

Brad Branham,

Wed, 20 Aug 2025 16:55:29 -0400

To: Maggie Ullman

Cc: Ben Woody, Stephanie Dahl, Esther Manheimer

Re: Request to Remove Mr. Jared Wheatley from PNZ Committee for 767 Bridge Hearing

Maggie,

Thanks for reaching out about this concern. I'm happy to discuss this with you or any council member in more detail if you'd like. In short, I don't believe the concerns raised allow for a recusal of this commissioner. The Planning and Zoning commission serves as an advisory board to the City Council, and does so in a legislative capacity. The members, therefore, are not required to be unbiased in advance of any vote. North Carolina courts have specifically held that "**Expression of opinions, bias, and contacts with citizens about a matter before a rezoning hearing do not disqualify a member from voting on a legislative decision.** Brown v. Town of Davidson, 113 N.C. App.

Instead, the ability to be recused for an item such as this is limited to situations where the board member has a close familiar, business, or associational relationship with the land owner or the applicant, or when the board member has a financial interest in the outcome of the decision. Neither of those conditions seems applicable here. Therefore, under the voting rules of NCGS 160A-75, I believe the member has a duty to vote on this matter, and I haven't seen any viable grounds for recusal.

Please let me know if you would like to dig deeper into this question. I'll be certainly happy to provide more information as needed.

Thank you,

On Wed, Aug 20, 2025 at 4:39 PM Maggie Ullman <maggieullman@avlcouncil.com> wrote:

Hey all, it seems like we've received multiple concerns about this commissioner across more than one project. Is there a recommended course or action?

Thanks,
Maggie Ullman
828.713.9488

Begin forwarded message:

From: johneappleby@aol.com

Date: August 20, 2025 at 9:01:02 AM EDT

To: Maggie Ullman <maggieullman@avlcouncil.com>

Cc: Patrick Holland <rhofwnc@yahoo.com>

Subject: Request to Remove Mr. Jared Wheatley from PNZ Committee for 767 Bridge Hearing

Dear Councilwoman Ullman,

We respectfully request that Mr. Jared Wheatley be removed from the Planning and Zoning (PNZ) Committee for the upcoming hearing on the revised 767 development proposal. We are deeply concerned that he cannot serve as an impartial reviewer for the following reasons:

1. **Demonstrated Bias:** Mr. Wheatley publicly supported the original 767 development during the Council vote (see first video attached). Given this clear position, we question his ability to fairly evaluate the revised proposal.
2. **Disrespectful Conduct:** At the initial PNZ meeting, Mr. Wheatley was dismissive and rude toward members of our neighborhood. Unfortunately, this behavior is not uncommon from him. More concerning is his failure to engage developers with substantive questions. His approach suggests a predetermined stance in favor of development, rather than a thoughtful review process.
3. **Inflammatory Language and Condescension:** In the second attached video, Mr. Wheatley uses inflammatory language and is openly condescending toward fellow committee members. This behavior undermines open debate and thoughtful deliberation, both of which are essential to the committee's

role.

Given these patterns, we do not believe Mr. Wheatley will give the 767 bridge proposal fair or serious consideration. His actions suggest that he is advancing a personal agenda rather than acting in the best interest of the City of Asheville.

We respectfully ask that you consider these concerns and appoint a more impartial committee member for this critical hearing.

Thank you for your time and attention.

Sincerely,

John Appleby
The Happy Valley Property Owners Preservation Association

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Brad R. Branham
City Attorney
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828-259-5614

