.

The primary features of the first phase of renovation of the Montford Center Complex include a new playground, outdoor multipurpose recreation area, expanded parking, plaza area, sidewalks, and a trail.

The grant application requires a dollar for dollar cash match not to exceed \$402,150. The cash match is available in the existing capital improvement program for the Montford Center Complex Renovation.

The Montford Center Complex project is budgeted in the capital improvement program and funded by the bond program. If awarded, the PARTF grant will leverage the existing project budget and enhance project scope of work.

The Montford Center Park Master Plan was developed in February 2015. Three community engagement meetings for the plan were held on April 10, June 3, and June 17, 2014.

The Montford Center Park Master Plan was endorsed by the Recreation Advisory Board on March 9, 2015.

The Finance Committee will review this recommendation at their April 25, 2017, meeting.

Pro:

- If awarded, the grant will reimburse the city up to \$402,150 for future construction expenditures at the Montford Center Complex.

Con:

- None

If awarded, the grant is for one-time facility construction cost at the Montford Center Complex that will increase the budget not to exceed \$402,150. This increase is funded by a grant

from the State of North Carolina in the Department of Department of Environment and Natural Resources. The grant application requires a dollar for dollar cash match not to exceed \$402,150, which is available in the existing capital improvement program for the Montford Center Complex Renovation. There is no impact to the City's General Fund budget.

Staff recommends City Council adopt a resolution authorizing the Mayor to apply for and enter into an agreement for a grant through the North Carolina Department of Environment and Natural Resources Parks and Recreation Trust Fund not to exceed \$402,150 for reimbursement of future construction costs for the Montford Center Complex.

RESOLUTION BOOK NO. 38 - PAGE 393

D. RESOLUTION NO. 17-73 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A JOB ACCESS AND RESERVE COMMUTE FEDERAL GRANT TO PARTIALLY FUND TRANSIT SUNDAY SERVICE AND ROUTE 170 TO BLACK MOUNTAIN

Summary: The consideration of a resolution authorizing the City Manager to apply for a FY 2016 and FY 2017 Job Access and Reverse Commute (JARC) Federal Grant to partially fund transit Sunday Service and Route 170 to Black Mountain.

Job Access and Reverse Commute (JARC) is a Federal Transit Administration (FTA) grant program that is targeted at providing job access in urbanized and suburbanized areas. The job access refers to projects relating to the development and maintenance of transportation services designed to transport low-income individuals to and from jobs and activities related to their employment. The reverse commute refers to a public transportation project designed to transport residents of urbanized areas to suburban employment opportunities.

JARC is funded through a 10% allocation of FTA 5307 funds that are administered by the French Broad River Metropolitan Planning Organization (FBRMPO). The FBRMPO posted the call for projects on March 27, 2017 for \$260,238 of FY 2016 funds and \$150,824 of FY 2017 funds. A total of \$411,062 is available for projects in the FBRMPO region.

The City of Asheville has used this funding source in past years to fund Sunday Service and Route 170 to Black Mountain. Staff is requesting permission to submit two applications to continue funding these services:

1. One year of Sunday Service - \$187,200 in grant funding;
2. Two years of Route 170 Service - \$104,963 in grant funding;

Funding at this level will maintain Sunday Service at its current level. This will also allow for a slight expansion of service on Route 170 by providing an additional daily trip, which will help make up for some of the service that was lost in the summer of 2016 when part of the route was cut due to a loss of funding from local partners.

The Finance Committee will review this action at their regularly scheduled meeting on April 25, 2017.

Pros:

- This funding will help maintain existing transit services that are essential to many residents.
- This funding will help offset operating costs.

Cons:

- The City is responsible to provide the 50% local match.

The local match for JARC is 50% for operations funding. If the application is approved by the MPO, the City of Asheville will be responsible for providing \$187,200 annually for Sunday Service and \$104,963 annually for Route 170. These services are already in the transit operating budget so this will not be an additional expense for the City of Asheville.

Staff recommends City Council adopt a resolution authorizing the City Manager to apply for a FY 2016 and FY 2017 Job Access and Reverse Commute (JARC) Federal Grant to partially fund transit Sunday Service and Route 170 to Black Mountain.

RESOLUTION BOOK NO. 38 - PAGE 394

E. ORDINANCE NO. 4576 - ORDINANCE AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES IN ORDER TO PROHIBIT PARKING IN A DESIGNATED BICYCLE LANE

Summary: The consideration of an ordinance amending Chapter 19 of the Code of Ordinances in order to prohibit parking in a designated bicycle lane.

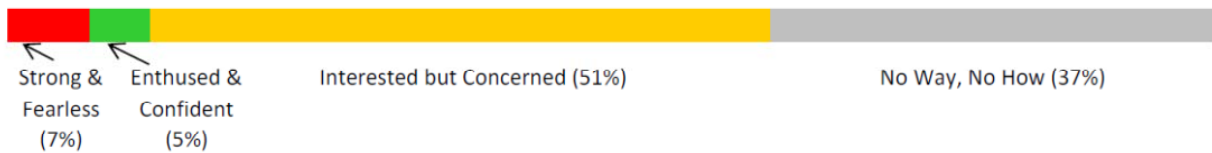
Staff continues to work with the Bicycle & Pedestrian Task Force to seek ways to improve the bicycle experience and an updated written report was included as an agenda item at the Public Safety Committee on February 27, 2017. A short discussion of the issues occurred between the committee members and the Transportation Department Director.

Unfortunately, there are no simple solutions that will satisfy all of the needs including, but not limited to, the ongoing conflict between on-street parking and bicycle lanes and loading and/or unloading activities. As a first step, staff and task force members agree that an actual parking prohibition should be included in the Code of Ordinances in order to eliminate any confusion when enforcement activities occur.

At this time, the City's bicycle network totals about 10 miles including seven miles of designated bicycle lanes and three miles of designated climbing lanes. By definition, the term bicycle lane typically means one designated lane for each direction of travel along a two-way street and the term climbing lane typically means one designated lane along the uphill approach of a street. As a designated bicycle lane, a climbing lane would also be covered by the proposed revision.

While bicyclists are not required to use designated bicycle lanes, most do when available. In 2005, as the City of Portland, Oregon, began to consider what it would take to dramatically increase bicycle use they developed four general categories of bicyclists from the "strong and fearless" to the "no way no how." Since 2005 with additional research not only in Portland, Oregon but throughout major cities in the United States, the proportions have shifted somewhat among the groups (see figure below) but the largest category remains those who are "interested but concerned". This group of bicyclists would probably use bicycles as a means of transportation if the appropriate infrastructure was in place. It is important not only to have the infrastructure but to keep it clear of obstructions because obstructions, such as parked vehicles, could cause a bicyclist to suddenly move or shift from a bicycle lane into a vehicular travel lane resulting in a crash.

Four Types of Potential Transportation Cyclists
by proportion of the population
(Survey of 50 largest metros, 2016)



The Public Safety Committee reviewed this item on March 27, 2017, and recommended that it move forward to City Council for review and approval.

Pros:

- Improves bicycle experience.
- Eliminates confusion when enforcement activities occur.

Con:

- There are no known cons.

There is no known fiscal impact to the subject action.

Staff recommends that City Council approve an ordinance amending Chapter 19 of the Code of Ordinances in order to prohibit parking in a designated bicycle lane.

ORDINANCE BOOK NO. 31 - PAGE 177

F. RESOLUTION NO. 17-74 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE INC. FOR THE CONCRETE REPAIR -UTILITY CUTS PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of \$243,537.50 plus a contingency of \$43,837 (18%) for a total of \$290,000.00 with Appalachian Paving and Concrete, Inc. for annual concrete repair work in the Street Cut Utility Fund.

As part of the Street Cut Utility Program utilities that damage public concrete infrastructure during the installation or maintenance of their underground infrastructure do not perform repairs to the concrete. The proposed contract provides for two one year extensions bringing the potential contract length to 3 years. Both the City and contractor shall agree before an extension is activated and Council shall approve each extension. This is the fourth year that a private contractor has performed this service. The project was advertised on March 9, 2017 and bids were opened on March 30, 2017 with the following results:

Appalachian Paving and Concrete, Inc., Swannanoa, NC	\$243,537.50
Patton Construction Group, Arden, NC	\$389,110.00

Pro:

- Provides for the timely repair on concrete infrastructure that has been damaged by the installation of utilities.

Con:

- Project management and contract administration will consume staff time.

The Street Cut Utility Program is an enterprise fund that is funded by fees paid by the four partners participating in the program. The partners will be billed 100% of the repair cost meaning that the City realizes full cost recovery.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of \$247,537.50 plus a contingency of \$43,837 (18%) with Appalachian Paving and Concrete, Inc. for annual concrete repair work in the Street Cut Utility Fund.

RESOLUTION BOOK NO. 38 - PAGE 395

G. ORDINANCE NO. 4577 - BUDGET AMENDMENT FROM INSURANCE RECOVERY PROCEEDS AND GENERAL FUND UNASSIGNED FUND BALANCE TO REPLACE THE FIRE ENGINE THAT WAS INVOLVED IN AN ACCIDENT ON JANUARY 7, 2017

Summary: The consideration of a budget amendment in the General Capital Projects Fund in the amount of \$600,000 from insurance recovery proceeds and General Fund unassigned fund balance to replace a fire engine.

On January 7, 2017, Fire Engine 6 was totaled when it slid off the highway due to ice on the road during a winter storm occurring that evening. The cost of a new fire engine to replace Fire Engine 6 is \$600,000. The insurance funds available for the purchase of a new fire engine are \$91,933. The Asheville Fire Department requests budget authorization of \$600,000 in the General Capital Projects Fund to purchase a replacement engine. The purchase will be funded by insurance recovery funds held in the City Property & Liability Fund along with \$508,067 from General Fund unassigned fund balance.

Pros:

- Increases operational ability of the fire department to perform its mission. Currently reserve apparatus are being rotated into service as a temporary solution.
- Improves the average age of our fleet which reduces maintenance and repair cost long term.
- Injects modern sustainability features into our fleet.

Con:

- Requires an appropriation from fund balance.

This will be heard at the April 25th Finance Committee meeting. If there is not a unanimous vote this will be brought to the attention of Council at the April 25th Council meeting.

Upon City Council approval, the insurance recovery funds held in the City Property & Liability Fund will be transferred to the General Capital Projects Fund. The difference between the insurance recovery funds and the cost to purchase the fire engine will be transferred from the General Fund unassigned fund balance.

Staff recommends City Council approve the budget amendment for the General Capital Projects Fund in the amount of \$600,000 from insurance recovery proceeds and General Fund unassigned fund balance to allow the Asheville Fire Department to utilize those funds for the procurement of a new fire engine.

ORDINANCE BOOK NO. 31 - PAGE 179

H. RESOLUTION NO. 17-75 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH SPORTS

CONSTRUCTION MANAGEMENT INC. FOR INSTALLATION OF SYNTHETIC TURF AT THE JOHN B. LEWIS SOCCER COMPLEX

Summary: The consideration of a resolution authorizing the City Manager to enter into a construction contract for installation of synthetic turf with Sports Construction Management, Inc. at the John B. Lewis Soccer Complex in the amount of \$755,565 plus a contingency of \$187,000 for a total of \$942,565.

The John B. Lewis Soccer Complex opened in 2005. It is a significant regional sports tourism destination featuring four synthetic turf soccer fields with over 500,000 park visitors and serves over 7,000 youth and adult soccer players annually. The fields were installed with synthetic turf with an expected lifespan of 10 years. The fields have exceeded their useful life and the worn turf needs to be replaced. The resulting turf conditions constitute safety concerns for park users to serve the vibrant regional soccer community.

The scope of the project includes the following:

- Remove the existing synthetic turf and replace it with new synthetic turf with an infill of rubber and sand mixture
- Recommend recycling the existing synthetic turf rather than reuse since the existing turf is in poor condition, will further deteriorate upon removal, and would not meet an installation warranty
- Recycle existing artificial turf following the a recycling plan as identified and verified by contractor
- Fine-grade the surface of the fields to restore gentle and even slopes
- Improve the stormwater drainage system within the fields

The turf consultant, CHA Consulting, Inc., recommends using a synthetic turf with a rubber infill product since the majority of the soccer fields are located within a floodplain. This type of turf product performs best in a floodplain environment compared to other synthetic turf products with organic infill material.

The City of Asheville will purchase the synthetic turf materials through The Cooperative Purchasing Network (TCPN) pursuant to the North Carolina General Statute 143-129 (e) (3) which permits purchases made through this competitive bidding group purchasing program. Through this statutory exemption and a delegation of authority to the City's purchasing agent, the purchase of the synthetic turf can be made without City Council approval. The TCPN proposal for the synthetic turf materials is \$1,114,395. Therefore, the total budget for the John B. Lewis Soccer Complex Synthetic Turf Replacement will total \$2,056,960. This includes the purchase of the synthetic turf materials, turf installation construction contract and a 10% contingency of turf material purchase and construction contract costs.

In support of this capital improvement project to restore the soccer fields to its original and optimum performance, the City issued an Advertisement for Bids for construction of the turf installation. As of the bid opening date on April 3, 2017, the City did not receive a minimum of three bids as required by the City's purchasing policy. The City re-advertised the project and received one bid with alternates by the bid opening date on April 11, 2017, which met the City's purchasing policy.

After thorough review and evaluation, staff selected Sports Construction Management, Inc. located in Lexington, North Carolina as the lowest, responsive, responsible bidder. The base bid of \$755,565.00 was accepted which included two alternates to 1) recycle the existing turf as identified and verified in the turf recycling plan and 2) assign the turf product contract warranties and guarantees to the contractor.

The Recreation Board heard the John B. Lewis Soccer Complex Synthetic Turf Replacement project at its meeting on March 14, 2016.

The Public Safety Committee considered the John B. Lewis Soccer Complex Synthetic Turf Replacement at its meeting on March 28, 2016. The Committee recommended staff to 1) move ahead using the synthetic turf product as proposed by the consultant, and 2) consider alternative synthetic turf products using organic infill when replacing the synthetic turf at Memorial Stadium.

Pros:

- Improves the safety of the John B. Lewis Soccer Complex for park users by replacing the worn synthetic turf due to years of use, solar exposure and flooding events.
- Improvements will occur during the summer which is an optimum time of the year to install the synthetic turf product as opposed to cooler seasons.

Con:

- The John B. Lewis Soccer Complex will be partially closed during renovations since the majority of work is scheduled to take place during the summer. Any closure will be coordinated with and through the Asheville Buncombe Youth Soccer Association (ABYSA).

The total project cost for turf product purchase, turf construction contract, and 10% contingency cost is \$2,056,960. The funds to support project cost is budgeted in the City's Capital Improvement Program. The ABYSA will contribute \$1,456,960 (includes \$1,100,000 million Tourism Product Development Fund grant) to the City to support construction cost. The City will appropriate \$600,000 to support construction which is earmarked in the Capital Improvement Program for the Parks and Recreation Department over a five-year period FY 2016 through FY 2020.

Staff recommends the consideration of a resolution authorizing the City Manager to enter into a construction contract for the installation of synthetic turf with Sports Construction Management, Inc. at the John B. Lewis Soccer Complex in the amount of \$755,565 plus a contingency of \$187,000 for a total of \$942,565, and to execute any change orders to contract or documents which may arise during construction of project within the approved budget.

RESOLUTION BOOK NO. 38 - PAGE 396

I. RESOLUTION NO. 17-76 - RESOLUTION SUPPORTING RAISING THE AGE OF JUVENILE JURISDICTION FROM 16 TO 18 IN NORTH CAROLINA FOR MISDEMEANANTS AND NON-VIOLENT FELONS

Summary: The Asheville City Council calls on the N.C. General Assembly and Governor Roy Cooper to support legislation during the 2017-2018 legislative session automatically raising the age of juvenile jurisdiction from 16 to 18 for all crimes other than Class A through E felonies and traffic offenses.

RESOLUTION BOOK NO. 38 - PAGE 397

J. RESOLUTION NO. 17-77 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY SOCCER CLUB GAME ON MAY 6, 2017

Summary: The consideration of a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Asheville City Soccer Club Game.

- Asheville Brewers Alliance 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 Asheville City Soccer Club Game and allow for consumption at the event.

The Asheville City Soccer Club Game will be held on Saturday, May 6, 2017 from 6:00 p.m. – 10:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for Asheville Brewers Alliance

Con:

- Potential for public safety issues

Staff recommends City Council adopt a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Asheville City Soccer Club Game.

RESOLUTION BOOK NO. 38- PAGE 399

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 Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. RACIAL DEMOGRAPHICS OF TRAFFIC STOPS AND SEARCHES IN ASHEVILLE

Mr. Ian Mance, staff attorney for the Southern Coalition for Social Justice (SCSJ), provided City Council with information on racial demographics of traffic stops and searches data in Asheville.

Using a PowerPoint, he explained that the SCSJ's Open Data Policing initiative works throughout North Carolina with community groups and police agencies that are interested in using data to improve the quality of policing in their communities. They make use of North Carolina's first-of-its-kind data collection statute to promote racial equity in policing.

He showed Council N.C. Gen. Stat. sec. 143B-903 - Collection of traffic law enforcement statistics. Unpublished data is available at www.OpenDataPolicing.com.

For Asheville, the data shows: (1) SCSJ and PRC Applications recently conducted an audit of 50 known traffic stops in Asheville for compliance with the statute; (2) 50 random traffic citations, identified through the public court calendar, were pulled from the County Clerk's office and compared to the SBI database published on OpenDataPolicing; and (3) 58% of confirmed APD traffic stops did not appear in the SBI database as required by law.

Using a graph for traffic stops, black drivers in Asheville, over the last decade and a half, have been stopped at rate 50% higher than their representation in the city population. So far in

2017, black drivers have accounted for 27% of all reported traffic stops, a rate more than 100% greater than their representation in the local population.

Using a graph for search data by race/ethnicity, since data began being collected in 2002, black drivers in Asheville have been more than 100% more likely to be searched than white drivers, despite being less likely to be found carrying contraband (28% v. 29%). 2017 marks the first year that APD has reported searching more black motorists than white motorists, with blacks accounting for 55% of all searches.

Using a graph for average departmental search rate for vehicle stops, the reported data suggests a significant reduction in the city-wide stop and search rate in Asheville in recent years, albeit with an uptick in 2017. However, racial disparities in stops and searches have persisted.

Using a chart for the likelihood of search by "stop cause," black drivers in Asheville remain significantly more likely to be searched than white drivers when stopped for the same offenses.

Using a chart for contraband "hit-rate," over the last decade and a half, Asheville PD found contraband on white drivers at a higher rate than black drivers.

His other observations included (1) Asheville PD relies heavily on drivers' consent for purposes of conducting searches; (2) Vehicle searches disproportionately impact black drivers, who account for up to 40% of drivers searched annually; (3) 56% of APD's reported searches over the last five years have been conducted pursuant to motorists' purported grant of consent to search; (4) This number is significantly higher than many departments around the state, including those that search at much higher volumes than APD; (5) Last year, just 3% of Fayetteville PD's traffic-based searches were based on a motorist's grant of consent. In Durham, the number was 13%, and in Concord, the city closest to Asheville in size, the percentage was 21%; (6) Regulatory and equipment-based traffic stops disproportionately impact black motorists in Asheville; and (7) The difference is significant. Since the beginning of 2011, 40% of all black motorists stopped by APD were stopped for equipment or regulatory violations, compared with 32% of all white motorists stopped.

Policy suggestions include (1) Scrutinize and address APD's data reporting practices to ensure compliance with 143B-903; (2) Prohibit or de-emphasize regulatory and equipment-based stops; (3) Institute a mandatory written consent-to-search policy; and (4) Order periodic audits of individual officer stop-and-search data.

Prohibit or formally de-prioritize regulatory and equipment-based traffic stops known to disproportionately impact black motorists. Police agencies, in North Carolina and nationwide, are increasingly re-evaluating the wisdom of initiating traffic stops for regulatory and equipment based violations. These types of stops generally do not impact public safety and they are known to disproportionately impact poor and minority drivers. They are a significant driver of racial stop disparities. Both Fayetteville PD and Greensboro PD formally deprioritized these types of stops in recent years, a decision that has helped shrink racial stop disparities. Chapel Hill's town council recently directed its police chief to follow suit and begin phasing out regulatory stops. Durham's police chief recently voiced skepticism about such stops and is currently considering a similar directive.

He showed a The New York Times article that said "most black Greensboro drivers were stopped for regulatory or equipment violations, infractions that officers have the discretion to ignore." The Greensboro PD has seen a 10% reduction in its black-to-white stop disparities since The New York Times article prompted a change in policy.

Mandate written consent to search for all consent-based searches. Multiple police agencies across North Carolina, including those in Chapel Hill, Durham, and Fayetteville,

currently require officers to obtain written authorization from the party to be searched for all consent-based searches. Written consent-to-search policies make it more difficult for officers to engage in abusive search practices and can help reduce racial search disparities. Social science research indicates that black motorists experience greater social pressure to accede to requests to search than white motorists. Written consent policies help normalize the experience among black and white drivers.

The New York Times article title is "Activists Wield Search Data to Challenge and Change Police Policy." In Durham, written consent has produced positive results (1) 74% reduction in consent searches citywide over the last two years: Prior to the policy shift, 60% of all searches were consent-based; afterwards, 17%; (2) The reduction in consent searches has contributed to a modest, but significant, 11% reduction in searches citywide; and (3) Although written consent generally does not make a significant dent in racial search disparities, it is a more racially equitable policy.

Conduct routine audits of individual officer stop-and-search data. - <http://www.OpenDataPolicing.com> includes a feature built specifically for use by police executives. Police chiefs can enter a code into the "Officer ID" field available at <https://opendatapolicing.com/nc/search/> and immediately populate a page listing an individual officer's traffic stops as well as her career stop and search patterns, broken down by race and ethnicity. This feature can be used to ensure (1) officers are reporting their stops and searches, as required by N.C.G.S. 143B-903, and (2) to monitor the racial impact of an individual officer's stop practices. Numerous departments in North Carolina currently utilize this website for these purposes. When used properly, the site can serve as an early warning system for identifying officers engaged in discriminatory enforcement practices.

In North Carolina, numerous agencies are already using the site as a management and supervisory tool.

Throughout Mr. Mance's presentation, City Council asked various questions/comments and requests for clarifications.

Councilman Smith was interested in learning about how we can implement the four policy suggestions provided by Mr. Mance. He suggested the Public Safety Committee get into the weeds and bring their recommendations forward to the full Council.

City Manager Jackson said that the Police Chief should have the opportunity to respond to the recommendations and bring that response to the Public Safety Committee and/or the full Council for their consideration. A thoughtful consideration of the data and recommendations presented would be in order.

Councilman Bothwell, Chair of the Public Safety Committee, said they heard this presentation and felt it should be heard by the full Council before they dig deeper into the policy recommendations.

In response to Councilwoman Mayfield, Mr. Mance speculated that departments have a great deal of flexibility on how they report their data. Most departments he works with designate one person to make sure that all reports are submitted. Most reports are done electronically to the state server. He didn't know how it is that so many are not reported. There are clearly officers in the APD that are reporting all their stops. His guess is that there is probably a group of officers who are really good at reporting and some that are not reporting at all.

Councilwoman Mayfield thanked Mr. Mance for providing this information. Her guess is that if people dug into this data at many, many cities across the country, particularly in the south, we would find similar things. We are fortunate to have a Police Chief who has indicated a willingness to tackle these kinds of issues. We have someone in place who is willing to engage in

a conversation about these issues and move us forward. Policing is changing in our world everyday and a city like Asheville can be on the forefront of moving forward. She looked forward to having that conversation.

Councilman Young also thanked Mr. Mance for this information. One issue that he sees is the presumed lack of reporting and the City Manager will be providing Council with information on that issue. The other issue is driving while black in Asheville is real based on the information presented. One slide shown showed that black motorists have a greater likelihood of being searched over 200% of the time opposed to white motorists. But, contraband that is found is about equal. He would like to know how we will address the issue.

Mayor Manheimer summarized that Council is very interested in these suggestions and is grateful for Mr. Mance making the presentation. The next step will be in the Public Safety Committee to allow the Police Chief time to review the information (with Mr. Mance confirming that he would be available to talk with her for any follow-up needed) and to take a hard look at these policy recommendations.

Councilman Young understood that we have a committee system; however, he felt that Mr. Mance and his data have been through the committee system. He believed that the information from the APD response should come directly to City Council and not to the Public Safety Committee.

Mayor Manheimer said that the purpose of sending it to the Public Safety Committee would be so that they could have a more thorough conversation, along with additional public comment. She wanted to make sure we have a thorough process that gives the staff the opportunity to absorb this and figure out what we need to do as a city to make a difference. Normally we honor the committee structure, but would have no problem with it coming directly to City Council. She did not want to set us up for failure and wanted to make this a successful process.

Councilwoman Mayfield said that if the Police Chief won't be ready to report back to Council for another month, then she didn't know why this couldn't make an interim stop at the Public Safety Committee. Back and forth dialogue is generally easier to have in the smaller Committee meetings. Ultimately the purpose of the committee meetings is that three members of Council will make a recommendation to the full Council. She didn't feel strongly about it one way or another.

When City Attorney Currin asked Mr. Mance to share the background data on which he based his data conclusions on, Mr. Mance said that all the data is available on line at www.OpenDataPolicing.com.

Councilman Smith didn't see any harm in having the Public Safety Committee review this before Council since it will increase the opportunity for people to come and hear the information and have public comment.

Councilman Bothwell said that the next Public Safety Committee meeting would be May 22 and if we give the Police Chief a month to prepare her report, the next formal Council meeting would be May 23. He felt that the Public Safety Committee may have other recommendations and didn't see any harm in having the report be given to that Committee.

City Manager Jackson pointed out that the budget public hearing will be held on May 23. Also, if the Public Safety Committee hears the report on May 22, staff will need time to prepare the APD report and recommendations from the Public Safety Committee to present to Council, which will move the City Council report to the June 13 meeting.

It was the consensus to have the staff analyze data presented, evaluate the recommendations provided and provide any clear or additional policy proposals the APD may suggest, with an interim or full report to Council on May 9, 2017.

Councilman Haynes agreed with Councilman Young that he would like to see the APD report come back to Council as soon as possible. He, too, didn't see the need for it to be reviewed by the Public Safety Committee prior to coming to the full Council. He said that though the data was not surprising, it is still extremely disturbing and should be addressed quickly.

B. ANNUAL UPDATE OF THE SUBDIVISION REVIEW PROCESS

The following is the one year update following the adoption of changes to the review process for subdivisions.

On April 12, 2016, the Asheville City Council approved a zoning text amendment to the Unified Development Ordinance (UDO) regarding subdivision review. This amendment had two components: 1) changes to the subdivision standards; and, 2) changes to the review and permitting process for major subdivisions. The changes related to the standards were primarily clarifications and reorganization and did not result in substantive changes. Updating the process for the review of major subdivisions included three things:

- Moving the final review from the Planning & Zoning Commission back to the Technical Review Committee (as had been the practice years prior)
- A new requirement for a mandatory neighborhood meeting prior to the submittal of an application for a major subdivision
- A new requirement that final notice be sent to all property owners within 200 feet of the subject property once the subdivision is approved

Recognizing the change in practices, Council requested a one year update to check-in on the relative success of the amendment and/or to better understand any on-going concerns.

Since the adoption of the current subdivision standards there have been eight major subdivisions submitted to the city for review that have tested the effectiveness of the updated ordinance. These eight subdivision projects include:

- 29 W. Oakview
- Bear Creek Homes
- Blalock Ave.
- Hounds Ear
- Mears Ave.
- Osprey Ln.
- Zitin Subdivision
- Onteora Subdivision

In speaking with the staff who handled these reviews, neighbors have expressed clear appreciation for the early contact and mandatory neighborhood meeting, and staff have received numerous calls from residents prior to the Technical Review Committee seeking additional clarification or understanding. No appeals of a subdivision's approval have been received, nor has staff received any calls after the final letters for these projects were mailed.

The only concern expressed in the last 12 months has been disappointment that some of the neighbors input or feedback went unaddressed in the developers' final plans. This concern is not a new one and is commonly associated with any review that is ministerial and for which a review meeting is mandatory but compliance optional. While not an uncommon concern generally, this has not been a frequent or defining result from the changes.

This report is informational only.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE PREVIOUSLY APPROVED CONDITIONAL ZONING FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO URBAN PLACE DISTRICT/CONDITIONAL ZONING FOR THE PURPOSE OF INCREASING DENSITY AND ADDING NEW ROAD AND SIDEWALK INFRASTRUCTURE TO THE PROJECT LOCATED AT 50 WILBAR AVENUE AND ADDING TWO PARCELS LOCATED AT 99999 & 319 BILTMORE AVENUE

ORDINANCE NO. 4578 - ORDINANCE TO AMEND A PREVIOUSLY APPROVED CONDITIONAL ZONING FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO URBAN PLACE DISTRICT/CONDITIONAL ZONING FOR THE PURPOSE OF INCREASING DENSITY AND ADDING NEW ROAD AND SIDEWALK INFRASTRUCTURE TO THE PROJECT LOCATED AT 50 WILBAR AVENUE AND ADDING TWO PARCELS LOCATED AT 99999 & 319 BILTMORE AVENUE

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to amend a previously approved conditional zoning from RM-16 Residential Multi-Family High Density District to Urban Place District/Conditional Zoning for the purpose of increasing density from 199 to 212 units total and adding new road and sidewalk infrastructure to the project located at 50 Wilbar Avenue and adding two parcels located at 99999 & 319 Biltmore Avenue. This public hearing was advertised on April 14 and 21, 2017.

As part of the amendment, two properties to the east have been added to the application through an easement that has been secured by the applicant for the purpose of providing a new road connection and entrance to the development. Demolition of the existing building will be required. The PINs for the two properties are 9648-46-1623 & 9648-46-0425 and the property owner is Duke Progress Energy Inc.

The applicant, through this amendment, is seeking to create a new road connection between the community and the main road corridor. This new road connection is proposed to include a 50-foot right-of-way, two travel lanes, on-street parking (both sides), curb and gutter, and a 10-foot wide sidewalk on the north side of the road. The new road and sidewalk is proposed to be built to the city's standard and is expected to be publicly maintained. Also included in this amendment is a request to raise the total unit count from 199 to 212 units with no changes to the buildings or site. This is accomplished through the addition of the second entrance which now satisfies a fire code requirement that will allow the unit count to exceed 199 units. Lastly, there is a small addition to the sidewalk along Wilbar Ave. where a new segment of sidewalk is proposed to be added to the western side of the road connecting the community to Short Coxe Ave.

Access to the property is being enhanced to include a new road connection to Biltmore Ave. which will serve as the primary entrance to the community. A secondary entrance off of Short Coxe Ave. via Wilbar Ave. will be retained and improved. All roads in the project, including the new connection, provide 50-foot rights-of-way and will be built to the city's standard for new roads including wide sidewalks as required per the Urban Place zoning.

233 parking spaces were originally proposed, scattered throughout the development, and are found in a combination of traditional parking lot spaces with on-street parking spaces. The new road connection will include an additional 24 on-street parking spaces raising the total count to 257 spaces.

In addition to the landscaping required with the main site, the new road connection will necessitate the addition of large maturing street trees.

A number of conditions were included with the original approval and are noted in the list of B1 conditions. A new condition is proposed to add a transit shelter to the future bus shelter location identified on the site plan.

This conditional zoning amendment was approved with conditions by the Technical Review Committee (TRC) on February 20, 2017. The proposal requires review by the City Council and Final TRC prior to zoning approval.

The Planning & Zoning Commission reviewed this request at their meeting on April 5, 2017, and voted 7:0 in support of the amendment with the recommendation that a bike lane or sharrows be added. No communication has been received from the public as of the writing of this report.

The applicant successfully rezoned the residential RM-16 property to Urban Place Conditional Zone (UP-CZ) in order to allow for a denser, mixed-use urban development. While the project area has expanded, no additional zoning changes are required with this amendment.

The conditional zoning for the Lee Walker Heights community was first approved on April 26, 2016. Other actions have been noted in the previous staff report and can be summarized to include an 18-unit townhome development directly north of the subject property that is currently under construction, and various rezonings on Asheland Ave. that resulted in the expansion of the Central Business District (CBD) over several years.

The new road connection traverses adjacent parcels zoned Regional Business (RB) that front Biltmore Ave. The new road will not only help serve the community but will also provide new opportunity for future infill development.

Considerations:

- New on-street parking is 150-500' from the nearest building.
- Due to right-of-way constraints, additional sidewalk segment on Wilbar Ave. does not fully meet the technical standards for sidewalk widths.
- Provides improved transportation connections and internal pedestrian connections.

The new road will be constructed as part of the project costs. Once all work is completed, it is anticipated that the developer will petition the city for maintenance of the new road and sidewalk. These maintenance costs will be part of the Department of Public Works operations budget, funded by the city's general fund. As with all new infrastructure, maintenance costs initially are very low and increase over time as the infrastructure ages.

Based on policies stated in the Comprehensive Plan and other plans staff finds this request to be reasonable, and within the best public interest, and recommends support of the proposed conditional zoning amendment as proposed.

Mr. David Nash, Chief Executive Officer of the Housing Authority, said thanked the City for securing the negotiated easement across the property to allow a new entrance for the new Lee Walker Heights development. It will help provide the reconnection of the community to the rest of the City.

Councilwoman Mayfield also thanked Duke Energy for making this possible.

Mayor Manheimer opened the public hearing at 6:21 p.m. and when no one spoke, she closed the public hearing at 6:21 p.m.

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

Councilman Bothwell moved to approve the amendment to the previously approved Urban Place Conditional Zoning (UP-CZ) request to allow for an increase in the number of dwelling units from 199 to 212 units total, and to provide for new transportation infrastructure including sidewalk and new road, along with the submitted conditions, site plan and cross-section and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: 1) expands affordable and workforce housing choices in the city; and, 2) supports smart growth by increasing density and improving transportation and pedestrian infrastructure. This motion was seconded by Councilman Young and carried unanimously.

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B. PUBLIC HEARING TO CONSIDER A CONDITIONAL ZONING FROM INSTITUTIONAL DISTRICT TO INSTITUTIONAL DISTRICT/CONDITIONAL ZONING FOR THE EXPANSION AND UPGRADE OF A WASTE TRANSFER STATION AT THE PROPERTY LOCATED AT 190 HOMINY CREEK ROAD

Councilman Smith moved to continue this public hearing until May 9, 2017. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

C. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO AMEND STANDARDS FOR COTTAGE DEVELOPMENTS

ORDINANCE NO. 4579 - ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO AMEND STANDARDS FOR COTTAGE DEVELOPMENTS

Principal Planner Shannon Tuch said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance to amend standards for Cottage Developments. This public hearing was advertised on April 14 and 21, 2017.

In June 2007, the City of Asheville adopted development standards for a new style of residential development called "Cottage Development". A *Cottage development* is defined as:

Cottage development means a cluster of small detached single-family residences constructed to specific design standards and arranged around common open space generally at higher density than the underlying zoning would allow for traditional detached single-family residential development.

A number of special standards were adopted, along with the definition, which were intended to achieve compatibility/harmony with the surrounding neighborhoods. The value of some of these conditions has now come into question and a private citizen has submitted a request to amend the standards, as allowed per the Unified Development Ordinance Sec's. 7-7-2 & 3, by **removing** two requirements that were identified as potential barriers to cottage development. Those two requirements are:

- 1) 15% finished grade, and
- 2) 1,000 foot separation (between cottage developments)

In review of all of the standards regulating cottage developments, staff has also identified a number of requirements that could be amended to be more consistent with

current city goals for infill and community development. These changes are also included in the proposed amendment.

All of the standards for a cottage development have been summarized in the following table, along with the recommended changes:

Existing Standard	Recommended Change
1. Eligible only in higher density residential zoning districts (RS-4*, RS-8, RM-6, RM-8, RM-16)	Expand eligible areas to include RS-4 zoning with the existing 1000' separation requirement*
2. A minimum lot size of 30,000 s.f. (.7 acres)	Eliminate minimum lot size, recognizing that buffers, open space and parking will control the minimum size of the property.
3. A minimum of 5 units and a maximum of 12	Increase the maximum to 15 units
4. Prohibits steep slope sites from being developed for cottage developments, or sites with a finished grade of greater than 15%	Maintain prohibition on developing in steep slope areas but eliminate the 15% finished grade requirement
5. A 1,000 foot separation between cottage developments	Reduce the separation to 200'; except in RS-4 where the 1000' separation is maintained*
6. Setbacks standard for RM-8/RS-8 (15' front/rear; 6' side)	Change to meet the requirements of the underlying zoning district
7. Maximum height of 28' (height measured from grade to midpoint of roof peak)	-No Change-
8. Maximum footprint of 1200 s.f. & a maximum gross floor area of 1400 s.f.	-No Change-
9. Maximum 800 s.f. for all accessory structures	-No Change-
10. Number of accessory structures limited to no more than 60% of the homes	-No Change-
11. Number of Accessory Dwelling Units (ADUs) limited to no more than 50% of the homes (max 6 ADUs)	Remove standards for ADUs in lieu of raising the maximum number of units (see item #3). <i>Note: ADU style structures may still be constructed.</i>
12. ADUs limited to no more than 400 s.f. and must be above a garage	Remove standard for ADUs
13. Off-street parking required at a rate of 1-2 spaces per home & 1 per ADU	Remove standard for ADU (not necessary per 11 & 12 above)
14. Parking may not be closer than 25' to a ROW unless screened with a 20' vegetated buffer	Maintain buffer when over six spaces, reduce to screening (fence or evergreen hedge) when six or fewer spaces
15. Parking must be distributed across the site with groupings of no more than 12 spaces	-No Change-
16. Open space must be provided and meet the following:	
- 500 s.f. for each home; 300 s.f. for each ADU	No change to the requirement for the cottages but remove standards for ADUs
- 75% of homes must <i>front</i> on a common green	Change to require that 75% of homes be directly <i>adjacent</i> to the common green and add a requirement that requires that units placed along an existing road be oriented towards that road.
- 300 s.f. of private open space provided directly adjacent to each home (may be split into two areas no less than 100 s.f.)	-No Change-
17. Design requirements that include:	

- A roofed, unenclosed front porch (minimum of 80 s.f. and min. dimension of 8')	Remove (not permitted per NC General Statutes)
- Gable or hip roof with a pitch of 4:12 or greater	Remove (not permitted per NC General Statutes)
- Orientation of home within 25' of right-of-way to face the road	Re-write standard for orientation to require homes to front on existing roads.
- Specified siding (clapboard, stucco, stone, brick)	Remove (not permitted per NC General Statutes)

**Strikethroughs indicate language originally included in draft changes and shared with NAC & AHAC but removed upon further research and analysis.*

In reviewing these items, staff met with both the Neighborhood Advisory Committee (NAC) and the Affordable Housing Advisory Committee (AHAC). The Neighborhood Advisory Committee received a summary report on February 27, 2017 from staff and offered general support for the changes with two exceptions: 1) members of the committee expressed strong concern over adding RS-4 (part of the original proposal) to the districts in which a cottage development could be built, and 2) while there was recognition that the separation requirement could be a problem in finding suitable sites, the Committee was uncomfortable with eliminating the requirement and suggested a reduction of the requirement as an alternative. Upon further review, staff agreed with NAC and dropped RS-4 from eligible zoning areas upon researching the average density for permitted cottage developments to be 9.8 units/acre, and also reduced the separation from 1,000 to 200 feet as opposed to eliminating it entirely.

Staff also provided an update to the Affordable Housing Advisory Committee (AHAC) at their regular meeting on March 2, 2017. Committee members expressed general support and sought to understand how many cottage developments had been constructed and where they were located (see Considerations below for a list of cottage development sites). In both cases, the petitioner for the wording amendment was also in attendance and offered additional context and answered general questions.

This proposal was reviewed and approved unanimously by the Planning and Zoning Commission at their April 5, 2017, meeting. All wording amendments receive final review by City Council.

Other considerations:

- A separate but simultaneous amendment for neighborhood scale residential infill is in process.
- There have been seven cottage developments approved including:
 - 45 Nancy St.
 - 18 Sevan Ct.
 - 444 Beaucatcher Rd.
 - 129 Aurora Dr.
 - 2 Cottage Cove Ln. (unfinished, 2 of 6 units constructed)
 - 64 Shiloh Rd. (permitted but not constructed)
 - 10 Gaia Ln.
- The smallest community contained seven units, the largest community contained 12. No cottage developments included accessory structures.

This proposal supports the goals outlined in the Comprehensive Plan and City Council 2036 Vision, and staff recommends approval of the wording amendment as proposed.

Mayor Manheimer opened the public hearing at 6:29 p.m.

Mr. Barry Bialik, Chairman of the Affordable Housing Advisory Committee and developer of small footprint subdivisions, explained the revisions to this great zoning tool which will make the ordinance more usable and easier to use the density allowed in the zoning.

Mayor Manheimer closed the public hearing at 6:30 p.m.

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

Councilman Smith moved to approve the wording amendment modifying the standards regulating Cottage developments and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) Improves an existing zoning tool to support the supply and diversity of housing; and, (2) Applies development standards that ensure good site design and neighborhood compatibility. This motion was seconded by Councilman Bothwell and carried unanimously.

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V. UNFINISHED BUSINESS:

A. REPORT AND DISCUSSION REGARDING DISTRICT OPTIONS

City Attorney Currin said that at the April 11, 2017, Council meeting there was a discussion regarding the method and timing for putting an ordinance changing the mode of City Council elections on the ballot for a vote by the people at the November, 2017, election. Currently the City elects all Council members "at large."

The Council is authorized under N. C. Gen. Stat. secs. 160A-101, 160A-102, and 160A-105, to amend the City Charter and change the mode of election from the current at-large form to, among other things, one with six districts, or to a combination of at-large and district seats. The Council can make this Charter amendment "effective only if approved by a vote of the people."

A bill has been filed by Senator Chuck Edwards with the General Assembly which would require the City to adopt a Charter amendment to divide the City into six districts. There is an interest in letting the citizens vote on whether they would approve of this change.

In order to meet the deadline to place an ordinance/charter amendment on the ballot for November 7, 2017, election, certain things must occur by certain dates pursuant to the N.C. General Statutes and County election laws. Set forth below are the dates of which Council should be aware, should it desire to use this process in Asheville.

June 13, 2017 Date to adopt resolution of intent describing amendment and calling for a public hearing on the new ordinance.

June 27, 2017 Public hearing on new ordinance

July 25, 2017 Adopt ordinance and adopt resolution calling for special election

After a short discussion with City Attorney Currin stating that she would provide the language to City Council as soon as possible, it was the consensus of Council to have City Attorney Currin to begin the statutory process with the first action to occur on June 13, 2017. Mayor Manheimer asked that this action also be reviewed by the Governance Committee.

B. CONSIDERATION OF INITIATION OF TEXT AMENDMENT FOR EXPANDING THE DEFINITION OF HOMESTAYS IN THE UNIFIED DEVELOPMENT ORDINANCE TO

INCLUDE ACCESSORY DWELLING UNITS UNDER THE SAME ROOF AS THE MAIN RESIDENCE

Mayor Manheimer announced that this item has been withdrawn from the agenda.

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Dee Williams offered the assistance of the NAACP Criminal Justice Committee and other allies as Council moves forward with reviewing the policy recommendations by Mr. Mance. She felt that the City should not allocate any additional funds to the Police Department until there is clear policy direction.

Ms. Jan Kubinik, resident on Reservoir Road, was disappointed with the City's response to planned right-of-ways in front of her home. City Attorney Currin said that they are corresponding with Ms. Kubinik's attorney regarding her concerns.

Mr. Patrick Conant and his employee were frustrated that Council was considering having the Public Safety Committee review the traffic stop data again. This information has been presented several times but they have had no response from the Police Department. The suggestions presented by Mr. Mance will improve our police force and don't cost any money. He urged Council to move forward quickly and consider the recommendations.

Mr. Rich Lee suggested City Council make take an interim step on the traffic stop data until the policy recommendations are thoroughly vetted through the process. He also expressed his thoughts on district options and the referendum.

In response to Mr. Joe Coble, Councilman Bothwell explained in Asheville's form of government that City Council can only interact with their three employees - City Manager, City Attorney and City Clerk. City Council makes the policies and staff implements them.

When Mr. Chuck Pickering was about to discuss the conditional zoning item on the County waste transfer station that was continued to May 9, City Attorney Currin advised him that his comments should be made at the public hearing. Councilman Smith also noted that Mr. Pickering was welcome to e-mail his comments to City Council.

Ms. Kim Roney suggested a special meeting of the Public Safety Committee be held so that their recommendations could be taken into consideration prior to the full report being made at City Council.

At the request of Councilman Smith, City Manager Jackson said that Sustainability Officer Amber Weaver will make a presentation to City Council on May 9 regarding the pieces of the Food Action Plan that were implemented last week.

VIII. ADJOURNMENT:

Vice-Mayor Wisler adjourned the meeting at 7:05 p.m.

CITY CLERK

MAYOR