

Tuesday – January 24, 2017 - 5:00 p.m.

Regular Meeting

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

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING FEBRUARY 12, 2017, AS "INTERNATIONAL DARWIN DAY" IN THE CITY OF ASHEVILLE

Councilman Bothwell read the proclamation proclaiming February 12, 2017, as "International Darwin Day" in the City of Asheville. He presented the proclamation to Erin Schultz, and others.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 10, 2017

B. RESOLUTION NO. 17-11 - RESOLUTION APPOINTING THE TRANSIT COMMITTEE CHAIRPERSON, OR THE CHAIRPERSON'S DESIGNEE, TO SERVE AS THE URBAN TRANSIT REPRESENTATIVE ON THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION BOARD

Summary: The consideration of a resolution appointing the Transit Committee Chairperson, or the Chairperson's designee, to serve as the Urban Transit Representative on the French Broad River Metropolitan Planning Organization Board.

The French Broad River Metropolitan Planning Organization (MPO) is a partnership between local and state government that makes decisions about transportation planning in urbanized areas and meets planning requirements established by Federal authorizing legislation for transportation funding. Local governments belonging to the MPO include Buncombe, Haywood, Henderson, Madison and Transylvania Counties, and Asheville, Biltmore Forest, Black Mountain, Canton, Clyde, Flat Rock, Fletcher, Hendersonville, Laurel Park, Maggie Valley, Mars Hill, Mills River, Montreat, Waynesville, Weaverville, and Woodfin.

When the MAP 21 Transportation Bill was approved in 2013, MPOs with populations of over 200,000 were required to include transit representation on their governing boards. At that time, the French Broad River MPO Board adopted a resolution setting up two seats for transit representatives on the French Broad River MPO Board, one to rotate between agencies receiving Urban/5307 funding, and another one to rotate between agencies receiving Rural/5311 funding. Currently, Henderson County and the City of Asheville are the only two beneficiaries of Urban/5307 funding.

The Regional Transit Operators group recommended drawing lots to decide on the first round of agencies to nominate a representative; Henderson County was selected to nominate an

urban transit representative two years ago and Haywood County was asked to nominate a rural representative. The two-year cycle is up and now it is time for the City of Asheville to nominate an urban transit representative and for Buncombe County to nominate a rural transit representative to the FBRMPO Board for a two-year cycle. The term of this position will begin in January 2017 and will end in December of 2018.

The Transit Committee reviewed this action at their meeting on November 15, 2016, and recommended that the Transit Committee Chairperson, or the Chairperson's designee, serve as the Urban Transit Representative.

The Multi-Modal Transportation Commission reviewed the Transit Committee's recommendation at their meeting on December 14, 2016, and unanimously approved it.

Pros:

- Gives the City of Asheville an additional voting member on the MPO Board.
- Improves the multi-modal "voice" on the MPO Board.

Con:

- There are no known cons to the recommended action.

There is no known fiscal impact for the recommended action.

Staff recommends that City Council approve a resolution appointing the Transit Committee Chairperson, or the Chairperson's designee, to serve as the Urban Transit Representative as a voting member on the French Broad River Metropolitan Planning Organization Board for a two-year term beginning in January 2017 and ending in December 2018.

RESOLUTION BOOK NO. 38 - PAGE 308

C. RESOLUTION NO. 17-12 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION BY THE ASHEVILLE BREAKFAST ROTARY CLUB OF AN AUDIO FREQUENCY INDUCTION LOOP SYSTEM FOR USE IN THE COUNCIL CHAMBER

Summary: The consideration of a resolution authorizing the City Manager to accept an Audio Frequency Induction Loop System ("AFILS") hearing system for Council Chamber.

In August of 2016, Mr. Carl Chesnick of All Ears Hear Here reached out to the City Clerk's office to donate an AFILS hearing system on behalf Asheville Breakfast Rotary Club, to be used in the City Hall Council Chamber. The AFILS system is a tool for people with hearing loss. It is a wire that can be tied into the existing PA system and it will work for hard of hearing people who have a t-coil app installed on their hearing aid device. The loop system runs inside the existing cable housing, and therefore will not be visible or alter the Council Chamber.

The AFILS system works by running a low current of electricity through a "loop" of wire, producing a temporary magnetic field. Small antennae in hearing aids called Tele-Coils are able to decipher this signal wirelessly, and the wearer is able to hear sound directly in his/her ears corrected for their individual hearing loss. The technology is internationally recognized and standardized to work with any make or model of tele-coil equipped hearing aid. Approximately 80% of hearing aids today use tele-coil equipped hearing aids, and this number continues to grow.

The donated equipment has a total value of approximately \$5,000. This equipment was purchased by the Asheville Rotary Club and has since been authorized to donate the equipment

to the City of Asheville. Mr. Chesnick of All Ears Hear Here has agreed to work with City Staff to install the system at no cost.

Pro:

- The loop system will help hard of hearing visitors to better hear and engage in Council meetings.

Con:

- None noted.

City staff recommends City Council adopt a resolution authorizing the City Manager to accept an Audio Frequency Induction Loop System ("AFILS") hearing system for Council Chamber donated by the Asheville Rotary Club.

RESOLUTION BOOK NO. 38- PAGE 309

D. RESOLUTION NO. 17-13 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A QUIT CLAIM DEED TO OMKAR HOTELS INC. FOR ANY CLAIM THAT THE CITY HAS ON REAL PROPERTY LOCATED AT 1103 BREVARD ROAD AND STRADLEY MOUNTAIN ROAD

Summary: The consideration of a resolution authorizing the City Manager to convey a quit claim deed to Omkar Hotels Inc. or current owner for any claim that the City has on real property located at 1103 Brevard Road and Stradley Mountain Road.

The property located at 1103 Brevard Road (PIN 9626-64-8826) is improved with one commercial building and three single family houses on 1.43 acres. At some point, a portion of the property was utilized as a water pump station. This pump station was abandoned in place in 2005 when a new station was installed at a higher elevation. On review of the title to the property at 1103 Brevard Road, it appears that no easement or conveyance of any kind was ever granted to the City of Asheville for this pump station.

The property is being transferred to a new owner and the purchaser is seeking to remove any claim that the City may have to this abandoned pump station. The Water Department has concluded that the City no longer has any use for the abandoned station at this location and it is fully disconnected from the main water system. Without an easement or deed for the pump station, the abandoned building and historical use represent a cloud on the fee holder's title. To resolve this matter, the City Council may authorize a deed to quitclaiming all government interest in the property.

Pros:

- Resolves ownership issues.
- Removes liability issues associated with abandoned station.

Con:

- None noted.

City staff recommends City Council approve a resolution authorizing the City Manager to convey a quit claim deed to Omkar Hotels Inc. or current owner for any claim that the City has on real property located at 1103 Brevard Road and Stradley Mountain Road.

RESOLUTION BOOK NO. 38- PAGE 310

E. RESOLUTION NO. 17-14 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT DUKE ENERGY CAROLINAS, LLC, REIMBURSEMENT GRANT FUNDS FOR A SINGLE PORT PLUG-IN

ELECTRIC VEHICLE CHARGING STATION IN THE RANKIN PARKING GARAGE

ORDINANCE NO. 4949 - BUDGET AMENDMENT FOR A SINGLE PORT PLUG-IN ELECTRIC VEHICLE CHARGING STATION IN THE RANKIN PARKING GARAGE

Summary: The consideration of a resolution authorizing the City Manager to accept Duke Energy Carolinas, LLC reimbursement grant funds for a single port Plug-in Electric Vehicle Charging Station in the Rankin Parking Deck; and a budget amendment in the amount of \$10,000 in the Parking Services Fund to budget the reimbursement grant.

This project is designed to provide direct financial support to Duke Energy customers, the City of Asheville, that wish to install and own electric vehicle charging stations. The City of Asheville was approved by Duke Energy for installation of a single port plug-in EV charging station in the Rankin Parking Deck.

The total cost for the project is \$20,000. Duke Energy has agreed to reimburse the City of Asheville for the cost incurred to produce, construct and install a single port charging station in the Rankin Parking Deck in the amount of \$10,000. Thus initial cost of installation of the Plug-in EV charging station would be incurred by the City, from the parking services enterprise fund. Once the project is completed, documentation will be submitted to Duke Energy for the maximum reimbursement amount of \$10,000.

Pros:

- Provides more access to EV charging stations in the COA parking decks
- Helps to meet City's carbon reduction goal while leveraging private funds

Con:

- None can be identified

As noted above the total cost of the project is \$20,000, with the reimbursement grant covering \$10,000 of the cost. The City will cover amounts that exceed the grant limit of \$10,000 from the parking services enterprise fund.

City staff recommends City Council adopt a resolution authorizing the City Manager to accept \$10,000 in reimbursement grant monies from Duke Energy Carolinas, LLC; and a budget amendment in the amount of \$10,000 in the Parking Services Fund to budget the grant.

**RESOLUTION BOOK NO. 38 - PAGE 311
ORDINANCE NO. 31 - PAGE 64**

F. RESOLUTION NO. 17-15 - RESOLUTION AMENDING THE 2017 CITY COUNCIL MEETING SCHEDULE

Summary: (1) City Council will hold a worksession to hear an update on the implementation of the bonds on Tuesday, February 7, 2017, at 2:30 p.m. in the First Floor North Conference Room of City Hall, Asheville, N.C.; (2) City Council will hold a joint worksession with the Buncombe County Board of Commissioners on Tuesday, February 7, 2017, at 4:00 p.m. at 200 College Street, Asheville, N.C.; and (3) City Council will hold their annual retreat on Friday, February 17, 2017, beginning at 8:30 a.m. in Overlook Hall (300 Field Drive) at the UNC-Asheville Campus, Asheville, N.C.

RESOLUTION BOOK NO. 38 - PAGE 312

G. RESOLUTION NO. 17-16 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH CIVIL DESIGN CONCEPT, P.A., FOR THE CARRIER PARK VELODROME SAFETY PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a contract amendment with Civil Design Concept, PA, to increase the existing contract in the amount of \$25,292.08 by an additional \$72,080.00 for a total project budget of \$97,372.08 for the project known as Carrier Park Velodrome Safety.

The Parks and Recreation Department awarded the Engineering Design Services Contract to Civil Design Concepts, PA of Asheville, NC for the renovations of the Carrier Park Velodrome through qualified based selection process in 2013 (RFQ). Under the existing contract Civil Design Concepts prepared preliminary design studies, construction documents, and cost estimates for the project.

As the project now moves to permitting, bidding, and construction additional engineering services are required. Civil Design Concepts has presented a scope of work and fee proposal for engineering services associated with the Velodrome Safety Project and will provide engineering clarifications, contract administration, construction observation/reporting, inspection, materials testing, development of record drawings. Direct oversight and management by the engineer of record is encouraged, to provide continuity and compliance with engineering drawings by the contractor through construction.

Scope of Work: Velodrome resurfacing and amenities, replace lights

Project Budget: \$1.1 million. Estimated project cost will be determined during the final architectural and engineering design phase.

Tentative Project Timeline:

Final Architectural and Engineering Design	February 2017
Permitting	March 2017
Request for Construction Bid	April 2017
Construction Begin	Fall 2017
Construction Complete	Fall 2017

Pros:

- Continued use of the engineer of record, Civil Design Concepts, PA, as the most qualified engineering firm to assist with the contracting and construction phases of the project.
- Reduces staff time required to manage and inspect the project.

Con:

- None

Funding for these additional services is already included in the adopted Parks and Recreation Capital Improvement Budget.

Staff recommends City Council adopt the resolution authorizing the City Manager to execute a contract amendment with Civil Design Concepts, PA to increase the existing contract in the amount of \$25,292.08 by \$72,080.00 for a total project budget of \$97,372.08 for the project known as Carrier Park Velodrome Safety and further authorizing the execution of any change orders to said contract which may arise during execution of said project up to the budgeted amount.

H. RESOLUTION NO. 17-17 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONSTRUCTION AGREEMENT WITH NORFOLK SOUTHERN CORPORATION RELATED TO THE CONSTRUCTION OF THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT

Summary: The consideration of a resolution authorizing the City Manager to sign a construction agreement with Norfolk Southern Railway Company related to the construction of the River Arts District Transportation Improvement Project (RADTIP), with an estimated cost of \$828,951.

The RADTIP project will re-construct a 2.2 miles of roadway within the River Arts District and will add sidewalks, bike lanes, on-street parking, a greenway, storm drainage, landscaping and other amenities. Construction is scheduled to begin later in 2017.

Portions of the RADTIP project cross over or are adjacent to railroad facilities owned by Norfolk Southern. In order to construct the project, the City must enter into a construction agreement with Norfolk Southern. The agreement lays out terms and conditions for construction, and includes a force account estimate of the cost of work to be performed by the Railway, including flagging services and inspections throughout the duration of the project. In the agreement, the City agrees to reimburse Norfolk Southern for the actual cost of the work. The cost estimate is as follows:

Construction Engineering	87,929
Accounting	2,097
Flagging Services	248,932
Communications Changes	50,000
Signal and Electrical Changes	88,000
<u>Track Work</u>	<u>351,993</u>
TOTAL	\$ 828,951

Pro:

- This work is necessary for construction of the RADTIP.

Con:

- None

The funds for Norfolk Southern reimbursements are budgeted as part of the construction budget for RADTIP in the City's Capital Improvements Program.

Staff recommends City Council adopt a resolution authorizing the City Manager to sign a construction agreement with Norfolk Southern Railway Company related to the construction of the RADTIP project, with an estimated cost of \$828,951.

RESOLUTION BOOK NO. 38 - PAGE 314

I. ORDINANCE NO. 4550 - BUDGET AMENDMENT FROM THE N.C. DEPT. OF REVENUE FOR SUPPLEMENTAL PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS CHANNEL FUNDING

Summary: The consideration of a budget amendment in the amount of \$27,582 in the Special Revenue Fund to budget supplemental Public, Educational and Governmental (PEG) Access Channel funds from the North Carolina Department of Revenue.

PEG funding is distributed on a quarterly basis by the North Carolina Department of Revenue. The state distributes \$4 million annually as PEG funding. Every quarter, \$1 million is distributed with funds divided equally among certified PEG channels.

In 2016 the average quarterly distribution of PEG funds was \$6,896 per channel, or \$27,582 per year. The City of Asheville met certification criteria in 2016 and is eligible for quarterly allocations of \$6,898 or \$27,582 per year. The first distribution became available in December 2016.

To be eligible for supplemental PEG funding, a qualifying channel must be operated by a county or city for at least 120 continuous days and:

- Have scheduled programming for at least eight hours a day.
- Not repeat more than fifteen percent (15%) of the programming.
- Not contain more than fifteen percent (15%) of character-generated programming content.

PEG funds can be used only for maintenance expenditures that finance day-to-day operations of a PEG channel. Examples of these expenditures may include, but are not limited to:

- Video production / streaming equipment
- Computer / technology
- Renovation and construction of facilities
- Office furniture

Plans for the City of Asheville's PEG funding may include, but are not limited to video post-production equipment (e.g., computer workstation) and secure external storage for media files.

Pros:

- Investments in Government Channel equipment will support compliance with records retention requirements set forth by the North Carolina Department of Cultural Resources.
- Investments in Government Channel equipment will improve the quality of programming and maximize efficiency in post production work.

Con:

- Acceptance of funding requires administrative work to process funding and track compliance with requirements.

Acceptance of the funding will result in \$27,582 of outside revenue. In the last few years, Government Channel equipment investments have come from the Communication and Public Engagement Division's general fund budget leaving few funds for investments in public engagement activities outside of the Government Channel. This outside funding will allow the general fund budget to be allocated towards more professional and inviting public engagement opportunities for the Asheville community.

City staff recommends City Council adopt a budget amendment in the amount of \$27,582 in the Special Revenue Fund to budget supplemental PEG funding from the North Carolina Department of Revenue.

ORDINANCE BOOK NO. 31 - PAGE 66

J. RESOLUTION NO. 17-18 - RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO SIGN AN AMENDMENT TO THE 2012 MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE

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

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

This fourth amendment (dated October 1, 2016) amends Standard 6 (Emergency Services and Fire Department Records) and Standard 9 (Law Enforcement Records).

Pro:

- Promotes municipal records management

Con:

- None noted

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

RESOLUTION BOOK NO. 38 - PAGE 315

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

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

Councilman Bothwell moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. ASHEVILLE POLICE DEPARTMENT UPDATE

Police Chief Tammy Hooper updated Council on the following items of interest: Property and Evidence; Matrix Recommendations/ Multi-Year Work Plan; Recruitment Plan; 2016 Crime Trends; and Community Policing/ Trust Building Efforts.

She explained the property and evidence room, showing a chart of items purged, with a backlog of 25% yet to be researched/inventoried. Target for completion is June 30, 2017.

The matrix recommendations/multi-year work plan (completed in July, 2016) included: The APD Multi-Year Work Plan Fiscal Year 2017- Fiscal Year 2019: (1) Formulated through a collaborative internal process; (2) Focus areas are strongly influenced by SOP and Matrix Report as well as ensuring alignment with the City Council's 2036 VISION; (3) Maximizes the Police Department's ability to effectively manage resources, provide accountability, and adapt to change; and (4) A guiding document that is constantly reviewed, updated and aligned with our community's values.

In 2016, the APD implemented a Recruitment Plan to guide in actively recruit, hire, train, and promote a qualified workforce that mirrors the community we serve. (1) Out of 560 police officer applicants, 36 were hired (6.4%) (26 were white males, 7 were white females and 3 were Latino males); (2) Attended more than 15 recruiting events in North Carolina, South Carolina and Tennessee; (3) Engaged community partners; (4) Advertised nationally among a network of minority outlets; and (5) Maximize efforts to increase African American applicants and hires.

Part 1 Crime in 2016 increased 1% compared to 2015. (A) Slight reduction in Property Crime; (2) Overall increase driven by Aggravated Assaults (a) Domestic Related Aggravated Assaults increased by 33% (i) Attributable to increased reporting consistent with changes in practices by LE and service providers, as well as advent of Family Justice Center (b) Non-Domestic Aggravated Assaults increased by 22% (i) Significant increase in gun related crimes; and (c) Both Domestic and Non-Domestic above 5 year averages.

Using maps of Asheville, she showed the crime trends for 2016 - Part 1 crimes 3646 (downtown highest area); Violent Part 1 crimes 471 (downtown highest area); Property Part 1 crimes 3175 (downtown highest area); and Vehicle wrecks 7844 (I-240 at Tunnel Road is the highest area).

Regarding accountability, credibility and community trust, the APD has and will continue to implement programs, training and initiatives to promote accountability and strengthen relationships between the department and diverse communities: (1) Body Worn Camera Program; (2) Use of Force Policy Revision; (3) Officer Training – Crisis Intervention Training (CIT), ICAT, Racial Equity Training (REI); (4) Continued partnerships with community members and groups; and (5) Working to mentor youth.

For 2017 and beyond, (1) Complete inventory and purge of Property and Evidence room; (2) Accomplish goals and objectives in the Multi-Year Plan; (3) Increase recruiting efforts to hire, train, and promote a qualified workforce that mirrors the community we serve; (4) Partner with community to reduce crime and violence and improve quality-of-life through evidence based strategies; (5) Police in an equitable manner that reflects community values; and (6) Enhance community policing and trust through programs, training and initiatives that promote accountability and strengthen relationships.

Chief Hooper responded to Councilman Bothwell when he asked about the actual number of applicants hired vs. the number who applied. Chief Hooper explained that there are several steps in the process and each step of the way they lose applicants.

In response to Councilman Smith, City Manager Jackson said that they will highlight staffing needs in the Police Department (downtown and traffic patrol) in the upcoming budget process.

Councilman Smith suggested we ask for the N.C. Dept. of Transportation's help to make the traffic hotspots safer.

Councilwoman Mayfield asked for accident data on the Jeff Bowen Bridge.

Mayor Manheimer noted that the City will be part of a meeting with the Housing Authority to talk about public housing and the kinds of partnerships and other things that we can do to address crime in public housing.

B. COMPREHENSIVE PLAN PROGRESS

Director of Planning & Urban Design Todd Okolichany updated City Council on the Comprehensive Plan process. He provided a brief overview of the six principles of sustainability that are the unifying themes of the plan - (1) a livable built environment; (2) harmony with the nature environment; (3) a resilient economy; (4) interwoven equity; (5) a healthy community; and (6) responsible regionalism.

Goals of the Plan include (1) highlight key aspirations, challenges, and opportunities; (2) set principles and priorities about where the City should devote energy; (3) create a unified vision that integrates existing planning; (4) create a resource to help guide decision-making; (5) design a user-friendly documents; (6) outline specific goals and strategies; (7) develop a high-level

methodology for measuring the City's progress; and (8) balance the big ideas with core service delivery.

The Comprehensive Plan is a tool that the City uses to establish a high-level vision to guide city policy decisions over a 10-15 year period. The update to the Comprehensive Plan, titled, *Living Asheville: a Comprehensive Plan for our Future*, will provide a visionary framework to help guide Asheville's long term development and provide an essential tool that will be used across the City's many departments to guide future decision making.

The Assessment Report provides the background information for development of the Comprehensive Plan. It explains what a Comprehensive Plan is and the purpose, as well as the process for its development. It also includes an overview of existing plans and their progress to date, peer city review with benchmarking and metrics, and preliminary economic and transportation analyses.

He then reviewed community engagement efforts to date, a review of the project timeline (final plan proposed to be completed in the Fall of 2017), and a review of the Assessment Report, developed by Skidmore Owings and Merrill for the project.

Mr. Okolichany responded to various questions/comments from the Council regarding the Plan update and assessment report summary, some being, but are not limited to: clarification of the percentage of vacant homes that are seasonal; define fixed route transit; does household income only include wages; where is the assessment plan located on-line; in the sections regarding transit, please use "elective riders" instead of "choice riders" and use "transit dependent riders" instead of "captive riders;" when you compare the growth rate of the City to the metro area, is there anyway to quantify the impact of the restraint on annexation; request to see the Lee Walker Heights initiative and the vision for economic mobility and economic opportunity regarding public housing reflected in the Plan; request to see large goals regarding equity reflected in the Plan; greenways should be seen as transportation corridors and recognize that they are part of the broader transportation strategy; need to set some big goals on how we are going to get some of the N.C. Dept. of Transportation managed corridors up to the standards the people of Asheville want; have the zoning language match the principles around infill and affordability; if there is going to be a goal to increase residential presence in downtown, we need to look at capping short-term rentals in the Central Business District; request to see the land assemblage and land banking in some of our affordability efforts; request for update on bolstering local business and discouraging national chains in downtown; request to make sure that the neighborhood plans are reflected in this document; and error on the affordability by sub-district chart on page 115.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER REZONING 4 SCOTTISH CIRCLE, 6 SCOTTISH CIRCLE, 8 SCOTTISH CIRCLE, 9 SCOTTISH CIRCLE, 11 SCOTTISH CIRCLE, 15 SCOTTISH CIRCLE AND A PORTION OF RIGHT-OF-WAY ON SCOTTISH CIRCLE FROM OFFICE II DISTRICT TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

ORDINANCE NO. 4551 - ORDINANCE TO REZONE 4 SCOTTISH CIRCLE, 6 SCOTTISH CIRCLE, 8 SCOTTISH CIRCLE, 9 SCOTTISH CIRCLE, 11 SCOTTISH CIRCLE, 15 SCOTTISH CIRCLE AND A PORTION OF RIGHT-OF-WAY ON SCOTTISH CIRCLE FROM OFFICE II DISTRICT TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

Urban Planner Shannon Tuch said that this is the consideration of an ordinance to rezone 4 Scottish Circle, 6 Scottish Circle, 8 Scottish Circle, 9 Scottish Circle, 11 Scottish Circle, 15 Scottish Circle and a portion of right-of-way of Scottish Circle from Office II District to RS-8

Residential Single-Family High Density District. This public hearing was advertised on January 13 and 20 2017.

Ms. Bernstein said that applicant (Darren Poupore, agent) is requesting a rezoning of a private road right-of-way and six single family home parcels located on Scottish Circle in south Asheville from Office II District (O2) to RS-8 Residential Single Family High Density District (RS8).

Project Information:

PIN	Address	Owner
9655-01-3113	4 Scottish Circle	Patrick & Karen Davis
9655-01-3221	6 Scottish Circle	Jerrel & Alfred Bruno
9655-01-3227	8 Scottish Circle	Regina Candler
9655-01-4372	9 Scottish Circle	Darren Poupore
9655-01-4369	11 Scottish Circle	Frederick & Michelle Koon
9655-01-3349	15 Scottish Circle	Michael, Timothy & Rita Conway
9655-01-2373	Scottish Circle (portion of ROW)	Harrell & Associates, Realtors (HOA)

The area of the subject property is approximately 1.40 acres, containing six single family home lots and a portion of the private right-of-way for Scottish Circle. The property was originally developed in 2005 by assembling multiple parcels into a new 3.7 acre, single family subdivision containing 17 home sites and new road. The parcels range in size from .13 acres to .23 acres and all have frontage on Scottish Circle. Ten of the 17 parcels are zoned RS8, four are split zoned RS8/O2 and three are zoned O2.

The applicant has requested a standard rezoning from Office II zoning district to Residential High Density Single-Family (RS8) zoning district. Approximately 2/3 of the original subdivision was already zoned RS-8 while the remaining 1/3 was zoned O2. Single family development is permitted in the O2 zoning district so no rezoning was required at the time of development. The owners included in this request would prefer to amend their zoning so that it would be consistent with the rest of the community. One property owner, the owner of 2 Scottish Circle, has elected to not join the request at this time and is not included in the application for rezoning.

The purpose of the RS8 zoning district is to allow for higher density single family home development where public infrastructure is sufficient to support such development, and to stabilize and protect the district's residential character. The purpose of the O2 zoning district is to support the development of small to medium scale office uses compatible with the use and scale of adjacent properties. All six properties have already been developed for single family homes and all comply with the RS8 zoning for lot size and dimensions. The same properties, however, do not comply with the lot size, lot width and building setbacks for the O2 zoning district. The public record is unclear on how the lots were originally created under the existing O2 zoning and these lots may have been permitted in error. This rezoning will correct the non-compliance of the O2 and O2/RS8 split-zoned parcels (save one).

The subject properties are surrounded on three sides (north, west, south) by other RS8 zoned property, most of which have been developed for medium to low density single family homes. The east side of the community is bordered by O2 zoning which allows for small-medium sized office uses and light commercial/service uses. Approximately 260 linear feet of the eastern boundary is undeveloped. Should the subject properties be rezoned, any future development of the adjacent O2 property would be required to install buffers or orient the structures to the street

which would be more reflective of, and compatible with, the single family development pattern that already exists.

At their regular meeting on January 4, 2017, the Planning & Zoning Commission voted unanimously in support of the group rezoning request (7:0). After the Planning & Zoning Commission meeting, one inquiry from a representative for the adjacent O2 zoned property to the east inquired about potential impacts on developing the non-residential property when adjacent to RS8 zoning.

The Asheville City Development Plan 2025 encourages compatible “adaptive reuse, redevelopment and infill development” and states, “areas within the existing urban fabric that are vacant should be targeted for compatible infill development that takes advantage of existing infrastructure”. Given that these properties are already developed for single family uses, and have been developed under the RS8 zoning standards, staff feels this rezoning would help bring these properties into alliance with the goals of the Comprehensive Plan.

This action aligns with the 2036 Council Vision in the following area: *A Well-Planned and Livable Community* – the proposed rezoning promotes thoughtful resident-led planning that will result in a zoning designation that is compatible with the existing development pattern.

Considerations:

- This rezoning would correct the existing non-compliant lot sizes, lot widths and setbacks.
- This rezoning would resolve the undesirable split-zoned condition of three properties (one remains).
- The RS8 designation is consistent with the single family home development that has already occurred.
- This rezoning is being considered at the request of the homeowners.
- The RS8 designation affords a small amount of protection to the property owners by ensuring buffering or building orientation that may help mitigate the impact of future O2 development.

Based on the above findings and the analysis provided in the report, staff finds this request to rezone 4, 6, 8, 9, 11, and 15 Scottish Circle, in addition to the O2 zoned portion of the private right-of-way (PIN 9655-01-2373) from O2 to RS8, to be appropriate and consistent with the context of the neighborhood and broader city goals.

Mr. Darren Poupore, property owner and President of the Homeowners Association, asked for the Commission's support to rezone the entire area to residential in order to maintain their small neighborhood. They felt that the rezoning will ensure some protection of buffering. There is now an undeveloped lot zoned Office II District adjacent to their property, with a full tree buffer now. Since their rezoning application submitted in October has been proceeding through the process, City staff has recently received plans for a 48-unit apartment complex on this undeveloped adjacent lot. Because their property is currently zoned Office II, the tree buffer requirement is not required because the developer's plans were submitted prior to Council vote on this rezoning request. It was his understanding when City staff asked the developer to keep the tree buffer, he declined. Because their application was delayed one month in the City process due to an error in legal noticing at the Planning & Zoning Commission hearing level, and since their application has been going through the process since October, they asked that City Council intervene and ask the developer to reconsider the tree buffer (especially since it's existing).

In response to Mayor Manheimer, Ms. Tuch said that the apartment complex is a Level II development and will not come to Council for review. The plans only show a partial buffer, not a full one.

Councilman Bothwell said that the tree canopy in Asheville is a big concern for the Tree Commission. The Commission is working on trying to make developers analyze existing tree covers on their property prior to any development.

Mayor Manheimer opened the public hearing at 6:20 p.m., and when no one spoke, she closed the public hearing at 6:20 p.m.

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

Councilman Smith moved to approve the rezoning request from Office II District to RS-8 Residential, Single Family, High Density District to assign a zoning designation that is more compatible with the existing single family development pattern, and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: the rezoning will, 1) protect the existing residential character by guiding compatible infill development; and, 2) resolve an existing non-compliant situation. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ORDINANCE BOOK NO. 30 - PAGE 68

B. PUBLIC HEARING TO CONSIDER THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 192 HAYWOOD STREET

Mayor Manheimer said that this public hearing was continued from January 10, 2017, meeting.

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

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

After hearing no questions about the procedure, Mayor Manheimer opened the public hearing at 6:47 p.m.

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

Ms. Vrtunski said that this is the consideration of a request for a Level III review for the construction of an eight-story, 185 room, 178,412 square foot hotel with on-site parking located on 2.05 acres in the Central Business District (CBD). This project is considered a Level III (Conditional Use Permit) review pursuant to Section 7-5-9.1 of the city's Unified Development Ordinance (UDO).

The project site consists of one parcel totaling 2.05 acre (Location Map - Attachment to City Exhibit 3). The primary frontage is on Haywood Street, which is not a Key Pedestrian Street in this area. The site is outside of the Traditional Downtown Core, and is in the Tallest Height Zone. The parcel also has frontage along Carter Street and North French Broad Avenue, with North French Broad being the only Key Pedestrian Street.

The project is proposing to build an 8-story hotel building with 185 rooms and 200 parking spaces in a parking structure (City Exhibit 3 - Site Plan). The total commercial building square footage is 178,412 sf and includes 1300 sf of patio space on the first floor, and 5000 sf of outdoor terrace space on the top floor. Building height is 75 feet, to the floor of the top story. The total

height to the top of the parapet is 89 feet. As provided by the UDO, the height is measured from the Primary Pedestrian Entrance, which is on Haywood Street. Since the grade changes along Carter Street, the building has 9 stories on this side of the building, and a taller height from that grade.

Although not required in the CBD, the applicant is providing 200 parking spaces in a structure, including 8 handicapped spaces and 10 bicycle parking spaces. There have been recent concerns expressed about downtown hotels providing enough parking, and it is not clear if 200 spaces is adequate parking for the use. For other areas of the city with an off-street parking requirement, the number of parking spaces would meet the parking requirement. The parking structure borders the southern property line and is visible only from N. French Broad where the access is located.

The driveway on N. French Broad is shown at 20 feet wide. Access to a loading area is shown on Carter Street, and the driveway is proposed to be 28 feet wide, which is larger than allowed by the UDO (7-8-18(f) (11)). The wider driveway on Carter Street has been approved by the Transportation Department Director.

The sidewalks along Haywood and Carter Streets and North French Broad Avenues are 10 feet wide. The plans also show an internal sidewalk from North French Broad Avenue along the northern edge of the parking structure allowing pedestrians to access the rear entrance of the hotel without having to walk through the parking structure.

Plans show the required street trees along the frontages of Haywood (9 trees); Carter Street (7 trees) and N. French Broad Ave (4 trees). Plans also show the required landscaping for the parking structure (18 trees and 37 shrubs). This project received Alternative Compliance approval for the landscaping around the parking structure, to reduce the number of trees by 1, and to use green screens along the face of the parking garage on the southern side. The building to the south, the Asheville Broad Center, is built on the property line, and trees would not be able to survive between the neighboring building and the parking structure. Additional landscaping is not required, but is proposed on the site plan (additional shrubs). Open Space is not required in the Central Business District.

The project has been evaluated against the design standards in Section 7-8-18 of the UDO and found to comply with requirements including pedestrian entrances, fenestration, screening of mechanical equipment and design organization (View from Southwest from Haywood & Montford Avenue Intersection - City Exhibit 3 - A3.05a). (View from looking Northwest from Carter Street - City Exhibit 3 - A3.05b).

The following modifications have been granted as a part of the Technical Review Committee (TRC) review by the Transportation Department Director, per the Standards and Specifications Manual:

1. Driveway width of 24 feet – The Transportation Director has approved a wider driveway of 28 feet.

The project included requests for two variances that were granted by the Planning & Zoning Commission on December 7, 2016. (View from North French Broad looking at Parking Garage - Attachment to City Exhibit A - A3.05c) (View from North French Broad looking towards Haywood Street - Attachment to City Exhibit 3 - A3.05c)

1. Height of Streetwall (before the setback)
2. Coverage of 80% along frontage of a Key Pedestrian Street (N. French Broad)

The site is currently zoned Central Business District (CBD) and it is located outside of the Traditional Downtown Core; the use proposed is permitted with a conditional use permit.

The TRC recommended approval on August 15, 2016. The application requires a quasi-judicial review by City Council and a Final TRC review prior to final zoning approval or the issuance of any permits.

The developer's design team met with the Downtown Design Review Committee several times to modify the design and increase the compliance with the intent of the ordinance and design guidelines.

The project was reviewed by the Downtown Commission on September 9 and October 14, 2016. The Downtown Commission voted against the project design for Downtown Design Review based on the request for a variance for a wall over 145' long for a floor above 75 feet. Since the Downtown Commission meeting, the building design has been modified to no longer need the variance for a building wall longer than 145 feet long for floors over 75 feet. With the exception of this request, the Downtown Commission was favorable about the overall design of the project.

This project was reviewed by the Planning & Zoning Commission on December 7, 2016, where the project was approved unanimously. The Planning & Zoning Commission also approved two variances for the project.

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

Mr. Robert W. Oast Jr., attorney representing the applicant Parks Hospitality Group out of the triangle area of North Carolina, entered into evidence one notebook (original documents or certified documents) containing a list of exhibits the applicant would be using during the presentation. Also included was a sealed by Professional Engineer Kevin S. Dean January 23, 2017, memorandum from Kimley-Horn to Shaunak Patel, Parks Hospitality Group, of the Embassy Suites, Asheville, NC - Traffic Assessment (Applicant Exhibit 1). Mr. Oast also entered into evidence another notebook containing an appraisal sealed by Thomas J. Crozier of Cushman & Wakefield (Applicant Exhibit 2).

In response to Councilwoman Mayfield, Mr. Oast said that regarding the variances, Exhibit 7 of Applicant Exhibit 1 is the the certified copy of the variances (one action for two variances).

Mr. Oast said that unfortunately, Mr. Shaunak Patel, President of Parks Hospitality Group is out of town and regrets he is not here for this important project; however, Mr. Trevor Walden, Vice-President of Operations for Parks Hospitality Group, and Mr. Seth Mason, Assistant Property Manager for Parks Hospitality Group, can speak for the Parks Hospitality Group.

Mr. Oast said that this is a 185 room hotel on 2.2 acres on Haywood Street near its intersection with Montford Avenue. It includes conference facilities which are an important niche in the hospitality industry in downtown Asheville. This project is on the western edge of downtown and almost not in the Downtown Design Review overlay area. This area has long been in need for some sort of stimulus. This project is well situated from a transportation standpoint. It is convenient to a lot of points of interest in Asheville - River Arts District, Montford, Central Business District, South Slope area, convenient access to the French Broad River and even West Asheville, convenient to UNC-Asheville and the U.S. Cellular Center. There is also easy access to the roads out of downtown and to other parts of western North Carolina. We understand that there are questions about the over-building of hotels in downtown Asheville. But, he re-emphasized that this project is not in the center of downtown, it's on the edge, and it will actually relieve some of the pressure on downtown and spur an expansion of downtown into this area. In the Downtown Master Plan this area is identified as the Patton/Haywood Gateway area.

The Plan says that this is an area that is appropriate for hospitality development and it's in the tall building zone.

Mr. Oast said that in the conditional use process, Council has to make seven findings (Exhibit 6 of Applicant Exhibit 1). He then read those following standards: (1) That the proposed use or development of the land will not materially endanger the public health or safety; (2) That the proposed use or development of the land is reasonably compatible with significant natural and topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant; (3) That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property; (4) That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located; (5) That the proposed use or development of the land will generally conform with the comprehensive plan, smart growth policies, sustainable economic development strategic plan, and other official plans adopted by the city; (6) That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities; and (7) That the proposed use will not cause undue traffic congestion or create a traffic hazard. The findings must be based on substantial and competent evidence. If the findings are supported, the permit should be granted. He feels that after his expert witnesses collectively address all of the findings, he felt that Council will have plenty of evidence to support each finding.

Mr. Oast then asked for Council to recognize the following experts:

1. Mr. Tommy Crozier from Cushman & Wakefield - Mr. Crozier said that he is a Senior Director with Cushman & Wakefield in Charlotte. He is part of the Hospitality and Gaming Group. He is a licensed Real Estate Appraiser for over 15 years in the State of North and South Carolina. His primary coverage areas are the Carolinas and Georgia. He has a number of professional designations including the MAI. He has completed well over 1,000 real estate appraisals over the course of last 20 years, including several in Asheville. He prepared the Expert Report containing his signature and seal identified as Exhibit 8 in Applicant Exhibit 1.

With no objection from City Council, Mr. Crozier was recognized as an expert in the field of land appraisal and valuation.

2. Mr. Kevin Dean, Traffic Engineer from Kimley-Horn & Associates out of Raleigh - Mr. Dean said that he prepared the traffic study for this project. He graduated with a BA in Civil Engineering from NC State. He is a registered Professional Engineer in the State of North Carolina. He has testified as an expert in Cary and Apex, North Carolina. He prepared the traffic assessment containing his signature and seal identified as Exhibit 9 in Applicant Exhibit 1.

With no objection from City Council, Mr. Dean was recognized as an expert in the field of traffic and transportation analysis.

3. Mr. Blake Esselstyn, Principal of Frontwater, LLC, which is a planning and geographical systems consultancy in Asheville. He has been in that position for two years. Prior to that he worked in the City of Asheville's Planning & Urban Design Department for more than 10 years. He has a BA from Yale University. He has a Master's Degree from the University of Pennsylvania. He has been a Certified Planner since 2013. He is also certified as a Geographic Information Systems Professional. During his time with the City of Asheville he evaluated scores of development proposals for their consistency with comprehensive Plans. He also worked on the Downtown Master Plan and he is currently a

member of the Comprehensive Plan Advisory Committee as a volunteer. He is also Adjunct Faculty at Western Carolina University this semester. He is a member of the American Planning Association and the Urban & Regional Information Systems Association. He has testified as an expert in both court setting and quasi-judicial setting.

With no objection from City Council, Mr. Esselstyn was recognized as an expert in the field of land planning.

Mr. Mike Dale, landscape architect with a firm that was formerly Altamont Environmental, walked Council through the more technical aspects of the plan. The project is within most walking distance of most amenities within downtown. There is great ingress and egress to the interstate, which they have aligned with the intersection of Montford Avenue and Haywood Street, using the existing traffic signal. Using City Exhibit 3 (C4.0, A1.00), he showed the internal drop-off, recessed pedestrian plaza with hardscape (bike racks and a bench or two) on Haywood Street, and the entranceway as it continues into the parking deck. There is also access to the parking deck off N. French Broad Avenue. The parking deck has approximately 200 parking spaces which serves the number of spaces for the needs of the hotel. There is a sidewalk off of Haywood Street into the drop-off and a large 8-foot sidewalk that connects from the internal part of the site over to N. French Broad Avenue. They have met all of the requirements for the landscape plan (City Exhibit 3 - C9.0). He said this project received Alternative Compliance approval for the landscaping around the parking structure, to reduce the number of trees by 1, and to use green screens along the face of the parking deck on the southern side (City Exhibit 3 - Site Plan). They are providing street trees along Haywood, Carter and N. French Broad and also internally. The internal drop-off alleviates congestion along Haywood Street. The service entrance is along Carter Street which is the least busiest street of the three streets. The trash dumpster and back of house facilities are inside the building, with a rollaway door. They envision most guests will park and walk downtown. In general, the site slopes to the south and west with the low point being along Carter Street. That has enabled the architect to step the building down towards Carter Street. There are several utilities at the site, i.e., water, sewer and communications. They will bring the stormwater out from the site to the southwest and then run it down Carter Street and tie it into Patton Avenue. Since there is a slight increase between the pre-development and post-development rates, the applicant will need to provide detention for that difference in pre- and post-development rate. There is a City capital improvement project associated with some of the stormwater infrastructure on Carter Street. The applicant has been in communication with the existing church and there is an agreement in place to provide some parking spaces for the Church during their services on Sundays and Wednesdays. The applicant has also agreed to help resurface the Church's parking lot. There will be a little impact along the Church side with trees and the applicant will repair the retaining wall in that area. There are no plans to close Haywood Street or the sidewalk along Haywood Street during construction. They will provide a pedestrian tunnel. They have good access off of Carter Street to load and unload construction materials to the site.

In response to Vice-Mayor Wisler regarding pedestrian activity on Carter Street, Mr. Dale explained that the service entrance on Carter Street is at an angle to 28.5 feet in order to provide truck access to the dumpsters in the building. There is a 10-foot wide sidewalk on Carter Street, along with street trees, and the service entrance is recessed into the building enough that pedestrians should have a clean line of site to see if a truck is pulling in or out of the service area.

Mr. Oast presented into evidence a letter dated September 21, 2016, from Mr. Ken Putnam, Transportation Department Director, to Mr. Mike Dale, which approved the modification request to increase the required maximum driveway width of 24 feet to 28.5 feet. He asked that it be Exhibit 18 and placed into evidence and in the Applicant Exhibit 1 notebook.

Vice-Mayor Wisler wondered if pedestrian activity on Carter Street was considered when the maximum driveway modification was requested, and ultimately approved.

Using City Exhibit 3 - Site Plan - C4.0, Mr. Bill Zehrung, architect with the firm McMillan/Pazden/Smith Architecture, said that they have been working with City staff, the Downtown Commission, and the Downtown Design Review Committee to get feedback and incorporate some of their needs. The project does comply with the UDO and the two variances they sought benefited their project and to the neighbors around the project. The project will comply with all applicable building and accessibility codes. Although the building is not planned to be LEED certified, they are working on a number of energy efficient concepts, i.e., thermal gazing to reduce heat loss in the building, full continuous insulation wrapping around the entire building, low flow plumbing fixtures, LED lighting, and efficient HVAC systems, etc. Using City Exhibit 3 - Site Plan (C4.0), A1.00, A1.01, A1.02, A1.03 and A.1.04), he explained the plans for the areas on each floor. He explained that the service deliveries can happen any time of day; however, the vast majority of deliveries and trash pick-up are early in the morning. Mr. Zehrung then used City Exhibit 3 - A3.05a, A3.05 b and A3.05c to show the views from the various locations. He then talked about the material pallet that is proposed for the building, using suggestions by the Downtown Design Review Committee. The height of this proposed building is comparable to the Hyatt Place and is actually shorter than the Hotel Indigo (at least on the Haywood Street Elevation). They stepped back their building and worked with the Downtown Commission and the Downtown Design Review Committee on the massing to break up the building to avoid a canyon effect on the Haywood Street side. He felt that Conditional Use Standard No. 1 has been satisfied because the building will be fully code compliant and accessibility compliant; they have created a better vehicular circulation onto and off of the site particularly on the Haywood Street side; they have increased the sidewalk widths; and they are trying to deal with the loading dock as sensitively as possible. He felt that Conditional Use Standard No. 2 has been satisfied because as the site drops off they are bringing the building functions down trying to keep the building fully engaged; they have met all the fenestration requirements; and they have brought the massing down as the site slopes down. He also felt that Conditional Use Standard No. 4 has been satisfied because they were intentional in the way they massed out the project so that the larger mass of the building were closer to those already developed properties.

When Councilwoman Mayfield asked if there would be any commercial space on the first floor, Mr. Zehrung said that there will be 700 square feet of habitable space.

Councilman Bothwell said that the City puts a high premium on recycling and wondered if that was part of the design and if the trash collection design includes commercial compost. Mr. Zehrung said that they will have a recycling effort. From an architectural standpoint, he said they can accommodate commercial compost in the service court if there was a separate container. He said they have a service elevator from the kitchen that goes directly into the service area and then to the service court, but ultimately he felt this was more of an operational component.

In response to Vice-Mayor Wisler, using City Exhibit 3 - Vistas (A.400), Mr. Zehrung showed the skyline and how the building is dropped into picture from various vistas around downtown.

Mr. Tommy Crozier, expert in the field of land appraisal and valuation, reminded Council that his Expert Report containing his signature and seal is identified as Exhibit 8 in Applicant Exhibit 1. He was asked to give his expert opinion on Conditional Use Standard No. 3. On page 21 of Exhibit 8 of Applicant Exhibit 1, he showed properties that adjoin the proposed hotel. Three adjoining sites are Carolina Apartments, First Church of Scientist, and the Asheville Broad Center. After an initial review it looked like a textbook example of "principle of progression in real estate theory" meaning that lower valued properties are enhanced by the value of higher valued properties. In this example, the three adjoining properties are valued for tax purposes under \$3 Million and the proposed hotel to be built for approximately \$25-25 Million. He felt that theory applies in this case. Part of his analysis included looking at land uses downtown and in the neighborhood. It was obvious that the northwest part of downtown is different from the rest of the

traditional downtown core. Over 90% of the properties are 1-2 story structures and more than ½ of them are more than 50 years old and under-improved. He felt they have a higher and better use at this point. Part of determining that was looking at value trends in this neighborhood. In the report it shows a chart of recent land transactions, which suggested that values have increased substantially over the last few years in this neighborhood specifically (roughly \$50 per square foot). He said that two of the three properties that adjoin this site are \$8 per square foot and one is \$24 per square foot. He contended that market conditions have improved property values over time but he felt what is most attributable is the performance of the Hotel Indigo (which set a precedence in that neighborhood for property values and the impact of hotels on property values). He estimated that this hotel will generate somewhere north of 50,000 new visitors per year. They will not only be patrons of the hotel, but people that will spend money in restaurants, bars, shop locally, etc. They estimate the economic impact would be approximately \$3 Million/year. In addition, based on their estimates, the hotel would provide \$500,000 a year in hotel occupancy tax, part of which goes to fund the Buncombe County Tourism Development Authority, which invests in public interest projects. The hotel is anticipated to contribute approximately \$500,000 a year in property taxes. His conclusion, supported by market data, shows that the proposed hotel will not substantially injure the value of the surrounding properties.

When Councilman Smith asked what Mr. Crozier meant about "values", Mr. Crozier said he was talking about economic value.

When Vice-Mayor Wisler asked if there was any comparables for cities that have two hotels within ¼ mile from a new hotel, Mr. Crozier said that in this case there is proof from the Hyatt Place example that when it opened early last year the performance of the Hotel Indigo has actually increased by approximately 10%. He felt there is so much demand for new hotel rooms in the market that it will not impact the value of the adjoining downtown hotels in the area. Even though he did not have any comparables in his Expert Report (Exhibit 8 in Applicant Exhibit 1), he said it is a common situation in peer markets. Again, his opinion was that he did not think it will substantially injure the value of adjoining property, based on his Expert Report (Exhibit 8 in Applicant Exhibit 1).

Vice-Mayor Wisler said that the Buncombe County Tourism Development Authority (BCTDA) actually made a pitch to increase the rate on the percentage of hotel tax completely against the statement made by Mr. Crozier. The BCTDA said that as the number of hotel rooms increase, it will negatively affect the current hotels.

Mr. Kevin Dean, expert in the field of traffic and transportation analysis, said the purpose of his traffic analysis was to determine the impact that this site would have on transportation facilities around the site (Exhibit 9 of Applicant Exhibit 1). The site is expected to generate a total of 70 trips in the a.m. peak hour (entering and exiting), and 74 trips in the p.m. peak hour (entering and exiting). Neither of those volumes meet the threshold for a full traffic impact analysis. The City's traffic engineer told them that all the needed to provide was the trip generation table and their anticipated distribution of those trips (Exhibit 9 of Applicant Exhibit 1). They performed a traffic capacity analysis (Exhibit 9 of Applicant Exhibit 1). They collected peak traffic counts on November 10, 2016. They performed the trip generation for the site based on the Institute of Transportation Engineers data and assigned those trips to the roadway network. They then used traffic software to analyze that data. Based on discussions with City staff, they analyzed the intersections of Montford Avenue at the I-240 westbound ramps, Haywood Street at Montford Avenue, Haywood Street at French Broad Avenue, Haywood Street at the I-240 eastbound ramps, and the French Broad at Otis Street. Based on their analysis, those sites are only expected to have a minimal impact and don't represent more than 5% of any intersection in said area. The majority of the intersections operate at a Level of Service B or C and the site traffic is expected to only increase the overall delay at these intersections by about 4 seconds. Only minor restriping of the turn-lane arrows and minor modifications of the traffic signal at Haywood and Montford are necessary to accommodate that site driveway.

When Councilman Bothwell asked by Mr. Dean picked Thursday, November 10, to do the traffic counts, Mr. Dean said that traffic counts are only supposed to be counted between Tuesdays and Thursdays to get a typical weekday condition. That is industry standards.

Councilman Bothwell said that he was in that area on that day and acknowledged there was no traffic to speak of that evening. He wondered why the traffic engineer chose the month of November to do the traffic counts, because September and October are the months that have a lot of tourist traffic. He noted that Mr. Dean's report says there is no expectation of cueing, but there is already cueing when you turn off of Montford and go towards N. French Broad. And, when you have traffic coming from the eastbound exit, he suspected there will be cueing on Haywood Street. Mr. Dean responded that the amount of traffic will be a negligible increase to any cues. He said that the impact of 5% or less is very minor and again, he felt this will not cause any undue additional traffic.

When Vice-Mayor Wisler questioned if the time of day guests normally check in and out were taken into account in the traffic counts, Mr. Dean said they analyzed the peak traffic of the adjacent street. Typically they count 7-9 a.m. and 4-5 p.m. which generally represents the peak hour of the adjacent street. These are industry standard numbers. That might not necessarily reflect the peak hour of a particular use.

Vice-Mayor Wisler asked if other developments planned for the area were taken into account in the traffic assessment. Mr. Dean said that they did not since they were not required to do a full traffic study. They analyzed the existing conditions and analyzed what it would look like with the existing conditions plus the site.

In response to Councilman Smith, Mr. Dean said that they did not reduce their percentage for anyone who elected to walk, ride a bike or transit. They estimated what they expect to be a conservative estimate on what their impact would be.

Mr. Dean said that in his opinion this use is appropriately located with respect to adjacent transportation facilities and that it will not cause undue traffic congestion or create a traffic hazard.

Councilman Smith wondered if the western North Carolina fires would have an impact on the viability of the traffic count. Mr. Dean said that he was not able to speak to the environmental conditions on the date of his traffic count. Using his I-Phone, Councilman Bothwell said that according to the Asheville Citizens-Times, the Lake Lure had not caused smoke in Asheville as of November 10.

Mr. Blake Esselstyn, expert in the field of land planning, talked about the immediate surroundings (City Exhibit 3 - Site Plan). Using Exhibit 17 of Applicant Exhibit 1, said that looking at scale, bulk and coverage there are a number of similar structures in the surrounding area. As far as density, there are two hotel properties nearby, Carolina Apartments, Vanderbilt Apartments and Vanderbilt Apartments (which are high density residential settings). As far as character, the 21st century architecture surrounding the vicinity is harmonious. His expert opinion that this project satisfies Conditional Use Standard No. 4 in that the proposed use is in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood. Regarding Conditional Use Standard No. 5, using Exhibits 10-13 of Applicant Exhibit 1, he read excerpts from the Asheville City Development Plan 2025, the Downtown Master Plan, the Downtown Master Plan Appendices and the Sustainability Management Plan. From the Asheville City Development Plan 2025, he read from the following pages: (1) Page 35 - "Efficient use of land and infrastructure. Efficient land use results from compact building, infill development and reducing the amount of land needed to satisfy street and parking standards."; (2) Page 110 - "Existing infrastructure must be used more efficiently, land must be developed more intensively..."(3) Page 149 - "The City should actively promote infill development..." ; (4) Page 159 - "The City should assure that as land is developed or redeveloped, provision is made for access by various means of transportation." This site is served by not only vehicular access to the interstate, pedestrian

access, but it is also proximate to proposed bicycle facilities and the Greenway Plan Corridor shows the greenway system having connections near the Chamber of Commerce across the interstate.; (5) Page 159 - "The City should work with property owners, institutions, and public and private agencies to enhance the streetscape along streets and roads in the City." There will be a number of roads that this will be an improvement to the streetscape and the pedestrian environment in this area.; and (6) Page 161 - "The City should assure that new development and redevelopment is of high quality, complementing and adding to the character of the City of Asheville." The endorsements by City staff, the Downtown Commission, and the Downtown Design Review Committee, as well as the unanimous approval by the Planning & Zoning Commission (which includes a number of design professionals) is also a testament to the quality and character of the development. From the Downtown Master Plan Appendices, he read the following on Page S3-22 "Patton/River Gateway District - Land Use - Hospitality is also highly appropriate due to highway access and walkable proximity to the Traditional Core, especially Pritchard Park and the Grove Arcade." From the Sustainability Management Plan, he read the following (1) "Public and private sector work to redevelop underused urban properties in the most sustainable manner." and (2) "Asheville's downtown contains several underused sites that are surrounded by otherwise dense development. Redeveloping these sites is an important step towards sustainability because concentrated activity creates an economically viable City center, where pedestrian movement is possible, businesses can benefit from close proximity to one another, and preserved historic downtown architecture provides an aesthetic attraction to visitors and residents. In addition, dense development, as discussed throughout this plan, consumes less energy and produces fewer emissions. Generating density in districts that are already laid out for high density is a logical policy for sustainability." He also noted that in the Asheville In Motion Plan adopted by the City and located at www.ashevillenc.gov, on Page 73 is a map that shows this area along with both Haywood Street and N. French Broad having markings for shared bike lanes, and on Page 83 showing a map with the greenway connection being planned in this area (Exhibit 19 to Applicant Exhibit 3). These maps reinforce the various multimodal options connecting this area to the traditional core as well as River Arts District, French Broad River, Montford, and other adjacent neighborhoods. It was his option that the proposed use or development of the land will generally conform with the comprehensive plan, smart growth policies, sustainable economic development strategic plan, and other official plans adopted by the City.

Vice-Mayor Wisler said that Council's 2036 Vision it says that thoroughfares are aligned with thriving businesses, mixed with residential and office uses and neighborhoods are socio-economic diverse with a range of housing choices. She feels that speaks to diversity and in looking at the proposed corridor, she doesn't feel it is very diverse with three large hotels within ¼ mile of each other. Mr. Esselstyn felt that the Haywood Street corridor is quite diverse in that there is a variety of uses - residential, social service, office space, religious use, utility, etc.

Upon inquiry of Councilman Young, Mr. Esselstyn said that he did not have enough information on whether there were other variances granted by the Planning & Zoning Commission to other building in the area.

In response to an earlier inquiry raised by City Council, Mr. Oast said that the depth of the service bay is 30 feet.

Mr. Trevor Walden, Vice-President of Operations for Parks Hospitality Group, said they are a North Carolina based hotel ownership group. They develop, operate and operate their own hotels. They have 5 hotels in North Carolina (including the Hyatt Place in downtown Asheville) and one in Tennessee. They are not local to Asheville as far as their home office location; however, North Carolina is their home. They want to be involved in their community and take care of their staff. They feel this will be a successful project and that it offers some uniqueness.

Councilman Bothwell said that we are trying to encourage new hotels to start their employees with a living wage. He wondered if that was possible for this project. Mr. Walden said

that this is an upscale project and they pride themselves on offering a competitive wage, typically market driven. This project will require having a set of labor and that they feel confident they will be at or above those requirements.

In response to Councilman Bothwell, Mr. Walden said that they will take into consideration the use of local artists.

There was discussion, initiated by Councilwoman Mayfield, regarding if there is adequate parking for employees and guests of the hotel, and if there was any consideration of adding public parking to the deck. Mr. Walden said that the spaces offering will accommodate the guests of the hotel and 75 associates (employees) of the hotel will park in the general area. He said that guests are gone in the middle of the day, so typically there is a change of parking spaces between guests/associates, noting that several of their associates are local and commute in other ways. He explained why it's not a 1-1 guest room/parking space ratio which is consistent with their other hotels.

Councilman Young felt that since the current Hyatt Place employees are currently utilizing the location of the proposed new hotel, they would have to find somewhere else to park; and if the proposed hotel was build, those employees would also have to find adequate parking as well. Mr. Walden did not think that his employees will add an additional burden to the existing parking situation.

Mr. Oast said that they would be open to consider adding public parking to their deck. The deck has 200 parking spaces and they won't be used at all hours of the day. During non-peak hours and depending on the events in the hotel, the spaces could be made available to the public.

Mr. Walden said that the 5,000 square feet of meeting space will create its own demand. He believed that the Renaissance Hotel has roughly 10,000 square feet. Within the downtown market there is a need for a larger meeting space and it will help them capture additional meetings and events that would otherwise may move to other cities. He said 75% of the building is an all suite product which is different from other markets in the marketplace. The hotel is more leisure friendly. There will be complimentary breakfast offerings along with their evening socials. He feels this will be a great addition to the Asheville market.

Mr. Oast said that this is an impressive project. He felt this is a well designed project and well located. It is consistent with the adopted city plans and meets all of the Code requirements and conditions of the TRC. He said there has been substantial and competent evidence presented as to each of the required seven conditional use standards. He said that this project will contribute to the City in a number of ways, while requiring very little from the City. The permit should be granted on the basis of what has been submitted. After checking with Mr. Walden, he is confident that the parking needs of the hotel (guests and staff) can be accommodated on site. They are willing to discuss public parking with the City.

Mr. Oast, previously having Applicant Exhibit 1 (notebook), Applicant Exhibit 2 (notebook) and Exhibit 18 to Applicant Exhibit 1 (Letter from Ken Putnam) entered into evidence, he asked for Exhibit 19 to Applicant Exhibit 1 (Asheville in Motion maps) be entered into evidence. He noted that some exhibits in Applicant Exhibit 1 have not been referred to in this hearing; however, specifically he asked that the certified copies of the ordinance, certified copy of the variance, all plans, and the two expert reports be entered into evidence.

Mr. Jan Davis spoke in favor of the project from two perspectives - property owner and neighbor. The City needs to do something to develop the western corridor gateway to the City. Coming into the western corridor there is a lot of blight and the activity in that area 30 years ago is gone. We are already seeing a boost in business from employees and guests from the Hyatt Place hotel all the way down to Patton Avenue. This will be a great opportunity for the City to

work with the developer to improve the stormwater system. We have a tremendous amount of crime in that area and this would be an opportunity to clean the area up. As a property owner he would like to see his property values go up. As a member of the Sports Commission, this hotel could fill the needs of the patrons from the U.S. Cellular Center. And, he agreed that we are missing business because of no measurable meeting space downtown.

Ms. Ruth Summers, President of the Grove Arcade Restoration, LLC, and Executive Director of the Grove Arcade Public Market Foundation, said that the hotel industry has invested millions of dollars into our City and she was in favor of density in the Central Business District with no development on our mountainsides. Her biggest concern with this project is the total number of parking spaces. We are at a tipping point for infrastructure issues but she believed that the City has a great opportunity to partner with the Parks Hospitality Group and possibly add additional parking spaces. Additional parking is needed on the western edge of downtown and this would be a wonderful opportunity to eventually provide more parking around the Grove Arcade. All of this said, she supported the project because it will bring business to all of our small business owners, restaurants, shops and breweries. She hoped Council will see the value of this private investment.

Mr. Corey Atkins, Vice-President of Public Policy at the Asheville Area Chamber of Commerce and member of the Civic Center Commission, said that the Chamber wants to continue the positive partnership they have with the City as seen from the bond referendum package and working together on the sales tax redistribution. When considering approval of this project, the Chamber respectfully requests Council to consider the following: (1) revitalization of an outskirt area of downtown; (2) further development of a part of the downtown to eventually the River Arts District Corridor; (3) provides facilities within walking distance of the U.S. Cellular Center and Thomas Wolfe Auditorium; (4) conference room facilities that will allow for more and larger meeting space; and (5) the hotel is providing for parking for their guests; and (6) help build the tax base - property and sales tax. All of these elements are important to the Chamber because they enhance our local business environment and they continue the path that Asheville is on with attracting outside visitors and groups that will spend money in our local economy, support our small businesses, eat at our local restaurants, shop in our locally-owned stores, etc. This project was approved by the Planning & Zoning Commission, the TRC, the Downtown Commission (except for the one variance discussed earlier), and City staff. The Chamber is fully in support of City Council establishing fair and equitable standards and guidelines that promote healthy, sustainable growth and then allow City staff and experts to implement those standards.

Mr. Rich Lee felt that because this is the same owner as the Hyatt Place, this project would have come to City Council as a Level III review because it's over 175,000 square feet and because it is within 500 feet of the Hyatt Place and is being built within 3 years of the Hyatt Place. Mr. Lee said that the UDO notes that the two properties will be considered one development and will be reviewed as such. He thought Council would want clarification if these are being reviewed as a single development with regard to traffic, stormwater, etc.

Ms. Vrtunski said that this project is in front of City Council for two reasons. One is because it is within 500 feet and within 3 years of the Hyatt Place hotel. The second trigger is also because this proposed hotel is over 175,000 square feet. She said that this is not being reviewed as one large development.

City Attorney Currin said that the question before City Council is based on this particular proposal and whether this package meets the seven conditional use permit standards.

Mr. Charles Rawls, Montford resident, was concerned about the safety of drivers and pedestrians at the entrance/exit to the parking deck on N. French Broad.

In response to Mayor Manheimer, Mr. Oast reiterated that they are confident that there is adequate space in the parking deck proposed to accommodate the guests and staff. He said that

during the course of this process, the developer was made aware of parking issues in the area, and they talked to City staff about changing the design of the deck, increasing the number of levels, etc. and the cost. That the cost should not be associated with their project; however, if the City were to provide the funding needed, the applicant might be willing to build those spaces. Those additional spaces could be guaranteed to be available for the public. He said the costs would be construction costs only (the land would not be added into the amount). The per parking space (excluding land cost) is \$17,000. City Attorney Currin said that Council cannot, as a part of this, commit City funds as part of your approval.

Councilman Bothwell felt the City needs to look at the nearly complete parking plan before we leap into a decision about where we need parking.

In response to Councilwoman Mayfield, City Attorney Currin said that if Council wants to proceed with the discussion about including public parking spaces to the proposed hotel, the applicant can propose a condition and that Council would review separately. That condition would need to be voted on before Council votes because if Council approves the project and wants to discuss adding public parking spaces later, the applicant can say yes or no; but if Council wants to make it a condition, it would be a requirement for compliance with their conditional use permit.

Mr. Oast provided the following: "As a condition of approval, the Applicant agrees that upon the City's request (which must occur on or before March 17, 2017), the applicant will increase the size of the hotel parking deck to include an additional 135 to 150 parking spaces for use by the public. The design of the larger parking deck will substantially comply with the attached elevation. The Applicant /Owner will pay for the additional spaces, except for the following: (a) The City will contribute an amount not to exceed \$17,000 for each additional space; and (b) The City will pay any additional development review costs for the additional spaces." The March 17, 2017, date is a soft deadline.

City Manager Jackson noted that this would be a privately managed garage with rates that would be privately set with the revenue going to the private entity. Mayor Manheimer noted that there is a lot the City doesn't know at this point.

After rebuttal, Mayor Manheimer closed the public hearing at 9:38 p.m.

Vice-Mayor Wisler moved to recommend approval of the conditional use permit site plan review for 192 Haywood Street because it fails to meet the seven conditional use standards, in particular standards 1, 2, 3, 4, 5 and 7. This motion was seconded by Councilman Young and carried unanimously.

Councilman Bothwell felt Conditional Use Standard No. 7 was not satisfied and the site distance from the N. French Broad parking deck was a concern that should be addressed.

Councilwoman Mayfield recognized and agreed with a number of the benefits presented about this development; however, she felt it would be unfortunate to lose the opportunity to address the lack of parking and the general traffic concerns in that part of downtown.

City Attorney Currin said that the Findings of Fact and Conclusions of Law will be presented at the next formal Council meeting on February 14, 2017.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

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

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

Vice-Mayor Wisler said that any eligible candidate for an Asheville City Board of Education seat may have to submit to a background check.

It was the consensus of Council to accept the following Boards & Commissions Committee five recommended written essay questions and wait until the deadline of February 1 before the essay questions are sent to all eligible candidates: (1) Please describe a specific experience you have had at a board of director's level and in oversight of a CEO, executive director, or organizational head. In doing so, please describe your views as to the roles and duties of board members versus senior staff; (2) Please share your perspective on relative academic performance of those student groups who are African-American, those in poverty, and those that are not. What would be your priorities as a board member in this regard? How would the employment of more African-American teachers and administrators fit into your vision?; (3) Give us your thoughts about school choice and how does it fit in with public education?; (4) In what ways can the Asheville City Schools effectively innovate?; and (5) What is your opinion on bringing back full student health centers in our schools including a mental health assistance/counseling component for students and healthier food options to our students?

Councilman Bothwell moved to accept the Boards & Commissions Committee five recommended written essay questions. This motion was seconded by Councilman Young and carried unanimously.

Mayor Manheimer announced that the deadline for Asheville City Board of Education applications is Wednesday, February 1, 2017, at 5:00 p.m. and to please contact Deputy City Clerk Sarah Terwilliger for an application form.

B. RESOLUTION NO. 17-19 – RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said there currently exists a vacancy on the Asheville-Buncombe Historic Resources Commission, left by Ms. Leslie Klingner, until July 1, 2018.

At the November 8, 2016, Council meeting, it was the recommendation of the Historic Resources Commission, and consensus of the Boards & Commissions Committee to re-advertise for the vacancy to see if a more diverse pool of candidates can be found.

The following individuals applied for a vacancy: Christopher Cobb, Leslie Humphrey, Kevin Saum, Wayne Wheeler, Gerry Leonard and Ed Flowers.

At the January 10, 2017, Boards & Commissions Committee meeting, it was the consensus of the Committee to appoint Wayne Wheeler. However, it was the consensus of Council to interview Wayne Wheeler, Gerry Leonard and Ed Flowers.

After Council spoke highly of all candidates interviewed, Wayne Wheeler and Gerry Leonard received no votes and Ed Flowers received 7 votes. Therefore, Ed Flowers was appointed to serve the unexpired term of Ms. Klingner, term to expire July 1, 2018, or until his successor has been appointed.

RESOLUTION BOOK NO. 38- PAGE 316

C. RESOLUTION NO. 17-20 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE RIVERFRONT REDEVELOPMENT COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville Area Riverfront Redevelopment Commission.

The terms of Joe Ferikes (representing the riverfront property or business owner), Cindy Weeks (representing the riverfront property and business owner), and Carleton Collins (at large) expired on January 1, 2017.

The following individuals applied for a vacancy: Steve Winter, Nick Hinton, Gerry Leonard, Catherine Rosjford, Darren Green, Shelley Schenker, Jeffrey Horner, Janet Lynn Whitworth, Jerry Sternberg and Viola Spells.

On January 10, 2017, Councilman Bothwell moved to (1) reappoint Cindy Weeks (representing the riverfront property or business owner) to serve an additional three-year term, term to expire January 1, 2020; and (2) reappoint Carleton Collins (at large) to serve an additional three-year term, term to expire January 1, 2020. Both terms are until their successors have been appointed. This motion was seconded by Councilwoman Mayfield. Also on January 10, it was the consensus of the Council to interview Jerry Sternberg and Darren Green.

Councilman Bothwell said that Mr. Sternberg has a rich knowledge and history of the area; however, he is only a part-time City resident, therefore, he would have to cast his vote for Mr. Green. After a vote of Council, Darren Green was unanimously appointed as a member of the Asheville Area Riverfront Redevelopment Commission (representing the riverfront property or business owner) to serve a three-year term, term to expire January 1, 2020, or until his successor has been appointed.

RESOLUTION BOOK NO. 38 – PAGE 317

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Dave Mittler, representing Asheville City Watch, urged City Council to enforce their towing ordinance related to proper signage (in particular a telephone number for people to contact if their vehicle is towed) and fines to the towing company for illegally towing. It was the consensus of Council to place this item on the Public Safety Committee, along with a report on on City enforcement and citations for predatory towing.

Mr. John Wainscott, representing the WNC Advocacy League, advocated a more open door policy in City government.

Mr. Crocker spoke against a fence being installed in Pritchard Park.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 10:05 p.m.

CITY CLERK

MAYOR