

Tuesday – February 10, 2015 - 5:00 p.m.

Regular Meeting

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

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING FEBRUARY, 2015, AS "SEEING 'SELMA' MONTH" IN THE CITY OF ASHEVILLE

Councilwoman Wisler read the proclamation proclaiming February, 2015, as "Seeing 'Selma' Month" in the City of Asheville. She presented the proclamation to Ms. Carol Hallstrom, Mr. DeWayne Barton, Mr. Isaac Coleman, Ms. Tiffany DeBellott, Mr. Anthoni Clegg, and Asheville High School student Brittany Boseman, who said this is an important effort to provide opportunities for youth of our community to view the historical film "Selma".

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE FORMAL MEETING HELD ON JANUARY 27, 2015; AND THE ANNUAL RETREAT HELD ON JANUARY 30, 2015

B. RESOLUTION NO. 15-29 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE N.C. DEPT. OF INSURANCE, OFFICE OF THE STATE FIRE MARSHAL, FOR SMOKE ALARMS WITH THE PURPOSE OF PROVIDING FREE SMOKE ALARMS TO THE CITIZENS OF ASHEVILLE

Summary: The consideration of a resolution authorizing the City Manager to accept a grant from the N.C. Dept. of Insurance, Office of the State Fire Marshal for smoke alarms with the purpose of providing free smoke alarms to the citizens of Asheville.

The N.C. Dept. of Insurance (NCDOI), Office of the State Fire Marshal (OSFM) has offered the City of Asheville 2015 Home Safety Grant. This non-matching grant includes smoke alarms, carbon monoxide alarms, hearing impaired smoke alarms, educational materials, and installation supplies valued at \$10,180.

Nearly 3 out of 5 home fire deaths occur in homes without a working smoke detector. This grant will increase the number of households in Asheville with smoke and carbon monoxide alarms. As part of the program, the Asheville Fire Department in partnership with WNC Safe Kids will identify and visit neighborhoods, install the free smoke and carbon monoxide alarms, and deliver home safety education to the recipients.

This grant has been reviewed by the Public Safety Committee on January 26, 2015, and has been recommended for consideration by Council.

Pros:

- This grant will increase the number of households in Asheville with working smoke and carbon monoxide alarms resulting in a safer community. This program enhances the partnership between the City of Asheville, WNC Safekids and the NC OSFM.

Cons:

- None

There is no fiscal impact for this nonmatching grant. The smoke alarms, along with the education provided while installing the smoke alarms, will not have an impact on the Asheville Fire Department's operating budget. On duty firefighters will be used to provide the staffing needed for installing the smoke detectors, in conjunction with WNC Safe Kids volunteers.

City staff recommends that City Council support the adoption of a resolution authorizing the City Manager to accept a grant from the N.C. Dept. of Insurance, Office of the State Fire Marshal, for smoke alarms and associated fire safety materials.

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C. RESOLUTION NO. 15-30 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A GRANT AGREEMENT WITH BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR \$1.8 MILLION IN TOURISM PRODUCT DEVELOPMENT FUNDS

Summary: The consideration of a resolution authorizing the City Manager to sign a grant agreement with Buncombe County Tourism Development Authority (BCTDA) for \$1.8 Million in Tourism Product Development Funds.

The purpose of the Tourism Product Development Fund (TPDF) Grant is to provide funding assistance for construction projects that will create new and additional lodging room nights in Buncombe County. In August 2014, Council approved a TPDF application for \$3 million in grant funds to help construct \$13 million worth of Riverfront Destination Development projects. The Buncombe County TDA announced an award of \$1.8 Million to the City of Asheville in late October 2014.

Because the City did not receive full funding, the scope of the Riverfront Destination Development Project was reduced. She provided a comparison of the original project scope and current TPDF project scope, developed after careful consideration by the Riverfront Office team, which includes Finance staff. The reduction in TPDF project scope does not necessarily mean that the City will not construct the remaining projects; it means that 2014 TPDF funds will not be used to leverage existing or future funds for those projects.

The grant agreement outlines the required construction start and end dates, the construction cost reimbursement schedule, annual reporting requirements, and other legal requirements.

The Asheville Area Riverfront Redevelopment Commission reviewed this item at their August 14, 2014, meeting. The Commission voted unanimously to (1) authorize Chairperson Pattiy Torno to write a letter of support for the City's application; and (2) to advise City Council that the AARRC strongly supports the City's proposed application, and that if a grant is awarded, that the AARRC strongly recommend City Council accept the funds as part of a fiscally sustainable strategy for the implementation of the riverfront portions of the City's 5 year Capital Improvement Plan.

The City Council Planning & Economic Development Committee received an update from the Riverfront Office at their January meeting. The Committee affirmed the placement of this consideration on Council's February 10, 2015, agenda.

Pros:

- City Council has identified implementation of riverfront redevelopment capital investments as a key strategic goal for the city through the creation of Innovation District designation for the greater River Arts District; \$1.8 Million of TPDF is a significant funding opportunity that allows the City to leverage and move forward on these investments.

Cons:

- The grant is a reimbursement grant, which means that for cash flow purposes the City will need to allocate its own capital dollars first and structure its financings to cover these cash needs.

Funding from grants and partnerships is a key component of the City's multi-year Capital Improvement Program (CIP). This \$1.8 million grant will be used to provide funding for a number of projects in the CIP. Staff is currently updating cost estimates, and cash flow projections for the CIP and will present those updates as part of the upcoming FY 2015-16 budget process.

City staff recommends City Council authorize the City Manager to sign the grant agreement with BCTDA.

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D. RESOLUTION NO. 15-31 - RESOLUTION AUTHORIZING 2014-15 HOUSING TRUST FUND LOANS TO BIOTAT, LLC (OAK HILL COMMONS) AND BEAUCATCHER COMMONS, LLC (255 HAZEL MILL ROAD)

Summary: The consideration of a resolution authorizing 2014-15 Housing Trust Fund loans to Biotat, LLC (Oak Hill Commons) and Beaucatcher Commons, LLC (255 Hazel Mill Road).

Two (2) applications for 2014-15 Housing Trust Fund financing were received. The total amount requested is \$320,000. The projected Fiscal Year 2014-15 balance in the Trust Fund available for new projects is \$205,187, based on a conservative estimate of funds available. This amount could be increased this fiscal year should property acquired with Housing Trust Funds be sold. The applications were presented to the Housing and Community Development Committee (HCD) on January 19, 2015. After review and discussion, the HCD Committee recommended loan funding for the two applications:

- 1) Biotat, LLC. for the construction of 24 units of rental housing for the hard-to-house at 29 Oak Hill Drive in West Asheville, with a total loan amount of \$200,000. This project has an existing approved 2014 commitment of \$58,106, so the additional loan funds requested are \$141,894; and
- 2) Beaucatcher Commons, LLC for the construction of twelve (12) rental units on what is currently one parcel located at 255 Hazel Mill Road, \$120,000.

Oak Hill Commons – Biotat, LLC (\$200,000)

Biotat, LLC, requests additional Housing Trust Funds for a proposed 24-unit affordable housing development project specifically targeting the hard to house, as part of a total 72 unit rental development. The project is proposed to occupy a portion of a vacant 3.71-acre site in West Asheville located off of New Leicester Highway, near the intersection of Patton Avenue. The property is zoned RM16, which would allow a total of 64 units; the developer will begin the

process for zoning approval for the increased density this month. The project will require Level 3 review. The developer owns the site.

The original approved amount was \$58,106. The developer seeks an additional \$141,894, for a total Housing Trust Fund loan of \$200,000. The project was also conditionally awarded \$100,000 of federal HOME funds. The developer proposes to relinquish that commitment of HOME funds if the Housing Trust Fund loan is approved.

The developer is seeking a total of \$200,000 in HTF funding, with a 0% interest rate and no principal payment, for a term of 30 years. With a proposed rent structure at the Voucher Payment Standard of \$723/month, the project is not eligible for special terms (for households earning less than 60% AMI) under HTF Policy Guidelines, although it is eligible for a 2.5%, 30 year term. Those special terms (with a one-bedroom rent limit of \$548/month) are limited to either (1) a 0% interest amortized loan with a 20-year term, or (2) a 2% interest-only loan with deferred principal payments with a 20-year term. To meet the developer's request, a policy waiver would be required. The developer also intends to apply for a Land Use Incentive Grant.

Twenty-four (24) one-bedroom rental units are proposed. The units will be part of a single structure complex that will also include an office, security area, and common areas for communal area, and exam / treatment space. The intended occupants for the rental units are the hard to house, typically described as individuals who are homeless and have failed to successfully adapt to more traditional affordable housing placements. The intent of Oak Hill Commons is to provide a small permanent housing unit and the support services needed for the occupants to successfully maintain their residency. Homeward Bound will manage the tenant selection and services process. Buncombe County has committed \$325,000 of capital to the project, as well as making a contribution to operations. Security will be provided from 3 PM to 9 AM, 365 days a year.

The total development cost is projected at \$2,390,261. The developer has indicated that all 24 of the units will be reserved for tenants earning at or below 50% AMI. The project proposal meets the Housing Trust Fund's stated priority in that 100% of the units will be one-bedroom units. The proposed development is located within 1/4 mile of a transit line. Four of the units will be ADA accessible, and another 12 units will have partial accessibility as defined by HTF application criteria. All units will achieve Energy Star certification.

The requested per-unit subsidy is \$8,333. The HTF loan request represents 8% of the total development cost. The average per-unit development cost (including the cost of common space) is \$99,594. The project cost per square foot is \$160.00.

Pros:

- Low per-unit HTF subsidy requested
- Development site within ¼ mile of jobs, services, groceries, and transit.
- Energy efficient with some ADA accessible and partially accessible units.
- Development strategy is innovative and has been used successfully in other communities.
- Creation of partnerships to provide assistance through existing service providers is intended to reduce costs that are already being paid by the community (i.e. – emergency services, police, etc.)
- Buncombe County commitment is firm.
- Staff thinks this project is better suited to the Housing Trust Fund than HOME.

Cons:

- The project will need Project-Based Vouchers in order to meet its financial targets;
- Ongoing grant funds will likely be necessary to support costs such as security;

- The developer pledges 10 years of affordability, based upon the expected life of housing vouchers.

255 Hazel Mill Road – Beaucatcher Commons, LLC (\$120,000)

Mr. Kirk Booth, principal owner of Beaucatcher Commons, LLC has proposed a 12-unit rental development on a parcel located on Hazel Mill Road. The total project development cost as presented by the developer is \$1,055,000. The proposed units will be infill development in an established neighborhood with water and sewer access available. The development parcel is currently zoned RM8. Each of the six newly developed lots will contain a three-bedroom single family rental home with a one-bedroom accessory apartment over a rear garage. The single family homes will be rented at 80% AMI (\$961/month) and the accessory units at 60% AMI (\$489/month). The owner will provide no utilities except trash pick-up. These rents are the maximum qualifying rents for affordable units and special terms units as proposed.

The applicant has the parcel under contract. The total acreage of the site is .73 acre. The proforma indicates a \$100,000 equity investment. Mr. Booth and any other partners of Beaucatcher Commons, LLC will be required to execute personal guarantees covering the HTF debt.

The developer is seeking \$120,000, with 50% of the note (\$60,000) due as an amortizing loan over 30 years at 3.0% interest. In recognition of the 6 accessory units serving populations at or below 60% AMI, the developer is requesting that the remaining 50% of the note (\$60,000) be financed as interest-only at 2.00% annual interest with principal deferred for 20 years. A similar loan structure has been approved for other Housing Trust Fund developments, including the two most recent project of Beaucatcher Commons, LLC.

The project proposal meets the funds' stated priorities in that 50% of the units will be one-bedroom floor plans. The current committed financing is pledged equity of \$100,000 and a Buncombe County loan of \$25,000 to the project. The developer has provided a letter of intent from a local lender to provide construction financing. No TRC or P&Z review is required (the garage apartments qualify as accessory apartments). The developer anticipates that the units could be completed and occupied by October 2015.

The proposed loan request represents 11% of the total development costs as submitted by the applicant. The average per-unit development cost for the three-BR units is \$88,000; for the one BR-units, \$45,000, and for the garages underneath, \$27,000. The proposed development lots are located within 1/4 mile of a transit line. None of the units will be ADA accessible. The project will not be Energy Star certified but does incorporate many of the efficiency elements. The developer will actively market the project to homeless service providers, as well as the Housing Choice Voucher holders at the Asheville Housing Authority.

The twelve garages show a monthly rental income of \$65 per month for each garage. The garage rental is optional for the house or apartment occupants; therefore the garage income is not included as part of the maximum rents for the project.

The developer has offered a \$3,500 contribution to the City's sidewalk fund for that area, in return for a .25 percent reduction in the interest rate for the six 80% affordable units.

Pros:

- Infill development supports strategic planning goals.
- The developer has completed other local projects in a timely manner.
- Development site within ¼ mile of jobs, services, groceries, and transit.
- Developer is pledging affordability for 30 years for all units.

Cons:

- Questions of design quality have been raised by neighbors regarding one of the developer's recent projects. The developer appears to have addressed this in this project.

The current projected year-end balance (as of July 31, 2015) in the Housing Trust Fund is \$205,187. The total of the loans recommended by the HCD Committee is \$320,000. Two properties in foreclosure were purchased by the City using Housing Trust Funds, and both will be sold. Staff conservatively projects sale in FY 2016. The HCD Committee had recommended that \$50,000 of unassigned fund balance be made available, if necessary, to allow the developers sufficient cash in this fiscal year for project construction. City staff recommends closely monitoring the Housing Trust Fund cash flow and deferring action on potential funding shortfalls until the necessity for corrective action is confirmed and all financial management options have been fully evaluated.

The Housing and Community Development Committee recommends approval of a resolution authorizing the following loans subject to the developers meeting all program requirements for loan closing: (a) Biotat, LLC, Oak Hill Commons: amend existing loan commitment of \$58,106 with an additional \$141,894, for a total loan of \$200,000 at 0% interest rate and no principal payment, for a term of 30 years; and (b) Beacatcher Commons, LLC: \$60,000 at 2.75% interest, fully amortizing loan for a term of 30 years, with the developer making a cash contribution of \$3,500 to the City at the time of closing; \$60,000, interest-only at 2.00% annual interest with principal deferred for 20 years.

Mr. Staudinger responded to several questions raised by Council, some being, but are not limited to: why is the loan at 0% interest when the Housing Trust Fund has a policy of no 0% interest rates; what type of on-premise supervision and supportive services will be provided to the hard to house tenants; what provisions do we have in place if the Oak Hill Commons hard to house project doesn't survive in perpetuity; which position will the Housing Trust Fund be if payback is not achieved; and what will happen to the loan commitments should the Housing Trust Fund if there is a potential funding shortfall.

In response to Councilman Davis, Councilman Smith said that this is an exciting opportunity with broad community partners, some of which are Buncombe County, Mission Hospital and Homeward Bound. Should the Oak Hill Commons project run into problems, he felt sure that all partners will come together and solve that problem.

RESOLUTION BOOK NO. 37 - PAGE 34

E. RESOLUTION NO. 15-32 - RESOLUTION AUTHORIZING THE ASHEVILLE FIRE DEPARTMENT TO APPLY FOR A GRANT FROM THE U.S. DEPT. OF HOMELAND SECURITY TO OBTAIN FUNDING FOR REPLACEMENT OF 83 SELF-CONTAINED BREATHING APPARATUS, AND TO ACCEPT GRANT FUNDING IF AWARDED

Summary: The consideration of a resolution authorizing the Asheville Fire Department to apply for a grant in the amount of \$655,700.00 from the US Dept. of Homeland Security to obtain funding for replacement of 83 Self Contained Breathing Apparatus (SCBA), and to accept grant funding if awarded.

The Department of Homeland Security has recently issued guidance for the FY 2014 Assistance to Firefighters Grant (AFG) program. This is a grant opportunity for fire departments to purchase needed equipment to enhance firefighter safety, service delivery, and effectively train personnel. The Asheville Fire Department would like to obtain through this program 83 Self Contained Breather Apparatus (SCBA)s with spare cylinders to replace equipment that is currently reaching its end of service life. The grant program requires communities of greater than 20,000 populations to match Federal grant funds equal to 10 percent of the total project cost, or

\$65,570. The SCBA is one of a firefighter's most critical tools for personal protection and regular replacement ensures that our personnel have the most up-to-date equipment available. The current SCBAs being used by AFD have been in service for greater than 10 years. Fire service best practices recommend that SCBAs be compliant with the most current National Fire Protection Association (NFPA) standards 1981 and 1982. The most recent issuance of these standards was in 2013. There were several significant changes in these standards, which AFD's current equipment does not meet.

The Fire Department recommends applying for the AFG Program for the following reasons: (1) The grant program was developed to assist in the purchase of critical firefighting equipment and tools to provide greater safety for firefighters; and (2) If awarded the grant will allow CoA to offset \$655,700 in capital expenses with grant funding for the purchase of the equipment.

This grant was reviewed by the Public Safety Committee on January 26, 2015, and has been recommended for consideration by Council.

Pros:

- Improved safety and efficiency of firefighters when responding to dangerous environments.
- This grant will enable CoA to offset \$655,700 capital expenses with the grant funding for the procurement of this equipment.

Cons:

- 10% matching amount of purchase required \$65,570

As noted above, the current SCBA equipment is reaching the end of its service life. Funding to replace the equipment was included in the five-year Capital Improvement Program presented to City Council last spring. The grant funding will allow the City to replace the equipment with help offset the cost of this equipment replacement.

City staff recommends that City Council authorize the fire department to apply for a grant in the amount of \$655,700 from the US Department of Homeland Security to obtain funding for 83 SCBAs.

RESOLUTION BOOK NO. 37 - PAGE 35

F. RESOLUTION NO. 15-33 - RESOLUTION AUTHORIZING APPROVAL OF AN AMENDMENT TO THE N.C. DEPT. OF CULTURAL RESOURCES RECORDS RETENTION AND DISPOSITION SCHEDULE ESTABLISHING A MINIMUM RETENTION PERIOD OF 30 DAYS FOR VIDEO AND AUDIO RECORDINGS CAPTURED BY FIXED AND MOBILE RECORDING DEVICES

Summary: The consideration of a resolution approving a Local Amendment to the N.C. Dept. of Cultural Resources Municipal Records Retention and Disposition Schedule establishing a minimum retention period of thirty (30) days for video and audio recordings captured by fixed and mobile recording devices.

Under N.C. Gen. Stat. and N.C. Gen. Stat. § 132-3, municipal governments may only dispose of public records with the consent of the North Carolina Department of Cultural Resources ("NCDCCR"). The NCDCCR primarily provides consent through the periodic publication of schedules listing hundreds of categories of records, and providing a minimum retention period for each category. If a municipality creates a type of record not listed in the schedule those records must be retained indefinitely absent a local amendment approved by the NCDCCR and approved by the municipality's governing body.

The Asheville Police Department (“APD”) is currently retaining a number of video records created by mobile non-vehicle cameras, and anticipates creating many more in the future in connection with the deployment of body cameras. Law enforcement video records created using fixed and mobile non-vehicle cameras do not fall under any existing records category in the NCDCCR’s current municipal schedule, however, the NCDCCR has indicated to City staff an intention to include a thirty (30) day retention period for such records in the next schedule when it is updated at an unknown future date, and has agreed to a local amendment for Asheville in the meantime. This will allow APD to move forward with purging records already in its possession, and to set disposition policies in connection with body camera recordings.

At the Public Safety Committee on January 26, 2015, they recommended adoption of the proposed amendment.

Pros:

- Allows the APD to dispose of video records in accordance with state regulations.
- Allows for the setting of disposition policies in connection with body camera recordings.
- Conforms to anticipated statewide retention requirements, thus obviating the need for later policy revisions.

Cons:

- None.

Adoption of the proposed amendment is recommended.

In response to Councilman Smith, City Attorney Currin explained that this is approving a policy for video disposal.

Vice-Mayor Hunt noted that this policy does not preclude retaining some videos for historical significance purposes.

City Manager Jackson said that in terms of process, City staff will report to the City Council Public Safety Committee tentatively in March and share some administrative considerations about what is good records management, what makes sense for the City to retain and for what period of time for practical administrative reasons. There are liability considerations, statute of limitation considerations that may also enter into how long it would be wise to keep such video tapes. That will be something City staff will welcome City Council policy direction on. In addition, Interim Police Chief Steve Belcher and City staff will be looking at what our video taping policies are, what makes sense to be video-taped, who should make that call, who assesses the situation, etc. It would be Interim Police Chief Belcher's preference to someone at least the Captain's level be making some judgments.

RESOLUTION BOOK NO. 37 - PAGE 36

G. MOTION TO APPROVE THE FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR THE CONDITIONAL USE PERMIT FOR HAWTHORNE SOUTH APARTMENT COMPLEX LOCATED ON TURTLE CREEK DRIVE

H. RESOLUTION NO. 15-34 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HYPERSIGN/AVIONEX LLC TO PROVIDE DIGITAL MENU BOARD SOLUTIONS AND RELATED EQUIPMENT TO THE U.S. CELLULAR CENTER

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Hypersign/Avionex LCC.

Staff completed a bid process for digital menu display board and control software. The following bids were received on December 16, 2014:

- Christie Digital from Cypress CA, BID at \$63,325 plus \$6,500 annual costs
- MM Solutions from Knoxville TN, BID at \$74,261 plus \$1,200 annual costs
- Four Winds Interactive from Denver Colorado, BID at \$97,264 plus \$16,743 annual costs
- Allure Global from Atlanta GA, BID at \$99,471 plus \$9,720 annual costs
- TSA Choice from Asheville NC, Bid at \$50,557 plus \$9,613 annual costs
- Hypersign/Avionex LLC from Spartanburg SC, BID at \$50,292 plus \$5,988 annual costs

Staff has selected the winning bidder (Hypersign/Avionex LLC) for equipment & software licensing pricing. Staff is proposing a General Services contract not to exceed \$80,000 over a three year term. Per the venue's sponsorship agreement with Pepsi-Cola the venue is obligated to install digital menu display boards at all possible concession areas. As part of the Pepsi-Cola sponsorship agreement, Pepsi-Cola has already provided the U.S. Cellular Center with \$70,000 in cash to utilize towards the procurement and upkeep of the digital display board system. Additionally Pepsi-Cola will be providing the venue with \$5,000 in cash annually to be directed towards software license fees for said digital display boards.

Comparable venues throughout the country have seen a lift in sales between 10-20% annually after installation of the displays. Hypersign/Avionex LLC provided a bid that met the requirements of the RFP and was most cost effective.

Pros:

- Top of the line digital menu board system with 100% cloud-based software.
- Automatic Emergency evacuation messaging system compatible.
- Potential sales increase
- Cost covered fully by venue sponsorship agreement.

Con:

- None

In FY15 the U.S. Cellular Center has received \$70,000 in cash from Pepsi-Cola towards this project. Pepsi-Cola is contractually obligated to provide an additional \$5,000 annually over the next three years fully covering the not to exceed \$80,000 proposed general services contract with Hypersign/Avionex LLC. No impact to Civic Center General Fund Subsidy.

City staff recommends City Council adopt a resolution authorizing the City Manager to enter into contract with Hypersign/Avionex LLC. of Greenville, SC.

RESOLUTION BOOK NO. 37 - PAGE 37

I. ORDINANCE AMENDING SECTIONS 19-144 AND 19-164 OF THE CODE OF ORDINANCES TO ALLOW REVERSE ANGLE PARKING

Summary: The consideration of an ordinance amending Chapter 19 of the Code of Ordinances in order to allow for reverse angle parking (or back-in parking).

City Council approved a complete streets policy on June 26, 2012, via Resolution No. 12-154. A major purpose of a complete streets policy is to enable staff to consider all modes of transportation when designing and/or reviewing transportation-related projects. Staff would like to revise certain existing city ordinances to allow reverse angle parking (a change to prohibit parking in designated bicycle lanes will be coming forward at a later date combined with some changes that the Legal Department is working on).

Reverse angle parking (or back-in parking) is a new parking style that enables drivers to back into a parking space so that the front of the vehicle is facing the street. Benefits of reverse angle parking include improved driver visibility, easier loading and unloading, improved accessibility, and traffic calming. Assuming the amendments are made, staff would review future requests on a case-by-case basis to be sure that the most effective treatment is used.

This item was reviewed by the Council's Public Safety Committee on January 26, 2015, and has received their endorsement. This item was reviewed by the Multimodal Transportation Commission on January 28, 2015, and has received their endorsement.

Pros:

- Enhances the pedestrian and bicycle experience.
- Promotes complete streets principles and guidelines.
- Improves driver visibility.
- Provides easier loading and unloading.

Cons:

- "Learning curve" for drivers.
- Strict enforcement might be needed during the early stages of implementation.

City staff recommends that City Council approve an ordinance amending Chapter 19 of the Code of Ordinances in order to allow for reverse angle parking (or back-in parking).

Director of Transportation Ken Putnam responded to Mayor Manheimer's question regarding reverse angle parking, in particular around the Grove Arcade area. Because it was felt that reverse angle parking needs to be defined, it was the consensus of Council to delay action on this item and place it on the February 24, 2015, agenda.

J. ORDINANCE NO. 4380 - TECHNICAL BUDGET AMENDMENT IN THE CITY'S HOUSING TRUST FUND TO APPROPRIATE FROM RESTRICTED FUND BALANCE THE REQUIRED BUDGET AUTHORIZATION FOR PRIOR YEAR COMMITMENTS THAT ROLLED FORWARD TO FISCAL YEAR 2014-15

Summary: The consideration of a technical budget amendment in the City's Housing Trust Fund to appropriate from restricted fund balance the required budget authorization for prior year commitments that rolled forward to Fiscal Year (FY) 2014-15.

As a part of the FY 2013-14 annual audit, staff identified prior year commitments and carry-over appropriations to roll forward to FY 2014-15, and these dollar amounts were deducted from the unassigned fund balance amounts that were reported in the Comprehensive Annual Financial Report (CAFR). At its December 9, 2014, meeting, Council approved a technical budget amendment to appropriate from restricted fund balance the required budget authorization for these prior year commitments that rolled forward to FY 2014-15. Staff, however, inadvertently did not include the Housing Trust Fund as part of the December 9th Council action. This technical budget amendment will rectify this oversight and provide authorization to officially appropriate an FY 2014-15 budget for prior year Housing Trust Fund commitments.

Pros:

- Provides budget authorization for prior year commitments that rolled forward to FY 2014-15.

Cons:

- None.

As noted above this budget amendment simply provides budget authorization for prior year commitments which have already been reserved in the City's FY 2013-14 financial statements. There is no impact on unassigned/available fund balance in the City's General Fund or Housing Trust Fund.

City staff recommends City Council approve the technical budget amendment in the City's Housing Trust Fund to appropriate from restricted fund balance the required budget authorization for prior year commitments that rolled forward to FY 2014-15.

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

III. PRESENTATIONS & REPORTS:

A. FOOD POLICY ACTION PLAN UPDATE

Executive Assistant for Planning & Multimodal Transportation Joey Robison said that the City of Asheville continues to make progress on the action items identified in the City of Asheville Food Action Plan that was adopted in 2013.

On January 22, 2013, Asheville City Council passed a resolution establishing the City of Asheville's Food Action Plan in support of the Asheville Buncombe Food Policy agenda. The Food Policy Action Plan included 14 specific areas to review or take action on to support the shared goals of the City of Asheville and the Asheville Buncombe Food Policy Council.

Since its adoption, City staff has made – and continues to make – significant progress on the action items identified in the plan as shown below. An update was given to the Planning and Economic Development Committee in January 2015.

<u>Council Approved Action Item</u>	<u>Timeline</u>	<u>Update</u>
Utilize the Unified Development Ordinance (UDO) and Animal Ordinance as a tool to support food policy goals by amending the UDO as needed to remove barriers to local food production and distribution. For example, but not limited to, priorities such as community gardens, urban agriculture, and use of mobile markets in residentially zoned districts under certain circumstances such as farmers markets.	Complete	Ordinance No. 4233 (also known as the Agricultural Amendment), adopted on September 24, 2013, amended chapter 7 of the UDO to clarify and modify regulations addressing agriculture and increase flexibility for agricultural uses. Changes included: <ul style="list-style-type: none"> • Allowing agricultural structures (i.e. small barns/storage buildings, greenhouses) on residentially zoned properties with no home structure • Allowances for farm stands in residentially zoned areas Existing City code allows fowl (§3-3-50) on urban lots with a permit and not less than 100 feet away from neighboring households (50 feet for fowl). Livestock is generally not permitted within the City limits, except

		when permitted for clearing of land and only in temporary instances.
Optimize permitting and regulatory services for farmers markets.	Complete	In Spring 2013 the fees for farmers markets were lowered and the fee approval process was shortened to three days.
Prioritize partnering to find a long term permanent location for the Asheville City Market.	Complete	The City extended the terms of the partnership with ASAP to allow use of the conference rooms in Public Works to serve as an Indoor City Market. The City has renewed the MOU with ASAP for continued use of the outdoor parking lot for the regular City Market for the spring, summer and fall seasons.
Pursue establishing local food purchasing policies for the City of Asheville through clarity on existing state legislation as well as state enabling legislation where needed.	No progress	No progress at this time. Not currently identified on the Council legislative agenda.
Seek partnerships to incorporate regional food and beverage options into the U.S. Cellular Center concessions, as well as city-run events.	Ongoing assessment/evaluation	Current USCC local offerings: <ul style="list-style-type: none"> • 5 local breweries which represents 78% of sales • 1 local cider company • Serving The Hop Ice Cream for 100% of ice cream sales • The Hop Ice Creams provides the product for 100% of organic lemonade sales USCC was already contracted with a food service provider when the action plan was adopted. That contract expires June 30th. USCC staff intends to put out an RFP in February for food service designed to provide an opportunity for local options. This may result in a cost increase, so Council may see this issue in the spring with the option for more local products at an increase in underwriting.
Create a public private partnership for implementing a citywide curbside composting program that complements trash and recycling services. A successful partnership would improve regional economic development and provide compost regionally to support healthy ecological soil systems.	Study in process	A compost feasibility study with Buncombe County is currently being conducted, with results expected in the spring of 2015. Next steps and timeline will depend on the results of the feasibility study.
Include use of edible landscaping as a priority for public property such as parks, greenways and/or right of ways. In support of this, foster relationships with strong community partners who wish to access edible landscaping	Ongoing assessment	The City does not have an active landscaping program in City parks. Due to resource constraints, minimal maintenance occurs and minimum requirements are met with low-maintenance native plants. New plantings are mainly achieved through partnerships with community groups. Some of these partners include edibles in their landscape plans.

and/or use underutilized public land for food production.		While species selection for new or replacement plantings is determined in large part by soil type and conditions, edible plant options such as service berry trees and blueberry bushes have been both considered and planted more often since the Food Action Plan was adopted.
Encourage partnerships for food production that supports organic and permaculture principles by identifying arable underutilized city-owned land for lease or sale. Pursue methods to make information about such land available to the public.	Complete/ Ongoing	<p>Because City-owned land is programmed for existing and/or future municipal uses, and because agriculture requires specific conditions (such as a water source and amended soil), there are limited sites that are attractive for food production in the City's portfolio. The City's current lease portfolio supports the following leases of City-owned property to benefit food production and promote food access:</p> <ul style="list-style-type: none"> • Ongoing MOU for City real property at DSD/Public Works parking lot for City Market farmer's market • Second year agreement in place for indoor City space at DSD/Public Works for City Market Indoor Winter market • Ongoing lease of City real property at Hardesty Lane for 10 Acres organic Vegetable production, currently with Balsam Gardens. • Ongoing lease of City real property at Hardesty Lane for Danny's Dumpster Industrial Compost <p>City staff met with Buncombe County Cooperative Extension in 2014 to explore partnership opportunities. The Cooperative Extension's interest is in education, small farm business services, and potentially hosting a demonstration garden on City property near the Nature Center. They do not have the capacity / mission to act as a land manager (i.e. managing city community gardens, or city farm leases.)</p>
Update the city recommended plant list for developers to include edible plants and remove exotic and invasive species.	In process	SACEE and the Tree Commission updated this list of recommendations provided to developers if they inquire to meet UDO landscaping design requirements. Staff is currently working with the Tree Commission on another update to make the list more user-friendly.
Include safe and convenient pedestrian, bicycle, and transit connections between residential neighborhoods and community gardens, food banks, grocery stores and farmers markets as a priority when evaluating transportation projects.	Ongoing	
Include achieving food policy goals as a priority when allocating Community Development Block Grants.	Annual application process	Proposals are welcome and will be considered.
Support Asheville Buncombe	In process	City staff is working with the Asheville Buncombe Food

Food Policy Council efforts to set baselines and metrics for achieving food policy goals. Play an active role in providing access to existing city data when needed.		Policy Council to include existing City data on Buncombe County's Community Health Improvement Process (CHIP) online indicators dashboard in the area of Healthy Food Goals.
Encourage food distribution by engaging underserved communities who live in food deserts. Support community efforts by co-designing incentives that establish neighborhood based markets that provide healthy food.	Ongoing	City staff has been doing outreach to the many urban food and gardening efforts in the area to review opportunities for partnerships. Staff is currently in discussion with the West End Clingman Area Neighborhood Association about the development of a pilot community garden on the City-owned transit facility property on West Haywood.
Incorporate food policy goals into education programs for city staff and the general public.	Ongoing	Educational summer programming at City community centers was provided to 120 youth in summer 2013.

Pros:

- Significant progress has been made in multiple departments on those action items that require no additional resources.
- The City is in the process of identifying what the City's role should be in supporting the Food Policy Council.

Con:

- While the City has park property, we have not identified partners to provide materials and maintain the edibles in parks.

Many of the recommendations in the plan are based upon making resources that we currently have available, such as information about the number of community market we have permitted. One exception is adding edibles or community gardens on City property.

Ms. Robison responded to the following two questions raised at the City Council Planning & Economic Development Committee - why we have been seeing increased Fire Marshal inspections at farmers markets in the community; and what is the status of the recommended species list for commercial property.

Staff recommends that City Council provide feedback on progress and direction.

Ms. Laura Cheatham, representing the Food Policy Council, briefly spoke about the partnership process and the data gathering going on.

Regarding edibles in our parks and rights-of-way, Councilman Smith asked how receptive has the Buncombe County Fruit and Nut Club been to partnering with our Parks Department, noting they are actively partnering with Buncombe County Government. Ms. Robison responded that we have worked with the Buncombe County Fruit and Nut Club over the years and the Parks & Recreation Department has recently met with the group.

Councilman Smith said that since we continue to seek out policy improvements, it might be better to describe the initial action item on the plan as "Ongoing" rather than "Completed."

B. LEGISLATIVE UPDATE PROCESS

City Attorney Currin updated City Council on the process for legislative monitoring and updates to Council.

She said that the regular session 2015-2016 biennium of the North Carolina General Assembly convened on January 14, 2015, to elect officers and adopt rules, and adjourned until January 28, 2015. Since that time, over 54 bills have been filed in the House of Representatives and over 40 have been filed in the Senate. Staff is monitoring and reviewing legislation as it is introduced for impact to the City of Asheville.

In order to keep the City Council informed on legislative issues, regular updates will be made in the following ways:

1. A tracking matrix will be provided to Council throughout the session and will focus on the advocacy principles and policy positions adopted in the Council's Legislative Agenda. The matrix will be updated and posted for the public on the City Council's website, <http://www.ashevillenc.gov/CityCouncil.aspx>.
2. Staff will provide the City Council a "week-in-review" email newsletter highlighting events and legislation significant to Asheville and Council's Legislative Agenda.
3. Staff will provide a Legislative Update presentation during meetings of the Asheville City Council as needed or by request.

Mayor Manheimer briefly explained her concern with the eminent domain issue. She will be travelling to Raleigh to meet with some of our legislature to get a better feel of what we might expect to see during this session.

IV. PUBLIC HEARINGS:

- A. PUBLIC HEARING TO CONSIDER A CONDITIONAL ZONING OF PROPERTY LOCATED ON BROAD STREET FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO CBI/CZ COMMUNITY BUSINESS I DISTRICT/CONDITIONAL ZONING TO CONSTRUCT A 2-STORY BUILDING WITH OFFICE SPACE ON THE FIRST FLOOR AND 3 RESIDENTIAL UNITS ON THE SECOND FLOOR, WITH A MODIFICATION REQUEST TO THE LANDSCAPE REQUIREMENTS.**

ORDINANCE NO. 4381 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED ON BROAD STREET FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO CBI/CZ COMMUNITY BUSINESS I DISTRICT/CONDITIONAL ZONING TO CONSTRUCT A 2-STORY BUILDING WITH OFFICE SPACE ON THE FIRST FLOOR AND 3 RESIDENTIAL UNITS ON THE SECOND FLOOR

Urban Planner Julia Fields said that this is the consideration of an ordinance for a conditional zoning of property located on Broad Street from RM-16 Residential Multi-Family High Density District to CBI/CZ Community Business I District/Conditional Zoning to construct a 2-story building with office space on the first floor and 3 residential units on the second floor, with a modification request to the landscape requirements. This public hearing was advertised on January 30 and February 6, 2015.

Ms. Fields said that the applicant is requesting review of a conditional zoning request to rezone property from RM-16 Residential Multi-Family High Density District to Community Business I District/Conditional Zoning in accordance with Section 7-7-8 of the UDO, for the construction of a two-story building containing 1800 square feet of "commercial business" space (first floor) and 1800 square feet (second floor) containing three one-bedroom apartments.

The subject property consists of an existing 6,624 square foot parcel (PIN 9649.53-7557) located at what will be addressed 135 Broad Street off of Charlotte Street. The closing of an unopened right of way between 135 and 137 Broad Street (recently approved by Council) would add an additional 1040 square feet to the subject property creating a development parcel 7,664 square feet in size (.176 acre). The property is currently vacant (with the exception of some storage crates to the rear of the property) and zoned RM-16 (Residential Multi-Family High Density). The site is bordered by properties zoned RM-16 (to the west containing a single family home) and CBI (to the north, east, and south). The surrounding CBI properties contain office buildings and a restaurant.

The applicant, Michael Derrig, AIA, for Broad Properties, LLC, proposes to construct a new mixed use building (24 feet in height) on the southern side of Broad Street, near the intersection of Broad and Charlotte Streets. The building will contain 1800 square feet (first floor) of "commercial business" space (limited to offices or instructional services by agreement) and 1800 square feet of residential space (second floor) containing three one-bedroom apartments. The applicant has also agreed to limit signage to a maximum of ten square feet per sign face and four feet in height.

Access to the site is proposed via a 14-foot driveway off of Broad Street. The drive leads to an area containing six parking spaces at the rear of the building. Parking for four bicycles and handicapped parking (one space) is shown on the site plan. There are existing sidewalks along Broad Street and an accessible pedestrian path planned to the west of the proposed new structure.

Landscaping is required for this project and includes street trees, parking lot landscaping, and a property line bufferyard to the west. A request to add a condition for Council consideration to reduce the required 20 foot buffer to 10 feet (for 51'6" of the property line) and 4 feet (for 43'4" of the property line) where there is a fence on the adjoining property has been submitted. The buffer yard shown contains all the requisite plantings but does not meet the required width. Staff is supportive of this condition feeling that it meets the spirit of the ordinance. Open space is not required as the property is less than an acre in size.

This proposal was approved with conditions by the Technical Review Committee on October 20, 2014, and requires review by the City Council and Final TRC prior to zoning approval. Many of the TRC comments have been addressed in the plans that are before the Asheville City Council.

The Asheville Planning and Zoning Commission reviewed this proposal at a meeting on January 7, 2015. At this meeting the commission voted unanimously (7-0) to recommend approval of this conditional zoning to Asheville City Council with conditions as presented. The motion also requested that the applicant provide outdoor balcony space for each of the three residential units and provide articulation to identify the entry to the residential units. Both these requests have been addressed in the elevations presented to City Council. One adjacent property owner spoke at the meeting concerned about buffering, parking and the cutting down of a particular tree.

The applicant is proposing to conditionally rezone the site from RM-16 to Community Business I Conditional Zoning to allow for a mixed use building. They have stipulated that the uses in the non-residential portion would be limited to instructional services and offices.

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

Considerations:

- The project proposes a mixed use building that will serve as a transition from the higher impact uses found along Charlotte Street to the residential uses along Broad Street.
- The project is being designed to be compatible in design and scale with many of the residential structures found in the vicinity.

Staff recommends approval of the proposed conditional zoning to allow for a mixed use building of office/instructional services space and three dwelling units at what will be addressed 135 Broad Street. The Asheville Planning and Zoning Commission unanimously recommended approval of this conditional zoning to the Asheville City Council.

Mayor Manheimer opened the public hearing at 5:58 p.m., and when no one spoke, she closed the public at 5:58 p.m.

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

Vice-Mayor Hunt moved to approve the conditional zoning request of Broad Properties, LLC for property located at what will be addressed 135 Broad Street from RM-16 Residential Multi-Family High Density District to Community Business I District/Conditional Zoning) and find that the request is reasonable, is in the public interest, and consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposed uses on the property are in keeping with other uses in the area and create a good transition between higher intensity uses and lower intensity residential uses; and (2) The proposal supports the goal found in the City's comprehensive plan of pursuing compatible infill development. This motion was seconded by Councilwoman Wisler and carried unanimously.

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- B. PUBLIC HEARING TO CONSIDER A SUBDIVISION WITH CONDITIONAL ZONING ON PROPERTY LOCATED AT 141, 145 AND 149 COURTLAND AVENUE FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO RM-8/CZ RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT/CONDITIONAL ZONING TO (1) ALLOW THE CONVERSION OF THREE EXISTING GROUP HOME BUILDINGS INTO MULTI-FAMILY UNITS AND THE SUBDIVISION OF LAND TO LOCATE THOSE BUILDINGS ON SEPARATE LOTS; AND (2) TO ESTABLISH 7 ADDITIONAL SINGLE-FAMILY HOME LOTS, WITH A CHANGED CONDITION TO THE LANDSCAPE AND OPEN SPACE STANDARDS**

ORDINANCE NO. 4382 - ORDINANCE TO APPROVE A SUBDIVISION WITH CONDITIONAL ZONING ON PROPERTY LOCATED AT 141, 145 AND 149 COURTLAND AVENUE FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO RM-8/CZ RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT/CONDITIONAL ZONING TO (1) ALLOW THE CONVERSION OF THREE EXISTING GROUP HOME BUILDINGS INTO MULTI-FAMILY UNITS AND THE SUBDIVISION OF LAND TO LOCATE THOSE BUILDINGS ON SEPARATE LOTS; AND (2) TO ESTABLISH 7 ADDITIONAL SINGLE-FAMILY HOME LOTS, WITH A CHANGED CONDITION TO THE LANDSCAPE AND OPEN SPACE STANDARDS

Urban Planner Julia Fields said that this is the consideration of an ordinance to approve a subdivision with conditional zoning on property located at 141, 145 and 149 Courtland Avenue from RS-8 Residential Single-Family High Density District to RM-8/CZ Residential Multi-Family Medium Density District/Conditional Zoning to (1) allow the conversion of three existing group home buildings into multi-family units and the subdivision of land to locate those buildings on separate lots; and (2) to establish 7 additional single-family home lots, with a changed condition

request to the landscape and open space standards. This public hearing was advertised on January 30 and February 6, 2015.

Ms. Fields clarified that City Council is only considering a conditional zoning and subdivision has already been decided by Planning & Zoning Commission, subject to City Council approval of the conditional zoning.

Ms. Fields said that the applicant is requesting conditional zoning for a single parcel along Courtland Avenue from RS-8 Residential Single-Family High Density District to RM-8CZ Residential Multi-Family Medium Density District/Conditional Zoning in accordance with Section 7-7-8 of the UDO with conditions for buffering and open space. The conditional zoning request would allow the creation of a major subdivision consisting of ten lots and the conversion of three existing units into multi-family dwellings. The major subdivision was conditionally approved by the Planning and Zoning Commission on January 7, 2015.

The project site (PIN 9639.91-5403) is 2.63 acres in size and is located at 141, 145, and 149 Courtland Avenue in the Montford community. The current zoning of the property is RS-8. The property is surrounded by properties that are unzoned (to the west - Department of Transportation right-of-way) or zoned RS-8. The properties in the surrounding area are predominately single-family residential in nature. There are three residential structures on the site which have been previously used as a group home. The property contains a number of large trees. A stream runs along the southern property line of the project site.

RPMM Properties, LLC proposes to subdivide the project site into ten new residential lots. Seven of the lots will be used for single-family development. The three existing buildings on the property will be located on the remaining three lots and it is proposed that the buildings be renovated to convert them to two- or three-unit residential structures. All buildings are proposed to be designed to reflect the character of the surrounding neighborhood. All lots meet the standards for lots in the RM-8 District. A water line will be extended along Courtland to service all the properties

Access to all properties is via driveways off of Courtland Avenue. Sidewalk is not required per the ordinance. There is an existing sidewalk along a portion of the property. The applicant has agreed to provide an easement for the remaining frontage to facilitate sidewalk construction in the future. Parking is provided for each lot on that lot with shared driveways utilized to reduce curb cuts.

Street trees are required and will be provided; perhaps some with existing vegetation. A 20 foot buffer is required along the two sides of the project site which abut RS8 zoning. A request has been submitted to add a condition for Council consideration to eliminate this buffer as it largely would require buffering single-family residences from other single-family residences. Staff is supportive of this modification.

Open space (20%) is required and can be provided along the rear of the properties. However, this open space, while compliant with base square footage requirements, does not meet the restrictions on the amount of open space that can be over 25% slope. Staff is supportive of adding a condition for Council consideration that 9,660.5 square feet of required buffer be waived because to require open space compliance would necessitate the construction of retaining walls which would not enhance the compatibility of the proposed development with surrounding properties. There is a public park in close proximity to the development site.

This proposal was approved with conditions by the Technical Review Committee on December 14, 2014, and requires review by the City Council and Final TRC prior to zoning approval. Most of the TRC comments have been addressed in the plans that are before the Asheville City Council.

The Asheville Planning and Zoning Commission reviewed this proposal at a meeting on January 7, 2015. At this meeting the commission voted unanimously to approve the major subdivision and recommend approval of the conditional zoning to Asheville City Council with conditions. One adjacent property owner spoke at the meeting concerned about traffic along Courtland.

City Council will have the final review of the conditional zoning. It will return to the Technical Review Committee for Final TRC review, if approved by Asheville City Council.

The applicant attended a meeting of the Montford Neighborhood Association to introduce this project to the community. Questions/concerns were raised over traffic and whether the rezoning to multi-family conditional zoning would allow the single-family lots to be developed subsequently for multi-family use. Staff has communicated with the neighborhood explaining the stipulations that come with conditional use rezonings.

The three existing residential units were approved as a group home in 2004. The structures have, however, been vacant for some time.

The applicant is proposing to conditionally rezone the site from RS-8 to RM-8CZ to allow for the subdivision of the property into ten lots. Seven of the lots will be used for single-family dwelling with allowable accessory structures. The other three lots, contain existing buildings that will be renovated to create two units on two of the lots and three units on the remaining lot.

The property is surrounded on three sides with parcels zoned RS-8 and containing single family homes. To the west the project site abuts unzoned Department of Transportation right-of-way. As this project is largely single-family in nature, the development is compatible with the development in the immediate vicinity. Additionally, the conversion of the previous group home buildings to small multi-family structures is more in keeping with the surrounding development.

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

Considerations:

- The project proposes a largely single-family subdivision in an area with similar development patterns.
- The project involves the adaptive reuse of three existing vacant structures in a manner compatible with the surrounding area.
- The proposed size and design of the structures to be constructed as part of this project are in keeping with many of the residential structures found in the vicinity.

Staff recommends approval of the proposed conditional zoning to allow for the subdivision of the subject parcel into ten lots and the conversion of three existing units into multi-family dwellings.

The Planning and Zoning Commission recommended approval of the conditional zoning request with conditions as presented at their meeting on January 7, 2015. The Commission also approved the major subdivision subject to approval of the conditional zoning application.

Ms. Lucy Crown, representing the owner, said that they are in the process of due diligence but noted that the units will be sold as condos or town houses. They have brief conversations with the Planning staff about the possibility of affordable housing, and although their decision has not been made yet, they are relatively aware of what the conditions are and are not adverse to it.

Mayor Manheimer opened the public hearing at 6:09 p.m., and when no one spoke, she closed the public hearing at 6:09 p.m.

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

Councilman Davis moved to approve the conditional zoning request of RPMM Properties, LLC for property located at 141,145, and 149 Courtland Avenue from RS-8 Residential Single-Family High Density District to RM-8CZ Residential Multi-Family Medium Density District/ Conditional Zoning and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in that (1) The proposal supports the goal found in the City's comprehensive plan of promoting compatible adaptive reuse of existing structures; (2) The proposal supports the goal found in the City's comprehensive plan of pursuing compatible infill development. This motion was seconded by Councilman Smith and carried unanimously.

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C. PUBLIC HEARING TO CONSIDER A MAJOR SUBDIVISION WITH CONDITIONAL ZONING ON PROPERTY LOCATED AT 95 CRAGGY AVENUE, 180 LOUISIANA AVENUE AND 178 LOUISIANA AVENUE, FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO RS-8/CZ RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING FOR THE CREATION OF 45 LOTS IN TWO PHASES AND ASSOCIATED INFRASTRUCTURE, WITH A CHANGED CONDITION REQUEST FOR LOT SIZES AND SETBACKS, SIDEWALK STANDARDS AND PAVEMENT AND RIGHT OF WAY WIDTHS.

This public hearing has been removed from consideration at this meeting. The public hearing will be held on February 24, 2015.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. CONFIRMATION OF ESSAY QUESTIONS TO ELIGIBLE ASHEVILLE CITY BOARD OF EDUCATION CANDIDATES

Vice-Mayor Hunt said that the Boards & Commissions Committee reviewed all essay questions, for eligible Asheville City Board of Education candidates, submitted by City Council and narrowed them down to five final questions to ask the eligible candidates to respond to in writing.

Vice-Mayor Hunt said that there has been media coverage regarding background checks for Board of Education appointments. As this is an important topic, staff will continue to work with the Asheville City Schools Superintendent as this process moves forward. He said that any eligible candidate for an Asheville City Board of Education seat may have to submit to a background check.

It was the consensus of Council to accept the Boards & Commission's committee five recommended essay questions and wait until the deadline of February 24 before the essay questions are sent to all eligible candidates.

Mayor Manheimer announced that the deadline for Asheville City Board of Education applications is Tuesday, February 24, 2015, at 5:00 p.m. and to please contact City Clerk Burlson for an application form.

B. BOARDS & COMMISSIONS

At the recommendation of the African American Heritage Commission, it was the recommendation of the Boards & Commissions Committee and consensus of City Council to delay appointments until March 10, 2015.

RESOLUTION NO. 15-35 - RESOLUTION APPOINTING A MEMBER TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

Vice-Mayor Hunt, Chair of the Boards & Commissions Committee, said that Mr. Douglas Tate has resigned as a member of the Greater Asheville Regional Airport Authority and the Asheville Regional Airport Authority, leaving an unexpired term until June 30, 2016.

The following individuals have applied for a vacancy on the Authority: Stephanie Pace Brown.

The Boards & Commission Committee recommended appointing

Mayor Manheimer moved to appoint Stephanie Pace Brown to the Greater Asheville Regional Airport Authority and the Asheville Regional Airport Authority, to serve the unexpired term of Mr. Tate, term to expire June 30, 2016, or until her successor has been appointed. This motion was seconded by Councilman Davis and carried unanimously.

RESOLUTION BOOK NO. 37 – PAGE 38

RESOLUTION NO. 15-36 - RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

Vice-Mayor Hunt, Chair of the Boards & Commissions Committee, said that Mr. Brad Galbraith has resigned as a member of the Citizens-Police Advisory Committee, leaving an unexpired term until June 30, 2017.

The following individuals have applied for a vacancy on the Committee: Larry McCallum and Clifford T. Joslin.

At the recommendation of the Citizens-Police Advisory Committee, the Boards & Commission Committee recommended appointing Clifford Joslin.

Councilman Davis moved to appoint Clifford Joslin to serve the unexpired term of Mr. Galbraith, term to expire June 30, 2017, or until his successor has been appointed. This motion was seconded by Councilman Pelly and carried unanimously.

RESOLUTION BOOK NO. 37 – PAGE 39

RESOLUTION NO. 15-37 – RESOLUTION APPOINTING THE CHAIRMAN TO THE CIVIL SERVICE BOARD

Vice-Mayor Hunt, Chair of the Boards & Commissions Committee, said that Mr. Marvin Rosen as asked to step down as Chair to the Civil Service Board, thus leaving an unexpired term of Chair until June 25, 2015, or until their successor is appointed, whichever occurs first.

It is the responsibility of City Council to appoint the Chair of the Civil Service Board and the Chair of the Civil Service Board shall be appointed annually by City Council.

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

On January 5, 2014, all members were advised to contact City Clerk Burluson if they were interested in serving as Chair. Mr. Alan Coxie was the only interested member.

Councilwoman Wisler moved to appoint Mr. Alan Coxie as Chairman of the Civil Service Board to serve the unexpired term of Mr. Rosen, term to expire June 25, 2015, or until his successor is duly and annually appointed by the City Council, as provided by law. This motion was seconded by Councilman Pelly and carried unanimously.

RESOLUTION BOOK NO. 37- PAGE 40

RESOLUTION NO. 15-38 - RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

Vice-Mayor Hunt, Chair of the Boards & Commissions Committee, said that Mr. Richard Leatherman has resigned as a member of the Homeless Initiative Advisory Committee, leaving an unexpired term until November 1, 2015.

The following individuals have applied for a vacancy on the Committee: Warren Furmann and Allison Bond.

At the request of the Homeless Initiative Advisory Committee, the Boards & Commission Committee recommended appointing Allison Bond.

Councilman Smith moved to appoint Allison Bond to serve the unexpired term of Mr. Leatherman, term to expire November 1, 2015, and then a full three-year term until November 1, 2018, or until her successor has been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 37 – PAGE 41

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Carl Solesbee spoke about the noise ordinance and urged City Council to amend their ordinance that the Noise Ordinance Appeals Board can hear appeals filed by one property owner.

Councilman Pelly said that he has received a letter from the State Board of Transportation that they have approved a traffic light and pedestrian crossing at the intersection of Coleman Avenue and Merrimon Avenue. He said they are also evaluating other intersections on Merrimon Avenue as well.

Closed Session

At 6:25 p.m., Councilwoman Wisler moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C. Gen. Stat. § 143-318.10(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: City of Asheville v. Robert

Frost. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Councilman Pelly and carried unanimously.

At 7:27 p.m., Councilwoman Wisler moved to come out of closed session. This motion was seconded by Vice-Mayor Hunt and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:27 p.m.

CITY CLERK

MAYOR