

Tuesday – May 23, 2017 - 4:00 p.m.

Budget Worksession

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

Follow-Up on Council Questions

Director of Finance and Management Services Barbara Whitehorn provided Council with information regarding all Council questions raised at their May 9, 2017, worksession, along with other questions raised throughout the week.

She, along with Police Chief Tammy Hooper, provided Council with alternatives for phasing in the hiring of additional Asheville Police Department (APD) officers. With the phasing in of new officers, along with reallocation from within the APD of \$430,000 and \$137,800 reallocated from other City departments, the proposed increase to the APD 2017-18 operating budget would be zero.

She then provided Council with alternatives to a tax increase to fund the service improvements and capital investment for transit. Option 1 would be revenue neutral, including transit, which would require cuts, deferrals and other options for shifting funding to transit from all City departments. Option 2 is revenue neutral plus .05 cents (\$711,500) dedicated for transit. Option 3 would be to raise revenues, other than property taxes, e.g., cutting specific programs, cutting strategic fund partnership grants, etc.

Ms. Whitehorn then showed Council a model that dedicates to transit the property tax rate equivalent of the General Fund annual subsidy.

Throughout Ms. Whitehorn's and Police Chief Hooper's presentation, Council asked several questions and discussed the police staffing and transit models.

Councilwoman Mayfield said that cutting from other departments with Option 2 is not a sustainable way to fund transit. She supported a .05 cent increase dedicated to transit and then have a conversation about having a dedicated revenue stream that grows over time for transit going forward. It was the consensus of Council to refer the funding mechanism of a dedicated revenue stream for transit to the Finance Committee.

Councilman Haynes could not support the hiring of additional police officers.

Vice-Mayor Wisler said that at the Finance Committee earlier in the day they discussed the retirement funding for Asheville firefighters. In 2007 during the budget process, Council adopted Resolution No. 07-164 creating a 401A retirement plan for firefighters since they elected not to be covered by Social Security and the City did not contribute towards social security for them. The City approved a 2% match during the first year of implementation, which plan was to incrementally increase that City match by 2% each year over the next two budget years until there was a 6% total matching City contribution. Due to the national and local economic situation, that continued contribution did not happen. It was the consensus of the Finance Committee to work toward that City contribution of 6%, starting with a 2% increase on January 1, 2018. That would require a General Fund increase of \$150,000. In future years the 2% match would be \$300,000. It was the consensus of Council to direct staff to include a 2% increase to the

firefighters' 401A beginning January 1, 2018, with the Finance Committee reviewing in detail to see if there is anyway to do this administratively for a better outcome for all employees.

Mayor Manheimer explained that the budget before Council assumes a 39.39-cents (revenue neutral) plus .5-cents (transit) plus 3.5-cents (General Obligation Bonds) for a total of 43.39-cents. She clarified that the budget before Council does include the increase in personnel for the APD but it is from a reallocation of funds from the APD and \$137,000 reallocation of funds from all other City departments.

At 4:59 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – May 23, 2017 - 5:15 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 Burseson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

Interpreters were present at the Council meeting and they thanked Council for allowing them to provide this service.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MAY, 2017, AS "LYME DISEASE AWARENESS MONTH"

Councilman Bothwell read the proclamation proclaiming May, 2017, as "Lyme Disease Awareness Month" in the City of Asheville. He presented the proclamation to Jan Dooley, Tess Burton and another, who briefed City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING JUNE 2, 2017, AS "GUN VIOLENCE AWARENESS DAY"

Mayor Manheimer read the proclamation proclaiming June 2, 2017, as "Gun Violence Awareness Day" in the City of Asheville. She presented the proclamation to Ms. Jean Smith, local Asheville lead for Moms Demand Action for Gun Sense in America, and others, who briefed City Council on some activities taking place during the day.

C. PROCLAMATION PROCLAIMING JUNE 5-11, 2017, AS "HEMP HISTORY WEEK"

Councilman Haynes read the proclamation proclaiming June 5-11, 2017, as "Hemp History Week" in the City of Asheville. He presented the proclamation to Timothy Sadler, and others, who briefed City Council on some activities taking place during the month.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 9, 2017

B. RESOLUTION NO. 17-92 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE UNITED STATES GEOLOGICAL SURVEY APPLICATION TO NAME A CREEK THAT FLOWS THROUGH THE RIVER ARTS DISTRICT AND WEST END/CLINGMAN AVENUE NEIGHBORHOOD AS BACOATE BRANCH

RESOLUTION NO. 17-93 - RESOLUTION RENAMING CLINGMAN FOREST GREENWAY TO BACOATE BRANCH GREENWAY

Summary: The consideration of (1) a resolution authorizing the City Manager to sign the United States Geological Survey (USGS) application to name a creek that flows through the River Arts District (RAD) and West End/Clingman Avenue Neighborhood (WECAN) as Bacoate Branch; and (2) a resolution renaming Clingman Forest Greenway to Bacoate Branch Greenway.

(1) Naming the creek: As a part of its "Name that Creek" program, RiverLink recently worked with city staff to perform a community engagement process to gather nominations and identify a preferred name for the creek that begins in Aston Park near the intersection of Hilliard and Clingman Avenues. It parallels Clingman before ducking under several buildings, Clingman Avenue and Riverside Drive, flowing into the French Broad near 14 Riverside Drive, which is the site of the River Arts District visitor center set to open spring 2017. RiverLink asked the three representative community groups in the area (River Arts District Artists (RADA), River Arts District Business Association (RADBA) and West End Clingman Avenue Neighborhood (WECAN)) to submit names to be included in a RiverLink poll. It was agreed by all groups that naming the creek will call attention to the creek and increase the community's sense of ownership of the creek.

RADA, RADBA, and WECAN proposed eight names and the community-based engagement process initiated by RiverLink and supported by the City of Asheville (City) resulted in the selection of the name "Bacoate Branch." This name is in honor of Osie Bacoate, the matriarch of the Bacoate Family. She was a teacher, cosmetologist, business owner and community leader in the African American community. Her son, Matthew Bacoate, Jr., a community leader in Asheville, was the General Manager of AFRAM, a pioneer African American manufacturer that became the largest black-owned business in the history of Asheville. AFRAM was located in what is now the Wedge Building in the River Arts District. He is still alive today and lives in the WECAN neighborhood. His son also lives in Asheville. The Bacoate family is not opposed to this action. It is important to note that Thomas Clingman did not have heirs and there are no known citizens with the name Clingman in Asheville.

In order to complete the application to the United States Geological Naming Convention form to name this water body "Bacoate Branch", a local government official must sign the form to demonstrate support and to certify that the naming process followed USGS guidelines.

Because of the location of the creek and its proximity to the French Broad River, the request was referred to the Asheville Area River Redevelopment Commission (AARRC). On March 9, 2017, the AARRC reviewed and unanimously approved the following motion: *The Asheville Area Riverfront Redevelopment Commission accepts Bacoate Branch as suggested by the results from the RiverLink poll to rename the tributary, and recommends to Council that they support the adoption of this name.*

(2) Renaming the Clingman Forest Greenway: The Clingman Forest Greenway, slated for construction in 2019, is a 0.45 mile greenway that starts near the Clingman Avenue and Hilliard Ave intersection and ends at the northern side of Clingman Avenue Extension. It follows

the path of the creek discussed in part one, above. The WECAN Association approached the City requesting the name of the greenway be changed.

The neighborhood provided the following reasoning: Thomas Lanier Clingman, for whom Clingman Avenue, Clingman's Dome & this future greenway are currently named, was an attorney, NC State and federal representative and senator, and a pro slavery, confederate army general. As WECAN represents a diverse, active & caring community, the WECAN Board feels strongly that the naming of this future greenway after one who supported the institution of slavery sends the wrong message to and about our community.

If Council moves to name the adjacent waterbody "Bacoate Branch," WECAN, along with RADA and RADBA, would like the name of Clingman Forest Greenway to be changed to "Bacoate Branch Greenway." Two City Commissions and one City Committee reviewed the matter; all three voted unanimously to support the name change: The Greenway Committee on March 2, 2017; The Multimodal Transportation Commission on March 22, 2017; and the AARRC on March 9, 2017. The African American Heritage Commission reviewed the request and had no comments.

Staff has worked closely with the key stakeholders on both of these items and finds both community requests align with Council adopted policies and plans.

The request to the name the creek follows the Stream Naming Policy, and the request to rename Clingman Forest Greenway follows the City's Naming Policy. Staff further notes that the names of all greenways in the Greenway Master Plan are named after natural features in the proximity of the greenway --usually, water bodies (e.g. French Broad River Greenway, Reed Creek Greenway). The suggestion of "Bacoate Branch Greenway," therefore, also aligns with the City's informal naming conventions for greenways. Staff has not heard of anyone opposed to either of these naming requests.

Pros:

- Naming of a creek or stream can bring attention to its existence, help identify it as a part of the River District ecosystem, and encourage environmental stewardship that enhances quality of life.
- Supporting this community-driven effort further develops partnerships between groups like RiverLink, RADA, RADBA and WECAN and the City.

Con:

- None identified.

There is no fiscal impact related to this item.

Staff recommends City Council authorize the City Manager to sign the USGS form to name the creek in the River Arts District "Bacoate Branch" and to rename the Clingman Forest Greenway to "Bacoate Branch Greenway."

RESOLUTION NO. 17-92 - RESOLUTION BOOK NO. 38 - PAGE 428

RESOLUTION NO. 17-93 - RESOLUTION BOOK NO. 38 - PAGE 429

C. APPROVAL TO MOUNT A CEREMONIAL PLAQUE ON THE EXTERIOR OF THE MUNICIPAL BUILDING RECOGNIZING THE BRICK WORK OF JAMES VESTER MILLER

Summary: Motion to approve a request to mount a ceremonial plaque honoring James Vester Miller, a prominent African-American brick mason who performed the bricklaying on the Municipal Building in 1925 and 1926, on the Municipal Building.

The City of Asheville has received a request from Ms. Andrea Clarke, grand daughter of James Vester Miller, to mount a ceremonial plaque on the Asheville Municipal Building honoring Mr. Miller's bricklaying on the Municipal Building.

Ms. Clarke has followed the City's policy on public naming, and pursuant to the policy, on April 11, 2017, City Council made an announcement of the request and solicited input from surrounding property owners, residents, affected parties, and other City officials or anyone else who can contribute meaningful input.

The African American Heritage Commission received this information and had no concerns.

Ms. Clarke has submitted three possible locations that she wishes the plaque to be placed. After the General Services Director reviewed all three possible locations, it was his recommendation that the plaque be placed in the brick work centered between the windows beneath the "Asheville Police Department" sign on the exterior face of the Municipal Building.

There will be no fiscal impact to the City as the plaque and mounting will be paid for by Ms. Clarke.

Staff recommends City Council approve mounting a ceremonial plaque be placed in the brick work centered between the windows beneath the "Asheville Police Department" sign on the exterior face of the Municipal Building honoring the brick work of James Vester Miller and his construction firm Miller Construction Company.

D. ORDINANCE NO. 4582 - BUDGET AMENDMENT FOR SWANNANOA RIVER GREENWAY CORRIDOR STUDY

Summary: The consideration of a budget amendment, in the amount of \$86,803 in the City's Special Revenue Fund, from the N.C. Dept. of Transportation and private donations, to set up the project budget for the Swannanoa River Greenway Corridor Study.

City Council authorized staff to apply for a planning grant, and accept the funds if awarded, from the N.C. Dept. of Transportation (NCDOT) Bicycle/Pedestrian Division Grant Program via Resolution # 16-236 on October 25, 2016. The project area for this study will be along the Swannanoa River from Biltmore Avenue to South Tunnel Road. It is contiguous to a greenway project that will be designed and constructed from bond funds that begins at South Tunnel Road and ends at Azalea Park. Matching funds will be paid for by funds raised by the Asheville Park and Greenway Foundation and the Friends of Connect Buncombe.

Once finished, the corridor study will provide the City with a preferred greenway alignment for this section of the Swannanoa River Greenway corridor and we will be ready to begin engineered designs.

The corridor study is supported by the Asheville Greenway Committee and Multi-modal Transportation Commission.

Pros:

- This project will be 100% funded by grant funds and donations from private entities.
- We will have an alignment plan for a greenway in a rapidly growing area of the City.

Con:

- There are no known cons.

The total cost of the corridor study is expected to be \$60,000 with the grant providing \$36,000 and private entities providing \$24,000 (local match). The remaining \$26,803 in local match funds will be used for communication and promotional material for public outreach. No City funds are needed or required for this project.

City staff recommends that City Council approve an ordinance to set up the project budget for the Swannanoa River Greenway Corridor Study.

ORDINANCE BOOK NO. 31 - PAGE 198

- E. RESOLUTION NO. 17-94 - RESOLUTION AMENDING THE 2017 CITY COUNCIL MEETING SCHEDULE TO ADD A WORKSESSION ON LIVING ASHEVILLE COMPREHENSIVE PLAN ON JUNE 27, 2017, AT 3:00 P.M. IN THE FIRST FLOOR NORTH CONFERENCE ROOM IN CITY HALL**

RESOLUTION BOOK NO. 38 - PAGE 430

- F. RESOLUTION NO. 17-95 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH MOUNTAIN ENVIRONMENTAL SERVICES INC. FOR 14 RIVERSIDE DRIVE**

ORDINANCE NO. 4583 - BUDGET AMENDMENT FOR 14 RIVERSIDE DRIVE

Summary: The consideration of (1) a resolution authorizing the City Manager to execute a change order increasing the contract with Mountain Environmental Services, Inc by \$33,136.64; and (2) and a budget amendment in the amount of \$33,137 from debt proceeds to increase the overall 14 Riverside Drive project budget to \$966,757.

On September 26, 2016, following a competitive bid process, the City entered into a contract with Mountain Environmental Services, Inc to provide contaminated soil disposal services in the River Arts District. This original contract included soil disposal associated with new Duke transmission poles on Parcel 27. The original contract was written for \$33,220 and had a contingency of \$16,780 for a total contract value of \$50,000.

Additional services were required to remove contaminated soil from the adjacent Parcel 28 at the 14 Riverside Drive project construction site. A change order was awarded in the amount of \$33,220 to cover the additional costs. The total revised contract amount totaled \$83,220.

Due to higher than expected volumes of contaminated soil at the site, the cost of services exceeded the contract amount for work associated with the 14 Riverside Drive project. Staff is seeking a change order to the existing contract in the amount of \$33,136.64, increasing the total contract amount to \$116,356.64. Since this total contract amount now exceeds \$90,000, City Council approval is required to authorize this change order.

A budget amendment in the amount of \$33,137 is required for this project to ensure that it is adequately funded to cover all outstanding costs.

Pro:

- The suggested changes will allow for the completion of the 14 Riverside Drive project.

Con:

- Not authorizing these changes could lead to a dispute with the contractor who has provided the City with the services and is currently awaiting payment.

The use of \$33,137 in debt proceeds to increase the overall project budget to \$966,757. This change will be incorporated into the multi-year debt model for the Capital Improvement Program (CIP). This project and proposed amendment are funded using Special Obligation

Bonds.

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to execute a change order increasing the contract with Mountain Environmental Services, Inc by \$33,136.64; and (2) a budget amendment of \$33,137 from debt proceeds to increase the overall project budget to \$966,757.

**RESOLUTION BOOK NO. 38 - PAGE 431
ORDINANCE BOOK NO. 31 - PAGE 200**

G. RESOLUTION NO. 17-96 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS TO MODIFY AN EXISTING EASEMENT AGREEMENT FOR AN AREA BEHIND AN EXISTING WATER METER LOCATED AT 30 MANDERLEY WAY

Summary: The consideration of a resolution authorizing the City Manager to execute documents to modify an existing of easement agreement for an area behind an existing water meter located at 30 Manderley Way, PIN 9644-15-1434.

The current owner of 30 Manderley Way has requested that the waterline easement be modified to be removed out from under the footprint of the existing house. The owner of said property is attempting to sell the house and the closing attorney for the client will not close till the existing waterline easement document has been modified so that the easement does not extend into the footprint of the house.

When this development was originally constructed, the City required waterline easements to extend 10 feet beyond the water meter. In this particular instance, the existing waterline easement extends thru part of the property owner's porch. With more of these types of subdivisions being built and homes being constructed closer to the road, the City changed the requirements to no longer require easements to extend 10 feet beyond the meter. By removing the requirement we no longer have situations where waterline easements extend inside of homes. The existing meter will still be located within the main waterline easement.

In order to modify the easement, City Council must authorize the City Manager to execute documents to modify the existing easement between the City and the current property owners, Michael and Lynette Marks. No physical work to relocate the water lines is necessary, only a modification of the easement paperwork to clarify the limits of the easement.

Pro:

- Eliminates the issue of having a waterline easement within the walls of a house.

Con:

- None noted.

This action has no fiscal impact.

City staff recommends City Council approve a resolution authorizing the City Manager to execute documents to modify an existing easement agreement at 30 Manderley Way, PIN 9644-15-1434.

RESOLUTION BOOK NO. 38 - PAGE 432

H. RESOLUTION NO. 17-97 - RESOLUTION IN SUPPORT OF NC SB 85 AND HB 102 RATIFYING THE EQUAL RIGHTS AMENDMENT (ERA) AND THE US CONGRESS HOUSE JOINT RESOLUTION 53 TO REMOVE THE DEADLINE FOR ERA RATIFICATION

Summary: The City of Asheville supports (1) the adoption of US Congress House Joint Resolution 53 to remove the time limit for ratification of the Equal Rights Amendment (ERA); and (2) supports the adoption of North Carolina SB 85 and HB 102 to ratify the ERA.

Ms. Ann Von Brock thanked Council for supporting full citizenship for women.

RESOLUTION BOOK NO. 38 - PAGE 433

I. ORDINANCE NO. 4584 - BUDGET AMENDMENT FOR CONSTRUCTION OF STRUCTURAL REPAIRS AT MCCORMICK FIELD

Summary: The consideration of a budget amendment in the amount of \$19,413 to transfer funds from the Parks and Recreation Department (Department) deferred maintenance operating budget in the General Fund to the McCormick Field structural repair capital project in the General Capital Projects Fund.

The Department's deferred maintenance cost center in the General Fund is used for repairs and improvements for parks and recreation facilities. There are items budgeted there in the current fiscal year that relate to large projects including \$19,413 to complete a structural repair at McCormick Field.

Staff is requesting City Council to approve a budget amendment to increase the McCormick Field project by \$19,413 in the General Capital Project Fund from the Department's deferred maintenance budget. There is currently an available balance of \$64,247 in the McCormick Field project; this budget amendment will bring the total available budget in that project to \$83,660. The project includes repairs to the existing structural supports and walkways.

Pros:

- This action will allow the capital project to reflect all the expenditures related to the construction of the structural repair

Cons:

- None

The funds are budgeted in the Parks and Recreation Department's General Fund budget. The budget amendment, which will move that funding to the General Capital Projects Fund, will not increase the City's total overall budget.

City staff recommends City Council approve the budget amendment authorizing the City Manager to increase the McCormick Field structural repair capital project by \$19,413.

ORDINANCE BOOK NO. 31 - PAGE 202

J. RESOLUTION NO. 17-98 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRENCH BROAD PAVING INC. FOR THE FISCAL YEAR 2017 ASPHALT PAVING IMPROVEMENTS - RESURFACING PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of \$1,493,980.74 plus a contingency of 15% (\$224,097) with French Broad Paving, Inc. for the project known as FY 17 Asphalt Paving Improvements – Resurfacing, City of Asheville Project K1701.

A list of warranted streets was assembled to be addressed by this contract. The project was advertised on April 7, 2017. Bids were opened on May 1, 2017, with the following results:

French Broad Paving, Inc. of Marshall, NC	\$1,493,980.74
Rogers Group, Inc. of Nashville, TN	\$1,773,901.40
Harrison Construction Company of Asheville, NC	\$2,678,283.90

French Broad Paving, Inc. proposes to perform all of the work included in the contract other than pavement markings. New Dimensions in Pavement Markings, Inc. from Fletcher, NC will install the pavement markings. Both French Broad Paving, Inc. and New Dimensions in Pavement Markings, Inc. are certified as Disadvantaged Business Enterprises and Woman Business Enterprises.

A 15% contingency (\$224,097) has been added to allow payment for any unforeseen costs that typically arise during construction and to do additional street resurfacing. The work produced from this contract would fix a number of roads that are in need of repair.

Pros:

- Will repair approximately 4.6 miles of roadways within the Asheville City limits.
- Will improve mobility and safety on city streets.

Con:

- Construction will be disruptive to adjacent residences and businesses.

The total budget for the FY17 Streets Program is \$2.8 million. This funding is our annual pay-as-you-go repaving process and is not bond funded. The total cost of this contract, including contingency, is \$1,718,077.74. The remaining funds in this budget will be used for other paving needs. This contract will be presented to Council during a later meeting. Also, contracts for the first seven streets to be resurfaced by bond funding will also be presented to Council in the near future in a separate contract.

City staff recommends City Council adopt a resolution awarding the contract to French Broad Paving, Inc. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of \$1,493,980.74 plus a contingency of \$224,097 (15%) for the contract known as FY 17 Asphalt Paving Improvements – Resurfacing, City of Asheville Project K1701.

RESOLUTION BOOK NO. 38 - PAGE 434

K. RESOLUTION NO. 17-99 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER FOR THE WATER SYSTEM MASTER PLAN UPDATE

Summary: The consideration of a resolution authorizing the City Manager to execute a professional services agreement with Hazen and Sawyer for the Water System Master Plan Update for the proposal amount of \$475,300 plus a contingency of \$95,060 for a total of \$570,360.

On July 1, 2016, the Water Resources Department (WRD) issued a Request for Qualifications (RFQ) seeking a professional engineering firm to provide professional services for the preparation of a new Water System Master Plan. The scope of work for this project includes, but is not limited to:

- (1) A hydraulic model update,
- (2) Field tests,
- (3) Model calibration,
- (4) Evaluation of the existing system,
- (5) Population and demand projections,
- (6) Evaluation of the future system,
- (7) Master plan report and training, and

(8) Project administration.

The WRD will add the following services at a later time as the project progresses:

- (a) Evaluation of water quality sampling and flushing,
- (b) Surge analysis at two pump stations,
- (c) A vulnerability assessment, and
- (d) Public Outreach through stakeholder meetings.

The technical components of the Master Plan outlined above are scheduled to commence in June 2017. Following completion of the majority of this technical phase, the public engagement component is anticipated to commence in July 2018. This engagement component, which will include various stakeholder meetings, will focus on obtaining feedback on priorities, desired outcomes and rate models.

In response to the RFQ, the department received 3 Statements of Qualifications (SOQs) on July 27, 2016. Companies responding were:

1. Brown and Caldwell, Charlotte NC
2. CDM Smith, Charlotte NC
3. Hazen and Sawyer, Charlotte NC

Following an extensive review of the SOQs by City Staff, including reference checks and on-site interviews, Hazen and Sawyer was selected as the firm for this project. WRD staff then worked with Hazen and Sawyer to negotiate a cost for the Project.

Pros:

- This project will update the May 2009 Water System Master Plan by Jordan, Jones & Goulding (JJG). The cost for 2009 Water System Master Plan was \$550,000. It is a water industry standard to update master plans every 5-10 years. This project is directly related to the Rate Model Study. Updating the Master Plan is intuitive for building an accurate rate structure and providing a sustainable water system.

Con:

- None.

The funding needed for the professional services agreement is currently allocated within the Water Resources Capital Improvements Project (CIP) Fund in the Water Model & Master Plan Update Project.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a professional services agreement with Hazen and Sawyer for the Water System Master Plan Update for the proposal amount of \$475,300 plus a contingency of \$95,060 for a total of \$570,360.

RESOLUTION BOOK NO. 38 - PAGE 435

L. RESOLUTION NO. 17-100 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL

Summary: The consideration of a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Mountain Sports Festival.

- Mountain Sports Festival has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Mountain Sports Festival and allow for consumption at this event.

The Mountain Sports Festival will be held on Friday, May 26, 2017 from 4:00 p.m. to 10:00 p.m., Saturday, May 27, 2017 from 10:00 a.m. to 10:00 p.m., and Sunday, May 28, 2016 from 11:00 a.m. to 6:00 p.m. within the boundaries of Carrier Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for the Mountain Sports Festival

Con:

- Potential for public safety issues

Staff recommends City Council adopt a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Mountain Sports Festival.

RESOLUTION BOOK NO. 38- PAGE 436

M. RESOLUTION NO. 17-101 - RESOLUTION SETTING A PUBLIC HEARING ON JUNE 13, 2017, FOR THE LAND USE INCENTIVE GRANT APPLICATION OF 338 HILLIARD

Summary: The consideration of a resolution to set a public hearing on June 13, 2017, for the Land Use Incentive Grant Application of 338 Hilliard by the developer of “Aston Place,” Kassinger Development Group.

Kassinger Development Group has applied for a Land Use Incentive Grant per the policy adopted by Council, and amended on September 22, 2015. The developer is developing a mixed income development at 338 Hilliard Avenue, Asheville NC - the former Parks Maintenance site. The project consists of 64 residential rental apartments, with 33 of those units being reserved for affordable housing (households earning 80% AMI or less). The site is within 0.25 miles of transit, 0.25 miles of amenities, and 1 mile to job centers in downtown. The developer estimates a total development cost of \$7,955,000 and an estimated tax value of \$4,480,000 post completion.

The project, as presented to staff, appears to meet the following Eligibility Requirements,

- The proposed development consists of three or more dwelling units for rent;
- At least 10% of the units will meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income.
- The affordable units will be affordable to and leased to income-eligible households for at least 15 years.
- The proposed development must be located inside the city limits.
- The proposed development must be located to provide residents convenient access to jobs, schools and services

Scoring

Affordable Rental Housing

The proposed project will provide thirty-three (33) units affordable to households at 80% or less of median income, with thirteen (13) of those units being rented to households earning 60% AMI or less. The developer has committed to the affordability period of fifty (50) years. Under this category, the project qualifies for 60 points.

Long term affordability

The proposed project will be committed to serving households at the designated rental rates for a period of fifty (50) years. This qualifies the project for 20 points.

Superior locational efficiency

The proposed project is within 0.25 miles of an existing bus-stop served by multiple bus lines, is within 1 mile of a job center in downtown, and is within .5 miles of public amenity in an ART bus stop served by an existing sidewalk. The project qualifies for 20 points in this category.

Staff has scored the project with 100 points, which qualifies the project for ten years (10) of Land Use Incentive Grant.

The Housing and Community Development Committee reviewed the application at their meeting on May 16, 2017, and unanimously recommended approval of the Land Use Incentive Grant as outlined in this staff report.

Pros:

- The proposed project will provide 60 affordable rental housing units to households earning 80% or less of area median income, with 13 units serving households earning 60% AMI or less;
- The proposed project will have an affordability period of fifty (50) years
- The proposed project addresses the pressing need for affordable one-bedroom apartments;
- The proposed project has a significant economic impact. Construction wages and material purchases will positively affect the local and regional economy.

Con:

- Cost estimates are not yet fully developed, and project costs as presented may change as it moves towards development.

The current estimated assessment value for this property is \$450,000 (as estimated by Community Development Division). The developer's estimate of improvement value is \$4,030,000 with a completed estimated project taxable value of \$4,480,000. The annual estimated city tax post completion, based on the developer's estimate of value, is \$19,143. Over a ten year period, if approved at that level, the total estimated Land Use Incentive Grant would be \$191,430, the exact amount to be determined by the length in years, of the grant award, and the actual assessed value of the development upon completion. Based on these estimates, the subsidy per affordable unit would be \$5,801. The subsidy amount per affordable unit/year would be \$116.

The estimated amount of fees payable for Zoning Permit, Building Permit, Driveway Permit, Grading Permit, Stormwater Plan Review Fee, and Water Service Connection Fee is \$100,000. The value of each 10% of eligible fee rebates would be \$10,000. The exact amount would be determined by the percentage of fee rebate awarded as part of the Land Use Incentive Grant. If approved at the 100 point level, the fee rebate would be \$100,000.

The total estimated Land Use Incentive Grant benefit over 10 years is \$291,430, which equals to \$8,831 subsidy per affordable unit, and \$177 subsidy per unit per year.

Staff recommends City Council adopt a resolution setting a public hearing on June 13, 2017, to hear and act upon the request of Kassinger Development Group for a Land Use Incentive Grant.

RESOLUTION BOOK NO. 38 - PAGE 439

N. RESOLUTION NO. 17-102 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE GROUND LESSOR'S ESTOPPEL CERTIFICATE AND AMENDMENT TO GROUND LEASE RELATED TO ASSIGNMENT AND REFINANCING OF PACK PLACE GARAGE COMPLEX

Summary: The consideration of a resolution authorizing the City Manager to execute Ground Lessor's Estoppel Certificate and Amendment to Ground Lease related to assignment and refinancing of Pack Place Garage Complex.

The complex of buildings known as Pack Place is the result of redevelopment efforts undertaken by the City in the early 1980's. Part of the complex is lease to and occupied by various quasi-public uses (i.e. Asheville Art Museum; Diana Wortham Theatre); some of it is occupied by private interests including the parking garage and the retail uses along Eagle Street. The City owns the land underlying the parking garage and related uses and has leased it to a developer, Pack Plaza Associates Limited Partnership (now Pack Square Investors II, LLC) who, pursuant to a Master Agreement and Master Lease entered into in 1987 (herein "Lease"), constructed the improvements (parking garage/retail buildings) on the property. Under the Lease, the permanent improvements become the property of the City at the end of the Lease term, which is 99 years (Lease Term ends in 2086). During this term, the "Lessee" (Pack Square Investors) its, successors or assigns, operates the buildings at no cost to the City and receives the income from it. The City is the "Ground Lessor" or "Lessor" and the developer is the "Tenant" or "Lessee".

It was contemplated from the beginning of this project that the Tenant would require substantial financing for the improvements, and would pledge the improvements (and its interest in the Lease-"Leasehold Estate" or "Leasehold Interest") as security for the financing. Accordingly, the Master Lease contains provisions that require the City, as Lessor, to execute certain documents and provide certain assurances to enable the Tenant to secure financing or refinancing. This is applicable to the garage/retail part of the project. Additionally, according to the terms of the Master Lease, the Lease is freely assignable as long as the Assignee, i.e. "New Tenant" expressly assumes and agrees to all of the terms of the existing Lease.

On April 24, 2017, the City received notice that Pack Square Property, LLC (also known as WPCM Acquisition, LLC) intends to purchase the Leasehold Interest of Pack Square Investors and the Lease would be assigned to them and they would become the new Lessee or Tenant. As part of this Assignment, Pack Square Property will be refinancing the property and their Lender, Deutsche Bank, requires the execution of an Estoppel Certificate and Amendment to the Ground Lease. This Proposed Estoppel and Amendment is not substantially different from documents that the Council agreed to in 1988 and 2006, related to previous Lessee refinancing, and is usual and normal in commercial real estate financing transactions of this nature. The requested documents essentially give the Lender certain rights in the leased premises, such as the right to step in and operate the project, make or complete improvements, market and re-lease the premises, and dispose of insurance proceeds in case of property damage. These documents amount to a third-party agreement, bringing the Lender into the transaction. The estoppels certificate is basically a statement by the Lessor, that the Tenant is not in default under the lease. The Lease incorporates most, if not all, of the terms contained in the Proposed Amendment, and amounts to little more than allowing the new Lender to step into the transaction.

Pros:

- Proposed Amendment does not change the City's position in the Lease from previous Lessee refinancing or amendments.
- Proposed amendment is not unusual in transactions of this nature.
- Lease requires the city to execute documents as reasonably required to facilitate financing and granting authorization to City Manager to sign such documents now and in the future will allow the City to better meet this requirement.

Con:

- None

City staff recommends City Council adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville the requested Estoppel Certificate and Amendment to the Ground Lease and similar documents which may be requested in the future that do not substantially change the terms and conditions of the existing Master Lease.

RESOLUTION BOOK NO. 38 - PAGE 440

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.

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

III. PRESENTATIONS & REPORTS:

A. BOND PROGRAM UPDATE

Interim Capital Projects Director Jade Dundas said that the purpose of this update is to provide an overview of the presentation which will be given to City Council on May 23, 2017, related to the efforts of the Capital Projects Department to develop communication tools to help inform the public of the progress of the various Bond and Capital improvement projects.

Communications Expectations - The City is committed to making capital project information accessible to the public. The citizens of Asheville voted to fund the bond program in November of 2016. Good stewardship of these public funds in part means communicating to the public how, when and where funds are being used. The efforts of the projects team have been to use existing software to develop an interactive set of tools so that citizens can easily access current project information.

Communication improvement has both an internal and external focus. The internal work will help to facilitate project development and implementation. The external effort will focus on sharing information. He showcased the external communications tools prior to their implementation.

Dashboards - Staff has developed a set of dashboards which provide relevant and current project information. The dashboards provide a snapshot of project financing, location, phase of development and an overall financial summary for the particular program area. The individual bond program areas include Parks and Recreation, Transportation, and Affordable Housing. Additional work is also being done on developing similar tools for the capital improvement budget. The bond portion of this work is ready for use.

Interactive Map - Staff from multiple departments is also working on developing an interactive "story map" which will allow citizens to find projects based upon location and get a more in depth summary of the projects. Information which will be available on the story maps

include things like project description, project contacts, photos of the projects, as well as financial information related to funding and expenses. An example of this tool was shared with the City Council but noted it is still under development and is planned to be released in July.

Bond Project Updates - Staff will be providing a general update related to the progress of the bond projects with a focus on road resurfacing, playground improvement work, affordable housing. City Council will be asked as part of this update to approve a contract to authorize the City Manager to enter into a contract for design services related for playground improvements.

At the suggestion of Councilman Smith to include the Sports Commission in the programming up front for Memorial Stadium, City Manager Jackson said that for each major community plan, each major stakeholder will be a part of the engagement process.

RESOLUTION NO. 17-103 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SURFACE 678, P.A., TO PROVIDE DESIGN SERVICES FOR ASHEVILLE PARKS PLAYGROUND UPGRADES/RENOVATION PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with Surface 678, PA, to provide design services for Asheville Parks Playground Upgrades/ Renovations for an amount not to exceed \$190,000.

The primary goal of the project is to address maintenance backlog for playgrounds while building for the future by replacing site components as required because they have reached the end of their service life.

Playground projects have been prioritized focusing on underserved areas of the city addressing the needs of diverse park users through replacement of existing assets in parks to better reflect changing neighborhoods and their long-term recreation requirement.

The following preliminary playground sites within the current scope of work are: Herb Watts Park, Lakewood Park, Magnolia Park, and West Asheville Center. The playgrounds will be designed to reflect their individual neighborhood setting, utilize ideas and trends from some of the best playgrounds in the country, and create unique play experience for all users. Playground upgrades may include playground equipment, rubber fall zone surface, site furniture, plant materials, park shelters, shade structures, associated facilities, open or nature play areas, vehicular and accessible pedestrian circulation systems, among other Park and Recreation park standard elements.

The City of Asheville (City) issued a Request for Qualifications (RFQ) for design services for the Asheville Parks Playground Upgrades/Renovations. In response to the RFQ, the City received seventeen (17) Statements of Qualifications to be considered for this project. After thorough review and evaluation, staff recommended Surface 678, PA, 215 Morris Street; Suite 150, Durham, North Carolina as the most qualified to perform the design services for the Asheville Parks Playground Upgrades/Renovations.

Scope of Work: Surface 678 has presented a scope of work and fee proposal for professional services associated with the Asheville Parks Playground Upgrades/Renovations project and will provide full design services, bidding administration, and contract administration/reporting during construction.

Project Budget: \$1,015,000 million in General Obligation (GO) Bond Funding.

Tentative Project Timeline:

Engineering/Design Services
Permitting

Summer/Fall 2017
Winter 2017

Request for Construction Bid
Construction Begin
Construction Complete

Winter/Spring 2018
Spring/Summer 2018
Summer 2019

The action complies with the following adopted City plans: (1) Parks, Recreation, Cultural Arts, and Greenways Master Plan.

Pros:

- Address immediate maintenance needs and critical failures that are otherwise unattached to capital investments
- Focus on underserved areas of the city
- Address the needs of diverse park users through replacement of existing assets in parks to better reflect changing neighborhoods
- Meet the Parks and Recreation goal of increasing accessibility and equity

Con:

- None

Funding for these services are already included in the adopted Capital Improvement Budget through the City's General Obligation (GO) Bond Funding.

Staff recommends City Council adopt the resolution authorizing the City Manager to execute a contract with Surface 678, PA to provide design services for Asheville Parks Playground Upgrades/Renovations for an amount not to exceed \$190,000, and further authorizing the execution of any change orders to said contract which may arise during execution of said project.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 17-103. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 38 - PAGE 4441

B. HAYWOOD STREET TEMPORARY ACTIVATION UPDATE

Downtown Development Specialist Dana Frankel provided Council with the following update on timeline and next steps of implementing short term uses at the subject sites, including pop-up programming at the Haywood Street property.

Background - At City Council's December 12, 2015, meeting, staff was directed to recommend a process to consider the future use and design of city-owned parcels located on Haywood Street and Page Avenue downtown following a long history of potential development opportunities. In March 2016, City Council approved a public visioning process for the properties, contracting with Asheville Design Center to serve as a facilitator for a Council-appointed community advisory team to develop a long-term vision for the properties, while also identifying opportunities for temporary installations to enliven the space in the short term.

The Community Advisory team began meeting in June of 2016, soliciting feedback from the public and taking steps towards developing both a long-term vision as well as recommendations for interim uses. At the October 25, 2016 Council Meeting, the Community Advisory Team presented a list of possible temporary uses and installations for the site. With

direction from City Council to narrow down the list, the Advisory Team returned to City Council's December 13, 2016, meeting and presented the following recommended temporary uses and installations:

1. Raised garden beds
2. Interactive public art
3. Mobile food vending
4. Open vendor markets
5. Movable seating
6. Designated performance space

Following their presentation, City Council directed staff to consider feasibility and recommendations for implementation of the proposed temporary uses.

On March 27, 2017, a memorandum was shared with City Council detailing a proposed implementation and management plan for accommodating the proposed uses. This report is an update on progress.

Overview of Objectives - The primary objective of the pop-up and temporary uses is to activate the subject sites on an interim basis while permanent solutions are being planned and implemented. A secondary goal is to test particular uses and installations in order to learn more about their function, successes and impacts in that location and in the community at large.

The goal is to support flexible use of the sites, including those proposed, with a fair and open approach to site access and programming.

Use of Parcels - The temporary uses proposed by the Community Advisory Team were not site specific. The group and City staff acknowledged together that the lots currently used for parking should remain available for parking considering the needs for both short term and monthly parking.

Without disrupting those areas, sites available for temporary uses are the parcels on Page Avenue (Site A) and on Haywood Street (Site B).

Site A: This property has been included as one of four sites in the City's recently launched community garden program, part of the Asheville Edibles initiative being managed by the Office of Sustainability. A request for applications (including design, management and public art) was released on April 24, 2017. This site may also serve as a demonstration site to help inform other community members on how to build and maintain a successful community garden, including how to build structures to capture rainwater and runoff inexpensively.

Site B: This site can accommodate a range of passive and active temporary uses, including those proposed by the advisory team. Staff proposes a period of one year for pop-up uses that would require minimum site and operational investment, and a two year period following, for continued temporary use, where additional physical and programmatic considerations could be implemented to support success.

In order to prepare the site for pop-up uses, improvements to the space are underway. To expedite the process and minimize costs, the work is being managed in-house. The following is taking place:

- Removal of gravel on portions of the site (to have a flat, wheelchair accessible, maintainable surface)
- Installation of electricity (to provide for operational needs and lighting)
- Installation of trees in planters (recommended for Level I projects)

- Purchasing and installation of seating/tables, trash cans and other key amenities (using recycled and repurposed materials when possible)
- Production of informational signage (to include project information, hours and rules)

The total cost of these site improvements is estimated to be \$30,000. Funds have been secured from the City's general fund.

The City's Parks and Recreation Department will oversee maintenance and access to the site during the pop-up use period through the expansion of existing maintenance and security contracts. The estimated cost for those operations is \$17,500 for one year. Funding from the City's general fund has been secured. Additional improvements and amenities may be considered and installed on the site throughout the pop-up phase while operational needs will also be evaluated.

Site Activation - Pop-up programming on the site can be accommodated in the following two ways:

1 – Request for Expressions of Interest (Pop-up Programming)

A Request for Expressions of Interest (RFEI) can be released in order to solicit proposals from community groups and/or organizations that are interested in activating the site (in part during set days/times, or in full) for one year.

The following criteria will be considered in evaluating proposals, informed by the selection process for existing outdoor special event partnerships:

- Alignment with City Council's 2036 Vision
- Community benefit
- Compatible with the surrounding neighborhood
- Organizational capacity
- Audience diversity
- Prior history
- City services cost/impact

Programming on the site must comply with the City's minimum requirements for emergency medical services, liability insurance, building safety and fire compliance, law enforcement, environmental health/food sales requirements, restrooms and sanitation, Alcohol Beverage Commission approvals as per the City's outdoor special event guide.

Multiple proposals may be selected and accommodated based on scheduling and compatibility.

Organizations and their proposed programs may be self-funded (through existing capacity, fundraising or sponsorship) or may request financial support from the City, including waived permit and property fees. If financial support, including fee waivers is requested, staff will return to Council for approval.

Staff would release the RFEI by the end of May, with a question and answer session held the second week in June. The proposal period would be open for approximately 3 weeks. Selections will be made by a panel of interdepartmental staff and representatives from the Haywood Street Advisory Team's Temporary Uses Sub-Committee. Once selections are made, staff will work with the identified partners to schedule and permit the programs. The goal is to have the site activated with pop-up uses August 1, 2017. Depending on interest, rolling calls for proposals may continue.

2 – Special Event Programming

In addition to soliciting proposals through the RFEI process, Haywood Street / Site B can be made available for programming by organizations through the City's existing outdoor special event permitting process. This will provide a consistent mechanism for community members and organizations to activate the site when it is not in conflict with already-scheduled uses.

Staff will release an informational sheet specific to the site in July, and will begin accepting applications after initial partners/scheduling has already been secured through the RFEI process. Special event permits may be issued as early as September 2017.

The initial one-year period for pop-up programming will be treated as a test period for information gathering. Additional funds may be requested in fiscal year 2018 to support the success of temporary uses including financial support for programming and/or for physical upgrades to the site.

Concurrent to the projected 3 year period of pop-up and temporary uses, long term design and planning will be underway for the properties.

Timeline – Key Dates

May 2017

- Site improvements initiated
- City Council Update
- RFEI for pop-up programming released
- Level I site plan reviewed

June 2017

- Site improvements continue
- RFEI question and answer session
- Review pop-up programming proposals

July 2017

- Site improvements complete
- Site opens for informal/passive use
- Selections for pop-up programming and development of schedule
- Issuance of necessary permits for pop-up programming
- Applications accepted for independent special events (through existing permitting process)

August 2017

- Pop-up programming begins
- Site remains available for informal/passive use when programs are not scheduled

August 2017 – August 2018

- Pop-up programming continues
- Site remains available for informal/passive use when programs are not scheduled
- Evaluation and adjustment as needed; preparation for next phase of temporary use
- Feedback garnered from community on pop-up programming and independent special event programming
- Next phase of temporary uses determined and planned

September 2017

- Independent special event programming begins (in addition to RFEI pop-up use)

August 2018 – August 2020

- Temporary uses continue while long term planning is underway

Councilman Bothwell questioned the Haywood Street Advisory Team's involvement in the RFEI. He understood Council commissioned them to do the visioning of the area, not the administration, especially since there was not a lot of Council oversight in the appointments. Ms. Frankel explained that they are representatives from around the area and felt they would be a good representative group which will provide Council with a good product. Since seeking input from people in the area is a good idea and ultimately the decision will have to come before Council, it was the consensus of Council to continue with that process.

When Councilman Smith was made aware that groups that chose to do gardens are responsible for their own water tap fees (\$4,000), it was the consensus of Council to have the Finance Committee review this.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO ADOPTION OF THE FISCAL YEAR 2017-18 ANNUAL OPERATING BUDGET

Director of Finance and Management Services Barbara Whitehorn said that City Council conducts a public hearing each year to receive public input on the Proposed Annual Operating Budget prior to adoption of the Annual Budget Ordinance. This public hearing was advertised on May 13, 2017.

The 2017-18 Proposed Annual Operating Budget was presented to City Council on May 9, 2017. The Proposed Budget presented on that date was balanced with an Ad Valorem tax rate of \$0.435 per \$100 of assessed value. Based on updated FY 2017-18 revaluation estimates, the Proposed Budget can be balanced with an Ad Valorem tax rate of \$0.4339. All essential City services are continued in the Proposed Budget. A copy of the Proposed Budget is available for public inspection in the City Clerk's office. The Proposed Budget is also available for viewing on the City's website (www.ashevillenc.gov).

In accordance with the North Carolina Local Government Budget and Fiscal Control Act, a summary of the Proposed Budget along with a notice of the Public Hearing was published on May 13, 2017. Adoption of the Fiscal Year 2017-18 Budget Ordinance is scheduled for June 13, 2017, at the regularly scheduled City Council meeting. The Proposed Budget may be changed by City Council in any way before adoption. It may also be changed by budget amendment after adoption, with the only exception being the Ad Valorem Tax rate, which cannot be changed once the Budget is adopted.

Staff recommends City Council conduct the public hearing on the City of Asheville Fiscal Year 2017-18 Proposed Annual Operating Budget and include public input in its consideration of the Budget.

Mayor Manheimer explained that the budget before Council assumes a 39.39-cents (revenue neutral) plus .5-cents (transit) plus 3.5-cents (General Obligation Bonds) for a total of 43.39-cents. She clarified that the budget before Council does include the increase in personnel for the APD but it is from a reallocation of funds from the APD and \$137,000 reallocation of funds from all other City departments.

Mayor Manheimer opened the public hearing at 6:21 p.m.

The following individuals were opposed to any increase in police staffing for various reasons, but mainly because they felt the money should be dedicated to long term solutions that make the community stronger:

Nichole Townsend
Patrick Conant
Alan Luis
Chris Peterson
Jay Slaughter
Martha Mosseller
Michael Collins
Elizabeth Schell (presented petition from Downtown business owners)
Alan Olson
Vicki Meath
Hilliary Brown
Maxwell Reed
Amy Cantrell (presented petition entitled "A Million Dollars for the People" and
banner from children expressing what they would like the dollars spent on)
Emma Nash
Brit Castaneda
Jake Swett
Casey Campfield
Angel Archer
Dewana Little
Alan Ditmore
Dee Williams
Jay Springer
James Grambrell
Evan Moustafor
Grayson Morris
Matilda Bliss
Jaclyn Mace
Kim Roney
Interpreter

The following individuals spoke in support of providing the resources requested by Police Chief Hooper for various reasons, but basically to be proactive with Asheville's growth and community engagement:

Susan Watts
Brandon McGaha, President of the Police Benevolent Association in this region
Richard Tullis
Rondell Lance, President of the Fraternal Order of Police

Mr. ViJay Kapoor was unable to tell what impact the bonds would have on the City's budget, and felt there be a projected 5-year spreadsheet. He also questioned the City's use of \$320,000 to a Colorado consulting firm tasked with studying equity issues in the City. Mayor Manheimer explained that there was a projected spreadsheet discussed during the bond process. In addition, she said that the City must have a study in order to award contracts and there was not a local bid received.

Mr. Sidney Bach questioned where the additional 3.5-cents for the General Obligation Bonds will be going while the City waits to issue the bonds, noting that no bonds can be issued as long as litigation is pending. He stated that he, along with Chris Peterson, is currently involved in litigation with the City over the bonds.

Mayor Manheimer closed the public hearing at 9:06 p.m.

Councilman Bothwell felt that this budget has been transparent and what has made this more difficult is the revaluation. He explained that most of the budget is for the people, including

transit, affordable housing, sidewalks, etc. He felt that Council is working for the people of Asheville.

Councilman Young felt that what he has heard is people wanting to be closer to the decision-making process. He suggested Council think about participatory budgeting.

Councilman Smith said that much of this is deep structural issues that have to be addressed across the county and our community. He outlined the millions of dollars dedicated to the many, many people-oriented services included in the budget, including the increase in the transit system; new buses and bus stops; youth leadership program; money dedicated to affordable housing; sidewalks; etc. However, it is clear that Council is not doing enough, but they are dedicated to work to improve our entire community.

Councilman Haynes does not support the increase in staffing for the Police Department this year. As seen from the petition, there are several downtown businesses that do not support it as well. We are told that some communities are being over-policed. He felt we need to look at better uses of the officers we currently have, including filling the current vacancies.

Mayor Manheimer said that adoption of the Fiscal Year 2017-18 Annual Operating Budget will occur on June 13, 2017.

B. PUBLIC HEARING TO CONSIDER REZONING A PORTION OF A LOT LOCATED ON THE NORTHWEST CORNER OF BROADWAY STREET AND MAGNOLIA AVENUE FROM RS-8 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO NEIGHBORHOOD CORRIDOR DISTRICT

ORDINANCE NO. 4585 - ORDINANCE TO REZONE A PORTION OF A LOT LOCATED ON THE NORTHWEST CORNER OF BROADWAY STREET AND MAGNOLIA AVENUE FROM RS-8 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO NEIGHBORHOOD CORRIDOR DISTRICT

Principal Planner said that this is the consideration of an ordinance to rezone a portion of a lot located on the northwest corner of Broadway Street and Magnolia Avenue from RS-8 Residential Single-Family Medium Density to Neighborhood Corridor District. This public hearing was advertised on May 13 and 19, 2017.

Ms. Tuch said that the subject property is approximately .18 acres (7,840 square feet), currently undeveloped but supporting some informal parking. The property has frontage on both Magnolia Ave. and Broadway St. but is most easily accessed from Magnolia Ave.

The property was originally purchased by the current owner, Marketplace Developments LLC, in 2005 as a .12 acre parcel. In 2008, the owner acquired additional unused right-of-way from the state of North Carolina increasing the size of the parcel to the current .18 acres – this purchase included the 675 square feet of RS8 zoned property. In 2002, prior to the current owner's purchase, the City of Asheville rezoned much of the property along the Broadway St. corridor to the newly established NCD zoning district. At that time, the right-of-way was also rezoned to match the existing property lines. The recombining of the right-of-way with the main parcel resulted in the split-zoned condition that exists today.

The applicant has requested the RS8 zoned portion of the property to be rezoned to NCD to be consistent with the remainder of the property.

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 NCD zoning district is to support the development of medium density, mixed-use development that is economically

viable, pedestrian oriented and contributing to the place making character of the built environment. The rezoning is desired, in part, to improve the viability of the NCD property for future development. Future improvements would include a 20' wide Type B landscape buffer adjacent to the residentially zoned portion of the property.

The subject properties are surrounded on three sides by other RS8 zoned property, most of which is undeveloped city owned land reserved for open space and greenways along with NCDOT right-of-way. Across Magnolia Ave. and Broadway St. is more NCD zoned property. This rezoning, if approved, has a negligible impact on surrounding RS8 zoned property.

At their regular meeting on May 3, 2017, the Planning & Zoning Commission voted unanimously in support of the rezoning request. The subject property does not lie within any special review areas or overlay zoning districts and does not require review by any other advisory body. Standard rezoning requests are first reviewed by the Planning & Zoning Commission with final review performed by City Council.

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". This strategically located parcel would be made slightly more developable with consistent zoning across the parcel and 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: (1) *A Well-Planned and Livable Community* – the proposed rezoning supports future compatible, pedestrian-oriented development for a strategically located property on a major transportation corridor.

Considerations:

- This rezoning would correct the existing split-zoned condition.
- This rezoning would provide more room for future development, including required landscape buffers.
- The adjacent RS8 zoned property is primarily city owned land and NCDOT right-of-way that will not be negatively impacted by future mixed-use development.

Based on the above findings and the analysis provided in the report, staff finds this request to rezone (the approximate) 675 square foot portion of the property located at 99999 Broadway St. to be appropriate and consistent with the existing neighborhood and broader city goals.

Mayor Manheimer opened the public hearing at 6:15 p.m. and when no one spoke, she closed the public hearing at 6:15 p.m.

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

Vice-Mayor Wisler moved to approve the rezoning request from RS-8 Residential Single-Family High Density District to Neighborhood Corridor District to assign a zoning designation that is more compatible with the majority of the existing property 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) supports smart growth through compatible infill development that takes advantage of existing infrastructure; and, 2) resolves an existing split-zoned condition. This motion was seconded by Councilman Bothwell and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Vice-Mayor Wisler said that the Boards & Commissions Committee has met and has determined that there are policing issues in the community that the Citizens-Police Advisory Committee (CPAC) is not charged with addressing. Therefore, they recommend that a Human Relations Commission (HRC) be established to deal with police relationships and some of the broader issues regarding equity and how we address and move forward towards fixing it. Prior to that establishment of the HRC, the Committee also recommends that a Blue Ribbon Committee (BRC) made up of community members that will help formulate the HRC and explore productive approaches, best practices for a HRC in Asheville. Suggested representatives from the following areas will be included on the BRC: Asheville African American history, policy expertise, city hall operations, land use, economic development, housing, arts, law, and a CPAC representative. Also at-large members of the community will be appointed to the BRC. She asked that Council contact individuals that they feel will best meet the qualifications to see if they would be interested in serving for a three-month period. Council members should submit the names of the nominees, if the nominees agree, to the City Clerk's office by June 12, 2017 with a brief reason for the nomination. If interested, nominees would need to contact the City Clerk's Office to fill out an application. Boards and Commissions Committee will review nominations on June 13, 2017 and bring the nominations to City Council for review on June 13, 2017. The application deadline for City Council nominations and at-large appointments will be on Wednesday, July 19, 2017. We hope to have the BRC begin their work on August 1, 2017, and wrap up with a report to Council on November 1, 2017. The size of the BRC is yet to be determined but will be approximately 12-15 members. Staff from the City Manager's Office and the City Attorney's Office will be a resource to the BRC. City Manager Jackson said that they are in the final stages of recruiting for an Equity Inclusion Manager and that person would be a resource for the BRC. All meetings of the BRC will be open and held around the community. It was the consensus of Council to proceed with the establishment of the BRC.

Mr. Todd Stimson asked for Council to adopt a resolution supporting the use of medical cannabis.

Mr. Alan Ditmore felt that due to building permit requirements, the City is perpetuating the housing crisis.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:40 p.m.

CITY CLERK

MAYOR