

Tuesday – January 12, 2016 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman Gordon D. Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. EMPLOYEE RECOGNITIONS

City Manager Jackson recognized the following (1) for their participation in the ISO 14001 EMS Certification for Transit: Rosann Christian, Yuri Koslen, Mariate Echeverry, Ken Putnam, Cathy Ball, Sam Byrd, LaShawn Meadows, Ronnie Payne, Fedor Demets, Steve Hall, Dewayne Dryman, Wesley Logan, Eli Bratnichenko, Sara McHone, Kerby Smithson, Joey Robison, Sean Spiller, Janet GeorgeMurr, McCray Coats, Mark Stevens, Dion Eskew, Tony Rathbone, Keisha Lipe, Tony Chapman, Bobby Austin, John Swafford, Jeremy Hyatt, Andrew Morgan and Cody Shook. Nationally there are approximately 12 agencies with the certification; (2) for their participation in the Award of Excellence for 123 Graffiti - Graffiti Clean Up Initiative - Greg Shuler, Brad Hunter, Chris Daniels, Vicky Haskell, Scott Barnwell, Cameron Carlyle, Tim Reimers, Dawa Hitch, Dan Phairas, Christy Edwards, Marsha Stickford, Cathy Ball, Joey Robison and Catherine Hofmann; and (3) for their participation in the Parking Garage Real-Time Space Availability - Keith Kennedy, Scott Barnwell, Tim Reimers and Cameron Carlyle.

Mayor Manheimer thanked the employees on what they do on behalf of the City of Asheville and City Council. She was proud of City staff and looked forward to highlighting more accomplishments.

B. PROCLAMATION PROCLAIMING JANUARY 16 AND 18, 2016, AS "DR. MARTIN LUTHER KING JR. DAYS"

Mayor Manheimer read the proclamation proclaiming January 16 and 18, 2016, as "Dr. Martin Luther King Jr. Days" in the City of Asheville. She presented the proclamation to Ms. Oralene Simmons, and others, who briefed City Council on some activities taking place during these days.

C. PROCLAMATION PROCLAIMING JANUARY, 2016, AS "SENIOR SUFFRAGE MONTH"

Mayor Manheimer read the proclamation proclaiming January, 2016, as "Senior Suffrage Month" in the City of Asheville. She presented the proclamation to Ms. Ann Butzner, who briefed City Council on some activities taking place during the month.

At the request of Councilman Smith, Council supported Councilman Smith proceeding through the process to make voting day a fare free day.

II. CONSENT AGENDA:

Mayor Manheimer announced that the Resolution in support of the designation of the Asheville Housing Authority's Lee Walker Heights Project as a redevelopment project be moved from New Business to Consent Agenda. This item will be pulled from the Consent Agenda for discussion and/or an individual vote.

Councilman Smith asked that the Resolution establishing the second Monday in October as Indigenous Peoples Day be pulled from the Consent Agenda for discussion and/or an individual vote.

**A. APPROVAL OF THE MINUTES OF THE FORMAL MEETING HELD ON
DECEMBER 8, 2015**

B. APPOINTMENT RESOLUTIONS

**RESOLUTION NO. 16-1 - RESOLUTION APPOINTING A MEMBER
AS THE EX-OFFICIO, NON-VOTING MEMBER TO THE CITIZENS-POLICE
ADVISORY COMMITTEE**

Summary: Former Councilman Chris Pelly has resigned as the ex-officio non-voting City Council member on the Citizens-Police Advisory Committee, thus creating a vacancy.

Councilman Keith Young be and he is hereby appointed to serve as the ex-officio, non-voting City Council member on the Citizens-Police Advisory Committee according to the length of his Council term of office.

RESOLUTION BOOK NO. 37 - PAGE 348

**RESOLUTION NO. 16-2 - RESOLUTION APPOINTING A MEMBER TO THE
ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL**

Summary: Councilman Gordon Smith has resigned as a member of the Asheville-Buncombe Community Relations Council. Councilman Keith Young be and he is hereby appointed as a voting member to the Asheville-Buncombe Community Relations Council to serve a term according to the length of his Council term of office.

RESOLUTION BOOK NO. 37 - PAGE 349

**RESOLUTION NO. 16-3 - RESOLUTION APPOINTING A MEMBER TO THE
DOWNTOWN COMMISSION**

Summary: Former Councilman Jan Davis has resigned as a member of the Downtown Commission, thus creating a vacancy for a voting City Council member.

Councilman Brian Haynes be and he is hereby appointed to serve as a voting member on the Asheville Downtown Commission until he is no longer a member of City Council.

RESOLUTION BOOK NO. 37 - PAGE 350

**RESOLUTION NO. 16-4 - RESOLUTION APPOINTING MEMBERS TO THE
HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE**

Summary: Former Vice-Mayor Marc Hunt has resigned as a member of the HUB Community Economic Development Alliance, representing the seat of a Planning & Economic Development Committee member.

Vice-Mayor Gwen Wisler be and she is hereby appointed as the City Council appointee and member of the City Council Planning & Economic Development Committee to serve a a member of the HUB Community Economic Development Alliance until she is no longer a member of City Council or is no longer a member of the City Council Planning & Economic Development Committee.

Councilwoman Julie Mayfield be and she is hereby appointed to serve as an Alternate on the HUB Community Economic Development Alliance until she is no longer a member of City Council.

RESOLUTION BOOK NO. 37 - PAGE 351

RESOLUTION NO. 16-5 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT

Summary: The term of Chris Pelly, as a member on the Metropolitan Sewerage District Board of Directors, expires on January 19, 2016.

Mr. Chris Pelly, 95 Cisco Road, be and he is hereby appointed to serve an additional three-year term, term to expire January 19, 2019, or until his successor has been appointed.

RESOLUTION BOOK NO. 37 - PAGE 352

RESOLUTION NO. 16-6 - RESOLUTION APPOINTING THE CHAIR OF THE POLICE OFFICERS AND FIREFIGHTERS DISABILITY REVIEW BOARD

Summary: There is a need to appoint the Vice-Mayor to serve as the Chairman of the Police Officers and Firefighters Disability Review Board.

Vice-Mayor Gwen Wisler be and she is hereby appointed as the City Council representative, to serve as Chairman, to the Police Officers and Firefighters Disability Review Board to serve a term according to the length of her Vice-Mayor term of office.

RESOLUTION BOOK NO. 37 - PAGE 353

RESOLUTION NO. 16-7 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

Summary: Former Councilman Jan Davis has resigned as a member of the Asheville Area Riverfront Redevelopment Commission, thus creating a vacancy.

Councilman Cecil Bothwell be and he is hereby appointed to the Asheville Area Riverfront Redevelopment Commission to serve as the City Council voting member until he is no longer a member of the Asheville City Council.

RESOLUTION BOOK NO. 37 - PAGE 354

RESOLUTION NO. 16-8 - RESOLUTION APPOINTING AN EX-OFFICIO, NON-VOTING MEMBER OF THE BUNCOMBE TOURISM DEVELOPMENT AUTHORITY

Summary: Former Councilman Jan Davis has resigned from the ex-officio non-voting member on the Buncombe County Tourism Development Authority, thus creating a vacancy for a City Council representative.

Councilwoman Julie Mayfield be and she is hereby appointed as the ex-officio non-voting City Council representative on the Buncombe County Tourism Development Authority to serve a term according to the length of her Council term of office.

RESOLUTION BOOK NO. 37 - PAGE 355

- C. RESOLUTION NO. 16-9 - RESOLUTION AMENDING THE 2016 CITY COUNCIL MEETING SCHEDULE TO ADD THE CITY COUNCIL ANNUAL RETREAT ON JANUARY 29 AND 30, 2016, BEGINNING AT 8:30 A.M. IN THE 1ST FLOOR CONFERENCE ROOM OF THE COUNTY ADMINISTRATION BUILDING, LOCATED AT 200 COLLEGE STREET, ASHEVILLE, N.C.**

RESOLUTION BOOK NO. 37 - PAGE 356

- D. RESOLUTION NO. 16-10 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO THE 2012 MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE**

Summary: The consideration of a resolution authorizing the Mayor to sign an amendment to the 2012 Municipal Records Retention & Disposition Schedule.

On October 9, 2012, City Council adopted Resolution No. 12-228 approving the 2012 Municipal Records Retention and Disposition Schedule issued September 10, 2012, by the N.C. Dept. of Cultural Resources, Division of Archives and History.

The first amendment (dated October 2, 2014) to Standard 9 (Law Enforcement Records) was previously adopted by City Council on February 10, 2015, by Resolution No. 15-33. The second amendment to Standard 12 (Personnel Records) clarifies language for retention period of employee eligibility records.

Pro:

- Promotes municipal records management

Con:

- None noted

Staff recommends City Council adopt a resolution authorizing the Mayor to sign an amendment to the 2012 Municipal Records Retention & Disposition Schedule.

RESOLUTION BOOK NO. 37 - PAGE 357

- E. RESOLUTION ESTABLISHING THE SECOND MONDAY IN OCTOBER AS INDIGENOUS PEOPLES' DAY**

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

- F. RESOLUTION NO. 16-12 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A GRANT AGREEMENT WITH THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR \$1 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 million in Tourism Product Development Funds (TPDF).

The BCTA administers the TPDF Grant with the purpose to provide funding assistance for construction projects that will create new and additional lodging room nights in Buncombe County. In May 2015, Council approved a TPDF application for \$2.5 million in grant funds to help construct \$5 million worth of Riverfront Destination Development projects. During the TPDF Phase II application, the request was reduced to \$2.27 million.

In response to the TPDF Phase II application, the BCTDA announced an award of \$1.7 million to the City of Asheville (City) in late October 2015 for the Riverfront Destination Development Project. \$1 million is available from the TPDF now and an additional \$700,000 is expected to receive final approval from the BCTDA in early 2016 when additional funds are available. Two different grant agreements will be executed between the City and the BCTDA since funds will become available at different times.

Since the City did not receive full funding, the scope of the Riverfront Destination Development Project was reduced.

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

The City's application proposed construction of brick and mortar projects that will help transform the River Arts District and its gateways from a place that has scattered and hard to find attractions, into a fully developed destination where points of interest and experiences are easy to find, attentive to visitor needs, and easily accessed.

Pros:

- City Council has identified implementation of riverfront redevelopment capital investments as a key strategic goal for the city
- The TPDF grant award is a significant funding opportunity that leverages the City's investment to move forward on these investments
- The City has shown a commitment to implementing these projects as part of the Economic Development Capital Improvement Program

Con:

- 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 financing 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 million grant will be used to provide funding for a key project 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 2016-17 budget process.

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

RESOLUTION BOOK NO. 37 - PAGE 359

G. RESOLUTION NO. 16-13 - RESOLUTION AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE US DEPT. OF HOMELAND SECURITY FOR STRUCTURAL FIREFIGHTING PERSONAL PROTECTIVE EQUIPMENT

Summary: The consideration of a resolution authorizing the City of Asheville Fire Department (Fire Department) to apply for a grant in the amount of \$500,000.00 from the US Department of Homeland Security to obtain funding for Structural Firefighting Personal Protective Equipment, and to accept grant funding if awarded.

The Department of Homeland Security has recently issued guidance for the Fiscal Year (FY) 2015 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. Towards that end, if the grant request is approved, the Fire Department would purchase Structural Firefighting Personal Protective Equipment to replace equipment that is currently reaching its end of service life. The Structural Firefighting Personal Protective Equipment 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 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 \$50,000.

Staff recommends participation in the AFG Program for the following reasons:

- The grant program was developed to assist in the purchase of critical firefighting equipment and tools to provide greater safety for firefighters.
- If awarded, the City would be able to utilize grant funds for the purchase of required equipment.

Pros:

- Improved safety and efficiency of firefighters when responding to dangerous environments.
- This grant will enable AFD to accelerate our procurement of this equipment.

Con:

- 10% matching amount of purchase required \$50,000

This grant will not increase the Fire Department's budget request as these funds are already programmed into the budget.

City staff recommends that City Council authorize the fire department to apply for a grant in the amount of \$500,000 from the US Department of Homeland Security to obtain funding for Structural Firefighting Personal Protective Equipment, and to accept the grant funding if awarded.

RESOLUTION BOOK NO. 37 - PAGE 360

H. RESOLUTION NO. 16-14 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD METROPOLITAN PLANNING ORGANIZATION FOR GRANTS OF FEDERAL TRANSPORTATION FUNDING

Summary: The consideration of a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization (MPO) for grants of federal transportation funds, and if the applications are successful, to accept grants and sign necessary agreements with the MPO, or state or federal agencies to receive the funds.

The MPO has opened a call for projects to use federal Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities (5310) funds; the deadline was December 23, 2015; due to timing issues city staff applied for the grant, but the application will not move through without council's approval.

The MPO expects to have approximately \$325,000 in 5310 funds for 2016. These funds are expected to be distributed via this competitive call for projects.

Staff is pursuing funding for the following projects:

- Paratransit service for \$112,500; with 80% funded by the grant.
- Transit station repairs and ADA upgrades for \$150,000; 80% funded by the grant.

If received, the paratransit funds would help fund an annual operating expense that will be programmed in the City's Transit Operating Fund for FY 2017; the transit station is an existing capital project that requires more funds than originally budgeted; these funds would help offset the additional costs. Each of these projects is ready to move forward as the funding becomes available.

The Transit Committee and Multimodal Transportation Commission endorsed this application.

Pros:

- Allows the City of Asheville access to up to \$262,500 in capital, and operating investment.
- Allows the City of Asheville to offset existing costs.

Con:

- Commits the city to funding to the match, at least for the time the applications are pending.

If successful, the grant applications will involve the spending of city funds to leverage 80% grant funding for these projects, up to a grant value of \$262,500.

City staff recommends City Council adopt a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization (MPO) for grants of federal transportation funds, and if the applications are successful, to accept grants and sign necessary agreements with the MPO, or state or federal agencies to receive the funds.

RESOLUTION BOOK NO. 37 - PAGE 361

I. RESOLUTION NO. 16-15 - RESOLUTION AUTHORIZING THE CITY MANAGER ENTER INTO A MUNICIPAL AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR IMPROVEMENTS AT THE I-26 AND NC 191 (BREVARD ROAD) INTERSECTION

Summary: The consideration of a resolution authorizing the City Manager to sign a municipal agreement with the N.C. Dept. of Transportation for the installation of a concrete sidewalk along both sides of NC 191 (Brevard Road) at its intersection with I-26 and for the installation of four concrete bus pads at locations designated by the City of Asheville.

The N.C. Dept. of Transportation (NCDOT) plans to upgrade the interchange of I-26 and NC 191 (Brevard Road) and widen and reconstruct I-26 from east of Brevard Road to east of Pond Road with an anticipated letting date during February 2016 and an anticipated completion date during August 2019. The project includes construction of about 5,750 linear feet of 5-foot sidewalk and four bus pads.

According to current NCDOT policy, the City is required to reimburse the NCDOT 40% of the construction cost for the sidewalk and 100% of the construction cost for the bus pads. The estimated cost to the City for the sidewalk is \$57,086 and the estimated cost to the City for the bus pads is \$1,132. Upon completion of the project, the NCDOT will invoice the City for its share of the actual costs and final payment would be due within 60 days of the invoicing.

Pros:

- Much need pedestrian and transit infra-structure will be provided.

- The City is only required to pay 40% of the construction cost for the sidewalk as opposed to 100%.
- Overall construction cost will be minimized since the sidewalks and bus pads are part of a larger project.

Cons:

- The City will be responsible for the maintenance of the sidewalk and bus pads.
- Actual anticipated cost to the City is \$58,218.

The actual anticipated cost to the City is \$58,218 and the funds should be budgeted for FY 2019-20 from sidewalk fee-in-lieu-of funds.

Staff recommends that City Council approve a resolution authorizing the City Manager to sign a municipal agreement with the NCDOT for the installation of a concrete sidewalk along both sides of NC 191 (Brevard Road) at its intersection with I-26 and for the installation of four concrete bus pads at locations designated by the City of Asheville as a part of project I-5504.

RESOLUTION BOOK NO. 37 - PAGE 362

J. RESOLUTION NO. 16-16 - RESOLUTION AUTHORIZING THE SALE OF A PARCEL OF LAND OWNED BY THE CITY OFF STATE STREET TO MOUNTAIN HOUSING OPPORTUNITIES FOR THE PURPOSE OF CREATING AFFORDABLE HOUSING

Summary: The consideration of an offer by Mountain Housing Opportunities to purchase, by private sale, real property owned by the City of Asheville located off State Street.

The City owns a small (.18 acres) parcel off State Street in West Asheville. This parcel has been owned by the since 1932, in what appears to be the result of a tax sale. Earlier this year, the City learned that an adjoining parcel with access to Pineview Street was for sale. MHO indicated interest in this parcel, and inquired whether the subject City land off State Street was available. Based upon Council's Strategic Operating Plan and our Comprehensive Affordable Housing Strategy, the City's interest in making this land available for affordable housing was confirmed to MHO, and both parties engaged in due diligence.

As a result of that mutual interest, MHO has offered to purchase the property from the City on the following terms:

- Purchase Price: \$34,700. This is the appraised value of the site.
- City to provide non-warranty deed
- MHO will develop 3 single family homes on this site or adjacent property that will be sold to households with incomes below 80% AMI
- City to loan \$34,700 to MHO with the following terms:
 - Zero Interest to MHO during construction.
 - Upon sale, loan funds will be transferred/loaned to 3 income eligible households with the City as a lender –3rd mortgage, deferred for 30 years with an equity sharing clause due upon repayment.

MHO's current plan for the Pineview development is to develop 12 single family homes. All homes will be the same size and character, approximately 1000 square feet, 2 bedroom, 1.5 bath. Four of the 12 homes may sit above a garage to take advantage of the site topography. In addition to the 3 homes committed as part of the State Street lot acquisition, 3 additional homes (for a total of 6) are planned to be sold affordably, pending the site being adequate for density of 12 homes and the availability of additional needed subsidy. MHO is currently building homes to both System Vision and Energy Star standards. They are partnering with the Compact Cottage

Company developer who builds to Energy Star standards and will at a minimum build to this standard.

The Housing and Community Development Committee supports the approval of the purchase offer from Mountain Housing Opportunities for the lot off State Street.

Pros:

- Six units of affordable for-sale housing will be created.
- The value of the land will be recovered by the City at the time of the resale of the homes.

Con:

- Although the proposed structure will recover funds at some future point in time, there is no promise of long-term affordability for these homes.

No City funding is requested other than making the value of the land available as a loan.

Staff recommends approval of the purchase offer from Mountain Housing Opportunities for the lot off State Street.

RESOLUTION BOOK NO. 37 - PAGE 363

K. ORDINANCE NO. 4474 - BUDGET AMENDMENT TO APPROPRIATE FUNDING FOR PRIOR YEAR CONTRACTS AND PURCHASE ORDERS THAT ROLLED FORWARD TO FISCAL YEAR 2015-16

Summary: The consideration of a technical budget amendment in each of the City's annual operating funds to appropriate from restricted fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2015-16.

As part of its ongoing operations, the City enters into various contracts and purchase order agreements throughout the fiscal year. When these contracts and purchase orders are entered into, budget funds are encumbered for the full amount of the expected purchase. Often these contract and purchase orders are not fully completed and paid in one fiscal year. North Carolina General Statutes provide authorization for local governments to reserve the unexpended portion of these prior year commitments and roll those budgets forward to the new fiscal year.

As a part of the FY 2014-15 annual audit, staff identified prior year commitments and carry-over appropriations to roll forward to FY 2015-16, and these dollar amounts were deducted from the unassigned fund balance amounts that were reported in the Comprehensive Annual Financial Report. The attached technical budget amendment will provide authorization to officially appropriate these amounts in the FY 2015-16 budget for each of the City's annual operating funds.

Pro:

- Provides budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2015-16.

Con:

- 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 2014-15 financial statements. There is no impact on unassigned/available fund balance in the City's operating funds.

City staff recommends City Council approve the attached technical budget amendment in each of the City's annual operating funds to appropriate from restricted fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2015-16.

ORDINANCE BOOK NO. 30 - PAGE 206

L. ORDINANCE NO. 4475 - BUDGET AMENDMENT FOR THE CONSTRUCTION OF THE FRONT ENTRANCE OF THE WNC NATURE CENTER

Summary: The consideration of a budget amendment in the amount of \$627,000 for the construction of the front entrance at the Western North Carolina (WNC) Nature Center (Nature Center).

The City of Asheville in the Parks and Recreation Department has received a \$627,000 contribution from the Friends of the WNC Nature Center (Friends) to support the construction of a new front entrance at the Nature Center. The front entrance is one of the primary initiatives identified in the Nature Center's 2020 Vision Plan.

The Friends, a 501 (c) 3 non-profit organization, is a community group of individuals, businesses and grantors who together support the Nature Center with funding to provide an enriching and educational experience for visitors. Approximately 50 percent of the contribution is funded by a grant awarded to the Friends by the Tourism Development Authority in the Tourism Product Development Fund. The remaining 50 percent of the contribution is funded by institutional and donor directed funds.

Pros:

- Provides funds to support capital improvements at the Nature Center.
- Provides funds to enhance special projects and guest services at the Nature Center.
- Provides funds to assist in fulfilling standards and maintaining Nature Center accreditation with the Association of Zoos and Aquariums.

Con:

- None

A project budget established by this budget amendment will authorize (a) one-time improvements to construct the front entrance; and (b) expenditures up to \$627,000. Since these expenditures will be fully funded with a contribution from the Friends that has been received, there is no net fiscal impact to the City's operating budget.

City staff recommends City Council to approve the budget amendment authorizing the City Manager to accept the contribution from the Friends in the amount of \$627,000 for construction of the front entrance at the Nature Center.

ORDINANCE BOOK NO. 30 - PAGE 208

M. RESOLUTION IN SUPPORT OF THE DESIGNATION OF THE ASHEVILLE HOUSING AUTHORITY'S LEE WALKER HEIGHTS PROJECT AS A REDEVELOPMENT PROJECT

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

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.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

RESOLUTION NO. 16-11 - RESOLUTION ESTABLISHING THE SECOND MONDAY IN OCTOBER AS INDIGENOUS PEOPLES' DAY

Summary: This resolution will declare the second Monday in October as Indigenous Peoples' Day in the City of Asheville; encourage other institutions to recognize the day; and reaffirm the City's commitment to promote the well-being and growth of Asheville's and all of western North Carolina's Indigenous People.

Mr. Richard Sneed, Vice-Chief of the Eastern Band of Cherokee Indians, and Mr. Sage Dunston, Chief of Staff representing Chief Justice, thanked Councilman Smith and City Council for this resolution which will celebrate the contributions of Cherokees and all indigenous people.

Councilman Smith moved for the adoption of Resolution No. 16-11. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 37 - PAGE 358

RESOLUTION NO. 16-17 - RESOLUTION IN SUPPORT OF THE DESIGNATION OF THE ASHEVILLE HOUSING AUTHORITY'S LEE WALKER HEIGHTS PROJECT AS A REDEVELOPMENT PROJECT

Summary: The Asheville Housing Authority, in partnership with Mountain Housing Opportunities, plans to submit an application for low income housing tax credits to the North Carolina Housing Finance (NCHFA) for the redevelopment of Lee Walker Heights and desires to have this project considered a "redevelopment project" application by NCHFA. In order to be considered a "redevelopment project" by NCHFA, certain criteria must be met, of which one option includes evidence that there is a waiver of impact, tap, or related fees normally charged for the project. The City has established an Affordable Housing Fee Rebate of 50% of City permit and water tap fees for which City staff has confirmed this project will qualify, but to meet certain North Carolina Housing Finance Agency requirements for the project, that fee incentive must be approved as an advance waiver.

This resolution will approve the City of Asheville approving a waiver of 50% of all permit, tap, and other City development fees for this important redevelopment project; and (2) authorizing the Mayor to provide a letter to the Housing Authority confirming the approved waiver of fees.

City Manager Jackson said this resolution is only about waiving 50% of all permit, tap and other City development fees. This a precursor to an application to a state tax credit agency. It is his understanding that City Council is interested in understanding all of the unknowns and opportunities, but they are not considering other funding opportunities, other than this waiver. He said that Council's policy is to provide a 50% rebate, but this is a process deviation for a waiver rather than reimbursement.

Councilman Bothwell's concern was if this project was going to be successful it needs to connect the Lee Walker Heights Project to Biltmore Avenue, so it becomes much more part of the community. He understands that it looks pretty certain that the Matthews Ford property will be available to the City and we will be able to make that connection happen.

In response to Councilman Smith, Housing Authority Chief Financial Officer David Nash said that their original request was 100% waiver; however, they have confirmed that a 50% waiver will suffice for the application. A 100% waiver would be a stronger show of support from the City and that is still their preference. There will be an opportunity to revisit the waiver later on in the application process. There will be two other items that will need to be brought before City Council - a rezoning request; and the larger financial commitment they will be looking for infrastructure, so the other 50% waiver could be considered at that time.

In response to Councilman Smith, Mr. Nash explained that at the time that HUD gives its final approval for the conversion from public housing to this new program, and after they secure all the funding and put the financing plan for that, anyone who is living at Lee Walker Heights at that time will have the right to relocation benefits and temporary relocation with the right to return. There will not be any screening requirement for them to return to the property after the new units will be completed.

When Councilman Haynes wondered what percentage of the people displaced would return, Mr. Nash said that he didn't imagine it would be 100% because once they find another place to live and are satisfied with that, they may not wish to relocate again. Through the grapevine he has heard that many of them will return.

In response to Councilman Haynes, Mr. Nash said that they must find housing under the federal HUD requirements. They cannot start demolition on that property until they find housing for the people that are living there. The plan is a three-fold approach - (1) residents will be asked for three choices of relocation to one of our other developments or affiliated developments that the Housing Authority operates; (2) Mountain Housing Opportunities (MHO) is working as their co-developer and they have agreed to waive their credit check requirements for residents moving from Lee Walker Heights, so they will have an opportunity to move to one of MHO's development as they have a turnover; and (3) people can request a voucher and move into the private market. Some people have said that they would like to take their voucher and move to another City. The Housing Authority will honor that request.

In response to Councilwoman Mayfield, Mr. Nash said that only the people at the time of the final HUD approval of the financing plan will be relocated, which they expect to be in late 2016 or early 2017. He said that currently they have 76 households still living in the development. People are staying in the development and in the planning process because they want to be there and they want to be able to come back to the new development.

Two Lee Walker Heights residents who have been participating in the process said that there has been good communication with the Housing Authority. They felt that 70% of the residents will return because everyone that lives there was born and raised there and they want to return.

When Executive Director of the Housing Authority Gene Bell said that a letter has been sent to every resident outlining the relocation requirements and their benefits, Mayor Manheimer asked if he would share that letter with Council so they can be educated when residents call them.

Councilman Young was inclined to support this so they can complete their application; however, he will be interested in hearing more when they come back to Council with a substantial request.

Councilwoman Mayfield moved for the adoption of Resolution No. 16-17. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 37 – PAGE 364

III. PRESENTATIONS & REPORTS:

A. AUDIT PRESENTATION

Mr. Daniel Gougherty, Manager of Cherry Bekaert, LLP, reviewed with Council the Fiscal Year 2015-16 audit which consisted of reviewing the City's major assets, liabilities and other areas within the financial statements issued by management for accuracy and consistency with General Acceptable Accounting Principles. He then reported on the role of the external auditor, the key highlights and the summary (1) clean opinions (2) No Adjusted Journal Entries and one Proposed Adjusting Journal Entry; (3) good internal controls; (4) one management letter comment; and (5) full cooperation with management.

B. FINANCIAL QUARTERLY UPDATE

Chief Financial Officer Barbara Whitehorn provided the financial information report, which reflects the City's overall financial position for the fiscal year through September 2015. The executive summary is as follows:

- **Amendments.** There were no budget amendments in the General Fund during the first quarter.
- **Revenues.** Through September 30, 2015, the City has collected \$14.5 million in General Fund revenue, which represents approximately 14% of the total General Fund revenue budget. This collection rate is typical for the first quarter of the fiscal year. Based on FY 2014-15 year end revenue collections and FY 2015-16 first quarter trends, staff is currently projecting that ***FY 2015-16 General Fund revenue will exceed budget by \$460,000 or 0.44%.***
- **Expenditures.** General Fund expenditures through September 30, 2015 totaled \$19.8 million or 19% of budget, which is typical for this point in the fiscal year. Personnel expenses, the largest component of the General Fund budget, are on budget through the first quarter. Staff is projecting that ***FY 2015-16 expenditures (including contract and purchase order commitments) will finish the year under budget by \$746,000 (99.3% of adopted budget).***
- **Fund Balance.** The City began FY 2015-16 with unassigned fund balance of \$16.6 million. Based on ***current revenue and expenditure projections for FY 2015-16, staff estimates that unassigned fund balance at June 30, 2016 will be \$17.8 million or 17.4% of estimated expenditures.***

In response to Councilman Smith, Chief Financial Officer Barbara Whitehorn said that the City's Fund Balance policy is 15% (now Fund Balance is 17.6%) and any excess uncommitted funds is up to Council to determine what to do with it. Staff recommends growing the Fund Balance percentage because it impacts our credit rating.

C. STRATEGIC OPERATING PLAN UPDATE

Executive Director of Planning & Multimodal Transportation Cathy Ball updated City Council on the Strategic Operating Plan. In each three focus areas, she outlined completed projects, projects in process and next steps.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 2360 SWEETEN CREEK ROAD FOR

THE REPLACEMENT OF THREE EXISTING MULTI-FAMILY BUILDINGS (22 UNITS) WITH TWO NEW MULTI-FAMILY BUILDINGS (24 UNITS)

City Clerk Bureson administered the oath to anyone who anticipated speaking on this matter.

City Attorney Currin reviewed with Council the conditional use process which is a quasi-judicial permit hearing. At this public hearing, all the testimony needs to be sworn and due process protections afforded to the applicant.

Principal Planner Shannon Tuch submitted into the record City Exhibit 1 (Affidavit of Publication), City Exhibit 2 (Certification of Mailing of Notice to Property Owners); and City Exhibit 3 (Staff Report).

Ms. Tuch said that this is the consideration of the issuance of a conditional use permit for property located at 2360 Sweeten Creek Road for the replacement of three existing multi-family buildings (22 units) with two new multi-family buildings (24 units).

She said the applicant, Givens Estates, Inc. is requesting review of site plans for the construction of 24 new multi-family units in two separate buildings (Attachment to City Exhibit 3 - Aerial Map). This project is considered a Level III review pursuant to Section 7-5-9(a) of the city's Unified Development Ordinance (UDO), which designates review for residential projects with more than 50 dwelling units. While Phase 3 includes only 24 units, all three phases, when combined, result in a total of 72 units. Per UDO subsection 7-5-9(a)(1)(c), the aggregate dwelling unit count determines the review thresholds. Level III projects are reviewed as Conditional Use Permits and include a quasi-judicial hearing at City Council as part of the final review.

The project site is an approximately 2.7 acre portion of PIN 9655.57-2108, which is 134.3 acres in total size (Attachment to City Exhibit 3 - Landscape Plan). This parcel is the largest of four parcels that make up the Givens Estate campus, which is 205.6 acres in size and supports a large senior housing community that provides a variety of housing types (Attachment to City Exhibit 3 - Elevations). The residential development is surrounded by a naturally wooded perimeter with mild to moderate topography where much of the campus is subject to the city's steep slope development standards. There is also a small, jurisdictional stream that runs through the property. All three phases of the project area are located internal to the campus on Wesley Drive. Wesley Drive is a privately maintained road that winds through the campus and is accessed off of Sweeten Creek Road in south Asheville.

The applicant previously received approval for two separate Level II projects, Phases 1 and 2. Both earlier phases replaced two existing buildings that contained a total of 14 units, with two new buildings for a total of 24 units, resulting in a net gain of 10 units. The current request is the third and final phase and proposes to replace three existing buildings containing 22 units total, with two new buildings (same design used in Phases 1 and 2) for a total of 24 units, resulting in a net gain of two units. Also included in this phase is the demolition and reconstruction of much of the existing surface parking and connected walkways. While subject to steep slope standards, this phase of the development will stay within the historical limits of disturbance and will not increase the total disturbed area for the property. Overall, the previously disturbed area of 53.87 acres is well below the allowed 91.8 acre total for the campus.

The Givens Estates campus is accessed off of Sweeten Creek Road through a wide, well-marked entrance and is connected internally through a series of privately maintained roads, drives and parking lots. Each phase of the Creekside development is separately parked with a combination of structured parking under the buildings with some surface parking. Phase 3 includes 12 underground spaces per building combined with 22 surface parking spots for a total of 46 spaces. The proposed parking plan results in a small net gain of two spaces over the 42 spaces currently found on-site; however, it reduces the total number of on-street spaces by 20,

which are essentially displaced to the structured parking below the buildings. Additionally, a complete campus parking analysis has been provided and found to be compliant overall. The requisite bicycle parking is also provided.

Landscaping for the new construction includes building impact, street trees and parking lot landscaping. The site is moderately wooded with existing vegetation, which may count towards the overall landscape standard.

A minimum of 20% or 0.54 acres of the project area must be set aside for open space. The proposed plan indicates that 1.43 acres is reserved and shows passively used open space between and around the buildings. Earlier documentation also demonstrated that open space for the larger campus is also met.

The site is currently zoned RM-16 (Residential Multi-family, High Density); the use proposed is permitted by-right and the applicant is proposing to meet the standards of the zoning district with this development proposal. Under this zoning designation, the overall site can support a maximum of 1,362 dwelling units, which is well above the new adjusted total of 681 units.

This proposal was approved with conditions by the Technical Review Committee (TRC) on November 16, 2015. The Planning & Zoning Commission also reviewed the project on December 2, 2015, where it was unanimously supported and recommended for approval. This Level III project requires quasi-judicial review by City Council, and Final TRC review prior to zoning approval.

Section 7-16-2(c) of the UDO states that Asheville City Council shall not approve the conditional use application and site plan unless and until it makes certain findings based on the evidence and the testimony received at the public hearing or otherwise appearing in the record of the case. The applicant has provided a statement on these findings.

Staff finds that the relevant standards of the City have been met or can be met with this application.

Mr. Ken Partin, Director of Givens Estates, was available to respond to questions. He asked that the applicant's position on the seven conditional use standards be submitted into the record (Attachment to City Exhibit 3 - Statement on Findings).

Mr. Tom Jones, engineer of the project, said there is a slight decrease of impervious area and a smaller development footprint. He said this project aligns with the City's goals for compatible, higher density residential infill development.

Councilwoman Mayfield thanked the applicant for increasing density on the property they already have and building much more efficient, safe and healthy buildings for your residents.

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

Mr. Timothy Sadler suggested the applicant buy monthly bus passes at a bulk rate and offer that to the residents as an amenity. He felt that if residents are offered a bus pass as an amenity, they may be more inclined to use public transit. Mr. Partin responded that this community is not on a bus stop and there is not good access to a bus stop from the community.

After rebuttal, Mayor Manheimer closed the public hearing at 6:33 p.m.

Vice-Mayor Wisler moved to approve the Conditional Use Permit for Givens Creekside, Phase 3 located at 2360 Sweeten Creek Road because it meets the seven conditional use

standards as demonstrated by the applicant. This motion was seconded by Councilman Smith and carried unanimously.

City Attorney Currin said that the Findings of Fact and Conclusions of Law will be placed on the January 26, 2016, agenda.

B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING PROPERTY LOCATED AT 1 WEST TOWER AT PACK SQUARE AND 11 PATTON AVENUE FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT/CONDITIONAL ZONING AND REVIEW OF SITE PLANS FOR THE RENOVATION OF AN EXISTING 201,000 SQUARE FOOT BUILDING ALONG WITH A PROPOSED 35,300 SQUARE FOOT PARKING STRUCTURE AND OTHER SITE IMPROVEMENTS FOR THE DEVELOPMENT OF A MIXED-USE PROJECT INCLUDING A HOTEL AND SUPPORT FUNCTIONS, 39 CONDOMINIUM UNITS AND COMMERCIAL SPACES, WITH A CONDITION TO MODIFY FENESTRATION STANDARDS FOUND IN SECTION 7-8-18 OF THE UNIFIED DEVELOPMENT ORDINANCE

ORDINANCE NO. 4476 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 1 WEST TOWER AT PACK SQUARE AND 11 PATTON AVENUE FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT/CONDITIONAL ZONING AND REVIEW OF SITE PLANS FOR THE RENOVATION OF AN EXISTING 201,000 SQUARE FOOT BUILDING ALONG WITH A PROPOSED 35,300 SQUARE FOOT PARKING STRUCTURE AND OTHER SITE IMPROVEMENTS FOR THE DEVELOPMENT OF A MIXED-USE PROJECT INCLUDING A HOTEL AND SUPPORT FUNCTIONS, 39 CONDOMINIUM UNITS AND COMMERCIAL SPACES, WITH A CONDITION TO MODIFY FENESTRATION STANDARDS FOUND IN SECTION 7-8-18 OF THE UNIFIED DEVELOPMENT ORDINANCE

Assistant Director of Planning & Urban Development Alan Glines said that this is the consideration of a request to conditionally zone property located 1 West Tower at Pack Square and 11 Patton Avenue from Central Business District to Central Business District/Conditional Zoning and review of site plans for the renovation of an existing 201,000 square foot building along with a proposed 35,300 square foot parking structure and other site improvements for the development of a mixed-use project including a hotel and support functions, 39 condominium units and commercial spaces, with a condition to modify fenestration standards found in Section 7-8-18 of the Unified Development Ordinance. This public hearing was advertised on January 1 and 8, 2016.

Mr. Glines said that the applicant is requesting consideration of conditional zoning of two parcels totaling .61 acres located at 1 West Pack Square and 11 Patton Avenue, and identified on Buncombe County tax records as PINs 9649-40-2414 and 9649-40-1422, from Central Business District (CBD) to Central Business District Conditional Zoning (CBD CZ). The site plans include the renovation of an existing 201,000 square foot building along with a proposed 35,300 square foot parking structure and other site improvements for the development of a mixed-use project which includes hotel and support functions, 39 residential units and commercial spaces, with a condition to modify fenestration standards found in Section 7-8-18 of the Unified Development Ordinance.

The project site consists of the existing BB&T building, which over the years has been home to a variety of commercial uses focusing on banking and office uses. In the past, portions of the building provided space for restaurants. The project site is surrounded for four streets: North Pack Square to the east (often referred to as Broadway), College Street to the north, North Lexington Avenue on the west side and Patton Avenue on the south side. The site has a dramatic cross slope of nearly 18 feet from the high point at the southeast corner (at Patton Avenue and N.

Pack Square) to the northwest corner of the site (at N. Lexington Avenue and College Street). The existing building has an internal drive-through lane for the former banking use that bisects the site from College Street to Patton Avenue. At the west side of the property there is a surface parking lot with an access point from N. Lexington Avenue. There is an area of city-owned property along the east side that steps to the front of the building including the large tree planters. This area will be reconfigured as a component of the proposal. This property is one of the few parcels in the city to be surrounded by four streets, all of which are designated as key pedestrian streets in the downtown area.

McKibbon Hotel Group seeks to redevelop the existing 200,868 square foot BB&T building, rebranding it as One West Tower at Pack Square. New uses will include 39 residential units intended for sale, and 140 hotel rooms. The main level of the building (accessed from N. Pack Square) will be divided between a hotel managed restaurant space, a second leased commercial space that may be used for a restaurant, and function areas for the hotel lobby. A new retail space (maximum size of 5,000 square feet) will be created out of the lower side of the building facing College Street, with new storefront fenestration where there is currently a solid brick exterior wall. The second and third floors of the building will be used for offices, meeting space and other hotel functions. As the final plans are developed for the project the number of hotel rooms and the number of residential units could change. The developer has asked for some flexibility to reconfigure the final counts so that approximately 20 hotel rooms (the equivalent of a single floor) may be substituted for up to seven residential units.

The building will be refaced with steel, glass and synthetic stone. A new roof feature will be added to the top of the building and the base will also be altered with new doors and a reconfigured plaza space to activate the ground level area.

The proposal also includes a 60 space three-level 35,283 square foot parking structure in the area along North Lexington Avenue that is currently a surface parking lot. The parking spaces will be divided between the hotel arrival area on the top level of the structure with valet parking for hotel guests. The two lower levels will be dedicated for residential parking.

The three existing driveways on Patton Avenue and College Street and N. Lexington Avenue will be utilized to access the three separate levels of the proposed parking structure. The three levels do not have internal ramping and are independent from each other. While there are no parking requirements in the CBD, the project proposes a total of 60 parking spaces. The proposal includes the utilization of the top level of the structure to create 12 spaces and a drop-off area for the valet parking for hotel guests. The hotel valet service and hotel guests will use excess parking available at the AC Hotel across from this site, which is currently under construction. The two lower levels of the structure will provide 48 parking spaces for condominium owners. Bicycle parking is also provided in the structure.

The sidewalks surrounding the property will be improved as proposed on the site plans and include street trees and crosswalks. The plans show that the disturbed area (0.87 acres) is larger than the parcel area (0.61 acres) because it includes the surrounding sidewalks. The proposal will provide major improvements and upgrades to the sidewalks as follows:

North Pack Square - The existing steps and brick planters with trees are currently part of the public right-of-way. The steps act to accommodate the grade change from North Pack Square to the building. The proposal will provide a wider flat area near the corner with Patton Avenue to extend the character of Pack Square and will then provide a grand stair to the primary entrance of the hotel. The sidewalks will vary in width from a maximum of 24 feet at the corner of North Pack Square and Patton Avenue to 12 feet in front of the building. Staff is supportive of reworking the plaza space and widening the sidewalks because it will accommodate the growing number of pedestrians using this main crossroads of downtown.

The excess area at the top of the plaza space will be leased back for outside dining as

has been common practice along the south side of Pack Square and in other parts of downtown. There is a passenger loading zone proposed for the front of the building where two on-street spaces are currently located. One of the metered spaces would be removed and the loading zone would occur in the other space. City staff has commented that a drop-off zone may be helpful to maintain the flow of traffic while accommodating a short term space for drop off and pick up of passengers. There is an existing loading zone along College Street that will remain after construction and serves as a second long-term loading zone for businesses throughout the area. Also taxis and hotel guests may utilize the direct access to the hotel provided from Patton Avenue.

College Street - The existing sidewalk along College Street is currently about seven feet wide. The proposal is to widen the sidewalk to eight feet for the section adjacent to the existing building and 10 feet adjacent to the proposed parking structure. Street trees will be added along this block which will soften the scale of the building. Access to the existing loading dock will remain, as well as access to the mid-level of the new parking structure. A new open stairway is proposed to connect the top of the parking structure to the College Street sidewalk.

N. Lexington Avenue - The existing sidewalk along N. Lexington Avenue is only about five feet wide. The proposal is to widen this sidewalk to 11 feet by reworking the width of the travel lane and by encroaching into the parcel. Four street trees will be added to this streetscape. At the corner of N. Lexington and Patton Avenues there is a niche space within the corner of the parking structure. The developer is proposing to maintain special pavement and has mentioned creating a space for an art piece. The signal pole at this corner (currently in the middle of the sidewalk area) will be relocated to a space just at the edge or behind the sidewalk. The developer will participate in the construction of the base for this pole.

Patton Avenue - The existing ten foot wide sidewalk in this area will be replaced. The developer is proposing to remove two on-street parking spaces at the corner of N. Lexington and Patton Avenues because of visibility concerns when drivers exit the upper level of the parking structure. The applicant is proposing an 18 foot sidewalk section there with two street trees in tree grates. The remaining sidewalk closer to the corner with N. Pack Square will be 12 feet wide with three street trees.

There is some transit features off-site, but they are part of the proposal. That will include two poles to house a map and route information. There will also be a bus shelter along the bus route within the public right-of-way at North Pack Square. The developer has agreed to those improvements.

Landscaping requirements for the CBD include the use of street trees and except for some minor spacing issues, the plans appear to comply with requirements. Open space is not required for developments within the CBD.

The existing building has been studied for compliance with key measurements and design standards for CBD projects and essentially complies. Only two items do not comply: 1) the requirement of a streetwall stepback; and 2) the amount of fenestration provided along the North Pack Square façade (east side of the building). The UDO anticipates this type of situation with a provision that an existing building which does not comply with all development standards should not be made less compliant through redevelopment. The building does not provide a stepback at the height of the street wall but is not required to comply because it is an existing condition. The fenestration on the east side of the building however, is being reduced through the redevelopment proposal to about 60% instead of the required 70%. The development will need a condition to modify the standard, which may be granted by City Council as a part of the conditional zoning review process (additional analysis provided below).

The property has its primary pedestrian entrance along the frontage of North Pack Square. There is also an entrance along College Street to a new retail space proposed in that

location. The parking structure has frontage on N. Lexington, College Street and Patton Avenue and meets parking structures fenestration standards. There are no direct access points into the building on Patton Avenue except by way of the driveway to the guest drop off area. The rest of the building that faces Patton Avenue functions as the base of the structure, which is mostly solid. The area above this base is proposed to be open and will be activated by the restaurant use for outside seating.

The new building design emphasizes a base, middle and cap orientation in compliance with UDO requirements. The base section proposes a higher proportion of stone materials; the middle section incorporates stone in a lighter color and uses more glass in larger spans to increase the lightness of the structure. The treatment of caps for tall buildings is given special emphasis in the UDO and the Downtown Master Plan. The cap portion of the building proposes the use of more glass than stone and works to make the tower appear lighter. The cap is detailed with both stone veneer and metal panels and other detailing to provide a well defined ornamental finish to the project.

Conditions Modifying Development Standards - Per Section 7-7-8 of the UDO, a project undergoing review as a conditional zoning may request a modification of certain standards as a part of the project review. Along the east side of the building, the ground floor fenestration is required to be a minimum of 70% windows, doors or other openings. The existing structure complies with this standard. Through the redevelopment of the façade, there are solid vertical pilasters using synthetic stone that begin at the ground level and provide a regular rhythm across the façade to the upper stories of the building. This will reduce the amount of the ground level fenestration to about 60% of the length of the façade, which is below the 70% requirement.

The reduction is partially the result of the design intention to satisfy the base, middle and cap orientation as specified as an option in the UDO for downtown buildings. The fenestration requirement is required "because it enhances the character of downtown Asheville by providing features of visual interest at the sidewalk for the benefit of pedestrians, be defining the scale between the ground floor and upper floors..." (see Section 7-8-18). Staff is supportive of the condition to modify the standard because it is a result of the unified building design, which along with the new plaza in front of the building will be an active space that includes wider sidewalks for pedestrians and outdoor dining. All of this helps to meet the intent of the fenestration standard.

The developer has asked for some flexibility in the mix of uses, especially between the hotel room amounts and the condo amounts. As the final plans are developed for the project, the number of hotel rooms and the number of residential rooms could change. The developer has asked for some flexibility to reconfigure the final counts so that approximately 20 hotel rooms (equivalent to 1 floor) may be substituted to up to 7 residential units. That could happen without further review or reconsideration by Council.

As per UDO Section 7-5-9.1. Site plan review for large development projects on parcels zoned Central Business District and located in the Downtown Design Review Overlay District in the Traditional Downtown Core are reviewed as Level III conditional zoning applications. With a conditional zoning request, City Council can learn about the project without the ban of ex-parte communication and can propose conditions so long as they are agreed to by the developer for the proposal.

The Level III downtown conditional zoning review process specifies that the Technical Review Committee (TRC) reviews the request for technical compliance, followed by the Downtown Commission which provides design review and a recommendation for the building and site. The Planning and Zoning Commission follows with a public hearing and provides a recommendation to City Council, which takes final action. If the proposal is approved by City Council, the project will return to the TRC for a final review prior to permit issuance.

The TRC reviewed this application at their meeting on November 2, 2015, and approved it with conditions. The Downtown Commission reviewed the project at their meeting on November 13, 2015, and recommended unanimous approval. The Planning and Zoning Commission reviewed the project on November 19, 2015, with a 6-1 vote. The commissioner who cast the single vote against the project focused on the new building design which removes much of the original design elements of the structure which is described as an International Style building from the 1960's.

As required by the ordinance, the developer held a meeting for neighbors on October 14, 2015. The developer reported that about 20 people attended the meeting.

The property is zoned Central Business District as are all surrounding properties. The uses proposed with the application are compatible with surrounding uses that include a hotel under construction, office, retail, food and beverage facilities and residential units.

The AC Hotel by Marriott was approved in 2014 at the corner of College Street and Broadway. Parking for hotel guests from One West Tower will be provided in this parking structure.

The Asheville 2025 Comprehensive Plan recognizes the importance of redevelopment and reinvestment, especially in downtown where intense development is appropriate and where infrastructure is in place to support the development. The Center City Plan supports high quality architecture with new construction, while respecting historic context and the creation of pedestrian environments and open spaces that are pleasant, visually interesting and welcoming to visitors. The Downtown Master Plan emphasizes the importance of new development projects to improve sidewalks along their frontage to meet defined standards and calls attention to the importance of building caps for taller buildings to enhance the skyline of downtown Asheville.

The proposal is most closely aligned with Council's Focus Area 1: Economic Growth and Sustainability, Goal 2: Invest and leverage investment in community infrastructure by encouraging mixed-use and sustainable infill development in coordination with the Comprehensive Plan, because the project will redevelop an existing building and provide new public sidewalks and plaza infrastructure.

Considerations:

- The project represents additional investment and provides an adaptive reuse of an older downtown building.
- The project will comply with downtown design standards to enhance the skyline of downtown Asheville.
- Public infrastructure will be enhanced through new wider sidewalks and other streetscape improvements.

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

Staff recommends approval of the proposed Level III conditional zoning application with the condition modifying fenestration standards, finding it consistent with City-adopted plans and strategic goals for development.

Upon inquiry of Councilman Bothwell, Mr. Glines explained in further detail the total loss of four parking spaces (2 on North Pack Square and 2 on Patton Avenue).

When Councilman Bothwell asked about signage, Mr. Glines said that the sign ordinance will govern what can be located on the building.

In response to Councilwoman Mayfield, Mr. Glines said that there are 17-foot sidewalks in the City, noting that there is a wide sidewalk across the street from this project on the Patton Avenue side.

When Councilwoman Mayfield questioned the necessity of losing the 2 parking spaces on North Pack Square, Mr. Glines responded that they debated this issue with the Transportation Department, Police Department, Fire Department and Public Works Department and it was their final conclusion that this is not a bad solution. What is happening out there now is happening without facilities, and the Police get frustrated because people are blocking the lane backing cars up through the light. This will help alleviate that backup. This area would be for anyone in the area of downtown.

Councilman Smith said we have an occupancy tax problem where the hotel industry retains the entirety of the occupancy tax for marketing and product development, as it sees fit. Last summer the City and County approached our hotel industry partners and requested that we cooperate to have an equitable distribution of that occupancy tax. That conversation was denied. Law was changed to increase the tax and cut the City out. We know the hotel industry has a wage problem and thus contributing to the affordable housing crisis. The hotel industry has historically had a local business problem where it has forced out local businesses. There is also an infrastructure problem in regards to the number of visitors that are coming to the City and the City not seeing any return on the infrastructure tax. Most say the BB&T Building is ugly, but exploitation of the City is uglier. He has concerns about this project, but they can be ameliorated if the applicant were willing to consider this greater context, and consider living wages, consider local business, consider affordable housing, and to consider being an advocate for the people of the City in equitably redistributing the occupancy tax for public needs.

Mr. John Cooke, attorney for the applicant, said the BB&T Building has been in downtown Asheville for 50 years and is visible from every spot in Asheville. This is a rare opportunity to repurpose an existing building to conform it the City's guidelines for development and to turn it into a mixed use 21st Century activity center. First you need a building that is ready to be repurposed. Secondly, you have to have a landlord who can work with the tenants so they can relocate. Third thing you need is an owner and developer who has a sustainable vision for how this building will be repurposed and redeveloped. Finally, you need a developer and owner who has the ability to track the investment. Not one dollar of public money in this application. This is a significant development. Significant development in urban areas attract a lot of public comment about the design. There is no organized opposition to this development. There is no plausible reason to deny this project and to deny the citizens the opportunity to have a different looking BB&T Building that is going to be a mixed-use development that is a 21st Century activity center. The application proposes a mixture of uses in the Central Business District, and the Code says the Central Business District is the primary retail, hotel, cultural and entertainment center. This is a quality application and an application that is very suitable for its surroundings. This application satisfies every applicable City plan and policy. And, the application satisfies every technical standard except for the one modification explained by Mr. Glines, noting it is requested to make it compliant with some of the other City's guidelines. He asked for Council's support.

Mr. Erik Rowan, Vice-President of Development for McKibbin Hotel Group Tower LLC, spoke to the design elements. A couple noteworthy items include (1) the developer is investing an estimated \$750,000 towards construction improvements in the area surrounding the building the public realm. They will be replacing and widening sidewalks on all sides of the building, redesigning the entire plaza fronting North Pack Square. Removing the existing large planters at North Pack Square and replacing them with small sloped landscaped beds, which will create a more open inviting softer connection to the elevated outdoor dining area, activating the sidewalk. They will be adding additional outdoor dining that will overlook both College Street and Patton Avenue for additional street front activation. At the corner of College and North Pack Square, they will be cutting back the tall existing retaining wall and incorporating a new curbed terrace wall. At College Street and North Pack Square, the new extended sidewalk bulb-out will open up

the pedestrian zone. They have added over 1,600 square feet of retail with storefront on College Street at the basement level. They will narrow the loading bay on College Street and screening it with a decorative gate. On College Street they will be adding a pedestrian green stair which leads to the hotel arrival plaza above. On Lexington they will be widening the sidewalk, which will be extended onto property owned by the developer. They have added an additional public area at the corner of Lexington and Patton for an art wall with local art, and widen the sidewalk. The new parking deck will have reserved spaces for the residences of the condos at the two lower levels with the hotel arrival and check-in parking at the top level. Hotel guests will have valet and self-parking in the parking deck across the street. When the projects are completed, even at the peak occupancy there will be about 100 additional parking spaces available for the public at night and as many as 200 parking spaces available during the day. Between the two projects they will be building nearly 400 new parking spaces with private funds. They spent a tremendous amount of time evaluating how best to create an iconic high quality design for this very visible building, and outlined the many important issues the team focused on.

Mr. John McKibbon, applicant, said that he will pay the living wage for their full-time employees on this project. They also have a 401-K plan that they match profit sharing and many other benefits. In his Aloft Hotel they have been paying a living wage there for almost a year. We will support the local art scene, as we have done so in the Aloft Hotel. They will not have any national chains, but will have local or regional tenants, noting they have two local businesses in the Aloft Hotel. They will hire local and will use transit. He was not aware of the Passport Program and this might work. Also, the car sharing program is something they want to do and they will reserve a spot in the garage for the car. He reiterated comments made by Mr. Rowan about some of the design elements. Affordable housing is a real community problem. To help in this effort he is committing \$250,000 to the Housing Trust Fund. He will also work with Mountain Housing Opportunities and others to provide cash and great development expertise. Regarding the occupancy tax, he currently serves on the Tourism Development Authority Board (TDA) has pushed to get the majority of the tax for infrastructure (currently 75% goes to marketing and 25% goes for capital projects). He will support working with the state to modify how the tax is structured and distributed. He said the TDA has recently committed \$3.8 to City projects for greenways, soccer fields, Nature Center and museums. These projects will be used more by locals than by tourists, and that's the direction we want to spend more money on. He asked for the Council to weigh all the issues and make a decision that will be good for our community.

Mr. Glen Wilcox, co-partner with Mr. McKibbon, spoke in support of the project. When the building was built in 1965, Wilcox Travel was one of the first tenants in the building. Twenty-eight years ago the owners of the building were in bankruptcy. He and a few other investors borrowed the money to buy the building to save it. He has tried to save and give new life to this building. In 2014 he and Mr. McKibbon became sole owners of the building. He urged Council to support the project, noting that the majority of the tenants have moved out of the building and it will be empty soon. With Council's approval they can continue with their expensive redevelopment plans for a beautiful and vibrant community.

Mayor Manheimer opened the public hearing at 7:29 p.m.

The following individuals spoke in support of this conditional zoning for various reasons, some being, but are not limited to: this project will restore beauty to a blighted skyscraper; supports the public realm with active people uses including housing, retail, meeting space, and hotel; rooftop decorations are attractive and will be seen from near and far; this project brings new private investment and will pay a large amount of taxes; will provide funds for affordable housing, pay living wages for full-time employees, support local businesses and local artists, and will upfit an existing building; this is a good example of what the private sector can do to help our City; the developer has met with the Downtown Commission Design Review Team and has listened and been cooperative ending up with a better design; the building will be given new life; building will include meeting spaces which are needed in the downtown area; there is a high demand for condos and almost no supply; developer supports the students in the A-B Tech

Culinary Arts Program by offering scholarships, hiring interns, hiring part-time employees, hires graduates to salary management positions, etc.; happy about living wage for full-time employees, but part-time employees should be paid a living wage as well; wider sidewalk areas will be potential places for buskers; and developer has a proven commitment to local arts:

Mr. David Nutter, Asheville resident
Ms. Kim MacQueen, Asheville resident and downtown business owner
Mr. Pat Whalen, President of Public Interest Projects
Mr. Byron Greiner, Downtown Commission member
Mr. Walter Rapetski, Instructor at A-B Tech for the Culinary Arts Program
Mr. Andrew Fletcher
Mr. Timothy Sadler
Ms. Elizabeth Button, owner of Heirloom Hospitality Group
Mr. Kevin Westmoreland, local small business owner
Ms. Liz Barr, art consultant

The following individuals spoke in opposition of the condition zoning for various reasons, some being, but are not limited to: people do not want any more hotels; hotels and condos will drive up land prices and rent; hotels pay low wages; this project will widen the gap between the rich and poor; every hotel built adds more traffic and pedestrian congestion and places additional burdens on our infrastructure; the hotel industry has exploited on the backs of people who live and work; downtown needs to be a place where young people have a stake, not just in hospitality or restaurants; and part-time workers need a living wage too:

Ms. Linda Brown, resident on Grove Street, said that
Mr. Scott Owen
A young college graduate who works many odd jobs to make ends meet

Mayor Manheimer closed the public hearing at 8:05 p.m.

In response to Councilwoman Mayfield, Mr. Rowan said that all windows will be replaced with insulated glass.

Vice-Mayor Wisler said that this is an amazing reuse of an unattractive building. Even though the City Council Planning & Economic Development Committee has been tasked with reviewing some of their rules, this developer has proceeded under the existing rules and should be allowed to proceed under those existing rules. She was pleased that Mr. McKibbon has agreed to start the conversation regarding the change in occupancy tax redistribution. She will be supportive of this conditional zoning request.

Councilman Haynes acknowledged the extent to which Mr. McKibbon has compromised and ultimately presented a good project. It aims to help local businesses and artists, commits to paying a living wage, though only to full-time employees, which troubles him, and supports the goals of increasing funding for affordable housing. However, the majority opinion he has heard from his constituents on this issue urges him to vote against it on the grounds of its contribution to the unnecessary growth of the hotel industry at a time when downtown already seems overrun. He promised his constituents that he would listen to them and on this issue he will honor that promise by voting against this conditional zoning.

Councilwoman Mayfield said her thinking around this breaks down into three categories: First - process. The City has set up processes around plans and commissions/boards that consider these projects before they get to Council. The boards/commissions that have considered this have made recommendations to approve, virtually unanimous, and Council should have a good reason to disagree with those recommendations. Second - land use and smart growth aspects. This kind of mixed use building in our downtown core is the exact kind of building that will reduce traffic and allow people to talk and take transit. That is certainly true for

visitors to our town who would otherwise be staying out on Tunnel Road or Patton Avenue. Third - occupancy tax. He has heard from constituents not to approve any hotels until the occupancy tax is changed. She is the Council liaison to the TDA Board and she will try to address this problem. The tax is a legislative change. We need to build a broader community consensus around what needs to happen with that money and be ready in 2017. She appreciated the applicant's willingness to support those efforts. The City will need a lot of allies to make this happen. Fourth - we have to have a legal basis on which to deny approvals for conditional zonings. The fact that the occupancy tax structure has not changed is not a legal basis which we can deny this project. While she appreciates all of the concerns, on balance, the commitment around living wages, support of local business, affordable housing and transit, she thinks this is an opportunity to set a new bar ("McKibbon Standard") for future hotel owners. She will support the project.

Councilman Bothwell has been critical about the room tax for a long time, and we need to find a legislative solution to that redistribution formula. The main objection he has heard is that it's a hotel. He felt that if this was not a hotel and everything else was going to happen to this building, the City would be cheering for this project. He felt this is an amazing project.

Mayor Manheimer said that one way to create pressure businesses to pay better wages is for the City to pay our employees a living wage, which we do, and for developers like Mr. McKibbon to lead in the effort. She felt that as this Council looks at moving towards review of new hotel applications in our City that we will be thinking about the bar Mr. McKibbon has raised and it sets a stage for a new way to view the new growth that we are experiencing. She appreciated Mr. McKibbon's leadership and would support this project.

Councilman Smith said that with Mr. McKibbon's declarations of principles that we are seeing a new day in Asheville. He appreciated that Mr. McKibbon has heard what the people of Asheville are asking for from its industry leaders, and that is the importance of paying a living wage and preferring our local artists and businesses. He was pleased that the developer is willing to use the Passport Program to increase transit usage and decrease traffic. He felt that with the McKibbon Standard, and his willingness to stand and advocate for a change to the distribution of the occupancy tax which is so valuable and important, he would support this project.

Councilman Bothwell moved to approve the Level III conditional zoning request for One West Pack Square and 11 Patton Avenue from Central Business District (CBD) to Central Business District Conditional Zone (CBD CZ) with the submitted conditions, site plan and elevations, 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) new investment in Downtown Asheville is appropriate and encouraged; (2) the proposal will add visual interest to the downtown skyline; and (3) public infrastructure is enhanced with new sidewalks and streetscape improvements. This motion was seconded by Vice-Mayor Wisler and carried on a 5-2 vote, with Councilman Hayes and Councilman Young voting "no"

ORDINANCE BOOK NO. 30 - PAGE 210

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

BOARDS AND COMMISSIONS

Vice-Mayor Wisler said that the applicant pool on these vacancies has been outstanding and she appreciated everyone's effort in stepping forward to help the community.

Councilman Bothwell urged residents to not only apply for boards/commissions that have current vacancies, but to review the City's Talent Scout and apply for a board/commission that you have interest in.

Regarding the Affordable Housing Advisory Committee, the following individuals applied for the vacancies: Eric McDaniel, Kama Ward, Zachary Eden, Sage Turner, Laura Collins, Charlene Jones, Arthur Myers, Emily Coleman-Wolf, Barry Bialik, Richard Fort, John Brigham, Rita Yerby, Jo Ikelheimer, Mark Collins and Amy Murphy-Nugen. Councilman Bothwell moved to appoint Jo Ikelheimer and interview Barry Bialik, Laura Collins and Richard Fort. This motion was seconded by Councilman Smith and carried unanimously.

Regarding the Downtown Commission, the following individuals applied for the vacancy: John Menkes, Constance Richards, Drea Jackson, Audra Gaiziunas, Rae Geoffrey, Kelly Prime, Carter B. Webb, Sage Turner, Mike Marcus, Franz Charen, Andrew Fletcher, Taryn Gentry, John Monroe and John Kloeckner. Vice-Mayor Wisler moved to reappoint Dane Barrager, Brent Campbell and Pamela Winkler and interview Franz Charen, Sage Turner, Andrew Fletcher and Mike Marcus. This motion was seconded by Councilman Young and carried unanimously.

Regarding the HUB Community & Economic Development Alliance, the following individuals applied for the vacancy: Ted Figura, Hunter Goosman, Ed Manning, Grant Millin, Kendra Sherrod, Cheri Torres, Brooke Brownlow, Rebecca Crandall, Rich Lee, Toya Hauf, Rita Yerby and Mark Collins. Councilman Young asked that Ms. Hauf's application be forwarded to the County for consideration as she is a County resident. Vice-Mayor Wisler moved to interview Ted Figura, Brooke Brownlow, Mark Collins and Rich Lee. This motion was seconded by Councilman Bothwell and carried unanimously.

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancy: Mike Zukoski, Kelly Prime, Meredith Gregory, Eric Workman, Richard Rozzelle, Keaton Edwards, Seth Connelly, Michael Speciale and Devin Clancy. Due to some confusion with the application process, Vice-Mayor Wisler moved to advertise this vacancy for a person with a demonstrated transit interest. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION NO. 16-18 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the term to Christine Longoria, alternate member on the Board of Adjustment, expires on January 21, 2016.

The following individuals have applied for the vacancy: Eric Workman and Paul Wilczynski.

Vice-Mayor Wisler moved to reappoint Christine Longoria as an alternate member to the Board of Adjustment, to serve a three year term, term to expire January 21, 2019, or until her successor has been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 37 - PAGE 365

RESOLUTION NO. 16-19 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the term to Kathryn Liss, as a member on the Asheville-Buncombe Community Relations Council, expired on December 231, 2015.

The following individuals have applied for the vacancy: Roberto Hess, Dana Blake, Katie Latino, Eric McDaniel, Toya Hauf, Paul Jelenchick, Alfred Kalahati, Lauren Pittman and Ben Scales. Councilman Young asked that Ms. Hauf's application be forwarded to the County for consideration as she is a County resident.

Vice-Mayor Wisler moved to reappoint Kathryn Liss to the Asheville-Buncombe Community Relations Council, to serve a three year term, term to expire December 31, 2018, or until her successor has been appointed. This motion was seconded by Councilman Smith and carried unanimously.

RESOLUTION BOOK NO. 37 - PAGE 366

RESOLUTION NO. 16-20 - RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the terms of Lawrence Pittman, Torin Kexel, and Josh O'Conner, as members on the Sustainability Advisory Committee on Energy & the Environment (SACEE) expired on December 31, 2015. In addition, Katie Bray has resigned as a member, thus leaving an unexpired term until December 31, 2017.

The following individuals have applied for the vacancy: Philip Pritchard, Julie Loveless, Jackson Tierney, Jeremiah Mattysse, Erin Singer McCombs, Hannah Furguele, Grant Millin, Sam McLamb, Geoffrey Habron, Eric Workman, Rich Lee, Kendra Sherrod, Brad Rouse, Keith McDade, Amanda Fairley, April Brown and Emily Boyd.

Vice-Mayor Wisler moved to (1) reappoint Lawrence Pittman and Josh O'Conner, to each serve a an additional three-year term respectively, terms to expire December 31, 2018, or until their successors have been appointed; (2) appoint Geoffrey Habron to serve the unexpired term of Ms. Bray, term to expire December 31, 2017, or until his successor has been appointed; and (3) appoint Keith McDade to a three-year term, term to expire December 31, 2018, or until his successor has been appointed. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 37 - PAGE 367

RESOLUTION NO. 16-21 - RESOLUTION APPOINTING A MEMBER TO THE FIREMEN'S RELIEF FUND

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the term of Pat Leckey, as a member on the Firemen's Relief Fund, expired on January 1, 2016.

The following individual applied for the vacancy: Alfred Kalahati.

Vice-Mayor Wisler moved to appoint Alfred Kalahati to the Firemen's Relief Fund, to serve a two-year term, term to expire January 1, 2018, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 37 - PAGE 368

RESOLUTION NO. 16-22 - RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the term of Celeste Collins as a member on the Homeless Initiative Advisory Committee (HIAC), expired on November 1, 2015.

The following individuals have applied for the vacancy: Eric McDaniel, Charlene Jones, Arthur Myers, Seth Connelly, Dale Davidson, Sarah Lancaster, Emily Whitmire, Amy Upham, John Sterling, John Kloeckner and R. Scott Owen.

Vice-Mayor Wisler moved to appoint Amy Upham to serve as a member of the Homeless Initiative Advisory Committee, to serve a three-year term, term to expire 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 369

RESOLUTION NO. 16-23 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that Ms. Patti Torno (representing a design professional) has resigned as a member of the Asheville Area Riverfront Redevelopment Commission, thus leaving an unexpired term until January 1, 2016.

The following individuals have applied for the vacancy: John Brigham, Jane Mathews and Steve Winter.

Vice-Mayor Wisler moved to appoint Jane Mathews as a member of the Asheville Area Riverfront Redevelopment Commission (representing the design professional), to fill the unexpired term of Ms. Torno, term to expire January 1, 2019, or until her successor has been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 37 - PAGE 370

RESOLUTION NO. 16-24 - RESOLUTION APPOINTING MEMBERS TO THE TREE COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the terms of Stephen Hendricks and Leslee Reiter, as members on the Tree Commission, expired on December 31, 2015.

The following individuals have applied for the vacancies: Carl Nyberg, Diane Hillgrove, Sara Surabian and John Brigham.

Vice-Mayor Wisler moved to (1) reappoint Stephen Hendricks to serve a three year term, term to expire December 31, 2018, or until his successor has been appointed; and (2) appoint Carl Nyberg to serve a three year term, term to expire December 31, 2018, or until his successor has been appointed. This motion was seconded by Councilman Smith and carried unanimously.

RESOLUTION BOOK NO. 37 - PAGE 371

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Timothy Sadler questioned Council's reappointment process.

Mr. Andrew Fletcher urged for accurate information on the City's website.

Ms. Imke and Ms. Inge Durre asked for City Council's support of a preservation initiative to preserve the small urban forest located on 11 Collier Avenue. Ms. Inge Durre explained the proposal in detail which as to propose a land swap of the Collier Avenue tract for 33/35 Page Avenue, subject to various conditions with the transfer to happen no later than April 1, 2016,

subject to appraisals of both parcels to each party's satisfaction. All of Council noted this is a worthy cause; however, after a brief discussion, it was the consensus of Council that due to a variety of reasons, i.e., deadline of April 1, challenge of private fundraising, other worthy neighborhood requests, etc.), that no more staff time would be devoted to this effort.

Closed Session

At 9:08 p.m., Councilman Young moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 9:21 p.m., Councilman Smith moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

VIII. ADJOURNMENT:

Vice-Mayor Wisler adjourned the meeting at 9:21 p.m.

CITY CLERK

MAYOR