

Tuesday – September 12, 2017 - 5:00 p.m.

Regular Meeting

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

Absent: Councilwoman Julie V. Mayfield (personal)

**PLEDGE OF ALLEGIANCE**

Mayor Manheimer led City Council in the Pledge of Allegiance.

On behalf of the City Council, Mayor Manheimer thanked those working so hard to clean up after the storm and get our town back in order.

**I. PROCLAMATIONS:**

**A. PROCLAMATION PROCLAIMING SEPTEMBER 15 - October 15, 2017, AS "HISPANIC HERITAGE MONTH"**

Mayor Manheimer read the proclamation proclaiming September 15 - October 15, 2017, as "Hispanic Heritage Month" in the City of Asheville. She presented the proclamation to Mr. Luis Carlos Serapio of Descubre Asheville, who briefed City Council on some activities taking place during the month.

**II. CONSENT AGENDA:**

Councilman Bothwell asked that Consent Agenda Item "F" be removed from the Consent Agenda for discussion and an individual vote.

**A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 22, 2017**

**B. RESOLUTION NO. 17-202 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE-YEAR CONTRACT WITH WILDE ACRE LANDSCAPING, INC. FOR GROUNDS MAINTENANCE SERVICES IN VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE NORTH AND EAST ONE DISTRICTS; AND TO EXERCISE THE OPTION TO RENEW THE CONTRACT FOR ONE ADDITIONAL TWELVE MONTH PERIOD**

Summary: The consideration of a resolution authorizing the City Manager to: (1) enter into a one-year contract with Wilde Acre Landscaping, Inc. for grounds maintenance services in various parks, greenways and facilities in the North and East One districts in the amount of \$93,600; and (2) exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

The Parks and Recreation Department (Department) contracts with multiple vendors for ground maintenance services for the six districts within the City's park system. In 2016 the City issued an Advertisement for Bids for ground maintenance services within the districts that comprise the City's park system to include mowing, trim and edge, and leaf and debris removal. The City contracted with four ground maintenance contractors in a one-year contract with the

option to renew for two consecutive years. In preparation to renew the second year of a three-year contract, the contractor for the North and East One districts declined to renew its contract.

On June 26, 2017, the City issued an Advertisement for Bids for ground maintenance services in the North and East One districts. The City received two bids however the Locust Property Management bid was deemed non-responsive due to not providing the following documents as specified in the Advertisement for Bids 1) submittal checklist, 2) Minority Business forms, and 3) certificate of insurance.

1. Wild Acre Landscaping, Inc., Asheville, North Carolina (\$93,600)
2. Locust Property Management, Mint Hill, North Carolina (\$89,600)

After thorough review and evaluation, staff selected Wilde Acre Landscapes, Inc. as the lowest, responsible bidder. The base bid accepted is \$93,600.

Pro:

- Supports the efficient delivery of core park maintenance services.

Con:

- None

The \$93,600 funding required to support this grounds maintenance contract is budgeted in the FY 2017-2018 Department operating budget as part of the Parks Maintenance division budget.

Staff recommends City Council to adopt a resolution authorizing the City Manager to: (1) enter into a one-year contract with Wilde Acre Landscaping, Inc. for grounds maintenance services in various parks, greenways and facilities in the North and East One districts in the amount of \$93,600; and (2) exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

**RESOLUTION BOOK NO. 39 - PAGE 113**

- C. RESOLUTION NO. 17-203 - RESOLUTION AMENDING THE 2017 CITY COUNCIL MEETING SCHEDULE TO CANCEL THE FORMAL MEETING ON TUESDAY, SEPTEMBER 26, 2017, AND RESCHEDULE IT TO TUESDAY, OCTOBER 3, 2017**

**RESOLUTION BOOK NO. 39 - PAGE 114**

- D. ORDINANCE NO. 4609 - ORDINANCE CHANGING THE SPEED LIMIT TO 25 MILES PER HOUR ON AZALEA ROAD FROM US 25A SWEETEN CREEK ROAD TO ROSSCRAGGON ROAD; AZALEA ROAD EAST FROM US 70 TUNNEL ROAD TO NC 81 SWANNANOA RIVER ROAD; BEVERLY ROAD WEST FROM SR 3548 HAYWOOD ROAD TO RIVERVIEW DRIVE; CARTER COVE ROAD FROM SR 2053 BEAVERDAM TO END OF CITY MAINTENANCE; DELAWARE AVENUE FROM SR 3412 SAND HILL ROAD TO SULPHUR SPRINGS ROAD; ENKA CRESCENT STREET FROM NC 112 SAND HILL ROAD TO ENKA PINE STREET; ENKA OAK STREET FROM ENKA CRESCENT STREET TO ENKA PINE STREET; ENKA ORCHARD STREET FROM NC 112 SAND HILL ROAD TO ENKA PINE STREET; ENKA PINE STREET FROM ENKA CRESCENT STREET TO ENKA ORCHARD STREET; ROYAL PINES DRIVE FROM US 25 HENDERSONVILLE ROAD TO US 25A SWEETEN CREEK ROAD; SHELBURNE ROAD FROM NC 191 BREVARD ROAD TO SR 3412 SAND HILL ROAD; AND WEST SUMMIT**

## **AVENUE FROM US 25 HENDERSONVILLE ROAD TO THE END OF CITY MAINTENANCE**

Summary: The consideration of an ordinance to enact and/or change the speed limits on various sections of streets in the City of Asheville.

According to state law (NCGS # 20-141), the statutory speed limit in North Carolina is 35 mph inside municipal corporate limits for all vehicles and 55 mph outside municipal corporate limits for all vehicles except for school buses and school activity buses.

Furthermore, local authorities may authorize by ordinance higher speeds or lower speeds than the statutory 35 mph speed limit on locally-maintained streets provided that the higher speed limit cannot exceed 55 mph. Speed limits authorized by local authorities are effective when the appropriate signs are erected.

City staff recently completed traffic engineering investigations and determined that a 25 mph speed limit on Azalea Road from US 25A Sweeten Creek Road to Rosscraggon Road, Azalea Road East from US 70 Tunnel Road to NC 81 Swannanoa River Road, Beverly Road West from SR 3548 Haywood Road to Riverview Drive, Carter Cove Road from SR 2053 Beaverdam to End of City Maintenance, Delaware Avenue from SR 3412 Sand Hill Road to Sulphur Springs Road, Enka Crescent Street from NC 112 Sand Hill Road to Enka Pine Street, Enka Oak Street from Enka Crescent Street to Enka Pine Street, Enka Orchard Street from NC 112 Sand Hill Road to Enka Pine Street, Enka Pine Street from Enka Crescent Street to Enka Orchard Street, Royal Pines Drive from US 25 Hendersonville Road to US 25A Sweeten Creek Road, Shelburne Road from NC 191 Brevard Road to SR 3412 Sand Hill Road, and West Summit Avenue from US 25 Hendersonville Road to the End of City Maintenance would be reasonable and safe.

### Pros:

- City staff has been able to respond favorably to citizen's requests.
- The new speed limits will be consistent with roads of like character and design.
- Based on the 85<sup>th</sup> percentile speeds, most drivers would adhere to the recommended speed limits on these roads.

### Con:

- None.

The initial cost to install the appropriate speed limit signs is about \$1,200 and is included in the current operating budget for the Transportation Department.

City staff recommends that City Council approve an ordinance enacting a 25 mph speed limit on Azalea Road from US 25A Sweeten Creek Road to Rosscraggon Road, Azalea Road East from US 70 Tunnel Road to NC 81 Swannanoa River Road, Beverly Road West from SR 3548 Haywood Road to Riverview Drive, Carter Cove Road from SR 2053 Beaverdam to End of City Maintenance, Delaware Avenue from SR 3412 Sand Hill Road to Sulphur Springs Road, Enka Crescent Street from NC 112 Sand Hill Road to Enka Pine Street, Enka Oak Street from Enka Crescent Street to Enka Pine Street, Enka Orchard Street from NC 112 Sand Hill Road to Enka Pine Street, Enka Pine Street from Enka Crescent Street to Enka Orchard Street, Royal Pines Drive from US 25 Hendersonville Road to US 25A Sweeten Creek Road, Shelburne Road from NC 191 Brevard Road to SR 3412 Sand Hill Road, and West Summit Avenue from US 25 Hendersonville Road to the End of City Maintenance.

Vice-Mayor Wisler asked how many streets have a 25 mph speed limit or less and can we make all streets be 25 mph and higher than that be an exception. Traffic Engineer Jeff Moore said that he would have to get the information about how many streets have a speed limit of 25 mph or less but that 25 mph is pretty much the standard speed for residential streets. The default

on all streets is 35 mph. To make 25 mph the standard for all streets, each individual street would have to have an engineering study. Since some residential streets are lower than 25 mph, having a city-wide 25 mph might have unintended consequences.

Mayor Manheimer said that instead of taking the time and expense to have an engineering study on, it was the consensus of Council to have the City Attorney's Office investigate if we need a local bill or a state-wide change and then forward the matter to the Public Safety Committee for review.

#### **ORDINANCE BOOK NO. 31 - PAGE 316**

**E. RESOLUTION NO. 17-204 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SAM SCHWARTZ CONSULTING LLC TO PROVIDE CONSULTING AND ENGINEERING SERVICES TO EVALUATE AND ADVISE CITY COUNCIL ON THE DESIGN OF THE I-26 CONNECTOR PROJECT**

**ORDINANCE NO. 4610 - BUDGET AMENDMENT FOR THE I-26 CONNECTOR PROJECT CONSULTING SERVICES CONTRACT**

Summary: The consideration of 1) a resolution authorizing the City Manager to enter into a contract with Sam Schwartz Consulting, LLC to provide consulting and engineering services to evaluate and advise City Council on the design of the I-26 Connector project and 2) a budget amendment in the General Capital Projects Fund in the amount of \$200,000 from the City's Capital Improvement Program (CIP) pay-go funds to fund the contract.

City Council authorized the City Manager to solicit qualifications from professional consultants to evaluate and advise City Council on the design of the I-26 Connector project via Resolution No. 16-278 dated December 13, 2016.

Transportation Department staff prepared the Request for Qualifications (RFQ) documents including the need for the consultant team to demonstrate multi-disciplinary expertise in roadway design and engineering, structure design, noise studies and mitigation, traffic forecasts and simulations, constructability methods, pedestrian and bicycle connectivity, greenway planning, urban planning, aesthetics planning, and storm water mitigation. The RFQ was released on February 22, 2017, and the proposals were due on March 17, 2017, at 2:00 pm. The selection process would last for 30 days and City Council was scheduled to approve a contract with the successful consultant team on April 25, 2017.

The City received one proposal. The Selection Committee, which included five members; three staff members and two Multi-Modal Transportation Commission members, interviewed the consultant team. In consultation with legal and purchasing staff, it was determined that the firm was not responsive in that they did not demonstrate expertise on their team in all of the required technical areas outlined in the RFP. As a result, the consultant team was notified that the City was stopping the process and would be moving forward to release a new RFQ.

A new RFQ was prepared with a more limited scope that emphasized expertise regarding urban design, land planning, redevelopment, and aesthetics. This RFQ was released on June 21, 2017, and proposals were due on July 13, 2017, at 2:00 pm. The City received two proposals, one from Sam Schwartz Consulting, LLC and the other one from Toole Design Group. The Selection Committee interviewed both firms on August 4, 2017, and unanimously selected Sam Schwartz Consulting, LLC as the firm to negotiate a contract with. This firm clearly demonstrated a high level of responsiveness to the City's needs throughout the interview process. The proposal was well written and demonstrated a good understanding of the City's needs and a clear action plan to accomplish the various tasks. The team members listened to the Selection Committee and discussed ideas and experiences that demonstrated that their entire

team has a comprehensive knowledge of Asheville and a natural chemistry between the team members.

Pros:

- Provide planning and design expertise to tweak the I-26 Connector project.
- Provide assistance as the City goes through the aesthetics process.

Con:

- None

The format of the contract will be a fee-based, oriented-task contract with an estimated not to exceed budget of \$200,000. Funding will come from the City's Capital Improvement Program (CIP) pay-go funds that were budgeted in FY 2017-18. The budget amendment will allow those funds to be transferred into the General Capital Projects Fund for this specific project.

Staff recommends that City Council adopt 1) a resolution authorizing the City Manager to enter into a contract with Sam Schwartz Consulting, LLC to provide consulting and engineering services to evaluate and advise City Council on the design of the I-26 Connector project and 2) a budget amendment in the General Capital Projects Fund in the amount of \$200,000 from the City's CIP pay-go funds to fund the contract.

**RESOLUTION BOOK NO. 39 - PAGE 115  
ORDINANCE BOOK NO. 31 - PAGE 318**

**F. MOTION TO APPROVE THE REQUEST FOR QUALIFICATIONS FOR THE DESIGN SERVICES FOR THE CITY-OWNED PROPERTIES ON HAYWOOD STREET AND PAGE AVENUE AND THE ASSOCIATED TIMELINE**

This item was removed from the Consent Agenda for discussion and an individual vote.

Summary: The consideration of a motion to approve the Request for Qualifications for the design services for the City-owned properties on Haywood Street and Page Avenue and the associated timeline.

On March 8, 2016, the Asheville City Council approved a visioning process for the future use of city-owned properties located at 68-76 Haywood Street and 33-39 Page Avenue to be completed by an Advisory Team of 18 community members. A final Visioning Report developed by the Advisory Team was shared with the City Council on March 28, 2017. At that meeting, Council directed staff to issue a Request for Qualifications (RFQ) to hire the services of a consultant team to develop design options for the properties. The RFQ represents the first phase of the project to develop a plan for the site and implement as appropriate.

Scope of Work: As a Phase I step to determine the development program for the site, an RFQ has been developed using the Visioning Report as the primary source document for developing up to three design proposals. The current language for the Scope of Work from the RFQ is provided for specific consideration:

The City of Asheville is seeking the services of a consultant team to:

- Develop up to three design proposals for the identified subject properties and study area. The consultant team shall utilize the Visioning Report in the preparation of the design options, which will include mixed-use and other compatible programmatic elements that complement the uses of the site and surrounding areas. These design proposals should consider pedestrian and vehicular circulation and access, major views from the properties, and site and surrounding context. The design proposals should also incorporate the various passive and active uses identified in the Visioning Report.

Streets and other right of way areas should be included or reconfigured with a focus on pedestrian safety which has been an identified challenge as a part of the comprehensive redevelopment of the site. These design options will be shared with the community and City Council for initial support and direction.

- Review site due diligence materials provided for the properties that will help to inform the design options and cost considerations.
- Prepare a constructability assessment
  - Conceptual design layouts
  - Circulation, access and parking assessments
  - Neighborhood compatibility
  - Other development factors
- Prepare preliminary cost estimates for the construction of each of the three design options
- Advise the city regarding future management strategies including management models for potential public/ private partnerships to support a successful development plan and program for the subject properties
- Prepare cost estimates (for construction and on-going operations/maintenance) based on recommendations for public/private partnerships and management strategies for each of the design options (there could be multiple development plan/program strategies for each of the design options)
- Create a public engagement process to allow for additional community comment and input on the different design options.
- Develop a final conceptual design based on community feedback and Council direction that will be approved by the City Council.
- Include team members with specific engineering and design expertise who will be able to advise the design process about the different goals and uses recommended in the Vision Report for complex urban sites
- Provide a concise, user-friendly and illustrative report and presentation that graphically and narratively conveys the recommendations in a web based format
- Present the recommendations to City Council and Council subcommittees and involved commissions (as needed)

Schedule for release of the RFQ:

Review by PED:	August 15, 2017
Approval by City Council:	September 12, 2017
RFQ Release Date:	September 18, 2017
Deadline for Submittals:	November 3, 2017
Design Team Selection for Interviews:	November 17, 2017
Interview Timeframe:	Week of December 11, 2017
Selection of Consultant:	Week of December 18, 2017
Contract Negotiation:	By January 12, 2018
Contract Award:	By February 2, 2018
Commencement of Project:	March 5, 2018
Early Draft Concepts:	June 2018

The anticipated contract award will require approval by City Council and is expected in February 2018. There are no funds set aside for this project in the current budget year.

The Planning and Economic Development Committee reviewed the report and scope of services on August 15, 2017, recommended approval and directed staff to include additional emphasis on linking design outcomes to the Visioning Report. Staff has incorporated these changes and recommends approval for the release of the RFQ.

**G. RESOLUTION NO. 17-205 - RESOLUTION ADOPTING A SECTION 3 POLICY FOR THE CITY OF ASHEVILLE IN COMPLIANCE WITH HUD REQUIREMENTS FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP FUNDS**

Summary: The consideration of a resolution adopting a Section 3 Policy within the City's Community Development Block Grant (CDBG) and HOME Investment Partnerships programs of financial assistance administered by Department of Housing and Urban Development (HUD).

Section 3 is a provision of Housing and Urban Development Act of 1968 that helps foster local economic development, neighborhood improvement, and individual self-sufficiency. The purpose of Section 3 is to provide, to the greatest extent feasible, job training, employment, and contracting opportunities for low and very low income residents in connection with projects and activities in their neighborhood.

The City Community and Economic Development Department implements the Section 3 policy through the awarding of contracts to contractors, vendors and suppliers, to create employment and business opportunities for Section 3 residents and other qualified low and very low-income persons. These regulations can be found in 24 CFR, part 135.

A HUD monitoring of City CDBG and HOME Investment Partnerships programs on July 11-13, 2017 included a review of Section 3 plans and activities. Section 3 is currently referenced in Asheville's CDBG and HOME policy manuals, and the City requires Section 3 plans for all relevant projects managed by subrecipients of CDBG and HOME funds. HUD determined through the monitoring visit that this was not sufficient for Section 3 policy, and is requiring a separate, more detailed Section 3 policy for the City to be in compliance with HUD's Section 3 requirements.

The Housing and Community Development Committee reviewed the proposed Section 3 Policy on Tuesday, August 15, 2017, and recommends adoption by City Council.

Pro:

- This policy will provide opportunities for employment, training and contracting for low and very low income residents. In addition, the policy will place the City in compliance with HUD's regulation 24 CFR, part 135.

Con:

- None

There is no fiscal impact to the City, however; Section 3 compliance is relevant to CDBG and HOME federal funds allocated to the City of Asheville each fiscal year.

Staff recommends City Council approve HCD's recommendation to adopt the City of Asheville Section 3 policy.

**RESOLUTION BOOK NO. 39 - PAGE 116**

**H. RESOLUTION NO. 17-206 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR FUNDS THROUGH THE U.S. DEPT. OF JUSTICE 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT - LOCAL SOLICITATION, AND IF AWARDED, ENTER INTO SAID AGREEMENT**

Summary: The consideration of a resolution authorizing the City to apply for the funds through the US Dept, of Justice 2017 Edward Byrne Justice Assistance Grant – Local Solicitation in the amount of \$54,574, and if awarded, enter into said agreement.

The City of Asheville Police Department (APD) requests authorization to apply for the Byrne JAG – Local Solicitation. This is a predetermined amount of funds based on the Part 1 Uniform Crime Reporting Crimes. The Asheville Police Department and Buncombe County Sheriff's Department will be allocated \$54,574 based on the award matrix, with the City of Asheville receiving \$43,975 and Buncombe County receiving \$10,599. The distribution of funds will be approved through a signed Memorandum of Understanding.

Funds will be used to create a task force of police officers to deter and interrupt violent Part I crimes in the City. With the use of JAG funds, Asheville Police Department (APD) will strategically deploy a task force of police officers to work flexible hours who are assigned to interrupt and resolve emerging violent Part I Crimes in the City. The City of Asheville will rely on the JAG program to enable the City to have the flexibility to deploy police officers to take an intensive approach to fighting serious crimes. This approach has been used in the past to reduce auto thefts as well as to combat public housing gun violence, robbery and burglary. The officers will be selected from various patrol groups and with the use of JAG funds, APD will now be able to compensate officers with overtime pay as well as fill their normal patrol assignments.

The City will be awarded \$43,975 to pay overtime to police officers for the purpose of combating, intercepting, and resolving emerging violent Part I Crimes. The Buncombe County Sheriff's Department will be awarded \$10,599 to purchase rifles for deputies to train them in the BCSO that are not currently assigned rifles. This accounts for the total allocation of \$54,574 for this grant.

This is a 100% funded non-local match grant that will enable the APD to allow the City to have the flexibility to deploy police officers and take an intensive approach to fight serious crime. This approach has been used to reduce auto thefts and to combat robbery and burglary. In the past, it has been successful in reducing the number of these types of incidents within the City.

This action will not go before the Finance Committee prior to City Council because the application deadline is before the next Finance Committee meeting.

Pro:

- Increasing flexibility to deploy police officers to take an intensive approach to fighting serious crimes.
- To increase surveillance and investigative methods as well as making proactive analysis, among other best practices, as part of their overall crime prevention tasks.

Con:

- Additional burden on budget for future operations associated with the cost of overtime to deploy police officers to combat emerging violent Part I crimes.

There is no local match required.

Staff recommends City Council a resolution authorizing the City Manager to apply for grant funds through US Dept. of 2017 Edward Byrne Justice Assistance Grant - Local Solicitation, in the amount of \$54,574, and if awarded, enter into said agreement.

#### **RESOLUTION BOOK NO. 39 - PAGE 117**

#### **I. RESOLUTION NO. 17-207 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TINDALE OLIVER FOR DEVELOPMENT OF A TRANSIT MASTER PLAN**



Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with Tindale Oliver for development of a Transit Master Plan.

The original Transit Master Plan (TMP) was adopted in October 2009. Since that time there has been significant growth and development in Asheville and the surrounding area which has placed increasing pressure on the current structure and route networks of the City's transit system (ART). There are also significant limitations placed on the system by the current facilities which are ageing and do not have the capacity to support the City's future transit needs. The new TMP will provide near-term solutions to issues related to route timing and long-term recommendations for future system design and service expansion, as well as projections of future facility and staffing needs.

In addition to the broader goals listed above, the TMP will explore a number of other tasks, including: fare structure and collection methods, strategic regional connections, emerging transit technology, and pilot projects. The TMP will also evaluate route extensions beyond the City limits and will explore opportunities to partner with the County and other organizations on these projects. In order to review these areas and provide meaningful recommendations, the consultant team will perform significant data collection and public engagement efforts to ensure they have the best information available to guide decision making. The consultant team is also required to perform an analysis of any proposed changes, to determine the potential impact those changes might have to existing riders.

On April 10, 2017, a Request for Proposals (RFP) for a TMP consultant team was issued with proposals due on June 12. Nine consulting firms submitted proposals. The Evaluation Committee that was selected to review the proposals was composed of: the Transit Projects Coordinator, the interim Transportation Planning Manager, three Transit Committee members, one representative from the French Broad River Metropolitan Planning Organization (FBRMPO), and one representative from the N.C. Dept. of Transportation (NCDOT). The initial review resulted in two finalists which both participated in an interview process with the Evaluation Committee. At the conclusion of the interviews, Tindale Oliver was the highest ranked firm and the committee's recommendation to City Council.

The anticipated commencement date of the contract is October 1. Plan development, including data analysis and public engagement, will occur between October 2017 and March 2018. The draft plan will then be reviewed by NCDOT, FBRMPO, Transit Committee, Multimodal Transportation Commission, City Council, and members of the public. This last round of public feedback will be incorporated into the plan and a final draft of the plan will be submitted for City Council adoption in July 2018.

This was reviewed and endorsed at the Finance Committee meeting on August 22, 2017.

Pros:

- Improved efficiency of the transit system
- Provides a plan for future expansion of service
- Will ensure an equitable distribution of transit service

Con:

- Will utilize \$24,000 in local funds to match the federal grant.

The Transit Master Plan project has a total budget of \$120,000. City Council approved this budget at its March 28, 2017, meeting. Eighty percent of the budget is comprised of Federal Highway Administration funds for Surface Transportation Planning Programs. The remaining 20% of the budget is comprised of local funds that came from the FY 2016-17 Transit Fund operating budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into an agreement with Tindale Oliver for development of a Transit Master Plan.

**RESOLUTION BOOK NO. 39 - PAGE 118**

**J. RESOLUTION NO. 17-208 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWGRASS FESTIVAL**

**RESOLUTION NO. 17-209 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ROOT BALL**

**RESOLUTION NO. 17-210 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE OKTOBERFEST**

**RESOLUTION NO. 17-211 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGANFEST**

Summary: The consideration of resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Brewgrass Festival, the Root Ball, Asheville Oktoberfest, and Asheville VeganFest.

- Asheville Brewers Alliance 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 Brewgrass Festival and allow for consumption at this event.

The Brewgrass Festival will be held on Saturday, September 16, 2017 from 12:00 p.m. to 6:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on the accompanying site map.

- Asheville Greenworks 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 Root Ball and allow for consumption at this event.

The Root Ball will be held on Sunday, September 23, 2017 from 6:30 p.m. to 10:00 p.m. within the boundaries of 14 Riverside Drive as per the area limits referenced on the accompanying site map.

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

Asheville Oktoberfest will be held on Saturday, October 7, 2017 from 1:00 p.m. to 6:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

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

Asheville VeganFest will be held on Sunday, June 10, 2018 from 11:00 a.m. to 6:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for Asheville Brewers Alliance, Asheville Greenworks, Asheville Downtown Association, and Brother Wolf Animal Rescue

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 Brewgrass Festival, the Root Ball, and Asheville Oktoberfest, and Asheville VeganFest.

**RESOLUTION NO. 17-208 - RESOLUTION BOOK NO. 39 - PAGE 119**  
**RESOLUTION NO. 17-209 - RESOLUTION BOOK NO. 39 - PAGE 122**  
**RESOLUTION NO. 17-210 - RESOLUTION BOOK NO. 39 - PAGE 125**  
**RESOLUTION NO. 17-211 - RESOLUTION BOOK NO. 39 - PAGE 128**

**K. ORDINANCE NO. 4611 - BUDGET AMENDMENT TO FUND FOUR WATER INSTALLATIONS FOR USE IN THE ASHEVILLE EDIBLES COMMUNITY GARDEN**

Summary Statement: The consideration of a proposed policy to provide water installations on City property for the use of the Asheville Edibles Community Garden Program; and a budget amendment in the Water Resources Fund in the amount of \$12,000 to fund four installations through the Sustainability (General) Fund .

The Asheville Edibles Community Garden Program was launched April 2017 allowing usage of City owned properties for the cultivation of plants, herbs, fruits, flowers, or vegetables. The Office of Sustainability, Parks and Recreation Department, and Economic Development's Real Estate team collaborated to identify potential sites that could be allowed usage of by local garden growers for community food production.

Although the community garden program allows idle City property to be utilized for gardening purposes, it does not cover the cost of installing water spigots. The table below provides cost estimates for water installation per site.

Water Installation Costs		
Service	Responsible Party	Cost
Labor and Service + Parts	Water Resources Department	\$500 - \$700
System Maintenance and Capital Fee	Water Resources Department	\$1,087.00
Service Charge	Water Resources Department	\$55.00
Hose Bib + Yard Hydrant	Water Resources Staff	\$500 - \$700 per site location
Backflow Assembly	Water Resources Staff	
Meter Connection	Water Resources Staff	

The Finance Committee unanimously approved support for water installations on City properties for the use of the Asheville Edibles Community Garden Program to move forward to full City Council.

The Asheville Edibles Community Garden Program supports City Council's 2036 Vision as a Well Planned and Livable Community while also supporting the efforts of a Clean and

Healthy Environment; additionally, the Edibles Program can be found within the City's Food Policy Action Plan, Resolution 13 – 17.

Pros:

- Supports the viability of the City's Asheville Edibles Community Garden Program
- Reduces barriers in utilizing community garden spaces
- Goodwill with residential community

Cons:

- Fiscal impact of installation and maintenance
- Unplanned Sustainability Fund expenditure

This program would be subsidized by the Sustainability Fund, which is primarily funded through the General Fund. Water spigot installation costs range \$2,800 - \$3,000 per site location. Given an estimate of four installations per year, \$12,000 represents the greatest investment that would be necessary in a given fiscal year. The FY 2017-18 Adopted Sustainability Fund Budget did not include funding for water spigot installations for community gardens. For FY 2017-18 costs will be covered as needed through reallocations within the Sustainability Division operating budget. A budget amendment is required to show the transfer from the Sustainability Fund to the Water Resources Fund to cover the cost of the installations. If additional groups apply for installation, staff will bring an additional budget amendment forward to cover those costs.

Staff recommends establishing a policy for water installation at City identified community garden sites employing a turnkey installation provided by the Water Resources Department and reimbursed using Sustainability (General) Fund dollars. Staff also recommends adoption of a budget amendment in the Water Resources Fund in the amount of \$12,000 to fund four installations through the Sustainability (General) Fund .

**ORDINANCE BOOK NO. 31 - PAGE 320**

**L. RESOLUTION NO. 17-212 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT PARTNERSHIP WITH THE ASHEVILLE-BUNCOMBE REGIONAL SPORTS COMMISSION FOR THE HAUTE ROUTE**

Summary: The consideration of a multi-year performance based economic development partnership with the Asheville Buncombe Regional Sports Commission (Sports Commission) for the Haute Route.

The City is a partner in the Sports Commission. The Sports Commission identifies and attracts sports events and related meetings to Asheville to enhance the health, wellness and quality of life for area residents and sports enthusiasts and that will generate a positive economic impact by promoting the region as a recognized sporting destination. The Sports Commission, a non-profit organization, has requested in-kind support from the City of Asheville through the Community and Economic Development Department for the production of the Haute Route. The Haute Route is a three-day international bicycle race. In July 2017, Haute Route introduced their 7-day event to the United States in Colorado with outstanding reviews from officials from Boulder and Colorado Springs. The Sports Commission plans to submit a proposal to host the Haute Route and if selected, the City of Asheville would be one of only three cities selected for 2018 to serve as the sites of their new three-day race which would concentrate on Asheville and the surrounding areas.

This event attracts high net worth participants who are decision makers in their companies. Most of the participants are CEOs and company directors, CFOs, financial professionals, lawyers, engineers, doctors and senior IT professionals with an average annual

income of \$144,000. In addition, 30 journalists from 12 countries will attend the event at the expense of the event organizers to provide coverage of the event and to profile the area.

The Economic Development Coalition (EDC) will have the opportunity to have a booth in the vendor/registration area for the event. Working with the Sports Commission to set qualified appointments, the EDC/Sports Commission will procure 15 appointments/contacts during the event and provide additional potential business leads. The Sports Commission expects that this event will expose more elite cyclists to Asheville with the possibility of moving to the area to live and train. Currently, the United Healthcare Cycling Team is located and currently trains in Asheville and the Carmichael Training Systems has recently opened a new location in the area. Post-event reports and an economic impact study to be conducted by the Sports Commission would be used as measurement tools to evaluate outcomes in the areas of economic impact/job creation leads and job growth.

The Planning & Economic Development (PED) Committee reviewed this request at its August 16, 2017, meeting and recommends support of establishing a multi-year, performance-based partnership agreement with the Sports Commission for the Haute Route.

Pros:

- Furthers Economic Development initiatives in the areas of targeted job growth and job creation;
- Meets strategic plan goals of leveraging investment in special event partnerships; promoting an environment for investment;
- Performance driven investment;
- Supports economic impact in the form of hotel sales and occupancy taxes, retail and sales tax generation;
- Supports development of an identified economic cluster in the City;
- Supports public/private cooperation as well as support for a strategic partnership;

Con:

- Has an impact on department costs for the utilization of in-kind services including lost revenue for rentals, permits, parking fees, and, property use fees

The \$10,000 maximum investment of in-kind support per year will come from existing line items within the adopted 2017-18 budget, and no budget amendment is requested. Future revenue impacts will be considered in the budget process.

Staff recommends that City Council concur with the PED recommendation to authorize the City Manager to sign a three-year, performance based economic development partnership agreement between the City of Asheville and the Sports Commission for Haute Route, not to exceed \$10,000/year value of in-kind support if Asheville is selected as a host city pursuant to the proposal that the Sports Commission plans to submit.

**RESOLUTION BOOK NO. 39 - PAGE 131**

**M. RESOLUTION NO. 17-213 - RESOLUTION ACCEPTING SOULSHINE COURT AS A CITY STREET**

Summary: The consideration of a resolution to accept Soulshine Court as a City street.

Asheville Area Habitat for Humanity, Inc. recently completed a 26-unit single-family residential community that is served by Soulshine Court and is located in West Asheville and they have offered this street for dedication to the City for public use.

Soulshine Court from SR 1319 (Johnston Blvd) to its dead-end is a developer-constructed street that has an average width of 22 feet with 24-inch valley curb, a 5-foot sidewalk along one side of the street, a length of 0.11 mile, and a right-of-way width of 45 feet. In addition, street lights are in place along the entire length of the street.

Transportation Department staff, Fire Department staff, Planning Department staff, and Public Works Department staff inspected the subject street and determined that it was constructed according to current standards as indicated in the City of Asheville's Standard Specifications and Details Manual.

Following City Council's approval of this resolution, the subject street will be added to the official Powell Bill List.

Pros:

- The City of Asheville will receive Powell Bill Funds from the North Carolina Department of Transportation (NCDOT) to help maintain the street.
- The street provides access to residential properties.

Con:

- Powell Bill Funds will not cover 100% of the total cost to maintain the street.

There will be no initial financial impact to the City, although the responsibility of maintenance will belong to the Public Works Department. The City will receive Powell Bill Funds in the future to help maintain the street.

Staff recommends that City Council accept Soulshine Court as a City street.

**RESOLUTION BOOK NO. 39 - PAGE 132**

**N. RESOLUTION NO. 17-214 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CALIBRE SYSTEMS INC. TO PERFORM THE FACILITIES CONDITION ASSESSMENT AND DIAGNOSTIC STUDY**

Summary: The consideration of a resolution authorizing the City Manager to enter into a professional services contract with CALIBRE Systems, Inc. for the architectural, engineering, and consulting services necessary to perform the Facilities Condition Assessment and Diagnostic Study.

The Facilities Condition Assessment and Diagnostic Study (FCADS) was included in the Fiscal year 2016-17 Budget with a non-recurring allocation of \$300,000. The goal of this study is to provide the City with a comprehensive understanding of the current conditions of specified City-owned facilities, diagnostic assessment of the facilities maintenance & management function and its processes, recommendations for future improvements both to processes and to existing facilities, and estimates of capital investments required to address deferred maintenance, preventive maintenance, and life cycle costs. The Finance Committee was briefed on this topic at its meeting on February 28, 2017. Topics at this briefing included purpose of the study, updated scope of work, status of procurement, cooperation with the Sustainability Office, and related topics.

In response to the Request for Qualifications, the following thirteen firms submitted packages:

CALIBRE Systems Inc. (Alexandria, VA)	GLE (Atlanta, GA)
GHD (Charlotte, NC)	ECS (Asheville, NC)
Terracon (Charlotte, NC)	NH&A (Charlotte, NC)

Dewberry (Raleigh, NC)	AEI Consultants (Walnut Creek, CA)
EMG (Pinehurst, NC)	Sud Associates (Asheville, NC)
ISES (Duluth, GA)	MHA Works (Asheville, NC)
Stewart Cooper Newell (Gastonia, NC)	

The review team utilized a scoring matrix to assess the qualifications of the proposed firms. Three firms scored high enough to be short-listed for on-site interviews, including CALIBRE, GHD, and Terracon. The professional team of CALIBRE is well-qualified in all required disciplines, with extensive experience in facilities condition assessments and diagnostic/consulting services. Scoring by the review team indicated CALIBRE as the highest-rated offeror in this procurement.

Negotiations were undertaken with the selected firm, and it demonstrated its flexibility and an understanding of the City’s needs on all parts of this study. The complete base scope of work can be contracted for \$270,484.40, which does not exceed the budget of \$300,000.

On a related note, the original RFQ for the Facilities Condition Assessment and Diagnostic Study was modified on behalf of the Sustainability Office to include energy audits and alternative energy retrofits as potential “add alternates” to assess both the feasibility of having the selected firm provide these supplemental services as well as the potential costs. The CALIBRE team is also qualified to perform these services, and they have provided a scope of work and cost proposal that is under evaluation by the Sustainability Office as it assesses costs and the availability of credits that may help offset those costs. The contract is proposed to include a requirement that CALIBRE hold firm the pricing for these supplemental services for a stipulated period of time, which will allow Sustainability to finalize its assessment of feasibility including costs and credits. It is important to note that Sustainability has a separate budget for the potential supplemental services, and coordination with a third-party utility company provider is needed to determine the applicability of credits for the energy audits that will help stretch Sustainability’s budget funds.

The proposed work fulfills a key portion of City Council Goal #36 by assessing the condition of City facilities, analyzing deferred maintenance, and determining costs for deferred and preventive maintenance plus life cycle costs.

Pros:

- Allows the performance of a key study critical to implementing Council Goal #36;
- Multi-disciplinary team includes architecture, engineering, energy, cost estimating, and other relevant disciplines needed to deliver a turn-key product; and
- Flexible delivery of services that will allow the City to authorize work on the base scope of work now while allowing additional time for decision-making on supplemental services related to Sustainability.

Con:

- None identified.

Funding was approved by City Council in the Fiscal Year 2016-17 Budget, and the proposed expenditures are within the existing budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to enter into a professional services contract with CALIBRE Systems, Inc. in the amount of \$270,484.40 for the architectural, engineering, and consulting services needed to perform the Facilities Condition Assessment and Diagnostic Study.

**O. RESOLUTION NO. 17-215 - RESOLUTION GRANTING THE CONVEYANCE OF 565 SQUARE FEET OF PERMANENT SUBSURFACE EASEMENT FOR FOUNDATION FOOTINGS EXTENDING INTO THE CITY RIGHT-OF-WAY AND PROPOSING TO ACCEPT AN OFFER FOR SALE OF 163.52 SQUARE FEET OF AIR RIGHTS AT 15 PAGE AVENUE TO FIRCHAYWOOD PARK HOLDINGS LLC; AND DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS FOR THE SALE OF AIR RIGHTS, AND IF NO OTHER BIDS ARE RECEIVED OR ACCEPTED, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CONVEY BOTH THE EASEMENT AND AIR RIGHTS**

Summary: The consideration of a resolution granting the conveyance of 565 square feet of permanent subsurface easement for foundation footings extending into the city right of way and proposing to accept an offer for sale of 163.52 square feet of air rights at 15 Page Avenue to FIRCHaywood Park Holdings LLC (FIRC); and directing the City Clerk to advertise for upset bids for the sale of air rights, and if no other bids are received or accepted, authorizing the City Manager to execute any and all documents necessary to convey both the easement and air rights.

The City of Asheville controls the sidewalk and street right-of-way located at 15 Page Avenue and in turn controls any encroachments into the overhead airspace above the sidewalk. At this time, FIRC is nearing the completion of the construction of a new structure which will function as a hotel. As part of the hotel construction, FIRC built horizontal parapets along the face of the building that extend into the public right of way. In that these parapets are a permanent part of the structure, this intrusion into the public air space must be treated as a sale of property, and therefore the City requires that the sale of air rights via the upset bid process. In addition, FIRC installed footings for the foundation that extend beneath the sidewalk at varying depths along the property boundary. There are footings that extend into the public right-of-way along the Page Avenue side of the building, the Battery Park Avenue side of the building, and the rear alley that all total 565 square feet.

The Cambria Suites Hotel project was approved in May of 2014 by the City Council and construction began shortly thereafter. The project architect determined that as built, there were intrusions into the city's rights-of-way both above and below ground that would need to be remedied in order to provide clear title. The City approved the original plans and these additional intrusions were only discovered after the building was nearing completion. Under normal circumstances, if subsurface intrusions are discovered during the permitting process, the City requests that the project be redesigned to avoid the need for subsurface easements. At this time, the structure is built and it is impractical to remove or modify the building footings. The owners are requesting this conveyance from the City to finalize their project and allow them to open for business in the very near future. Staff has reviewed this request, and although typically permanent easements into the City's right-of-way are discouraged, the depths of the footings that extend into the right-of-way are minimal. The City's Public Works Director has determined that the granting of these easements will not substantially impair or hinder the street as a way of passage in compliance with N.C.G.S. 160A-273. There are existing utilities already along these City streets, so it is not in conflict with future plans for utility installation or right-of-way improvements. The air rights are modest and therefore do not pose any issues.

On August 31, 2017, a qualifying bid was received from FIRC in the amount of \$1,472 for the purchase of 163.52 square feet of air space for the purpose of accommodating the parapets that extend from the building into the City's right-of-way. This bid was based on the tax assessed value of the land in lieu of a formal appraisal calculating the value of the air rights. If the City Council approves the following resolution, the City Clerk will be directed to publish an advertisement for upset bids for a period of 10 days, in which any interested party may upset the current bid of \$1,472. The statutes require that a qualifying bid must increase the current offer by 10% of the first \$1,000 and 5% of the remainder (i.e. \$124 or higher). Since the function of the



upset bid process is to confirm fair market value, this resolution provides that if no qualifying, competing bid is received, then the City Council agrees to convey this specified area of air rights to FIRC for \$1,472.

With respect to the below-grade easements, City staff recommends that the easements be valued using the tax assessed land value discounted at 50% because the improvements are subsurface. This is the discount method used by MSD for their underground sewer easements. The easement was calculated using figures provided by FIRC's project architect. The total amount of square footage is 565 square feet and the value attributed to this easement is \$25,425.

Pros:

- The sale of the air rights will correct the issues with the title, allowing the building to open and generate tax revenues.
- The granting of the easement will also correct the issues with the title, allowing the building to open and generate tax revenues.
- Revenues from this real estate transaction will go into the General Fund.

Cons:

- The City approved the original plans and these additional intrusions were only discovered after the building was nearly complete.
- It is not preferable to have subsurface easements within the City's right-of-way.

Financial proceeds associated with this disposition are to benefit the City's General Fund.

City staff recommends City Council adopt a resolution granting the conveyance of 565 square feet of permanent easement for existing subsurface footings in the city right of way and proposing to accept an offer for sale of 164 square feet of air rights at 15 Page Avenue to FIRC; directing the City Clerk to advertise for upset bids for the sale of said air rights; and if no other bids are received or accepted, authorizing the City Manager to execute any and all documents necessary to convey the easement and air rights.

**RESOLUTION BOOK NO. 39 - PAGE 135**

**P. RESOLUTION NO. 17-216 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MAIL MANAGEMENT SERVICES LLC TO PROVIDE MAIL MANAGEMENT SERVICES**

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Mail Management Services, LLC to provide mail management services for the City of Asheville.

In the FY 2017-18 adopted budget, a total of \$317,000 was appropriated across department accounts to provide for city-wide postage and mail services. Allocations include \$70,000 in General Services/City Hall Operations, \$225,000 in Water Resources, and \$22,000 in Public Works/Stormwater.

The City provides municipal services to more than 60,000 accounts, which primarily encompasses the following: water meters, business license, permits, and general correspondence to residents and visitors. The customer base is divided into multiple billing cycles and by general information correspondence each month.

In response to a Request for Proposals, the following firms submitted proposals:

Mail Management Services (Asheville, NC)	PreSort Plus (Taylors, SC)
--	----------------------------

The review team utilized a scoring matrix to assess the proposals of the prospective firms, with factors including cost, experience and qualifications of firm and staff. The proposal submitted by Mail Management Services demonstrated that the firm and its staff have excellent qualifications and experience directly related to the services being procured. Although PreSort gained points with slightly lower costs on key charges/fees, Mail Management Services scored higher on the remaining factors with very high service levels and verified performance. Scoring by the review team indicated the submittal from Mail Management Services as the highest-rated proposal.

The initial contract term is proposed for one year, with the option upon approval by the City for up to four one-year renewals, for a maximum potential duration of five years. Should the City renew the contract, this allows us to control our costs for up to five years. The multi-year contract is subject to the annual appropriation process. If the adopted budget for any given fiscal year does not include an appropriation for the service, the City shall have the right to terminate the contract.

Pros:

- Allows performance of a mandatory activity (mail service) necessary for the operation of municipal services, including billing;
- Facilitates key communication mechanism (written correspondence) to & from citizens, businesses, visitors, and other stakeholders; and
- Provides long-term cost containment while maintaining verifiable high level of service delivery.

Con:

- None identified.

\$317,000 was approved in the City's FY 2017-18 budget for mail management services in both the General Fund and Enterprise Funds.

City staff recommends that City Council adopt a resolution authorizing the City Manager to contract with Mail Management Services, LLC in the amount of \$317,000 to provide mail services for the City of Asheville.

#### **RESOLUTION BOOK NO. 39 - PAGE 137**

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

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

Vice-Mayor Wisler moved for the adoption of the Consent Agenda, minus Consent Agenda "F". This motion was seconded by Councilman Smith and carried unanimously.

#### **ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES**

- F. MOTION TO APPROVE THE REQUEST FOR QUALIFICATIONS FOR THE DESIGN SERVICES FOR THE CITY-OWNED PROPERTIES ON HAYWOOD STREET AND PAGE AVENUE AND THE ASSOCIATED TIMELINE**

Summary: The consideration of a motion to approve the Request for Qualifications for the design services for the City-owned properties on Haywood Street and Page Avenue and the associated timeline.

On March 8, 2016, the Asheville City Council approved a visioning process for the future use of city-owned properties located at 68-76 Haywood Street and 33-39 Page Avenue to be completed by an Advisory Team of 18 community members. A final Visioning Report developed by the Advisory Team was shared with the City Council on March 28, 2017. At that meeting, Council directed staff to issue a Request for Qualifications (RFQ) to hire the services of a consultant team to develop design options for the properties. The RFQ represents the first phase of the project to develop a plan for the site and implement as appropriate.

Scope of Work: As a Phase I step to determine the development program for the site, an RFQ has been developed using the Visioning Report as the primary source document for developing up to three design proposals. The current language for the Scope of Work from the RFQ is provided for specific consideration:

The City of Asheville is seeking the services of a consultant team to:

- Develop up to three design proposals for the identified subject properties and study area. The consultant team shall utilize the Visioning Report in the preparation of the design options, which will include mixed-use and other compatible programmatic elements that complement the uses of the site and surrounding areas. These design proposals should consider pedestrian and vehicular circulation and access, major views from the properties, and site and surrounding context. The design proposals should also incorporate the various passive and active uses identified in the Visioning Report. Streets and other right of way areas should be included or reconfigured with a focus on pedestrian safety which has been an identified challenge as a part of the comprehensive redevelopment of the site. These design options will be shared with the community and City Council for initial support and direction.
- Review site due diligence materials provided for the properties that will help to inform the design options and cost considerations.
- Prepare a constructability assessment
  - Conceptual design layouts
  - Circulation, access and parking assessments
  - Neighborhood compatibility
  - Other development factors
- Prepare preliminary cost estimates for the construction of each of the three design options
- Advise the city regarding future management strategies including management models for potential public/ private partnerships to support a successful development plan and program for the subject properties
- Prepare cost estimates (for construction and on-going operations/maintenance) based on recommendations for public/private partnerships and management strategies for each of the design options (there could be multiple development plan/program strategies for each of the design options)
- Create a public engagement process to allow for additional community comment and input on the different design options.
- Develop a final conceptual design based on community feedback and Council direction that will be approved by the City Council.
- Include team members with specific engineering and design expertise who will be able to advise the design process about the different goals and uses recommended in the Vision Report for complex urban sites
- Provide a concise, user-friendly and illustrative report and presentation that graphically and narratively conveys the recommendations in a web based format

- Present the recommendations to City Council and Council subcommittees and involved commissions (as needed)

Schedule for release of the RFQ:

Review by PED:	August 15, 2017
Approval by City Council:	September 12, 2017
RFQ Release Date:	September 18, 2017
Deadline for Submittals:	November 3, 2017
Design Team Selection for Interviews:	November 17, 2017
Interview Timeframe:	Week of December 11, 2017
Selection of Consultant:	Week of December 18, 2017
Contract Negotiation:	By January 12, 2018
Contract Award:	By February 2, 2018
Commencement of Project:	March 5, 2018
Early Draft Concepts:	June 2018

The anticipated contract award will require approval by City Council and is expected in February 2018. There are no funds set aside for this project in the current budget year.

The Planning and Economic Development Committee reviewed the report and scope of services on August 15, 2017, recommended approval and directed staff to include additional emphasis on linking design outcomes to the Visioning Report. Staff has incorporated these changes and recommends approval for the release of the RFQ.

When Councilman Bothwell was concerned that the language reads we are requesting proposals instead of qualifications, Director of Planning & Urban Design Todd Okolichany assured him that it is our intent to solicit qualifications only from designers, not actual proposals.

When Mayor Manheimer asked for comments from the public, no one spoke.

Councilman Smith moved to approve the Request for Qualifications for the design services for the City-owned properties on Haywood Street and Page Avenue and the associated timeline. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

**III. PRESENTATIONS & REPORTS: None.**

**IV. PUBLIC HEARINGS:**

**A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED ON 3, 10, 12, 18 AND 99999 TRIED STREET FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO RS-8/CZ RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF A SINGLE-FAMILY PROJECT**

**ORDINANCE NO. 4612 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED ON 3, 10, 12, 18 AND 99999 TRIED STREET FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO RS-8/CZ RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF A SINGLE-FAMILY PROJECT**

Mayor Manheimer said that this public hearing was held on August 22, 2017, and continued to this date in order for the applicant and the Shiloh Community Center to continue to meet to decide on the maintenance of open space portion of the property.

Urban Planner Jessica Bernstein briefed the Council on the information presented on August 22, stating that this is the consideration of an ordinance to conditionally zone property located on 3, 10, 12, 18 and 99999 Tried Street from RS-8 Residential Single-Family High Density District to RS-8/CZ Residential Single-Family High Density District/Conditional Zoning for the development of a single-family residential project with conditions related to lot area, lot width and right-of-way. This public hearing was advertised on August 11 and 18, 2017.

The project site consists of five parcels with a combined area of approximately 4.16 acres, located at 3, 10, 12, 18 and 99999 Tried Street in Shiloh. The site is zoned RS-8 as are adjacent parcels. The area is characterized by single-family houses. The project site is mostly vacant and was recently occupied by a manufactured home development. The site is adjacent to a tributary of Sweeten Creek with associated 100-year floodway and stream buffer requirements.

The applicant is proposing to create a new public road to provide access to twenty single-family home lots. The conditional zoning is requested as the lots as shown do not comply with current RS-8 standards.

There is a private street in place already; however this proposal is to alter that road layout as shown on plans. The new public street is proposed according to a modified road standard, with 32 feet of right-of-way (minimum) and 22 feet of pavement, terminating in a hammerhead turnaround. Sidewalks are shown along one side of Tried Street and along West Chapel Road heading west. The homes are accessed via individual driveways.

Street trees are required for this project and are shown. Open space (approximately 0.7 acres) and tree save area (approximately 1.05 acres) are also required due to the number of lots and this is also provided for on plan. The open space is proposed in a permanent easement across the rear of multiple parcels to preserve environmentally sensitive areas but a condition is requested to eliminate any public access to this open area.

The underlying zoning allows approximately 33 units based on the overall project area, however due to the limited use of land encumbered by the stream buffer and flood areas as well as the proposed road location, the applicant has designed the layout shown on plans. With this request, the density proposed is 20 units however some of the lots are smaller than the zoning district permits. The average lot size for this project is approximately 6,817 square feet (or 4,677 square feet with the outlier removed) and the average lot width is approximately 44 feet. The project is otherwise similar in look and layout to other single-family residential developments that would be allowed in the area, with those smaller lots incorporated.

*Conditions* - The applicant is requesting the following conditions (see Exhibit B.1 for full list of project conditions):

1. **Lot Area** - lots range from approximately 4,000 to 8,000 square feet (RS8 minimum lot size is 5,000 SF)
2. **Lot Width** - lots have a minimum frontage of 40 feet (RS8 minimum lot frontage is 50 feet)
3. **Right-of-Way Width** - proposed ROW of 32 feet with 22 feet of pavement for main street; minimum 40 feet ROW for hammerhead (typical standard is 50 feet ROW)
4. **Access to Open Space** – the project contains an adequate amount of preserved open space but due to ownership of the lot and development, the applicant proposes that public access to the area is restricted

The applicant held the required community meeting on April 25, 2017; the project was approved with conditions by the Technical Review Committee on June 5, 2017. If approved, the applicant will return to the TRC following the Major Subdivision review process for plat approval.

The Planning & Zoning Commission voted unanimously (6-0) to recommend approval of this project with the conditions as noted in the recommendation form as well as reflected in the Exhibit B.1 list.

There were a number of community members present at the meeting to offer public comment including questions regarding how this development would complement the existing fabric of the neighborhoods, concerns about gentrification and affordability of the homes and support of the development, the single-family home-ownership aspect and for the future homeowners to have the ability to expand or use their homes with the same rights as any other home owner in the RS-8 zoning district. This has been reflected in the conditions. Residents did wish to see privacy fences in certain area where the existing homes are closer to the proposed development and also desired to have single-story homes in locations where the grade may warrant a lower-height to maintain privacy.

While about half of the lots (11 out of 20) have less than the minimum area in the underlying and surrounding zoning district and almost all have less than the minimum lot frontage, the layout of the subdivision and proposed single-family development is visually similar to what would be allowed otherwise and is expected to be compatible with the surrounding neighborhood. The density of the overall proposal is appropriate and similar to the single-family development in the area.

This project is aligned with elements in the Comprehensive Plan (*2025 Plan*) in that it provides infill residential development in a layout that avoids the sensitive environmental area and further the *Plan* suggests that the City should be flexible with standards to enable infill lots to be developed. The project provides sidewalks and the developer has been engaging with the neighborhood association as recommended in the *Plan*. While the proposed density is lower than recommendations in the *Plan* with regards to infill development supporting transit, the density is more aligned with the neighborhood's desires.

There are aspects of the project that correspond to goals and visions in the *Shiloh Community Plan* such as the density is mostly consistent with the character of the community at just above four units per acre; avoiding and preserving area along the stream as green space; sidewalks on the new road and along part of West Chapel Road help to improve pedestrian accessibility in the project area; and the design of the houses as shown on plans with front porches and orientation towards the street is aligned with the visions of the plan.

Considerations:

- The single-family residential development is compatible with the character of the surrounding Shiloh neighborhood as far as density, use and layout.
- The project preserves sensitive environmental area and provides dedicated open space.
- Sidewalks will be provided on the new street and along part of West Chapel Road.
- The project does include some initial affordability.
- Most of the lots are smaller than the surrounding zoning allows but driveways are proposed at the current maximum width.

Based on policies in the *2025 Plan*, City Council's 2036 Vision Considerations and compatibility with elements in the Shiloh Neighborhood Plan, staff recommends approval of the conditional zoning for the residential single-family project with the conditions noted in the B.1 list.

The Planning & Zoning Commission recommended approval by a 6-0 vote with the conditions as detailed previously in this report and in the B.1 conditions.

She recalled that the applicant explained they were trying to avoid the creation of a homeowners association for the 21st open space lot so no additional cost would be taken on by the individual homeowners. After reviewing the alternative proposals, the applicant has now

revised their request to create the 21st home lot. There are 20 parcels for single-family home development and the 21st lot that is not for development - just for open space. They will have to create a homeowners association to manage that. They are still talking with the Shiloh Neighborhood Association so there is a possibility they could take over the management and maintenance of that parcel, but there is no condition any longer to restrict access to the parcel.

When Vice-Mayor Wisler asked if the open space would be available to the public or only to the people in the homeowners association, Ms. Bernstein said that the homeowners association could restrict the area for their members and their guests.

Mr. Mike Vance, representing Mountain Housing Opportunities, provided Council with a brief overview of their projects in the area. They would like to increase their production to 30 homes per year and this development is their first major subdivision for single-family homeownership in Asheville. They are only committing to 20% affordable homes as they don't have all the funding to make all 20 homes affordable; however, they fully expect that half of all homes in this development will be sold affordably.

Mayor Manheimer opened the public hearing at 5:27 p.m. and asked that comments be limited to the open space requirement, and when no one spoke, she closed the public hearing at 5:27 p.m.

At the suggestion of Councilman Smith, it was the consensus of Council to ask the Housing & Community Development Committee visit flexibility in open space, especially as space becomes more and more of a premium in the City.

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 conditional zoning request for Mountain Housing Opportunities, Inc. for properties located at 3, 10, 12, 18 and 99999 Tried Street from Residential Single-Family High Density District (RS-8) to Residential Single-Family High Density Conditional Zone (RS-8 CZ), including the requested conditions and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposal supports the strategies found in the City's comprehensive plan on infill residential development and affordability; (2) The design provides sidewalks and dedicates open space; and (3) The development is compatible to the character of the neighborhood as indicated in the Shiloh Community Plan. This motion was seconded by Councilman Smith and carried unanimously.

**ORDINANCE BOOK NO. 31 - PAGE 322**

**B. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO ESTABLISH PROVISIONS FOR TEMPORARY USE OF GRAVEL PARKING LOTS IN THE CENTRAL BUSINESS DISTRICT**

**ORDINANCE NO. 4613 - ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO ESTABLISH PROVISIONS FOR TEMPORARY USE OF GRAVEL PARKING LOTS IN THE CENTRAL BUSINESS DISTRICT**

Principal Planner Shannon Tuch said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance to add a new option for temporary gravel lots in the City's Central Business District. This public hearing was advertised on September 1 and 8, 2017.

Increased development pressure in Asheville's CBD has resulted in a deficit of convenient parking options, especially at certain hours and in certain locations. The lack of monthly parking for downtown residents and workers has reached a critical level of concern.

In an effort to understand the current parking challenges, and to explore options to improve parking availability, city staff along with members of the Parking and Transportation Committee and the Downtown Design Committee both of whom are established committees of the Downtown Commission have been meeting regularly. This amendment is one outcome from those discussions.

The City's Unified Development Ordinance (UDO) regulates the construction of parking lots, either in conjunction with another use or as a stand-alone use. Parking lot requirements include specifications as to number and size, accessible spaces required, landscaping and surface treatments. While these requirements generally apply to all parking lots, the level of improvements required to establish a new parking lot can vary depending on the size of the property, zoning and location and other site features. The only standard that is not uniformly applied is the requirement for surface treatments. Gravel or road bond is a permissible surface treatment for parking lots in all areas of the city except the CBD. Due to accessibility, walkability, stormwater and aesthetic concerns, parking lots in the CBD must be paved. The requirement for pavement contributes to the cost of the new parking lot and is believed to act as a deterrent to creating surface lots, especially in a district where surface parking is generally regarded as a short-term or temporary use, and where these permanent improvements are not always desired.

Temporary parking has historically been limited to special events until 2009 when a new standard to allow temporary parking and construction staging was added to the UDO (Ord. No. 3743). The 2009 amendment was designed to support economic development and allows for the establishment of temporary parking (and construction staging) when associated with an active building permit. When the construction project ends, the temporary parking is to be returned to an unimproved condition. This provision continues to be used for various construction projects around the city, including Asheville's downtown where new and increased development pressures are inspiring reconsideration to allow temporary parking lots beyond construction projects. It has also been recognized that there are likely numerous existing gravel lots that have been established without approval and providing an option to operate a gravel parking lot on a temporary basis may help provide a path to compliance.

The Downtown Commission reviewed this proposal at their April 21, 2017, and May 12, 2017, meetings. The Commission voted to support the amendment (6-0) at their meeting on June 9, 2017. During these discussions and final vote, the Commission provided general support for the concept but also expressed concern that the standards to allow temporary lots not open the door or encourage the use of property for surface parking beyond a limited time period, and that a more permanent solution would be needed. It was also noted that the greatest need is for monthly parking and that an amendment to allow temporary parking would be open to all parking and could not be restricted to monthly parking only. To address these concerns, the proposed amendment will:

- Allow temporary gravel lots for one year only, with the ability to renew for one additional year.
- Require paved driveway apron, as required in the UDO and the Standard Specifications and Details Manual (SSDM).
- Require that driveways (beyond the apron) that exceed 5% in grade shall be paved.
- Maintain CBD standards for driveway width and other requirements for temporary lots
- Continue to allow temporary parking and construction staging when associated with an active building permit.
- Require a design that prevents loose stone, aggregate or other materials from leaving the site.



- Include a requirement for a 10 foot wide planting strips for large temporary parking areas greater than 10,000 square feet.

UDO controlled improvements for sidewalks, landscaping and paving will not be required, while improvements for stormwater and/or accessibility that are controlled by other state or federal standards will not be exempted.

This proposal was reviewed and approved by the Planning and Zoning Commission at their August 2, 2017, meeting. Members voting in opposition of the amendment cited concerns with: enforcement when the permit expired, loose aggregate that impacts stormwater and mobility, and the need for a more comprehensive parking solution with which this amendment could be in conflict. All wording amendments receive final review by City Council.

This wording amendment complies with City's Comprehensive Plan as it relates to ensuring that zoning codes and local economic development incentives are reviewed and modified to meet a dynamic local economic development condition (Goal II, p. 200) and that local infrastructure meet the needs of business and industry (Goal IV, p. 201).

The wording amendment aligns with the 2036 Council vision in the areas of (1) Transportation & Accessibility, and (2) Thriving Local Economy - by supporting the creation of infrastructure that makes it easier for citizens to live and work downtown, and for visitors to find and enjoy Asheville's downtown.

Other considerations:

- Temporary parking may **not** be limited to monthly parking where there is the greatest need.
- There are numerous gravel parking lots in the CBD currently, many of which are believed to have been unlawfully established.
- May provide a path for compliance for unlawfully established gravel lots.
- Allows for a temporary use of underutilized or vacant property downtown.
- Solution is intended to be temporary and a more permanent, long-term solution is needed to address parking and access to Asheville's downtown.

The Planning & Zoning Commission, by a 5-2 vote, recommended approval.

Mayor Manheimer opened the public hearing at 5:33 p.m.

The following individuals spoke in support of the amendment in the short-term but stressed that a long-term solution for parking in the downtown area should be a top priority for Council:

Michael Whalen, Manager of the Orange Peel and downtown resident  
 Carmen Cabrera, representing the Mast General Store  
 Owner of 67 Biltmore Eatery and Catering  
 Owner of Malaprops and Downtown Books and News  
 Karen Ramshaw, employee of Public Interest Projects  
 Jonathan Wainscott

Mayor Manheimer closed the public hearing at 5:56 p.m.

It was the consensus of Council to instruct the City Manager to follow-up with Buncombe County to see if the County's parking deck on Coxe Avenue may have some public parking that might be available on nights and weekends; and to also check to see if there is some information about the Tourism Development Authority going in on some parking garage.

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 wording amendment adding standards for temporary parking lots in the CBD 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: (1) modifies development standards to support a changing local economy and, (2) supports the creation of necessary parking infrastructure in the downtown. This motion was seconded by Councilman Bothwell and carried unanimously.

**ORDINANCE BOOK NO. 31 – PAGE 327**

**C. PUBLIC HEARING TO CONSIDER ZONING 421 AIRPORT ROAD HIGHWAY BUSINESS DISTRICT**

**ORDINANCE NO. 4614 - ORDINANCE ZONING 421 AIRPORT ROAD HIGHWAY BUSINESS DISTRICT**

Principal Planner said that this is the consideration of an ordinance to zone 421 Airport Road (which was annexed into the City on June 27, 2017, to Highway Business District. This public hearing was advertised on September 1 and 8, 2017.

The subject property is approximately 1.26 acres and has mild to moderate topography with frontage on Airport Rd. While in Buncombe County's jurisdiction, the owner applied for and obtained construction permits for a commercial project – the site is currently under construction.

The applicant has requested the Highway Business (HB) zone be assigned to this property.

A conditional zoning to HB-CZ for the property located at 12 Loop Rd., 352 & 360 Airport Rd. was approved on January 10, 2017.

The property was zoned Employment (EMP) when under the jurisdiction of Buncombe County. No other special zoning considerations apply.

The purpose of the HB zoning district is to address the needs of commercial development along major thoroughfares. Automobile oriented development is prevalent within this district and a wide range of commercial uses is permitted.

The subject property is adjacent to other HB zoning to the west and the use and development pattern is consistent with other HB zoned properties along the Airport Rd. corridor. The adjacent Buncombe County zoning includes more Employment zoning (north and west) and Commercial Service zoning (south). Both zoning districts allow for a wide range of commercial and employment related uses including, but not limited to: office, health care facilities, hotels, retail, restaurants, and service and repair businesses.

The Asheville City Development Plan 2025 states that as a development tool the city should, "promote voluntary annexation of developing and developed areas by offering high quality urban services . . .". Related to this goal the plan also 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 action aligns with the 2036 Council Vision in the following area: *A Thriving Local Economy* – the proposed zoning supports compatible, commercial development along a major transportation corridor.

Considerations:

- City property directly contiguous to the subject property is zoned HB.
- The HB zoning designation is consistent with both the EMP and CS zoning districts of Buncombe County.
- Assigning a zoning designation is required as part of the voluntary annexation process.

Based on the above findings and the analysis provided in the report, staff finds the request to assign the HB (Highway Business) zoning designation to the subject property is appropriate and consistent with the existing commercial neighborhood and broader city goals.

At their regular meeting on August 2, 2017, the Planning & Zoning Commission voted unanimously in support of the initial zoning request. Initial zoning requests are first reviewed by the Planning & Zoning Commission with final review performed by City Council.

Mayor Manheimer opened the public hearing at 5:59 p.m. and when no one spoke, she closed the public hearing at 5:59 p.m.

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

Councilman Bothwell moved to approve the assignment of Highway Business (HB) zoning to the subject 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: 1) promotes voluntary annexation as a development tool that offers high quality city services to urbanizing areas; and, 2) supports smart growth through compatible infill development that takes advantage of existing infrastructure. This motion was seconded by Councilman Young and carried unanimously.

**ORDINANCE BOOK NO. 31 – PAGE 329**

**D. PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED LIMITED OBLIGATION BOND FINANCING FOR VARIOUS CAPITAL PROJECTS AND ACQUISITIONS AS WELL AS THE REFINANCING OF EXISTING DEBT; AND TO ALSO HEAR PUBLIC COMMENT ON THE SPECIAL OBLIGATION BONDS AS PART OF THE OVERALL PLAN OF FINANCE**

Director of Finance and Management Barbara Whitehorn said that this is the a public hearing to receive public comments on the proposed Limited Obligation Bond (LOB) financing for various capital projects and acquisitions as well as the refinancing of existing debt. While a public hearing for the Special Obligation Bonds is not required by law, City Council will also hear public comment on the Special Obligation Bonds (SOBs) as part of the overall plan of finance. This public hearing was advertised on September 2, 2017.

Ms. Whitehorn then explained the common types of debt cities use: (1) General Obligation Bonds (must be voted on through referendum; secured by property tax revenue); (2) Limited Obligation Bonds (secured by City-owned property); and (3) Special Obligation Bonds (secured by sales and other taxes - not levied by municipality; projects must be located in a Municipal Service District. She said that the City finances Capital Projects with (1) short term debt (18-59 months; during construction also called "interim" or "construction debt"; usually LOBs); and (2) long-term debt (20 years; refunds (refinances) existing short-term debt; LOBs, SOBs and/or GOs).

She explained what is happening right now: (1) General Capital Improvement Plan long-term debt issuance, which is not related to the 2016 General Obligation Bond referendum; (2) Short-term LOBs issues in early 2016 (a) credit line for a maximum of \$45 million; and (b) about

\$33 Million spent; (3) Issuing long-term debt in October, 2017 (a) refunding short-term LOBs; and (b) issued as LOBs and SOBs; (4) Long-term LOBs issued in 2012 (a) potential savings if refinanced; and (b) about \$655,000 savings; and (5) Breakdown of October issuance (a) \$14.8 Million LOBs refunding short-term 2016 LOBs; (b) \$18.2 Million SOBs refunding short-term 2016 LOBs; and (c) Approximately \$12 Million refunding long-term 2012 LOBs. She used a chart showing an illustrative of 2017 LOBs and SOBs. She then provided a project list.

Under the provisions of Section 160A-20 of the General Statutes of North Carolina, installment financing contracts involving real property require a public hearing in which the public may comment on the proposed financing.

On August 22, 2017, City Council approved:

1. Resolution authorizing the City to refinance a portion of the 2016 Limited Obligation Bond (approximately \$18 million), refinance all or a portion of the currently outstanding 2012 Limited Obligation Bonds (\$11.685 million), and make application to the Local Government Commission of not to exceed \$31.2 million Limited Obligation Refunding Bonds (the "2017 LOBs Refunding"), Series 2017, and
2. Resolution authorizing the City to refinance a portion of the 2016 Limited Obligation Bond and make application to the Local Government Commission for the issuance of not to exceed \$20 million Special Obligation Refunding Bonds (the "2017 SOBs Refunding"), Series 2017, of the City of Asheville, North Carolina.

Pros:

- Anticipated total debt service savings of the refunding of the 2012 Limited Obligation Bonds based on current market conditions is approximately \$655,000. Actual savings level will be determined on the date the 2017 Limited Obligation Refunding Bonds are sold, which is scheduled for October 12, 2017.
- Converts the 2016 Installment Financing Agreement from short-term variable-rate into long-term fixed rate debt which will set total cost of the 2016 projects financed.

Con:

- None noted.

As noted above, anticipated total debt service savings of the 2012 Limited Obligation Bonds based on current market conditions is approximately \$655,000. Annual debt service payments of the City will increase by the issuance of new long-term fixed rate debt of the 2017 LOBs Refunding and the 2017 SOBs Refunding. The final amounts of the new debt service payments will be determined on the sale date of October 12, 2017.

Staff recommends that City Council receive public comment regarding the financing during the public hearing.

Mayor Manheimer said that the City Council adopted a resolution on August 22, 2017, which called a public hearing on an installment financing (which is being done through a limited obligation bond financing structure) and a related special obligation bond financing for September 12<sup>th</sup>. The notice of the public hearing was published on September 1, 2017. The public hearing is being held to hear public comments on the proposed installment financing as required by the North Carolina statutes, as well as the special obligation bond financing being done in conjunction, to refinance a number of projects financed in 2016 through an interim installment financing. The proposed installment financing also includes refinancing a portion of a financing done in 2012 to achieve debt service savings. The proposed installment financing is for a principal amount not to exceed \$31.2 million and the proposed special obligation bond financing is for a principal amount not to exceed \$20 million. The City Council will hear public comments

this evening and the plan is for the Council to consider the final approvals for both financings on October 3.

In response to Vice-Mayor Wisler, Ms. Whitehorn said that hopefully this will allow us an upgrade on our bond rating with Moody's, noting that we are as high as we can get with S&P with a AAA rating.

Mayor Manheimer opened the public hearing at 6:13 p.m.

Mr. Chris Peterson felt that the City has too much debt and Council should be paying more attention to the budget.

Mr. Jonathan Wainscott spoke against these actions and that the City already has too much debt.

Ms. Jan Howard Kubiniec expressed concerned that she was unaware of some of the projects on the project list.

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

Councilman Bothwell felt that Council is investing heavily in infrastructure projects now is that past councils were unwilling to take on more debt to fix the infrastructure.

Mayor Manheimer noted that during the many presentations about the General Obligation Bonds last fall she talked about the current state of debt, which at that time was relatively small compared to other cities similar to Asheville. The concern was that we were too conservative in making investments into fixing infrastructure and building out new infrastructure. She was pleased we are continuing with this process and have put together a strong capital plan.

Councilman Bothwell moved to proceed with this process for final approvals for both financings being considered by City Council on October 3, 2017. This motion was seconded by Councilman Young and carried unanimously.

## **V. UNFINISHED BUSINESS:**

### **A. CONFIRMATION OF INTERVIEW CANDIDATES FOR THE PLANNING & ZONING COMMISSION**

Regarding the Planning & Zoning Commission, the following individuals applied for a vacancy and completed the necessary paperwork: Joe Archibald, Nick Hinton, Carter B. Webb, Sandra Kilgore, Robert Carroll and Paul Harkrider; and the one seated member Laura Berner Hudson. At the recommendation of the Boards & Commissions, Vice-Mayor Wisler moved to interview Joe Archibald, Carter B. Webb, Sandra Kilgore, Robert Carroll, Paul Harkrider and the incumbent Laura Berner Hudson. Interviews will be held on October 3, 2017. This motion was seconded by Councilman Bothwell and carried unanimously.

## **VI. NEW BUSINESS:**

### **A. RESOLUTION NO. 17-217 – RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Affordable Housing Advisory Committee.

The terms of Randall Barnett and Mae Creadick expired on September 1, 2017.

The following individuals applied for the vacancy: Gerry Leonard, Derek Towle, Daniel Summerlin, Dewana Little, Elena Mansour, Emily Gelb, Leslie Hennessee, Parker Smith and Marcia Bacoate.

On August 22, 2017, it was the consensus of Council to interview Randall Barnett and Leslie Hennessee.

Vice-Mayor Wisler moved to reappoint Randall Barnett and appoint Leslie Hennessee to each serve a three-year term respectively, terms to expire September 30, 2020, or until their successors have been appointed. This motion was seconded by Councilman Smith and carried unanimously.

**RESOLUTION BOOK NO. 39 - PAGE 138**

**B. RESOLUTION NO. 17-218 – RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD**

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

Mr. Zachary Eden, member of the Recreation Board, resigned, thus leaving an unexpired term until June 30, 2018.

The following individuals applied for the vacancy: Jeff Luttrell, Ron Nelson and Ken Miller.

Vice-Mayor Wisler moved to appoint Jeff Luttrell to serve the unexpired term of Mr. Eden, term to expire June 30, 2018, or until his successor has been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

**RESOLUTION BOOK NO. 39 - PAGE 139**

**C. RESOLUTION NO. 17-219 - RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the term of John Ellis (individual actively involved in the tourist business and who has participated in tourism promotion but who does not own or operate a hotel, motel or other taxable tourist accommodation) expires on August 30, 2017.

The following individuals have applied for a vacancy: Andrew Celwyn, Ken Stamps, Jennifer Lauzon, Jessica Tomasin, Elizabeth Button, Patrick Conant and Peter Pollay.

On August 22, 2017, it was the consensus of Council to interview Andrew Celwyn, Jennifer Lauzon and Elizabeth Button.

After Council spoke highly of all candidates, Andrew Celwyn received 4 votes, Jennifer Lauzon received 1 vote and Elizabeth Button received 1 vote. Therefore, Andrew Celwyn was appointed to serve a three-year term ((individual actively involved in the tourist business and who has participated in tourism promotion but who does not own or operate a hotel, motel or other taxable tourist accommodation), term to expire August 30, 2020, or until his successor has been appointed.

**RESOLUTION BOOK NO. 39 – PAGE 140**

**VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:**

Ms. Brynn Estelle and Mr. Casey Campfield expressed concern over the Family Research Council's draft 5 point plan to legislate transgender people out of public life. They asked the City of Asheville to stand with the transgender people and fight on their behalf against bigoted laws like House Bill 2 and House Bill 142.

Mr. Robert Louis Hardy said that he would be asking for reimbursement of a revival tent; and was disappointed at the condition of the Walton Street Park vs. the condition of the Kenilworth Park and Tennis Courts.

Mr. Grant Millin said that he is in the process of developing a non-profit and hoped to include a program supporting justice, equity diversity inclusion for Americans with disabilities. He provided Council with a resolution entitled "Americans with Disabilities Act Compliance and Public Transparency" and asked for Council adoption of the resolution. He felt there is a lack of attention by City Council regarding this matter.

At the request of Councilman Smith, it was the consensus of Council to ask the Governance Committee investigate what the City is doing regarding Spanish language translation and specific strategies to accomplish Hispanic inclusion.

### **Closed Session**

At 6:42 p.m., Councilman Young moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilman Bothwell and carried unanimously.

At 6:55 p.m., Councilman Bothwell moved to come out of closed session. This motion was seconded by Councilman Young and carried unanimously.

### **VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 6:55 p.m.

---

CITY CLERK

---

MAYOR