

Tuesday, March 8, 2022 - 2:30 p.m.
Harrah's Cherokee Center - Asheville

Open Space Standards Worksession

Director of Planning & Urban Development Todd Okolichany provided City Council with some key takeaways from this open space regulations worksession (1) proposed zoning text amendment to (mostly) private open space regulations and related zoning map amendments; (2) Living Asheville Comprehensive Plan strategy to reduce barriers to infill housing; (3) draft regulations intentionally balance city goals related to housing and the environment; and (4) collaboration with eight boards/commissions helped to improve the draft regulations.

He explained why we need to update the open space regulations (1) Housing Needs Assessment (a.k.a. Bowen Report) recommends continued re-evaluation of zoning barriers related to housing and identifies limited availability and affordability of housing; (2) A recent White House report on housing indicates: (a) Severe housing supply shortages and increased prices; (b) Housing production has not kept up with increasing population growth; and (c) Alleviating supply constraints would have a significant impact on the racial wealth gap; (3) Living Asheville recommends removing barriers to infill housing while also improving environmental regulations - The city adopted a new tree canopy preservation ordinance in 2021; and (4) Strategic alignment with City Council goals.

He said the primary goals consist of (1) Implement Living Asheville Comprehensive Plan strategies related to the need for more housing; (2) Improve the quality and accessibility of open space; (3) Simplify and clarify disjointed regulations; (4) Incentivize better stormwater management; and (5) Strengthen open space protections in the River Arts District/

He said that the zoning requirements for Open Space provide open spaces that differ from city parks, which are shared public property. Asheville parks also provide open space but these areas are different from the zoning standards for open space, which is for private developments. In total, Asheville maintains 54 public parks that provide about 9 acres of park land per 1000 residents, nearly double the National Parks and Recreation Association target.

Mr. Okolichany said that open space purposes consist of (1) within private developments open spaces can create comfortable, welcoming spaces that provide refuge, recreation and contemplation outdoors that make a city livable by providing places and tree cover for shade, and for social opportunities and their associated mental health benefits; (2) Support stormwater mitigation, heat island mitigation, and air quality; and (3) Provide a diversity of wildlife habitat and promote an environmental ethic.

He then provided several open space examples - playgrounds, river seating, wetlands, outdoor dining, courtyards, etc.

Urban Planner Vaidila Satvika reviewed the open space regulations process. There was a creation of a task force from February to October 2021 (15 meetings). Boards & Commissions represented were (1) Asheville Area Riverfront Redevelopment Commission (AARRC); (2) Affordable Housing Advisory Committee (AHAC); (3) Development Customers Advisory Group (DCAG); (4) Downtown Commission (DTC); (5) Neighborhood Advisory Committee (NAC); (6) Planning & Zoning Commission (PZ); (7) Sustainability Advisory Committee on Energy and the Environment (SACEE); and (8) Urban Forestry Commission (UFC).

Which properties are required to provide open space? In Asheville, any residential project that includes 8 or more housing units is required to provide open space for the project; this could be applied to a residential subdivision of 8 or more parcels of land or to an apartment building

with eight or more units. Most commercial projects are also required to provide open space to allow for customers and employees to enjoy the outdoors. Asheville stands out in this area as most cities in North Carolina do not require open space for commercial development.

He then explained the open space text amendment summary shown below:

Topic	CURRENT	PROPOSED
Residential	500 SF/unit or 15% of parcel, whichever is greater	8-19 units: 5-10%; 20-49 units: 10-15%; 50+ units: 15-20%
Subdivisions	20% open space required	10-15% open space required
Commercial	5-15% open space required	5-10% open space required
Stormwater	No requirement	Large sites (1 acre+) incentivized to provide stormwater management
Affordable Housing	No incentive	Large sites (1 acre+) that provide affordable housing are exempt from higher stormwater standards
Fee in lieu	Available for <5,000 SF open space	Available for <5,000 SF open space

He showed a chart that showed benchmark cities - residential and commercial. He showed an example of an example project and explained how the current standards are obstacles for infill housing. Unlike most cities, Asheville currently (and as proposed) requires open space for commercial development.

Regarding stormwater, below is the proposed open space text amendment.

DEVELOPMENT TYPE	PERCENT OPEN SPACE	
	Less than one acre	One acre or more
Subdivisions	15%	
Multifamily Residential	8-19 units: 5-10% 20-49 units: 10-15% 50 units or more: 15-20%	50%*
Non-Residential	5-10%	50%*
Mixed-use	5-10%	50%*

*Open space may be reduced from 50% of lot area (to 5-20%) when the project meets stormwater management standards. The strong incentive is using open space to encourage stormwater management that is otherwise not possible to control because of state rules. The goal is to encourage projects to make the reduction to achieve the stormwater benefit. Having projects make the reduction is the success.

If we are to deal with stormwater, we need to do so outside of the city's stormwater code that is limited by the state statute. Legal believes it is defensible to use open space limitations in these cases to strongly encourage stormwater compliance.

Mr. Satvika said that an incentive for good design is that open Space may be reduced by 5% if all the following conditions are met: 70% of open space is contiguous; Generally rectangular in shape; 75% of open space is 5% slope or less; and Seating (1 linear ft/ 250 SF of open space).

Mr. Okolichany said that the key open space task force-led outcomes include (1) Open space now required for Industrial zoning districts; (2) Property line buffer open spaces now require pedestrian enhancements; (3) Additional standards created for natural areas designated as open spaces; (4) RAD-OSP standards strengthened to preserve open space and pervious areas (a) Building coverage reduced; (b) Impervious surface standard established; and (c) Two City properties rezoned to RM8; and (5) Sub-committee created to improve tree planting standards and processes.

He said their next steps are in June, the Planning & Economic Development discussion; in July, Planning & Zoning Commission review and public hearing; and in August, City Council review and public hearing.

Mr. Satvika and Mr. Okolichany responded to various questions/comments from Council, some being, but are not limited to: in the open space regulations, is there anyway that we can require developers to give us more affordable units; does staff have any suggestions on how to incentivize to developers more affordable units; 80% Area Median Income (AMI) does not address affordability; confirmation that we have plenty of stormwater requirements in place under the current regulations; are there other cities that have more stringent open space requirements than Asheville; does Asheville's terrain have anything to do with the higher open space requirements; does Asheville see a lot of demand for subdivision construction; request for information on other cities that have mandated tree preservation for certain tree species; how was the AMI of 80% arrived at; concerns expressed from committees around gentrification; suggestion to wait on this proposed ordinance until the community benefits table for apartment developers is completed, and what is the timing of that table; does staff have any idea of what percentage of open space per acre is identified as urban renewal property; is the alternative to increase the total tree canopy preservation by 10% available for other projects or only residential subdivisions; what is the plan to update the Unified Development Ordinance in a comprehensive way; concern of over-regulation; did staff include design professionals into discussions; clarification of open space vs. green open space; explanation of the goal to encourage properties to integrate stormwater mitigation measures; suggestion to clarify issues regarding to stormwater management; confirmation that this proposed open space regulations ordinance will not impact the tree canopy preservation ordinance; confirmation that a sub-committee is looking at improving our tree planting standards and landscaping city-wide; and 80% AMI will not get to our goals, and a suggestion to see something closer to 60% AMI.

Mayor Manheimer said that there will be plenty of opportunities for public input at the City Council Planning & Economic Development Committee; the Planning & Zoning Commission public hearing; and the City Council public hearing.

At 3:32 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – March 8, 2022 - 5:00 p.m.
Harrah's Cherokee Center - Asheville

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer took a moment to condemn human rights abuses that have happened and are happening around the world. Right now our thoughts are with the people of Ukraine. She asked for a moment of silence for those who are experiencing violence and aggression in Ukraine and around the world.

Councilwoman Wisler acknowledged that in the last week, Asheville Police Department (APD) officers were involved in two incidents in which officers were injured - thankfully only minor injuries. She appreciated these officers and all APD officers.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 22, 2022

B. RESOLUTION NO. 22-35 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE GREEN MAN 25TH ANNIVERSARY PARTY ON MARCH 18-19, 2022

RESOLUTION NO. 22-36 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER 5 ON APRIL 15, MAY 20, JUNE 17, JULY 15, AUGUST 19, AND SEPTEMBER 16, 2022

RESOLUTION NO. 22-37 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE HEMP FEST ON APRIL 21-23, 2022

RESOLUTION NO. 22-38 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE HARDLOX JEWISH FOOD & HERITAGE FESTIVAL ON MAY 1, 2022

RESOLUTION NO. 22-39 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT SYMPHONY IN THE PARK ON AUGUST 28-29, 2022

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Green Man 25th Anniversary Party, Asheville Hemp Fest, HardLox Jewish Food & Heritage Festival, Downtown After 5, and Symphony in the Park.

Background:

- N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.
- The City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival.
- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
 - WNC Bridge Foundation for the Green Man 25th Anniversary Party, to occur at S. Lexington & Buxton Avenues on March 18 and 19, 2022, from 3:00 p.m. - 10:00 p.m.
 - Asheville Downtown Association for Downtown After 5, to occur on Lexington Avenue on April 15, May 20, June 17, July 15, August 19, September 16, 2022, from 5:00 p.m. - 10:00 p.m.
 - YMI Cultural Center for Asheville Hemp Fest, to occur at Pack Square Park on April 20, 2022 from 12:00 p.m. - 10:00 p.m. and April 21, 22, 23, 2022 from 9:00 a.m. - 10:00 p.m.
 - Congregation Beth Ha Tephila for HardLox Jewish Food & Heritage Festival to occur at Pack Square Park on May 1, 2022 from 11:00 a.m - 4:00 p.m.
 - Asheville Symphony Society for Symphony in the Park to occur at Pack Square Park on August 28 & 29, 2022, from 4:00 p.m. - 10:00 p.m.
- Alcohol boundaries are defined for each request as per the accompanying event site maps.

Council Goal(s):

- These actions have no direct connection with the City Council 2036 Vision.

Committee(s):

- None

Pro(s):

- Allows fundraising opportunities for the sponsoring nonprofit organizations

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at the Green Man 25th Anniversary Party, Asheville Hemp Fest, HardLox Jewish Food & Heritage Festival, Downtown After 5, and Symphony in the Park.

RESOLUTION NO. 22-35 - RESOLUTION BOOK NO. 43 - PAGE 22
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**C. RESOLUTION NO. 22-40 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH PATTON
CONSTRUCTION GROUP INC. FOR THE WEAVER PARK BRIDGE PROJECT**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a construction contract with Patton Construction Group Inc., for the amount of \$164,900, for the Weaver Park Bridge project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$24,000 (15%).

Background:

- Weaver Park in North Asheville is divided by a creek and the two sides of the park are connected by a pedestrian bridge.
- The existing bridge was built in the 1970s and is in need of replacement as the wood is decaying and the foundation is being undercut by the stream.
- While replacing the bridge, we are taking the opportunity to move it downstream and make the new bridge accessible for people of all abilities.
- The path will be reworked for this connection and the old bridge and path will be removed.
- On January 5, 2022, the project was advertised for an informal bid.
- Eight bids were received on February 9.
 - Patton Construction Group Inc., Asheville, NC \$164,900
 - Rock Creek Grading LLC, Burnsville, NC \$186,715
 - Austin Construction Company, Horse Shoe, NC \$198,950
 - J Bartholomew Construction LLC, Hendersonville, NC \$205,800
 - K and T Construction Company RLLP, Green Mountain, NC \$242,500
 - Whaley Construction LLC, Kodak, TN \$245,519
 - Enterprises G, Inc, Blowing Rock, NC \$274,201
 - BH Graning Landscaping Inc, Sylva, NC \$327,152.23
- Rock Creek Grading LLC, Enterprises G Inc. and BH Graning Landscaping Inc. were considered non-responsive because the incorrect bid form was submitted.
- Patton Construction was the lowest responsive responsible bidder.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which included posting on the State's Interactive Purchasing System and required prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Patton Construction has reached out to JLS Company, a Woman Owned Business located in Skyland, to perform 5.4% of the contracted work.

Council Goal(s):

- Transportation and Accessibility
- A Well-Planned & Livable Community

Committee(s):

- None.

Pro(s):

- The new bridge will have a more stable foundation supporting the structure.
- New location is accessible to all abilities

Con(s):

- Removal of 4-5 trees.

Fiscal Impact:

- Funding for this contract is included in the adopted Capital Improvement Program (CIP)

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a construction contract with Patton Construction Group Inc., for the amount of \$164,900, for the Weaver Park Bridge project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$24,000 (15%).

RESOLUTION BOOK NO. 43 - PAGE 37

D. RESOLUTION NO. 22-41 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE SERVICES CONTRACT WITH TYLER TECHNOLOGIES IN ORDER FOR THE CONTINUED SUPPORT OF TYLER/MUNIS ENTERPRISE FINANCIAL SYSTEM

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amendment to the services contract with Tyler Technologies, Inc. for an increase in base contract amount in order for the continued support of the Tyler/Munis Enterprise Financial System.

Background:

- In July 2018, the City adopted a maintenance agreement with Tyler Technologies to provide maintenance for the City's financial systems that included a 5% annual escalation.
- Additional modules have been added since that time, including Vendor Self Service and the Bid Management module.
- Funding for the agreement is to be appropriated annually in the City budget process.
- The term of this agreement runs from April 2018 to April 2023.
- This maintenance will support core City Financial, Human Resources, and other key functions.
- The additional funds being requested are included in the adopted annual budget but were not accounted for in resolution 19-62, this amendment will correct and include the fully budgeted amount in order to allow the city to continue receiving services through the completion of the contract term.

Vendor Outreach Efforts:

- This is to authorize the payment of year 5 of the existing agreement.
- No additional vendor outreach was conducted.

Council Goal(s):

- A Well-Planned & Livable Community
- A Financially Resilient City

Committee(s):

- N/A

Pro(s):

- The City has been using Tyler/Munis Enterprise System since January of 2010 and staff is familiar with its strengths, limitations, and support process.
- Allows for critical support issues for the City's financial system to be resolved in a timely manner.
- Allows for updates to the Tyler/Munis Enterprise System, which enables new features and improvement of underlying technologies; upgrading licensing is included with support and ongoing fixes.

Con(s):

- None

Fiscal Impact:

- Resolution 19-62 authorized funding for years 2-5 of the contract in the amount of \$814,720, with a 15% contingency for a total amount of \$936,928. This current request corrects that amount to include the full five years of the contract, an increase of \$125,009.77, to a total contract value of \$1,061,937.77. As noted above, the additional funding for this contract amendment is already included in the adopted FY 2021-22 annual budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the services contract with Tyler Technologies for an increase in base contract amount for the continued support of The Tyler/Munis Enterprise Financial System.

RESOLUTION BOOK NO. 43 - PAGE 38

E. RESOLUTION NO. 22-42 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WILDE ACRE INC. FOR MOWING AND MAINTENANCE OF CITY PARKS

Action Requested: Resolution authorizing the City Manager to execute a contract with Wilde Acre, INC., of Asheville, N.C. for mowing & maintenance of city parks.

Background:

- The Parks & Recreation Department maintains over 50 parks/greenway facilities, this contract will provide mowing service at 15 parks/greenway properties.
- Each year it has become increasingly difficult to recruit, hire and train qualified temporary seasonal workers.
- A Request for Proposals was advertised for interested companies to provide mowing services for (1) year with an option to renew for an additional (2) years.
- Wilde Acre, was selected based on experience, qualifications, understanding of the scope of services, cost, and availability.
- The contractor will provide all labor, materials, and supplies for the operations and management for mowing services, ensuring the parks will be operated in a well kept, safe, efficient manner.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which included direct vendor outreach, and posting on the State's Interactive Purchasing System to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers.

- There were four (4) proposals were submitted including (1) minority and (1) woman owned business. The selected company is a Women-Owned Business Enterprise (MWBE) .
- The contractor was selected based on the qualifications, understanding of the scope of services, cost, and availability.

Council Goal(s):

- A Well planned and Livable Community
- Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Contracting with a professional landscape maintenance company will allow for consistent, efficient maintenance
- Reduces the seasonal hiring impacts on the Human Resources/Parks & Recreation Departments to recruit, hire and on-board temporary/seasonal employees.

Con(s):

- None

Fiscal Impact:

- Funding for this contract exists within the currently approved Parks & Recreation department operating budget.

Motion:

- Motion to authorize the City Manager to execute a contract with Wilde Acre, Inc. for landscape installation and maintenance services for an annual amount not to exceed \$190,000 with option to renew maintenance services for up to two (2) additional years for a total contract amount not to exceed \$570,000.

RESOLUTION BOK NO. 43 - PAGE 39

F. RESOLUTION NO. 22-43 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM THE HAW CREEK COMMUNITY ASSOCIATION FOR A PARKING LOT AT MASTERS PARK

Action Requested: Resolution authorizing the City Manager to accept a donation from the Haw Creek Community Association for a parking lot at Masters Park.

Background:

- The Parks & Recreation Department maintains over 50 parks/greenway facilities.
- Each year it has become increasingly difficult to meet the demands of increased use of the City's parks.
- The need to develop a parking area at Master Park has been identified by the Parks & Recreation Department.
- The donor (Haw Creek Neighborhood Association) has raised \$67,000 to support the construction of a parking lot and trailhead kiosk for Masters Park.
- The donor will contract with Anchor Plumbing of WNC, Inc., to complete the project and will provide all labor, materials, and supplies for the construction of the project.
- The City will review and approve the construction plans prior to commencement of the project.

- The investment ensures a much needed amenity will be constructed in a timely manner.
- By collaborating with an external partner, it reduces the Capital burden on the city to make these improvements.
- The Neighborhood Association is contracting for the work and paying the entire cost.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- A Well planned and Livable Community
- Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- The investment ensures a much needed amenity will be constructed in a timely manner.
- By collaborating with an external partner, it reduces the Capital burden on the city to make these improvements.

Con(s):

- None

Fiscal Impact:

- The Neighborhood Association is contracting for the work and paying the entire cost.
- The addition of the parking lot will increase routine maintenance needs by \$5,000 per year.
- This cost will be absorbed within the current approved Park & Recreation budget.

Motion:

- Motion to authorize the City Manager to accept a donation from the Haw Creek Community Association for a parking lot at Masters Park and to execute any necessary related documents..

Speaking for the Haw Creek Community Association, Bernard Arghiere who has managed this project on the community-side since the beginning explained the background of Masters Park and how the 9 acres was purchased by the City, Buncombe County and the Haw Creek Community Association, with each funding $\frac{1}{3}$ of the purchase price. The Association had private donations and grants and was pleased to note how the Park has a one mile trail, along with several tree species. This money, also raised by the Association, will be for a needed parking lot which they hope will be completed at the beginning of this summer. Also, he invited City Council to meet in east Asheville to share Council's priorities and for Council to see and hear from the Haw Creek area residents what is on their minds.

On behalf of City Council, Mayor Manheimer thanked the Haw Creek Community Association for this generous gift.

RESOLUTION BOOK NO. 43 - PAGE 40

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

Councilwoman Turner moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RECONSIDERATION OF CONDITIONALLY ZONING MULTIPLE PROPERTIES LOCATED AT 363 CLINGMAN AVENUE, 32 CLINGMAN AVENUE, 99999 CLINGMAN AVENUE, 99999 HILLIARD AVENUE, AND 99999 PEARL STREET FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS EXPANSION DISTRICT/CONDITIONAL ZONE

ORDINANCE NO. 4936 - ORDINANCE TO CONDITIONALLY ZONE MULTIPLE PROPERTIES LOCATED AT 363 CLINGMAN AVENUE, 32 CLINGMAN AVENUE, 99999 CLINGMAN AVENUE, 99999 HILLIARD AVENUE, AND 99999 PEARL STREET FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS EXPANSION DISTRICT/CONDITIONAL ZONE

City Attorney Branham explained that this project was originally considered by the Asheville City Council on February 22, 2022, and was denied. Pursuant to Rule 19(l) of the City Council Rules of Procedure, the City Council may newly consider a substantive vote taken at the same meeting or the next successive meeting. The applicant has asked for reconsideration of previous Council action on its rezoning application, and has made changes to the proposed conditions.

Councilwoman Turner moved to reconsider the application for conditionally rezoning nine parcels located at 363 Hilliard Avenue from Central Business District (CBD) to Central Business District Expansion-Conditional Zone (CBD EXP-CZ). This motion was seconded by Councilwoman Wisler and carried unanimously.

Councilwoman Wisler to approve the conditional zoning request for the property located at 363 Hilliard Avenue from Central Business District (CBD) to Central Business District Expansion-Conditional Zone (CBD EXP-CZ) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan and other adopted plans, and meets the development needs of the community in that the request: 1) encourages responsible growth by prioritizing development in areas targeted for growth, 2) increases and diversifies the housing supply by providing more affordable housing options downtown; 3) supports the development of an underutilized site; and 4) supports multimodal transportation such as bicycling and walking. This motion was seconded by Councilwoman Turner.

Urban Planner Will Palmquist said that this is the reconsideration of conditionally rezoning nine parcels located at 363 Hilliard Avenue from Central Business District (CBD) to Central Business District Expansion-Conditional Zone (CBD EXP-CZ).

Project Location and Contacts:

- The project site consists of nine parcels totaling 2.93 acres located at 363 Hilliard Avenue (PINs 9648-19-3115, 3278, 4329, 3422, 4116, 5140, 5391, 6205, and 6125).
- Owner: Delray at Hilliard Avenue LLC

Summary of Petition:

- This project was originally considered by the Asheville City Council on February 22, 2022, and was denied.
- Per Rule 19(l) of the City Council Rules of Procedure, the City Council may newly consider a substantive vote taken at the same meeting or the next successive meeting.
- The applicant has asked for reconsideration of previous Council action on its rezoning application, and is making the following change to the proposed conditions:
 1. Ten percent (increased from 5%) of the housing units will be designated affordable to those earning at or below 80% AMI for at least twenty years from the date the CO is issued; and,
 2. Nine (changed from five) of the affordable units will accept housing choice vouchers, if they are available, and
 3. The applicant has also proposed an additional project condition that the project will comply with any additional traffic mitigation requirements mandated by the N.C. Dept. of Transportation.

Staff Recommendation:

- Staff recommends that Council reconsiders the previous action and approves the request to rezoning the property.

Mr. Palmquist said that the project will consist of two buildings totalling 187 residential dwelling units, with commercial and amenity/leasing spaces: (1) Building 1: five stories mixed use, 159 units and 7,850 sq. ft. of commercial space and 5,800 sq. ft. of amenity/leasing space; (2) Building 2: three stories residential only, 28 units; (3) 187 residential units (10% affordable at 80% AMI); (4) 204 off-street parking spaces (67 covered); (5) 10' sidewalks and bike lanes on Hilliard Avenue; (6) access via Hilliard Avenue and Pearl Street; and (7) closing of one public alley. Some of the conditions include (1) technical modifications - street-level facade openings along Clingman Avenue for Building #1 and Pearl Street for Building #2; (2) 10% of the units (18 units total) will be affordable at or below 80% AMI for 20 years. Nine of the affordable units will accept housing choice (HUD) vouchers, if they are available; (3) 10' wide sidewalks along Clingman Avenue, Hilliard Avenue and Pearl Street; (4) bike lanes along Hilliard Avenue and a left-turn lane eastbound onto Pearl Street; (5) pedestrian access easement along the northern property boundary; (6) burying of above-ground utility lines that but the property along Clingman and Hilliard Avenues; and (7) the project will comply with any additional traffic mitigation requirements mandated by the N.C. Dept. of Transportation.

Councilwoman Roney appreciated the traffic infrastructure for all modes of transportation. She asked if the developer would be willing to install solar panels on the roof so future residents would have the opportunity of renewable energy. Mr. Derek Allen, attorney representing the applicant, said that there is too much equipment on the roof and they would not be able to install the solar panels.

Councilwoman Roney also noted that when she asked if the applicant would be willing to construct a green roof, she was told that they could not because of the type of structure.

Councilwoman Turner said that our design guidelines need to be updated.

Nina Tovish noted that solar panels do not have to only go on roofs, they can be installed on other areas. She also questioned revisiting this project so quickly and asked Council to be transparent on the process that took place between Council and the applicant.

Mayor Manheimer said that the applicant requested this project be reconsidered pursuant to City Council Rules of Procedure 19(l), in which a member who voted with the prevailing side can move to reconsider the matter at the meeting during which the original vote was taken or the

next succeeding meeting. It is a rule that City Council doesn't use frequently, but it is a choice of this body to use it.

The motion made by Councilwoman Wisler and seconded by Councilwoman Turner carried on a 6-1 vote, with Councilwoman Smith voting "no."

ORDINANCE BOOK NO. 34 - PAGE 95

B. BOARDS & COMMISSIONS

RESOLUTION NO. 22-44 - RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the African American Heritage Commission.

Dewayne Barton resigned as a member of the African American Heritage Commission, thus leaving an unexpired term until July 1, 2023.

The following individuals applied for the vacancy: Dewayne McAfee, Valeria Watson, Ashley Wilberding and Sherree Lucas.

It was the recommendation of City staff, and the concurrence of the Boards & Commissions Committee, to appoint Ashley Wilberding.

Vice-Mayor Smith moved to appoint Ashley Wilberding as a member of the African American Heritage Commission, to serve the unexpired term of Dewayne Barton, term to expire July 1, 2023, or until Ashley Wilberding's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 41

RESOLUTION NO. 22-45 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ELECTRICAL EXAMINERS

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Board of Electrical Examiners.

Donald Shane Massey resigned as a member of the Board of Electrical Examiners as the electrical contractor, thus leaving an unexpired term until July 1, 2024. In addition, there is a need to move Rick Sluder from the journeyman seat to the electrical contractor seat, term to expire July 1, 2024.

The following individual applied for the vacancy: Jonathan Dale Knox.

The Boards & Commissions Committee recommended moving Rick Sluder to the electrical contractor seat and re-advertising for the journeyman seat, since the one candidate does not meet that requirement.

Vice-Mayor Smith moved to (1) move Rick Sluder to the electrical contractor seat on the Board of Electrical Examiners, term to expire July 1, 2024, or until Rick Sluder's successor has been appointed; and (2) readvertise for the journeyman seat. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 42

RESOLUTION NO. 22-46 - RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Citizens-Police Advisory Committee.

Robert Hooper has resigned as the representative of the Housing Authority on the Citizens-Police Advisory Committee, thus leaving an unexpired term until June 30, 2024.

The Housing Authority Board of Directors recommended, and the Boards & Commissions Committee concurred, in appointing Allison Smith, Property Management Director for Pisgah View and Deaverview.

Vice-Mayor Smith moved to appoint Allison Smith as the Housing Authority representative on the Citizens-Police Advisory Committee, to serve the unexpired term of Mr. Hooper, term to expire June 30, 2024, or until Allison Smith's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 43

RESOLUTION NO. 22-47 - RESOLUTION APPOINTING MEMBERS TO THE DESIGN REVIEW COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Design Review Committee.

The term of Jane Mathews (Riverfront Redevelopment Commission seat) expired on January 1, 2022. In addition, there is a vacant seat for a Riverfront Redevelopment Commission member which was never filled when the Committee was first established. Also, there exists a vacancy left by the passing of Karen Cragnolin as an at-large member. On January 25, 2022, City Council adopted an ordinance to revise the membership of the Design Review Committee. The membership of said Committee will consist of three members selected from the Downtown Commission, three members selected from the Asheville Area Riverfront Development Commission (AARDC), and three members selected at large.

The following individuals applied for the vacancy: Kathryn Ancaya, Michael McDonough, Ricardo Seijo, Thomas McLaughlin, Adam Torrey and Christina Booher.

The Boards & Commissions Committee recommended moving Kimberly Hunter from the Downtown Commission seat to the at-large seat; appointing Kathryn Ancaya as the representative on the Riverfront Redevelopment Commission; and appointing Christina Booher and Ricardo Seijo as at-large members.

Vice-Mayor Smith moved to (1) move Kimberly Hunter as a representative from the Downtown Commission to now serve as an at-large representative, term to expire December 31, 2023, or until Kimberly Hunter's successor has been appointed; (2) appoint Kathryn Ancaya as a member on the Design Review Committee as representatives of the Riverfront Redevelopment Commission, term to expire December 31, 2024, or until Kathryn Ancaya's successor has been appointed; and (3) appoint Christina Booher and Ricardo Seijo as at-large representatives, to both serve a three-year term, term to expire December 31, 2024, or until their successor's have been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 44

RESOLUTION NO. 22-48 - RESOLUTION APPOINTING A MEMBER TO THE HISTORIC RESOURCES COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Historic Resources Commission.

Amanda Vollrath resigned as a member of the Historic Resources Commission, thus leaving an unexpired term until July 1, 2024.

The following individual applied for the vacancy: Shelly Jackson.

The Chair and staff of the Historic Resources Commission recommend, and the Boards & Commissions Committee concur, to appoint Shelly Jackson.

Vice-Mayor Smith moved to appoint Shelly Jackson as a member of the Historic Resources Commission, to serve the unexpired term of Amanda Vollrath, term to expire July 1, 2024, or until Shelly Jackson's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 45

RESOLUTION NO. 22-49 - RESOLUTION APPOINTING MEMBERS TO THE REPARATIONS COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Reparations Commission.

On July 14, 2020, the City of Asheville adopted Resolution No. 20-128, a resolution supporting community reparations for Black Asheville. Said resolution called for City Council to establish a new commission empowered to make short, medium and long term recommendations that will make significant progress toward repairing the damage caused by public and private systemic racism.

The following individuals applied for the vacancy: Marla West, Dr. Dwight Mullen, Joyce Harrison, Amy Meier, Tiffany DeBellott, Shantelle Simpson, Karen Teel, Dwayne Richardson, Raynetta Waters, Jackie Latek, Jessica Benoit, CiCi Weston, Leronica Casey, Kelsey Simmons, Dr. Tamarie Macon, Dewana Little, Osondu McPeters and Dee Williams. On February 8, 2022, it was the consensus of Council to interview all 18 applicants and those interviews happened on February 15, 2022.

All Council members submitted their choices for the five impact focus areas to the City Clerk, who in turn tallied up the votes. In summary, and by motion of Mayor Manheimer, the following individuals were appointed to the Reparations Commission: Dewana Little to the Criminal Justice impacted focus area; Dwight Mullen to the Economic Development impacted focus area; CiCi Weston to the Education impacted focus area; Tamarie Macon to the Health Care impacted focus area; and Joyce Harrison to the Housing impacted focus area. This motion was seconded by Councilwoman Wisler and carried unanimously.

Mayor Manheimer then announced and Council confirmed the neighborhood choices as follows:

Neighborhood Nominations
Burton Street (2 appointments)
DeWayne Barton
M Z Yehudah
East End/Valley Street (2 appointments)
Keith Young
Glenda McDowell
Heart of Chestnut (2 appointments)
Bernard V. Oliphant
Renata Conyers
Shiloh (2 appointments)
Norma S. Baynes
Bobbette K. Mays
Southside (2 appointments)
Mildred Nance Carson
Roy Harris
Stumptown (2 appointments)
Thomas Priester
Kimberly Jones
Public Housing Community in Asheville (3 appointments)
Shaunda Jackson
Angela Young
Aleesha Ballard
Alternates (2)
Darrin Owens
Shekiki Jiles-Baten

It was the consensus of City Council to wait to appoint two alternates until after the Buncombe County Commissioners make their appointments.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to Council on various topics, some being, but are not limited to: Floyd McKissick Day (Mayor Manheimer read proclamation proclaiming March 9, 2022, as Floyd McKissick Sr. Day); thanked organizations working hard to counteract the harms done to people being forced out of their homes, and hoped City Council will look at who is doing harm; uphold the City's commitment to pay the City's living wage; keep Merrimon Avenue four lanes; file an objection to the U.S. Forest Management Plan in order to protect Big Ivy's old growth forest from potential timber cuts under the Plan; clarification that Housing Authority will build new apartments and allow Deaverview residents to move in before they tear down the old, noting that there is no partnership between the City and the Housing Authority on this project; and concerns regarding restructuring boards and commissions.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 5:58 p.m.

CITY CLERK

MAYOR