

Tuesday – June 14, 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.

Mayor Manheimer asked for a moment of silence for the victims and families of the tragedy in Orlando, Florida.

**I. PROCLAMATIONS:**

**A. PROCLAMATION PROCLAIMING JUNE 16-25, 2016, AS "POLLINATION CELEBRATION WEEK"**

Councilman Bothwell read the proclamation proclaiming June 16-25, 2016, as "Pollination Celebration Week" in the City of Asheville. He presented the proclamation to Ms. Phyllis Stiles, who briefed City Council on some activities taking place during the week.

**II. CONSENT AGENDA:**

At the request of City staff, Mayor Manheimer asked for an addition to the Agenda to amend the 2016 City Council meeting schedule.

**A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 17, 2016**

**B. RESOLUTION NO. 16-126 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS WITH CHERRY BEKAERT LLP FOR AUDITING SERVICES FOR FISCAL YEAR 2015-16 AND PENSION CENSUS DATA TESTING FOR CALENDAR YEAR 2015**

Summary: The consideration of a resolution authorizing the Mayor to execute contracts with Cherry Bekaert LLP for auditing services for fiscal year 2015 – 2016 and pension census data testing for calendar year 2015.

North Carolina General Statute §159-34 requires that local governments have its accounts audited each fiscal year and submit a copy of the audit report and financial statements to the Local Government Commission. In response to the aforementioned general statute, staff recommends retaining the services of Cherry Bekaert LLP to conduct the audit of the city's accounts for the fiscal year ending June 30, 2016. The estimated fee for fiscal year 2015-2016 audit and financial statement preparation is \$88,000.

In addition to the regular annual audit required by the general statutes and discussed above, the City is required to have its pension census data tested this year. Government Accounting Standards Board (GASB) Statement 67 "Financial Reporting for Pension Plans" introduced new reporting requirements. These requirements have prompted a new procedure by the NC Office of State Auditor (OSA) to select several employer participants in the Local

Government Employees' Retirement System (LGERS) each year and require those units to engage their independent auditors to provide assurance to the OSA on the accuracy of the pension census data supplied to LGERS for their actuarial studies. The City of Asheville was chosen by the OSA for calendar year 2015 testing. The fee for this service, also provided by Cherry Bekaert LLP, is \$5,000 and will be contracted separate and apart from the City's annual audit.

The Audit Policy portion of City Council's Financial Policies which states that the City "shall enter into multiyear agreements of not more than five years in duration through a series of single-year contracts as consistent with applicable legal requirements." This will be the fourth consecutive year of contracting Cherry Bekaert LLP to perform the City's audit. No competitive bid process was conducted this year.

Pro:

- Contracting with Cherry Bekaert LLP aligns with City Council's financial policy and will help ensure the timely and successful completion of the annual audit.

Con:

- None noted.

Fees of \$88,000 for the annual audit and \$5,000 for the pension data testing have been proposed and are included in the Finance Department's portion of the annual operating budget.

Staff recommends adoption of the resolution authorizing the Mayor to execute contracts with Cherry Bekaert LLP in the amount of \$88,000 for auditing services for fiscal year 2015-2016 and \$5,000 for pension data testing services for calendar year 2015.

#### **RESOLUTION BOOK NO. 38 - PAGE 62**

#### **C. RESOLUTION NO. 16-127 - RESOLUTION SUPPORTING STRATEGIC EVENT PARTNERSHIP AGREEMENTS AND CONTINUATION OF FEE DISCOUNTS FOR EVENTS PRODUCED BY 501c NON-PROFIT ORGANIZATIONS**

Summary: The consideration of a resolution supporting strategic event partnership agreements, and continuation of fee discounts for events produced by 501c non-profit organizations.

In October 2013, outdoor special event administration became a function of the Community & Economic Development department with a focus on cultivating outside partnerships to capitalize on the benefits of special events, leveraging event programs to maximize economic and community development returns. At the City Council meeting on May 27, 2014 a resolution was passed establishing three-year event partnership agreements with the Asheville Downtown Association, YMI Cultural Center, and Community Betterment Foundation/Folk Heritage Committee supporting events including but not limited to the Asheville Holiday Parade, Downtown After 5, Goombay, and Shindig on the Green at a combined maximum in-kind support value of \$125,000 per year. A 75% reduction in property use and event permit fees continued for all other outdoor special events open to the public and produced on public property by registered 501c non-profit organizations.

City staff has worked through each partnership to establish goals, track performance over time, and manage in-kind service delivery costs. Efforts to serve a diverse community have been accomplished through performance measures tracked by city staff.

Calendar year 2016 is the final year of the City's current strategic event partnership agreements. A request for proposals seeking partners for years 2017-2019 was released and proposals were received as outlined in Table A. To partner with all organizations for the scope of

work and value proposed, an in-kind and cash total of \$188,364 would be required for year 1, \$166,864 for year 2, and \$166,864 for year 3. \*The higher amount in year 1 is based on a request from LEAF to secure partnership funding beginning with the 16-17 fiscal year in the amount of \$21,500 to allow support for the 2016 LEAF Downtown festival. A list of the proposers and support requested by each is provided in Table A, below.

**TABLE A**

Organizations	Cash Reimbursement	In-Kind & Fee Waivers	Total Per Year
5 Point Film Festival	\$15,000	\$15,000	\$30,000
Appalachian Sustainable Agriculture Project	\$0	\$16,747	\$16,747
Asheville Area Arts Council	\$0	\$9,336	\$9,336
Asheville Downtown Association	\$0	\$61,225	\$61,225
Asheville Grown Business Alliance	Undefined	Undefined	\$0
Community Betterment Foundation/Folk Heritage Committee	\$0	\$15,008	\$15,008
*LEAF	\$0	*\$48,650/\$27,150	\$27,150
Mountain Sports Festival	\$0	\$5,478	\$5,478
RiverLink	\$0	\$1,920	\$1,920
<b>Total Year 1 (2017) Support Value (*incl. LEAF Downtown in 2016)</b>			<b>\$188,364</b>
<b>Total Annual Support Value (2018 &amp; 2019: Years 2 &amp; 3)</b>			<b>\$166,864</b>

Staff led a proposal evaluation process employing the assistance of two groups: staff members from the Special Event Review Team, and a five-member stakeholder team comprised of City board and commission representatives. An additional level of review by Finance delivered observations on the financial health derived from budget information provided with each proposal.

Staff presented its findings and recommendations to the Planning & Economic Development Committee (PED) on April 19, 2016. Staff recommendations included establishing partnership agreements with LEAF, the Asheville Downtown Association, the Community Betterment Foundation/Folk Heritage Committee, the Asheville Area Arts Council, Appalachian Sustainable Agriculture Project, and RiverLink at a total combined maximum in-kind commitment of \$118,000 per year. Staff also recommended the continuation of fee reductions to registered 501c non-profit organizations at a rate of 50% off standard property use and permit fees when the events are open to the public and produced on public property.

PED reviewed the staff recommendations, and felt that the proposals submitted align with the 2036 council vision in the areas of support for a diverse community, a well-planned and livable community, a thriving local economy, and a connected and engaged community. As a smart city, the City of Asheville invests in partnerships that enrich the quality of life for its citizens.

A motion to recommend to City Council to fund all proposals at 100% of requested amounts was unanimously approved, including LEAF in 2016, but excluded a \$15,000 per year cash request from 5 Point Film Festival. This motion also supported the continuation of fee reductions to 501c non-profit organizations at the current rate of 75% off standard property use and permits fees.

Pros:

- Allows the City to leverage resources for programming and events that serve a wider and more diverse audience
- Creates performance-driven public-private partnerships that employ events as a tool to stimulate the local economy while providing quality cultural experiences and opportunities for community engagement
- 3-year terms allow time for outcomes to be evaluated and provides multi-year consistency to effectively scale special event initiatives
- Supports non-profit organizations

Cons:

- Overtime for Police, Fire and Public Works staff
- Lost revenue for permits, parking fees and property use fees

In-kind support and fee discounts result in lost revenue, and labor support results in increased personnel expenses. Associated expense and revenue impacts are accounted for under existing department budgets for outdoor special event support.

The Planning & Economic Development Committee recommends City Council adopt a resolution authorizing the City Manager to approve a resolution permitting the Community & Economic Development department to execute strategic event partnership agreements with the Asheville Downtown Association, Appalachian Sustainable Agriculture Project, LEAF, Community Betterment Foundation/Folk Heritage Committee, RiverLink, Asheville Area Arts Council, Mountain Sports Festival and 5 Point Film Festival at an in-kind maximum value of \$173,364 for year 1, \$151,864 for year 2, and \$151,864 for year 3, and the continuation of discounts to registered 501c non-profit organizations at a rate of 75% off standard property use and permit fees for outdoor special events that are open to the public and produced on public property.

**RESOLUTION BOOK NO. 38 - PAGE 63**

**D. RESOLUTION NO. 16-128 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PINNACLE LANDSCAPING LLC TO PROVIDE GROUND MAINTENANCE SERVICES AT PACK SQUARE PARK. GRACE'S GARDEN AND PRITCHARD PARK**

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Pinnacle Landscaping, LLC to provide grounds maintenance services at Pack Square Park, Grace's Garden and Pritchard Park in the amount of \$139,915 plus a contingency of \$15,000 for a total of \$154,915.

The grounds maintenance contract for Pack Square Park, Grace's Garden and Pritchard Park consist of the provision of all labor, supervision, equipment, materials, and supplies necessary to perform various grounds maintenance services.

The City of Asheville (City) prohibits the use of all herbicides including glyphosate on City property. Pinnacle Landscaping, LLC will use environmentally friendly weed control methods as approved by the City and specifically stated in the grounds maintenance contract. Edible plant materials will be considered in the landscape materials in compliance with the City's Food Action Plan and in coordination with the Office of Sustainability.

In support of this operations project, the City issued an Advertisement for Bids for annual grounds maintenance and received three bids.

1. Pinnacle Landscape, LLC, Asheville, North Carolina (\$139,915)
2. Locust Property Management, Inc., Charlotte, North Carolina (\$150,000)
3. Rivertop Contracting, Inc., Swannanoa, North Carolina (\$198,190)

After thorough review and evaluation, staff selected Pinnacle Landscape, LLC, 61 Dillingham Road, Asheville, North Carolina as the lowest, responsible bidder. The base bid is \$139,915 plus a contingency of \$15,000 for unit costs associated with repairs to landscaping, irrigation, and seasonal maintenance items such as snow removal for a total of \$154,915. Pinnacle Landscape, LLC held the ground maintenance contract for Pack Square Park for the Fiscal Year (FY) 2014-2016. Grace's Garden and Pritchard Park are an addition to the scope of work for the FY 2017 contract.

The grounds maintenance contract will extend until June 30, 2017, with the option for two (2), twelve (12) month renewals based on contractor performance.

Pro:

- Supports the efficient delivery of core park maintenance services.

Con:

- None

The \$139,915 plus contingency of \$15,000 for a total of \$154,915 to support the Pinnacle Landscape, LLC contract to provide grounds maintenance services at Pack Square Park, Grace's Garden and Pritchard Park is budgeted in the general fund operating budget for the Parks and Recreation Department.

Staff recommends that City Council adopt a resolution authorizing the City Manager to enter into a contract with Pinnacle Landscape, LLC to provide grounds maintenance services at Pack Square Park, Grace's Garden and Pritchard Park in the amount of \$139,915 plus a contingency of \$15,000 for a total of \$154,915.

#### **RESOLUTION BOOK NO. 38 - PAGE 64**

#### **E. ORDINANCE NO. 4506 - BUDGET AMENDMENT FOR THE PROCUREMENT AND INSTALLATION OF LED EXTERIOR LIGHTING AT TWO TRANSIT FACILITIES**

Summary: The consideration of a budget amendment in the amount of \$6,000 from General Fund Sustainability funds to increase the original project budget for the procurement and installation of LED exterior lighting at two Transit facilities.

In February 2015, City Council approved a project budget of \$10,000 for exterior lighting upgrades at both the Asheville Redefines Transit station on Coxe Avenue as well as the Transit Maintenance Facility on West Haywood Street. Funding from the Federal Transportation Administration provided \$8,000 toward the project and the City's Sustainability program covered the remaining \$2,000.

This project was then delayed due to staff workload. Bids were finally solicited in April of 2016, and the winning bid came in at \$14,507.06. In order to have enough funding to award the bid and provide for a contingency, staff is requesting a budget amendment in the amount of \$6,000 from General Fund Sustainability funds.

Pros:

- Energy saving opportunity will cut energy consumption of exterior lighting in half
- Better, brighter light will create a safer environment for both ART riders and ART staff

Cons:

- None foreseen

The lighting project will be paid with a combination of \$8,000 FTA grant money and \$8,000 from the City's Sustainability program.

City staff recommends City Council adopt a budget in the amount of \$6,000 from General Fund Sustainability funds to increase the original project budget for the procurement and installation of LED exterior lighting at two Transit facilities.

**ORDINANCE BOOK NO. 30 - PAGE 337**

**F. RESOLUTION NO. 16-129 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ADOPT-A-PARK AGREEMENT WITH JUST FOLKS TO INCLUDE A WAIVER OF PERMIT FEES FOR TRIANGLE PARK FOR FISCAL YEAR 2016-17**

Summary: The consideration of a resolution authorizing the City Manager to sign an Adopt-a-Park Agreement with Just Folks to include a waiver of permit fees for Triangle Park for Fiscal Year (FY) 2016-2017.

Just Folks is a local non-profit organization whose primary purpose is to support community-building activities in the Eagle/Market Street area known as "The Block". Beginning in 2012, City Council has annually approved a resolution authorizing the City Manager to sign an Adopt-a-Park Agreement with Just Folks that includes a \$2,500 waiver of park use fees at the reduced rate provided for local non-profits.

The waiver makes it possible for Just Folks to produce events that activate Triangle Park by providing a variety of positive activities including music festivals, community cookouts and other community-building events in the park. These events contribute to more positive use of the area and result in the park being used by a more diverse group of city residents and visitors.

Beginning with the FY 2016-2017 agreement, Just Folks is expanding its events to require the use of tents and food preparation. The addition requires fees to include park use, tent use and fire permits. The additional permits increases fees from the historic amount of \$2,500 in previous fiscal years to \$3,058 in Fiscal Year 2016-2017.

Just Folks is requesting renewal of its Adopt-a-Park Agreement with the City for FY 2016-2017, and the \$3,058 fees for park use, tent use and fire permits be waived as part of the agreement.

Pros:

- Strategic partnerships allow the City to leverage programming and events to reach a wider and more diverse audience.
- Provides additional quality cultural programming and diversity in a park that is generally not used for this type of event.
- Reduces staff time in processing fee and permitting waiver requests related to this group's events.
- Consistent with other partnerships for park programming in key community development areas.
- Creates a sense of place in an historic area of the city.

Con:

- The reduction in park use and permit fees result in lost revenue for the City; however, the City has not budgeted for this revenue.

The value of the waived park use, tent use, and fire permit fees is \$3,058; however, this revenue is not included in the FY 2016-2017 budget.

Staff recommends that City Council authorize the City Manager to sign the Adopt-a-Park Agreement with Just Folks including a fee waiver for park use, tent use, and fire permit fees up to \$3,058 associated with programming in Triangle Park.

**RESOLUTION BOOK NO. 38 - PAGE 65**

**G. RESOLUTION NO. 16-130 - RESOLUTION APPOINTING A MEMBER TO THE MILLS RIVER PARTNERSHIP BOARD OF DIRECTORS**

Summary: The City of Asheville has an unfilled seat on the Board of Directors for the Mills River Partnership. Mr. Marc Hunt be and he is hereby appointed as a member to the Mills River Partnership Board of Directors to serve a three-year terms, term to expire June 14, 2019, or until his successor has been appointed.

**RESOLUTION BOOK NO. 38 - PAGE 66**

**H. MOTION ADOPTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR THE CONDITIONAL USE PERMIT FOR THE ASHEVILLE OUTLETS LOCATED AT 800 BREVARD ROAD, ASHEVILLE, N.C.**

Summary: This public hearing was held on May 17, 2016.

**I. RESOLUTION NO. 16-131 - RESOLUTION REAFFIRMING RESOLUTION NO. 15-104 APPROVING THE ISSUANCE OF BONDS BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FOR SPRUCE HILL APARTMENTS**

Summary: The consideration of a resolution re-affirming Resolution No. 15-104 approving the issuance of bonds by the Housing Authority of the City of Asheville for the Spruce Hill Apartments.

As explained in the Staff Report presented to City Council on June 9, 2015, SP Affordable Housing Group III LLC (SP) has requested that the Asheville Housing Authority issue up to \$10,000,000 in multi-family revenue bonds for the acquisition and renovation of Spruce Hill Apartments, consisting of 174 affordable apartments, located off Old Haw Creek Road in East Asheville. SP is seeking to keep these units affordable, using a combination of 4% Low Income Housing Tax Credits and bond debt.

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

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

All units at Spruce Hill will be affordable to households earning no more than 60% of Area Median Income for 30 years. 18 units will be affordable to households at 50% of Area Median Income.

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

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

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

The IRS requires that any bonds issued by Housing Authority for developments such as this have the approval of the plan of financing by City Council, following a public hearing with respect to such plan. On May 27, 2015 the Housing Authority held a public hearing, and there were no comments.

On June 9, 2015, the City Council adopted Resolution No. 15-104 approving in the principle the issuance of up to \$10 Million Multi-Family Housing Revenue Bonds to provide financing for the acquisition and renovation of Spruce Hill Apartments. In May of this year, the City was informed by the Housing Authority's Counsel, that the financing process had taken longer than anticipated and that the approved bonds had not yet been issued. Counsel also informed the City that the IRS Code requires that bonds of the Housing Authority approved by the City must be issued within one year of the date of such approval. Therefore, a resolution re-affirming the City Council's prior approval of the bond issuance is required.

Pro:

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

Con:

- None.

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

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

#### **RESOLUTION BOOK NO. 38 - PAGE 67**

#### **J. RESOLUTION NO. 16-132 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE KRUGER BROTHERS CONCERT PRE-RECEPTION**

**RESOLUTION NO. 16-133 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT BEAT THE HEAT**

**RESOLUTION NO. 16-134 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE RUNNING EXPERIENCE**

Summary: The consideration of authorizing the City Manager to approve resolutions making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Kruger Brothers Concert Pre-Reception, Beat the Heat, and the Asheville Running Experience.

- Wild South has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Kruger Brothers Concert Pre-Reception and allow for consumption at this event.

The Kruger Brothers Concert Pre-Reception will be held on Friday, June 24, 2016 from 5:00 p.m. to 9:00 p.m., within the boundaries of Church Street between the intersections of Commerce Street and Aston Street, as per the area limits referenced on the accompanying site map.

- Friends of the WNC Nature Center has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Beat the Heat and allow for consumption at this event.

Beat the Heat will be held on Friday, July 22, 2016 from 6:00 p.m. to 8:00 p.m. within the boundaries of the WNC Nature Center as per the area limits referenced on the accompanying site map.

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

The Asheville Running Experience will be held on Saturday, August 20, 2016 from 5:00 a.m. to 8:00 p.m. within the boundaries of Coxe Avenue between the intersections of Banks Avenue and Hilliard Avenue as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for Wild South, Friends of the WNC Nature Center, and Blue Ridge Roller Derby, Inc.

Con:

- Potential for public safety issues

Staff recommends City Council authorize the City Manager to approve resolutions making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Kruger Brothers Concert Pre-Reception, Beat the Heat, and the Asheville Running Experience.

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**K. RESOLUTION NO. 16-135 - RESOLUTION AMENDING THE ASHEVILLE STANDARD SPECIFICATIONS AND DETAILS MANUAL**

Summary: The consideration of an amendment to the City's Standard Specifications and Details Manual.

The City's Standard Specifications and Details Manual provides design guidelines and technical specifications for construction activities related to streets, sidewalks, water systems, storm drainage, parking lots, and pavement structure. The Manual outlines the City's minimum construction standards and is applicable to projects on both public and private property.

The Manual is intended to be periodically updated so that it continues to reflect generally accepted professional technical standards and specifications and City policies. City Council is required to approve all revisions and updates to the Manual, and the most recent update was approved by City Council on June 9, 2015.

The Manual sets forth a process by which a developer/property owner may request and be granted an alternation, modification or waiver of the Manual's requirements. City Staff recommends amending the Manual, to clarify the effect that obtaining such approval has on determining whether the requirements of the Manual have been met. Specifically, City Staff recommends adding language that states: "projects which are granted an alteration, modification or waiver under this process are deemed to be in compliance with the requirements of this Manual with respect to the provision(s) so altered, modified or waived." This amendment is recommended, in part, to clarify the relationship between the Manual and development standards set forth in the UDO that require compliance with adopted City plans and manuals.

Pros:

- Continues to provide minimum design and construction standards, guidelines, and specifications.
- Clarifies that projects which are granted an alteration, modification or waiver under this process are deemed to be in compliance with the requirements of this manual with respect to the provisions so altered, modified or waived
- Clarifies what constitutes compliance for UDO development standards that require compliance with the Manual.

Con:

- There are no known negative impacts.

There is no known fiscal impact associated with this action.

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

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**L. RESOLUTION NO. 16-136 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH BUNCOMBE COUNTY FOR ONE-TIME FUNDING FOR THE COMMUNITY-BASED GROUP CHANGING TOGETHER**

Summary: The consideration of a resolution authorizing the City Manager to sign an agreement with Buncombe County (the "County") for one-time funding, in the amount of \$35,000, for two crime prevention programs coordinated by the County Contractor, SPARC Network, LLC, and involving the work of the community-based group, Changing Together.

The Asheville Police Department (APD) has received a request for \$35,000 in one-time funding from the community-based group, Changing Together (CT) to help offset the loss of the program's primary grant funding.

Changing Together works in collaboration with APD to coordinate the Violent Criminal Initiative (VCI) and the Domestic Violence Intimate Partner (DVIP) Initiative. These programs rely on coordinated efforts between Federal, State and Local Law Enforcement Agencies including the District Attorney's Office, North Carolina Department of Corrections/Probation, APD and the Buncombe County Sheriff's Office. Partnering agencies coordinate efforts to assist in identifying subjects that could benefit from community accountability meetings referred to as "Call Ins."

During "Call Ins," offenders are addressed by all partnering law enforcement agencies and offered support services provided by various partner agencies/non-profit agencies. The goal is to minimize the chance offenders will reoffend by offering a variety of social services. The City has been an ongoing partner since the program's inception and launch in 2011.

The Changing Together program is housed under the SPARC Network, LLC which provides contracted programming for Buncombe County Health and Human Services. The proposed agreement would be between the City of Asheville and Buncombe County and would rely upon the performance measures currently assessed by the County.

Pros:

- Changing Together provides programming that supports the mission of APD.
- The City has a history of partnering with Changing Together – programmatic oversight of grant requirements was overseen by the City's Communication and Public Engagement Division (CAPE) in previous years and APD provided \$6,600 in support in the current fiscal year.
- APD has identified savings in its current FY 2015-16 budget to fund the request.
- Through its contract with the SPARC Network, LLC, Buncombe County has systems in place to measure performance outcomes.

Cons:

- Request was received outside the normal process for funding Strategic Partner agencies.
- Funding Changing Together sets a precedent for other agencies whose mission closely aligns with APD's.

The fiscal impact of the City's support is \$35,000 from the existing FY 2015-16 Police Department budget.

Staff recommends that the City Council authorize the City Manager to sign an agreement with Buncombe County for one-time funding, in the amount of \$35,000, for two crime prevention programs coordinated by the County Contractor, SPARC Network, LLC and involving the work of the community-based group, Changing Together.

City Manager Jackson responded to Councilwoman Mayfield regarding the process cycles of funding to outside partners.

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**M. RESOLUTION NO. 16-137 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH 4 SEASONS SITE & DEMO INC. FOR THE DEMOLITION OF 33-35 PAGE AVENUE**

Summary: The consideration of a resolution authorizing the City Manager to execute, on behalf of the City of Asheville, a contract in the amount of \$98,788 plus a contingency of 16.4% (\$16,212) with 4 Seasons Site & Demo Inc. for the project known as 33 & 35 Page Avenue

Demolition, City of Asheville Project # ED-15-16-001, and further authorizing the execution any change orders to said contract which may arise during demolition of said building up to the budgeted amount of \$115,000.

City Council has asked that this building be demolished, and a budget amendment in the amount of \$115,000 was approved at Council's March 8, 2016, meeting for this project. The project was advertised on April 22, 2016. Bids were opened on May 3, 2016, with the following results:

4 Seasons Site & Demo of Wilmington NC,	\$ 98,788
Empire Dismantlement of Grand Island NY,	\$109,750
Mitch Contracting of Fairview NC,	\$127,000
NHM of Asheville NC,	\$130,000
Patton Construction Group of Asheville NC,	\$130,590
B Allen Construction of Candler NC,	\$157,400

A 16.4% contingency (\$16,212) has been added to allow payment for any unforeseen costs that typically arise during demolition projects. The work produced from this contract would demolish a vacant building in poor condition and make space for a future project.

Pros:

- Will demolish a vacant building in poor condition downtown.
- Will abate the asbestos in the building
- Will create space for a future project.

Con:

- Demolition will be disruptive to adjacent residences and businesses.

The total budget for this project, including contingency, is \$115,000. As noted above, a budget of \$115,000 was established for this project in March 2015 using unassigned General Fund fund balance.

City staff recommends City Council adopt the resolution awarding the contract to 4 Seasons Site & Demo Inc. for the 33 & 35 Page Avenue Demolition Project and giving the City Manager the authority to execute any change orders up to the budgeted amount.

#### **RESOLUTION BOOK NO. 38 - PAGE 80**

#### **N. RESOLUTION NO. 16-138 - RESOLUTION APPROVING AN INSTALLMENT FINANCING AGREEMENT WITH WELLS FARGO FOR THE FISCAL YEAR 2016 CAPITAL IMPROVEMENT PROGRAM ACQUISITION OF VEHICLES AND OTHER EQUIPMENT**

Summary: The consideration of a resolution authorizing execution of a \$5,520,000 installment financing contract for Fiscal Year (FY) 2016 Capital Improvement Program (CIP) Vehicles and Other Equipment.

Appropriations for FY 2016 include \$5,520,000 for various vehicles, computer equipment and fire department equipment with the capital expenditures financed through debt proceeds.

On May 24, 2016, the City distributed a Request for Proposal (RFP) seeking competitive bids for the financing to selected financing partners willing to take a UCC filing for the security of the financing. Three proposals were received, the most favorable of which was submitted by Wells Fargo Bank, NA (the Bank) at an interest rate of 1.25% per annum for a term of 48 months (computer equipment) and 59 months (vehicles).

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

Pros:

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

Con:

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

The annual debt service payments for this financing range between approximately \$1,243,000 in the first year and approximately \$801,000 in the fifth year. Funds are included in the City's FY 2016-17 proposed debt service budget to cover this cost.

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

**RESOLUTION BOOK NO. 38 - PAGE 81**

**O. RESOLUTION NO. 16-139 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION ENGINEERING AND INSPECTION CONTRACT WITH VAUGHN & MELTON CONSULTING ENGINEERS FOR THE HENDERSONVILLE ROAD SIDEWALK IMPROVEMENTS PROJECT**

Summary: The consideration of a resolution authorizing the City Manager to execute a construction engineering and inspection (CEI) contract with Vaughn & Melton Consulting Engineers (Vaughn & Melton), for the amount of \$192,698.76 plus 20% contingency and any change orders within the project budget for the project known as Hendersonville Road Sidewalk Improvements Project, City of Asheville Project #ENG-12-13-015, pending concurrence with award by the N.C. Dept. of Transportation (NC DOT).

The 4.5-mile stretch of Hendersonville Road (US 25) from Seminole Street to Long Shoals Road is populated by many commercial properties, offices, and residential complexes, and lacks consistent pedestrian infrastructure. The project connects existing isolated sidewalks with the construction of approximately 13,000 linear feet of new sidewalk, and also includes new retaining walls, storm water drainage structures, a pedestrian boardwalk, pedestrian crossing signal facilities, and all associated appurtenances. Federal funding administered through the North Carolina Department of Transportation will account for 80% of the project, with the City of Asheville matching the remaining 20%.

A request for qualifications (RFQ) was issued on September 28, 2015, and the following firms submitted RFQ packages:

A. Morton Thomas & Associates	Charlotte, NC
Michael Baker Engineering	Asheville, NC
Vaughn & Melton	Asheville, NC

Following the municipal and required NC DOT RFQ procurement process, a panel of staff members performed a thorough review and evaluation and recommended Vaughn & Melton of Asheville, North Carolina as the most qualified. However, the CEI contract was not awarded at that time due to an NC DOT offer to provide CEI services. NC DOT has been providing inspection services for the project, but is unable to continue for the remainder of the project due to staffing issues. Following NC DOT notice of discontinuation of CEI services, staff successfully negotiated a final scope of work and project budget with Vaughn & Melton, and are awaiting NC DOT's review of the Vaughn & Melton proposal.

Pros:

- Provides connectivity for needed linkage.
- Ensures pedestrian safety.
- Confirms investment in community infrastructure

Con:

- Project management and contract administration will consume staff time and resources.

Funding for this project is already included in the City's adopted Capital Improvement Program. As noted above, federal funding administered through the N.C. Dept. of Transportation will cover 80% of the project costs, with the City of Asheville matching the remaining 20%.

City staff recommends City Council adopt the resolution awarding the contract to Vaughn & Melton Consulting Engineers, pending concurrence with award by the NC DOT, and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of \$192,698.76 plus a contingency of 20% (\$38,539.75), for a total of \$231,238.51 with Vaughn & Melton Consulting Engineers, LLC for the project known as Hendersonville Road (US 25) Sidewalk Improvements Project.

#### **RESOLUTION BOOK NO. 38 - PAGE 83**

#### **P. RESOLUTION NO. 16-140 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT AMENDMENT WITH DAVENPORT ENGINEERING INC. FOR ADDITIONAL PROFESSIONAL SERVICES ON THE LIVINGSTON STREET COMPLETE STREET PROJECT**

Summary: The consideration of a resolution authorizing the City Manager to amend an existing engineering services contract with Davenport Engineering, Inc. in the amount of \$8,000 plus a contingency of 14% of the amended contract amount (\$37,000) to develop additional construction documents and specifications required to comply with Federal requirements for the project known as Livingston Complete Street.

City Council had previously adopted a resolution authorizing the City Manager to enter into a contract with Davenport Engineering Inc. in August 2015, for \$250,000. This original contract resulted in the development of plans, estimates and environmental documentation.

The Livingston Complete Street project will improve Livingston Street and a portion of Depot Street from approximately 372 Depot Street to Victoria Road. This project is one of the City's TIGER VI projects. The project includes improving the corridor for pedestrians, bicyclists and transit users while maintaining functionality for motorized vehicles.

Pro:

- The additional documents and specifications are required to secure Federal funding.

Con:

- Adds up to \$45,000 dollars to the design cost of the project.

Sufficient budget is included in the adopted CIP to fund the change order request for this contract.

City staff recommends City Council adopt a resolution authorizing the City Manager to amend the current contract with Davenport Engineering, Inc. to provide additional construction documents and specifications for the Livingston Complete Street Project in the amount of \$8,000 plus a contingency of 14% of the amended contract amount (\$37,000).

**RESOLUTION BOOK NO. 38 - PAGE 84**

**RESOLUTION NO. 16-141 - RESOLUTION AMENDING THE 2016 CITY COUNCIL MEETING SCHEDULE**

Summary: The 2016 City Council meeting scheduled is amended as follows: (1) A worksession on a bond referendum has been scheduled for Monday, June 20, 2016, at 3:00 p.m. in Room 623 of City Hall; (2) A worksession on a bond referendum has been scheduled for Tuesday, June 28, 2016, at 10:00 a.m. in the 4th Floor Training Room of the Municipal Building; (3) A formal meeting is hereby scheduled on Tuesday, July 5, 2016, beginning at 5:00 p.m. in the Council Chamber, Second Floor of City Hall. (Note: The July 12, 2015, City Council meeting has been previously cancelled.); (4) The formal meeting previously cancelled on August 9, 2016, is hereby re-established. Said meeting will be held beginning at 5:00 p.m. in the Council Chamber, Second Floor of City Hall; and (5) The formal meeting scheduled on August 23, 2016, is hereby cancelled.

**RESOLUTION BOOK NO. 38 - PAGE 85**

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 Councilman Haynes and carried unanimously.

**III. PRESENTATIONS & REPORTS:**

**A. QUARTERLY I-26 CONNECTOR UPDATE**

Transportation Director Ken Putnam updated Council on the I-26 Connector Project, noting that the N.C. Dept. of Transportation (NCDOT) selected for Section A - Widening; Section B - Alternative 4-B; and Section C - Alternative F-1. The then presented the tentative schedule as follows: Mid 2017 - final Environmental Impact State; Late 2017 - design public hearing; 2019 - Section C right-of-way acquisition; 2021 - Section C construction and Section B right-of-way acquisition; 2014 - Section B construction; and future years - Section A right-of-way acquisition and construction. The City of Asheville looks forward to continuing the positive working relationship between the city's working group and the N.C. Dept. of Transportation to address these issues, and looks forward to positive decisions emerging from those discussions.

Councilwoman Mayfield said that the NCDOT is about to recreate an aesthetics committee who will have input on what the project looks like, e.g., landscaping, sound walls, bridge design, aesthetic treatments, etc. For anyone interested in this committee, please contact the City's Transportation Director Ken Putnam who will forward the information to the NCDOT.

#### **B. LEGISLATIVE UPDATE**

Mayor Manheimer updated the Council on some disturbing legislation being introduced this week: (1) House Bill 483 (land use bill) which will revise how conditional zonings, conditional use permits and Board of Adjustment appeals are handled, etc.; and (2) redistricting of Asheville.

Mayor Manheimer said that we have not received the N.C. Supreme Court's opinion on our water lawsuit. The next date opinions are issued will be August 19, 2016.

#### **IV. PUBLIC HEARINGS:**

##### **A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING PROPERTY LOCATED AT 60 MILLS GAP ROAD FROM INDUSTRIAL DISTRICT TO HIGHWAY BUSINESS DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF A 272 UNIT MULTI-FAMILY DEVELOPMENT**

Mayor Manheimer said that the applicant has requested this public hearing be continued until June 28, 2016. Vice-Mayor Wisler moved to continue this public hearing until June 28, 2016. This motion was seconded by Councilman Young and carried unanimously.

##### **B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 55 MIAMI CIRCLE AND 70 ALLEN AVENUE FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT AND INSTITUTIONAL DISTRICT TO INSTITUTIONAL DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF 290 MULTI-FAMILY UNITS CONTAINED WITHIN 4 BUILDINGS, WITH CONDITIONS MODIFYING LANDSCAPE STANDARDS**

##### **ORDINANCE NO. 4507 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 55 MIAMI CIRCLE AND 70 ALLEN AVENUE FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT AND INSTITUTIONAL DISTRICT TO INSTITUTIONAL DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF 290 MULTI-FAMILY UNITS CONTAINED WITHIN 4 BUILDINGS, WITH CONDITIONS MODIFYING LANDSCAPE STANDARDS**

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone property located at 55 Miami Circle and 70 Allen Avenue from RM-16 Residential Multi-Family High Density District and Institutional District to Institutional District/Conditional Zoning for the development of 290 multi-family units contained within 4 buildings, with conditions modifying landscape standards. This public hearing was advertised on June 3 and 10, 2016.

Ms. Bernstein said that the applicant is requesting review of a conditional zoning request from Residential Multi-Family High Density District (RM-16) and Institutional (INST) to Institutional Conditional Zone (INST-CZ), in accordance with Section 7-7-8 of the Unified Development Ordinance (UDO), for the construction of a multi-unit residential development.

The project site consists of two parcels with a combined area of approximately 11.39 acres in South Asheville, just north of Long Shoals Road. The larger parcel (55 Miami Circle, 7.66 acres) is zoned Institutional and the other lot (70 Allen Avenue, 3.73 acres) is zoned RM-16.

Nearby zoning includes Institutional, RM-16, RS-8 and RS-2.

The area is developed with a mix of uses including apartments, single-family homes, educational and recreational uses (TC Roberson High School and the Zeugner/Skyland Recreational Center to the east and north) and commercial uses along Long Shoals and Hendersonville Roads. There are approximately 55 mobile homes currently occupied on the Miami Circle parcel, which will be removed. A sewer line and vacant single-family home are to be removed from the Allen Avenue parcel. There is a stream and associated buffer running across the northwest corner of the Allen Avenue lot.

The applicant is proposing to construct a multi-family development consisting of 290 residential units in eight separate buildings. Plans indicate 258 one and two-bedroom units and 32 three-bedroom configurations. Two buildings are shown as four-stories (maximum height 42 feet); four as three-four splits (maximum height 33 feet) and two with two-stories (maximum height 20 feet). There is also clubhouse and maintenance buildings and a pool.

There are three vehicular access points into the site; one is off of Miami Circle, which connects to Long Shoals Road; the second access is from Allen Avenue, which connects to Hendersonville Road; and the third is through the southern end of the site to Long Shoals Road and is intended to be the project's primary access point. The applicant is proposing for the Miami Circle access point to be restricted to emergency vehicles only and would include a siren-activated gate.

A network of internal sidewalks and walking paths are proposed throughout the site and a public sidewalk is proposed along the short stretch of Miami Circle frontage. Additionally, there is a sidewalk proposed along the primary entrance driveway to Long Shoals Road (*see staff proposed conditions regarding additional sidewalk considerations*).

Due to the number of units proposed, a range between 322 and 612 parking spaces is required; 420 are proposed. Parking is distributed around the site and also includes a minimum of 13 accessible spaces and at least 21 bike parking spaces.

The project is required to comply with landscaping standards, including a Type A (20 foot wide) property line buffer along the eastern edge of the site where properties are zoned RM-16 and a Type B (30 foot) buffer against RS-2 to the south. Additionally, the proposal includes street buffers, street trees, parking lot and building impact landscaping, dumpster screening and tree save area (3.417 acres). There are several proposed encroachments into the property line buffer as detailed in the conditions for the project, resulting in a request to provide a reduced buffer along a portion of the project boundary. Additionally there is a stream buffer that will be maintained through the center of the site.

Fifteen percent of the project area is required to be dedicated as open space, which is approximately 1.71 acres and is shown on plans.

There are several retaining walls shown on site plans; additional information will be provided at Final Technical Review Committee (TRC) review regarding wall heights to determine the extent of screening compliance needed.

Building height in the Institutional District is limited to forty feet within 100 feet of a residentially-zoned property; this project appears to comply as the taller buildings are outside of this area.

*Conditions* - This project includes a number of recommended conditions found in the B1-Conditions list. Modifications and special conditions to note include:

1. Small portions of the community building, pool and driveway encroach into the 30 foot

- property line buffer along the southern end of the project area.
2. A sidewalk will be provided along Miami Circle to link the project site to the Buncombe County School property with a walking path to be extended into the TC Roberson High School campus (exact location of the walking path to be determined with the school representatives but proposal loosely follows the existing access driveway from Miami Circle and is shown on exhibit D).
  3. Staff recommends that the applicant work with property owners to extend the sidewalk along Miami Circle southwards to connect down to Long Shoals Road. As of the writing of this report, the applicant has not agreed to this enhanced condition and there does not appear to be sufficient room in the existing right-of-way to provide the sidewalk.
  4. The project shall contain at least 10% affordable units at rent standards not to exceed 80% Area Median Income (AMI) as published in the 2016 Affordable Housing Standards. This commitment will stand for a time period not less than 15 years and will be deed restricted. Staff recommends that the project will contain at least 20% affordable units; the applicant has not agreed to this enhanced condition (20%).

At the Planning & Zoning Commission meeting, the developer agreed to pursue a condition that they would contribute \$250,000 into a fund to be managed by the City and its partners for use in relocating current residents of the property. After distribution of the funds for relocation use, any money that remains will be put in the City's Housing Trust Fund to be used for affordable housing development.

After several meetings with City staff, the applicant, current owner, residents and their advocates, the proposal has been modified that the applicant will provide \$250,000 directly to the residents to be distributed equally among the households. There will be an additional \$40,000 contribution from the current owners to the City's Housing Trust Fund to assist in the development of affordable units elsewhere in the City. Staff anticipates these transfers to occur via a Memorandum of Understanding following City Council's approval.

This proposal was approved with conditions by the Technical Review Committee (TRC) on April 18, 2016, and requires review by the City Council and Final TRC prior to zoning approval.

At their meeting on May 4, 2016, the Planning & Zoning Commission reviewed this request and ultimately recommended approval by a 7-0 vote. Their vote included the condition noted above regarding the financial contribution offered by the developer (which has been since modified as described above). Members of the public were present at the hearing to comment on the impact of displacement on current long-time residents and the need to provide time and assistance to these families who are losing their homes.

Staff has met with many current residents and members of the public regarding this project; primary concerns are related to the displacement of the families currently occupying the approximately 55 manufactured houses on the site and the approximately 63 school children within these families. Concerns have been raised about the ability for relocation of the manufactured housing units (which is unlikely due to the age of the units and related HUD restrictions) and the impact on the permanent housing situation for these residents. City staff from the Community Development Department has been working closely with community partners on assisting with relocation assistance and housing issues for the affected residents.

Regarding density, under the current zoning on the sites, a total of approximately 295 units would be allowed (approximately 230 allowed currently on the Institutional parcel [246 proposed] and 65 allowed currently on the smaller RM-16 lot [44 proposed]). By conditionally zoning both parcels as a combined project, 342 units would be allowed by right and can be spread out over the full acreage. The project is proposing 290 apartments or approximately 25 units per acre (gaining greater density on the parcel currently zoned Institutional).

A proposal for a major subdivision creating 29 single-family lots on the Allen Avenue

parcel was approved by the Planning & Zoning Commission in April 2015 (BP 15-02454 PZ); this application effectively replaces that approval. There is a Level I application currently under review for a Pizza Hut at the corner of Miami Circle and Long Shoals Road (BP 16-01283) and a number of commercial developments recently reviewed and approved along the Long Shoals Road corridor.

The multi-family residential development is considered compatible with the surrounding uses and zoning in the area. Institutional zoning anticipates and allows for a higher-density residential component and this location places families and residents within walking distance to schools (K-12), recreational uses, commercial uses and transit (Hendersonville Road). Staff's suggested condition to extend sidewalks along Miami Circle to Long Shoals Road and within the TC Roberson school campus would further the positive integration of the proposed project into the area, provide protection for pedestrians against the increased vehicular traffic, and provide a safer route for school children that walk to area schools.

Several elements of this proposal are directly aligned with the *Asheville City Development Plan 2025* including "higher-density residential infill development"; density above the minimum necessary to improve and enhance transit; safe routes for pedestrian and the proposed inclusion of dedicated affordable housing.

The staff suggested condition on sidewalk extension along Miami Circle would improve compliance with the *Plan* with sidewalk extensions to improve pedestrian safety and access and to connect residential uses to shopping, employment options, the high school and transit. Also, the recommended increase in the affordable housing set-aside, from 10% to 20%, would better align the project with the affordable housing policies of the *Plan* due to the project's proposal to remove the existing 55 mobile homes.

Regarding other adopted plans and the dedication to affordable housing, the City's recently completed *Housing Needs Assessment (2015)* contains a section on mobile home rental units and indicates an average rental range per unit of approximately \$595-795 in Buncombe County (the rent in this existing mobile home park is approximately \$225 per month). The rental range on manufactured housing in the area is significantly lower than the rental range that will be offered once the development would be completed (according to affordable housing standards at 80% AMI). This considerable disparity between what is considered to be "affordable" verses the low rents which serve a specific population of City residents that will be lost through this development demonstrates the concerning displacement of a population that will not be easily re-served and re-housed.

The proposal aligns with the 2036 Council vision in the following areas:

- *A Well-Planned and Livable Community* – The project is ideally situated, placing higher-density residential development proximate to complementary uses.
- *Transportation and Accessibility* - Sidewalk connections to the school campus and Long Shoals Road will create safe pedestrian routes to school, recreation, transit and shopping.
- *Quality Affordable Housing* – The applicant is proposing to include 10% of the units as affordable (29 units); staff is suggesting 20% (58 units). Additionally, at least \$40,000 will be dedicated to the Housing Trust Fund for the creation of affordable housing throughout the City.

Considerations:

- Appropriately sites higher-density residential development proximate to educational, recreational and commercial uses and within one-tenth of a mile to transit (S3).
- Provides sidewalk connections to adjacent school use along Miami Circle.
- Project will contain at least 10% affordable units at rent standards not to exceed 80% Area Median Income (AMI) as published in the 2016 Affordable Housing Standards. This commitment will stand for a time period not less than 15 years. **Staff suggests raising**

***this amount to at least 20% of the units to more closely mirror the number of existing units that are being removed.***

- Development displaces residents in mobile home units that have been in place for several decades, with residents paying rents significantly below even the current standards for 60% AMI.

Based on policies stated in the Comprehensive Plan and other plans, such as *the Housing Needs Assessment and City Council's 2036 Vision Considerations*, staff finds this request to be reasonable and within the public interest and recommends support of the proposed conditional zoning as proposed. However, while recognizing the contribution offered to the Housing Trust Fund staff does still recommend that the applicant increase the amount of actual dedicated affordable units to 20% to equal the number of affordable units being displaced and to continue to work to provide sidewalk along the full extent of Miami Circle to Long Shoals Road to further meet the City's stated goals.

In response to Councilman Smith, Ms. Bernstein said that the mobile home park was established decades ago and noted that residential is allowed in the Institutional District.

In response to Councilman Bothwell, Ms. Bernstein said that the current owners have legally issued notices and can proceed with eviction regardless of this conditional zoning application. The owner has the right to construct 295 units with the existing zoning; however, they are asking for this conditional zoning to allow them to put a greater number of units on the Institutional parcel and then less than the number of maximum units on the other parcel. This conditional zoning application will make it a more comprehensive project.

Mr. Chris Day, representing Civil Design Concepts, explained the specifics of the project. They had met multiple times with Buncombe County Schools and will construct a walking path into the TC Roberson campus from Miami Circle following the existing driveway. The new plan is for the Miami Circle access point to be restricted to emergency vehicles only with a siren-activated gate. They will open up Lance Lane (for the residents of the development to use to reach Long Shoals Road) to mitigate the traffic concerns of school traffic driving onto Miami Circle being in conflict with traffic from the development.

Councilman Bothwell urged the developer to leave existing healthy trees as much as possible. Mr. Day said that along the property line there is an existing creek that will have 30-foot setback buffers so there will be a 60-foot wide area that will remain undisturbed.

Mr. W. Louis Bissette, Jr., attorney for the applicant, said that there has been a lot of discussion with the existing mobile home park community, including their representatives at St. Barnabas Catholic Church, Pisgah Legal Services, Homeward Bound, etc. The developer is prepared to do two things (1) commit 10% affordable units at rent standards not to exceed 80% Area Median Income for a period of not less than 15 years; and (2) contribute \$290,000 for the relocation needs of the mobile home park community. Prior discussion was that the developer would contribute \$250,000 for relocation needs and \$40,000 to the City's Affordable Housing Trust Fund. The developer is prepared to do either one of these things. He then detailed how the \$290,000 would be distributed on an equal basis amongst the 55 mobile home residents via Homeward Bound. After City Council approval, between 30-45 days, each home would receive \$2,272 (requirements would be that (1) a survey be submitted - all mobile home residents have this survey; (2) a termination agreement signed; and (3) that all residents be current on rent/utilities). Homeward Bound and St. Barnabas will be available to help any residents who need help to complete paperwork or have them pick up their checks. When they receive the \$2,272 check, they would need to sign a termination agreement and agree to vacate the property in 60 days. When the developer closes on the property (90-120 after Council approval), each home would receive \$3,000. He noted that the 15 households that have already vacated the property will also receive receive the total \$5,272 relocation assistance). He felt that the

developer could not up the affordable units to 20% but felt that the \$290,000 actually goes to the people who need it the most.

When Vice-Mayor asked about the staff recommendation for sidewalks along Miami Circle to Long Shoals Road, Mr. Bisette replied that they don't control the property.

Councilman Bothwell asked if the developer would be willing to make the affordable units 20 years instead of 15 years, Mr. Bisette responded that since the developer will pay an administrative fee to Homeward Bound, in addition to the \$290,000 for relocation assistance, the developer is at his limit as to what he can do.

When Councilman Young asked about the requirements to receive the first check, Mr. Bisette explained that the three requirements (survey, termination agreement and current on rent/utilities), he said that if they are not current on their rent/utilities, the amount could be deducted from their first check. He noted that there are less than five households that are currently in arrears on anything. He said that St. Barnabas has a program to help people if they need it.

Vice-Mayor Wisler asked if the developer would consider adding one month free rent on the land in addition to the \$2,272 in order to help with relocation cash flow. Mr. Bisette replied that would be something the current owner (Miami Made LLC - all local people) would need to consider, not the developer. He also noted that the additional one-month rent is not something the residents requested and since the developer is not the owner of the property, he felt providing the one month free rent would be difficult.

Mr. Jim Lowder, Acting Executive Director of Homeward Bound of WNC, said that even though this is out of their normal work, they were happy to participate. Since none of the families are currently homeless, they would not qualify for any kind of funding they might have available, so this gives them an opportunity to make sure none become homeless. He was also happy that there will be 290 units needed for housing in our area.

Deacon Rudy Triana of St. Barnabas Catholic Church, speaking on behalf of the 55 mobile home residents, said that they have had countless meetings with the developer, along with the President and Board Members of the Lakeview Mobile Home Park Association. At their last meeting, the Board voted unanimously for them to try to negotiate more with developers. As a result, the developers have graciously and generously come up with the current offer and the Association has agreed with the offer and the disbursement schedule. All residents have assured him that all rents/utilities will be paid. He hoped the disbursement will take place prior to residents having to move so the relocation assistance will help them with deposits and other necessary relocation expenses. He thanked Council for helping those without a voice.

There was discussion, initiated by Councilwoman Mayfield, about a possible condition to make sure that the tenants receive the full amount (\$5,272) before they have to vacate the property. Mr. Bisette said that the developer feels that the closing will happen prior to the residents having to vacate; however, if the closing is postponed he would encourage the developer to extend the 60 days within which to vacate the property. Regarding a condition, City Attorney Currin said that financial agreements between third parties are not something that should be written into a zoning ordinance.

In response to Councilman Bothwell, Deacon Triana said that the Association has only seen bullet points of the agreement, not the executed agreement. Mr. Bisette responded that there is a Memorandum of Understanding with Homeward Bound that spells out the proposal; however, it is not signed yet. There will not be an agreement with the residents because they will be paying money to Homeward Bound to distribute it.

Mayor Manheimer announced a short recess in order for Deacon Triana, the President of the Association, Homeward Bound and the developer to review the unsigned Memorandum of Understanding and sign if it agreeable.

Mr. Bissette provided a signed Memorandum of Agreement between the developer Nicholas S. Hathaway (Director of Development who has the authority to sign on behalf of Hathaway Development, LLC) and Jim Lowder (Acting Executive Director who has the authority to sign on behalf of Homeward Bound of WNC). The Agreement, executed today, states in part that "(1) Developer shall contribute a total of \$290,000 (the "Resident Fund") to Homeward in accordance with the following schedule: (a) \$125,000 will be paid within 45 days following the Asheville City Council's approval of the Project; and (b) \$165,000 will be paid at the time of Developer's closing of the acquisition of the Property from Miami Made, LLC ("Seller") the current owner of the Property. (2) Developer and Homeward shall develop a survey/questionnaire (the "Questionnaire") for Homeward to distribute to the Resident Households. (3) Developer shall cause the Seller to deliver to each of the Resident Households the 60-day notices to vacate/notice to quit as provided for under North Carolina General Statute Section 42-14. Such notices shall be delivered on July 1, 2016. (4) Developer will pay Homeward a reasonable administrative fee, as payment for its services hereunder (the "Admin Fee"). Such Admin Fee shall be paid at the conclusion of Homeward's administration of the Resident Fund in accordance with the Memorandum of Understanding. (5) Homeward shall administer and distribute the Resident Fund in accordance with the following terms, conditions and procedures: (a) The resident Fund shall be distributed equally to all Resident Households satisfying the conditions set forth herein, up to a maximum of 55 Resident Households; (b) Such Resident Household must be current on its rent and utility obligations with the Seller prior to receiving any distribution from the Resident Fund; (c) Such Resident Household must have executed and delivered a termination agreement, terminating such Resident Household's lease and relinquishing any rights to the Property, prior to receiving any distribution from the Resident Fund; and (d) All claims from the Resident Fund must be submitted to Homeward no later than December 31, 2016, and no Resident Household shall have any claims after such date. Further, unclaimed funds remaining in the Resident Fund after such date shall be paid to Homeward, to be applied first towards the Admin Fee, and then to general operating account of Homeward." (6) Homeward shall communicate with Resident Households and neighboring churches and associated interests to educate them on the Resident Fund and to advocate support for the Project in the community and at the Asheville City Council meeting in which the Project is presented. (7) This MOU shall be binding upon and inure to the benefit of the parties and their successors and assigns, including any affiliate of Developer formed for purposes of the Project. Any notices to be given hereunder shall be in writing to the parties at the address set beneath their signatures below." The Resident Association representative, Deacon Triana, Homeward Bound and the developer all have a signed copy of the Agreement.

The President of the Resident Association thanked City Council for their support.

Mayor Manheimer opened the public hearing at 7:00 p.m.

Christopher Chiaronmonte felt the residents should be assured they will have the total amount of relocation assistance prior to vacating their property. He also wondered how much Homeward Bound will be paid for their administrative fee.

Mayor Manheimer closed the public hearing at 7:03 p.m.

In response to Councilman Smith, the President of the Residents Association said that the residents currently pay \$225/month for land rent and also a unit fee. Mr. Bissette said that in the new development a one-bedroom units will be \$850, and \$762 (maximum \$895 with utilities) for the affordable one-bedroom units.

When Councilman Smith asked how many units are in the current mobile home park, the president of the Residents Association said there are 55 units and approximately 60 school age children.

Councilman Smith said that a community is not just about houses, but neighbors helping neighbors. This will be the end of a neighborhood. He was troubled by the precedent this sets as Council is being asked to sanction the elimination of a neighborhood/community. He said that Council will be breaking up a decade long community. While he appreciated the agreement, the residents really do not have a lot of leverage. He understood that \$8-11,000 per household would be more in line of what it would cost to relocate and that doesn't even figure in the loss of family. And he also understood that the developer need not pay any relocation assistance money. Normally he would vote against this as he would never want to displace 55 families, but if Council says no, then the families would not receive anything and the developer can develop the property anyway. This way Council is trying to at least let the residents receive something. This is a real bind; however, he will follow the neighborhood's lead and support the conditional zoning because he wants to make sure the neighborhood gets all they can. He does not, however, support the displacement of entire neighborhoods. Council is appreciative of the developer's contribution, but not the displacement of residents. He also felt that the developer's contribution of 10% affordable units (29 units) at \$833/month (three times of what the residents are paying now for half the number of units) is instant gentrification.

Councilman Young and Councilwoman Mayfield agreed with Councilman Smith's comments.

Mayor Manheimer said this is one of the frustrating topics where cities don't have the authority to provide for residents in this type of situation, other than through tools of our zoning process, which is not a perfect way to deal with this situation. She was pleased how organized the community has been and how well they have communicated amongst themselves and come up with that they wanted even though ultimately it is the demise of their community. She felt the Council's vote is more in support of the work the residents have done in getting to this point. In the future, she hoped Council will look at any other possible rules that a city might be able to adopt to deal with a situation like this.

Councilman Bothwell was also deeply sympathetic to the breakup of this neighborhood, but we can't ignore the lack of housing in our community. With this development, we will get six times as many units on this property. It will address the housing shortage.

Councilman Smith suggested building in relocation reimbursement into this kind of development where people will be displaced. City Attorney Currin said that there may be ways that Council may be able to preserve the communities, other than necessarily telling the developer that they need to make a financial contribution.

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

Councilman Bothwell moved to approve the conditional zoning request from Residential Multi-Family High Density District (RM-16) and Institutional (INST) to Institutional Conditional Zone (INST-CZ) with the requested conditions for the development of a multi-family residential project 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 places higher density residential development in an area proximate and walkable to transit, commercial, educational and recreational uses; (2) The project includes pedestrian connections to community uses and transit; and (3) The project includes dedicated affordable housing units (a minimum of 10% of the units at 80% AMI for a minimum of 15 years). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

**V. UNFINISHED BUSINESS:**

**A. ORDINANCE NO. 4508 - ORDINANCE ADOPTING THE FISCAL YEAR 2016-17 ANNUAL OPERATING BUDGET AND AMENDMENTS TO THE FEES & CHARGES MANUAL**

Director of Finance & Management Services Barbara Whitehorn said that this is the consideration of an ordinance to adopt the Fiscal Year 2016-17 Annual Budget.

The Fiscal 2015/2016 Proposed Annual Operating Budget was presented to City Council on May 10, 2016. In accordance with the North Carolina Local Government Budget and Fiscal Control Act, a summary of the Proposed Budget along with a notice of the Public Hearing was published on May 6, 2016. City Council conducted a public hearing on the Proposed Budget on May 17, 2016. The Fiscal 2016/2017 Proposed General Fund Budget is balanced with an Ad Valorem tax rate of \$0.475 per \$100 of assessed value, remaining the same as the current year tax rate. All essential City services are maintained in the Proposed Budget.

**Changes to the Proposed Budget** - Since the Proposed Budget was presented to City Council, there have been some adjustments per Council direction that have altered the budget that is presented tonight for Council adoption.

- **Use of Fund Balance:** At the May 10 City Council meeting, Council requested that approximately \$800,000 in additional funds expected to be realized from net income as of the March 31, 2016 third quarter financial report, which would otherwise flow into unrestricted, unallocated fund balance, be reserved for the Lee Walker Heights Project. This allocation brings the fund balance allocation to that project to \$2,180,000. This change has no effect on 2016/2017 operating revenue or expenditures.
- **Additional Resources Dedicated to the Short-Term Rental Program (Homestay):** Funding for additional staffing and related equipment has been added to the 2016/2017 budget. This position is funded through an increase in Development Services revenue. The total revenue and expense added to the General Fund operating budget is \$130,000.
- **Dedication of funds for the Festival of Neighborhoods:** Councilmember Smith asked that \$2,000 be added to the General Fund operating budget to assist with the funding of the Festival of Neighborhoods. Revenue estimates for Development Services were reevaluated with the addition of the FTE discussed above, and \$2,000 was added to offset this increase.
- **Sustainability "Green Fund":** Greenworks recycling, composting and education - \$15,000.

Pros:

- Ensures City's compliance with North Carolina General Statutes that require local governments to adopt a balanced budget ordinance by July 1 of each year.
- General Fund Budget is balanced with no fund balance appropriation for ongoing operating expenses and all essential City services are continued.

Con:

- None.

As noted above, the Proposed FY 2016/2017 General Fund budget is balanced with no fund balance appropriation for ongoing operating expenses. Based on revenue and expenditure

projections for FY 2015/2016, staff estimates that the City's unassigned fund balance in the General Fund will be \$22.4 million on June 30, 2016. The following reservations and dedications will be made per Council direction:

Lee Walker Heights	\$2,180,000
Infrastructure Reserve	1,100,000
Deferred Maintenance	200,000
One-Time Investments	760,000

The remaining \$18,160,000 in unrestricted, unallocated fund balance is 16.4% of General Fund total budgeted expenditures for FY 2016/2017. Council adopted a policy of a minimum 15% unrestricted, unallocated fund balance and set a goal for June 30, 2016 of 16.5% at the April 26 worksession. Additional revenues and/or savings realized in the fourth quarter of FY 2015/2016 may increase the percentage slightly.

Staff requests that Council adopt the FY 2016/2017 Annual Budget Ordinance with the changes noted above.

Councilman Smith was very interested in the Pay As You Throw program and assuming that the City remain on their proposed one-year rollout time period, this garbage fee increase will be temporary for those who chose to participate in the program.

Mayor Manheimer stated that since the public hearing was held on May 24, 2016, no public comment would be accepted.

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

Vice-Mayor Wisler moved for the adoption of Ordinance No. 4508, as amended above. This motion was seconded by Councilman Bothwell and carried unanimously.

**ORDINANCE BOOK NO. 30 – PAGE 352**

**VI. NEW BUSINESS:**

**A. BOARDS & COMMISSIONS**

**Accessory Dwelling Unit Task Force** - It was the consensus of Council to adopt the following recruitment statement regarding the Task Force: "The City of Asheville is recruiting a community Task Force to help shape decisions about Accessory Dwelling Unit (ADU) homestay rentals. The City of Asheville currently does not allow full-home short-term rentals in residential neighborhoods but does permit homestays provided certain conditions can be satisfied. A homestay is a legal form of short-term renting where the owner or resident manager resides on the property full-time. Under Asheville's current homestay rules, an ADU may not be used as part of a homestay operation; although, ADUs (such as garage apartments and cottages) can be legally used for long-term rentals in residentially zoned areas, with "long-term" defined as anything rented for one month or longer.

Task Force members will be expected to attend approximately six meetings between July and September 2016 to research, discuss and recommend programmatic and land use regulations related to the potential use of ADUs as part of a homestay operation. The Task Force will not be responsible for researching, discussing or recommending changes to either general standards regulating homestays, nor to the position to continue to prohibit whole-house rentals, as City Council recently approved an ordinance (on November 17, 2015) that addresses these issues.

The City seeks a range of collaborative, solution-oriented participants to serve on the Task Force of up to 12 people. The City Council will appoint a group that will work respectfully together to create well-informed recommendations for programmatic and land-use regulations in the Fall of 2016. The City recommends stakeholder groups nominate individuals to apply to represent their collective interests. Applicants should understand both sides of the debate, the vacation home rental industry, the land use process and/or have other pertinent experience.

There will be approximately eight at-large Task Force seats to be filled by members of the community via an application process. The City intends to distribute those seats evenly among:

- Concerned neighbors who are impacted by the ADU short-term rentals
- Members of the community who own, manage or benefit from such rentals
- Renters
- Neutral but interested individuals

There will be four other seats filled by representatives from the following stakeholder groups:

- Asheville Short-Term Rental Advocates
- Asheville Neighborhood Advisory Committee
- Land of the Sky Association of Realtors
- Asheville Affordable Housing Advisory Committee

The above groups will nominate three individuals each from their respective organizations. In June 2016, the city's Governance Committee will select one representative from each of the four groups to serve on the ADU Task Force.

Regular attendance for the task force is crucial for this effort. The first meeting is anticipated in July 2016.

Each applicant also needed to indicate whether they are (1) a concerned neighbor who is impacted by the ADU short-term rentals; (2) a member of the community who owns, manages or benefits from such rentals; (3) a renter; or (4) a neutral but interested individual. In addition, the following responses to the questions needed to be included with each application: (1) What do you see as the major challenges faced in Asheville's current housing market; (2) What would you envision as the preferred outcome of this task force; and (3) As a member of this task force, it is expected that you will be fair and act in the best interest of the larger Asheville community. Please indicate whether you have any conflicts with this statement."

The following individuals applied for one of the eight at-large seats on the ADU Task Force: Carol Polsgrove, Nan Chase, Sarah Nie, John Farquhar, David Raphael Smith, Lisa Nanney, Brenda L. Crawford, Kama Ward, Jackson Tierney, Wendy Dean, Andrew Pardue, Alan Escovitz, Marian Patten, George Kroncke, Jane Mathews, Brandee Boggs, David Rodgers, Robert Michel, Maggie Smith, Carter Webb and Greta Bush.

It was the consensus of the Governance Committee on June 14, and the agreement of City Council, to readvertise, with an emphasis on recruiting renters.

**African American Heritage Commission** - Since no one applied for the vacancy, it was the consensus of Council to re-advertise for this seat.

**Comprehensive Plan Advisory Committee** - It was the consensus of Council to adopt the following recruitment statement regarding the Advisory Committee: "The City of Asheville will be undertaking a 15 to 17 month process to update the City of Asheville Comprehensive Plan. The plan will act as a resource for policy decisions by reflecting the community's vision for the

location and form of future development, while ensuring sufficient infrastructure, parks and other community services. The city has retained the services of Skidmore Owings and Merrill (SOM) to lead this effort. SOM will work with city staff to facilitate the planning process, which will include extensive public engagement.

The purpose of the Comprehensive Plan is to set forth goals and policy opportunities for sustainable growth and development over the next 10-20 years and beyond. The plan will include strategies related to land use, multimodal transportation, economic development, social equity, infrastructure, housing, livability, placemaking, open space, climate change adaptation, and sustainability.

Scope of the Comprehensive Plan Advisory Committee: SOM will work with city staff to form an Advisory Team to provide input and feedback on the planning and public engagement process. The Advisory Team will represent a broad diversity of interests on topics relevant to the Comprehensive Plan and will have representation, at minimum, from the following committees/organizations (in no particular order), plus three at-large members:

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

With respect to the at-large member seats, preference will be given to candidates who broaden the diversity of interests represented on the committee.

The Advisory Committee will be involved throughout the community visioning process. The scope of the Advisory Committee includes, at a minimum, the following tasks:

- Attend a workshop with SOM's Planning Team and city staff during the Assessment Phase of the project to review deliverables related to data collection, benchmarking and public/stakeholder engagement.
- Attend 2 workshops with SOM's Planning Team and city staff during the Strategy and Vision Phase of the project to provide input on strategies related to public engagement, economic development, physical opportunity scenarios and the establishment of Asheville's Principles and Goals.
- Attend a teleconference with SOM's Planning Team and city staff at the Draft Comprehensive Plan Phase of the project to review a draft progress package and attend a follow-up workshop with SOM's Planning Team and city staff to review and comment on the Final Draft of the Plan.
- Attend a workshop with SOM's Planning Team and city staff for a presentation on the Final Comprehensive Plan.

In addition, the following responses to the questions needed to be included with each application: (1) What do you see as the major challenges facing Asheville in the next 10 years; (2) What do you see as the major opportunities available to Asheville in the next 10 years; and (3)

Do you have any affiliation with an existing City of Asheville Board or Commission? If so, please indicate the Board or Commission."

The following individuals applied for an at-large seat: Cate Ryba, Laura Evans, Kevin Teater, Suzanne Devane, Barber Melton, Marjorie McGuirk, Robert Carroll, Rachel Murdaugh, Mike Marcus, Jane Mathews, Sabrah n'haRaven, Linda Giltz and Blake Esselstyn.

It was the consensus of City Council to readvertise since they are looking for geographical diversity.

**Multimodal Transportation Commission** - The following individuals have applied for a vacancy: Meredith Gregory, Eric Workman, Richard Rozzelle, Keaton Edwards, Seth Connelly, Michael Speciale, Devin Clancy, Adam Charnack, Kevin Teater and David Nutter. It was the consensus of Council to postpone appointments until recommendations are received from the Multimodal Transportation Commission.

**WNC Regional Air Quality Control Agency** - The following individuals applied for the vacancy: Robert Lane and Joel Storrow. It was the consensus of Council to interview both candidates.

#### **RESOLUTION NO. 16-142 - RESOLUTION APPOINTING A MEMBER TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the term of Stephanie Brown, as a member of the Greater Asheville Regional Airport Authority, expires on June 30, 2016.

No one applied for the vacancy.

It was the consensus of the Boards & Commissions Committee to reappoint Ms. Brown to serve a four-year term.

Councilman Smith moved to reappoint Stephanie Brown to serve as a member of the Greater Asheville Regional Airport Authority, to serve a four-year term, term to expire June 30, 2020, or until her successor has been appointed. This motion was seconded by Councilwoman Mayfield and carried unanimously.

#### **RESOLUTION BOOK NO. 38 – PAGE 86**

#### **RESOLUTION NO. 16-143 - RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE**

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

The following individuals applied for the two at-large seats: Lisa Thomson, Fred Cooke and Allison Scott.

It was the consensus of the Boards & Commissions Committee to appoint Allison Scott and re-advertise for the other at-large seat.

Councilman Smith moved to appoint Allison Scott to serve as an at-large member of the Citizens-Police Advisory Committee, to serve a three-year term, term to expire June 30, 2019, or

until her successors have been appointed. This motion was seconded by Councilman Young and carried unanimously.

**RESOLUTION BOOK NO. 38 - PAGE 87**

**RESOLUTION NO. 16-144 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the terms of David Nutter and Woody Farmer, as members of the Asheville-Buncombe Historic Resources Commission, expire on July 1, 2016.

The following individuals have applied for a vacancy: Craig Cline, Guy Cothran and Helen Glenn Court.

The Boards & Commission Committee recommended reappointing Mr. Farmer and appointing Craig Cline.

Councilman Smith moved to (1) reappoint Woody Farmer to serve an additional three-year term, term to expire July 1, 2019, or until his successor has been appointed; and (2) appoint Craig Cline to serve a three-year term, term to expire July 1, 2019, or until his successor has been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

**RESOLUTION BOOK NO. 38 – PAGE 88**

**RESOLUTION NO. 16-145 – RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the terms of DeWayne Barton (representing 28806 or 28728 zip code); and Teddy Jordan (at-large member) expire on July 1, 2016. In addition, Alan Escovitz (at-large member) resigned, thus leaving an unexpired term until July 1, 2016.

The following individual applied for a vacancy: Billie Harper Buie.

It was the consensus of the Boards & Commissions Committee, and recommendation from the Neighborhood Advisory Commission, to appoint Billie Buie and re-advertise for the other seats.

Councilman Smith moved to appoint Billie Buie (Alan Escovitz at-large member) to serve a three-year term, term to expire July 1, 2019, or until her successor has been appointed. This motion was seconded by Councilman Young and carried unanimously.

**RESOLUTION BOOK NO. 38- PAGE 89**

**RESOLUTION NO. 16-146 - RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that Jaan Ferree (term to expire June 30, 2017) and K. Johnson Bowles (term to expire June 30, 2018), have resigned from the Public Art & Cultural Commission.

The following individuals applied for this vacancy: Matthew Lands, Alyssa Dreyfus and Andrew Fletcher.

It was the consensus of the Boards & Commissions Committee to appoint Andrew Fletcher and Alyssa Dreyfus.

Councilman Smith moved to (1) appoint Andrew Fletcher as a member to the Public Art & Cultural Commission to serve the unexpired term of Ms. Ferree, term to expire June 30, 2017, or until his successor has been appointed; and (2) appoint Alyssa Dreyfus as a member to the Public Art & Cultural Commission to serve the unexpired term of Mr. Bowles, term to expire June 30, 2018, or until her successor has been appointed. This motion was seconded by Councilman Young and carried unanimously.

## **RESOLUTION BOOK NO. 38 – PAGE 90**

### **VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:**

Ms. Diane Allen, bus operator and Union President for the Amalgamated Transit Union Local 128, Ms. Kim Roney, member of the Transit Committee and Multimodal Transportation Commission, and Ms. Sabrah n'haRaven all expressed concerns and disappointment regarding the Request for Proposals and ultimate recommendation to contract with First Transit for the management of the operation of the Asheville Transit System.

Ms. Nina Hart, resident on Wellington Street, along with other area residents, showed pictures and explained the issue of massive flooding that occurs after a heavy rain on Wellington St., in the Hall Fletcher neighborhood. Although the city's storm water managers have been out to survey the situation, they have been mostly unresponsive, and have advised them, despite laws that pertain to hydraulic trespass, to direct the water into our neighbor's yard, and that is not acceptable. Using photos, they showed how fences are knocked down, neighbor's homes flood, the street is impassible, and having a "river" in their neighborhood is not acceptable. Flooding appears to be a combination of new construction (new culverts created from construction up above on Bradley St. too,) and an inadequate mitigation system for the stream running through the Hall Fletcher Elementary School property. They asked that the City mitigate all stormwater from Hall Fletcher Elementary School, Bradley Street, Collin Street, E. Indiana Street, and Frances Street so that it is not directed into the residents' private properties but rather into City storm drains. They also asked the the City be responsible and pay for mitigation on residents' private property where land and homes have been affected by outdated stormwater runoff practices. And, the asked that Development Services implement new, progressive regulations at building sites for managing stormwater runoff. City Manager Jackson was directed (1) to contact a third-party engineer and see what their recommendation is for a scope of work and associated public/private participation costs; and (2) research the City's 1992 resolution regarding storm water drainage.

Christopher Chiaronmonte spoke to Council.

Two individuals spoke to Council asking for assistance in hooking up 218 Summer Drive and surrounding homes in Arden to City water (with Duke Energy Progress paying for the hookup), due to their proximity to the coal ash plant and their contaminated water. Councilwoman Mayfield suggested (and Council agreed) that they e-mail her a copy of the water test results to see how we can get this problem addressed.

At the request of Councilman Bothwell, it was the consensus of Council to instruct the City Manager to review the tree ordinance to see if there are ways to help protect trees.

Councilwoman Mayfield announced that the Energy Innovation Task Force has created four working groups (programs, technology, peak reduction and community engagement) and encouraged interested people to apply.

### **VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 8:23 p.m.

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CITY CLERK

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MAYOR