

Asheville City Council  
Planning and Economic Development Committee

2:00 p.m., October 23, 2012  
City Hall, First Floor Conference Room

**Minutes**

Present: Vice Mayor Esther Manheimer, Chair; Councilmember Cecil Bothwell;  
Councilmember Marc Hunt

Staff: Gary Jackson, Bob Oast, Shannon Tuch, Sam Powers

Guest: Lyman "Greg" Gregory, Carl Silverstein

The Planning and Economic Development Committee met on October 23, 2012, in the First Floor Conference Room, City Hall. Vice Mayor Manheimer called the meeting to order at 2:00 p.m.

**1. Approval of Minutes**

The Minutes from the September 18 meeting were approved as written.

**2. Updates**

**WMBE Annual Report**

Brenda Mills, City Hall Operations Manager, prepared and reviewed the reports from the past three years (attached). Ms. Mills organized the reports into three categories: Outreach, Education and Compliance.

Ms. Mills shared with the committee that the future of the Minority Business Program is under review by the Finance department. The Committee requested that, moving forward, WMBE reporting be provided graphically, as well as in text format.

**3. New Business**

**Conservation Easement Policy Direction**

Bob Oast, City Attorney, reviewed his attached Staff Report, and Lyman "Greg" Gregory, with Marshall, Roth and Gregory, reviewed his General Recommendations for Amendment of the Asheville Watershed Conservation Easement, with the Committee.

Councilmember Hunt then motioned the following:

I move that members of the PED direct staff to include the following elements in a revised easement with CTNC, and that the revised easement be negotiated and presented to Council at its December 11th meeting for execution prior to January 1, 2012.

- That the easement include a GIS map as an exhibit, which clearly depicts the area covered by the easement. The area should exclude the cleared, developed portions of the property, including the dams and improvements for the purpose of water treatment and distribution. The easement must cover all areas that are in a natural state, including roadways that exist therein. Due to cost and the relative unlikelihood of need, a boundary survey will not be required.
- That forestry practices allowed by the conservation easement only occur through sustainable methods based on best practices, and pursuant to a strategic forestry plan; a forest management plan; and a harvest plan, reflecting the terms of the conservation easement developed for the Waynesville watershed. That the easement be developed under the scrutiny and advice of the NC Clean Water Management Trust Fund and the forestry department of Western Carolina University. That the easement provide that beyond those necessary for responding to emergencies, no forestry practices may occur on the property until an updated forest management plan is developed consistent with the terms of the new easement. This is to address what I see as a lack of sufficient protection of the conservation values of the property in Article III, paragraph (b) on page 3 of the existing conservation easement.
- That any recreational, commercial or other uses be very limited and of minimal or no negative impact on conservation values of the property, consistent with the stewardship policies and practices by the City over the last several years, and that allowable and non-allowable uses be clearly delineated and defined consistent with well-drafted modern conservation easements. This is to address what I see as a lack of sufficient protection of the conservation values of the property in Article III, paragraph (c) and paragraph (d) on page 3 of the existing conservation easement.
- That the terms of the conservation easement relating to notifications by the landowner, monitoring and enforcement by the easement holder be amended to reflect current best practices in conservation easement drafting.
- That the easement require that property management plan be developed in collaboration and with the agreement of CTNC, not necessarily incorporating a forestry plan, and that it be reviewed and updated every ten years.
- That negotiation of the terms of the easement occur with CTNC so that PED may review a more specific outline of the terms at the November 20th PED session.

After Mr. Oast, Mr. Gregory, and Mr. Carl Silverstein, Executive Director of the Southern Appalachian Highland Conservancy, answered questions clarifying several points of the motion, the motion was seconded by Councilmember Bothwell, and passed unanimously.

#### **4. Unfinished Business**

No items scheduled.

#### **5. Presentations and Public Comment**

No presentations or public comment.  
The meeting was adjourned at 4:40 p.m.