

Tuesday – November 28, 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; Councilwoman Julie V. Mayfield; Councilman Gordon D. Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING DECEMBER, 2017, AS "BETTER BUSES TOGETHER MONTH"

Councilwoman Mayfield read the proclamation proclaiming December, 2017, as "Better Buses Together Month " in the City of Asheville. She presented the proclamation to Rev. Amy Cantrell and The People's Transit Campaign of Just Economics, who briefed City Council on some activities taking place during the month.

II. CONSENT AGENDA:

At the request of Councilman Smith, Consent Agenda Item "F" was removed from the Consent Agenda for discussion and/or individual vote.

At the request of Councilman Young, Consent Agenda Item "G" was removed from the Consent Agenda for discussion and/or individual vote.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 14, 2017

B. RESOLUTION NO. 17-253 - RESOLUTION AMENDING THE 2017 CITY COUNCIL MEETING SCHEDULE TO DELETE THE DECEMBER 12, 2017, FORMAL MEETING AND RESCHEDULING IT TO DECEMBER 19, 2019

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C. RESOLUTION NO. 17-254 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT ALLOWING BUNCOMBE COUNTY TO CONDUCT BUILDING PERMITTING AND INSPECTIONS FOR PHASE I OF THE AB-TECH CAMPUS CAPITAL IMPROVEMENTS PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute an Interlocal Agreement with Buncombe County to allow them to conduct the building inspections and permitting for Phase I of the Asheville-Buncombe County Technical Community College (herein "AB Tech") Campus 2017-2018 Capital Improvement Projects which are located within the City's jurisdiction.

In 2011, the voters of Buncombe County approved the levy of a One-Quarter Cent County Sales and Use Tax and the County Commissioners approved the use of additional revenues from this Sales and Use Tax to make certain capital improvements to the AB Tech Campus. Also in 2011, the State Board of Community Colleges delegated construction authority to the County (pursuant to Section 8.19 of Session Law 2011-145) under which the County will oversee the aforementioned Capital Improvement Projects which, in Phase I, will include major renovation and/or repair work on 11 buildings located on the AB Tech Campus. Since they will be overseeing the construction of these Projects, the County believes that it will be more efficient for it, rather than the City, to conduct the inspections and permitting for these Projects and has therefore, requested that the City grant it the authority to do so via City Council approval of an Interlocal Agreement. Pursuant to NCGS 160A-413, a City is authorized to allow a County to exercise their building inspection powers within part or all of the city's jurisdiction and pursuant to NCGS 160A-461, units of local governments may enter into contracts or agreements with each other in order to execute any undertaking.

The request to allow Buncombe County to conduct the inspection and permitting for these Capital Improvement Projects has been considered by members of the Development Services Department, including Director, Ben Woody and Chief Building Inspector, Mark Metheny and also by members of the Fire Department including, Chief Scott Burnette and City Fire Marshal, Kelly Hinz. It has been determined that there are no concerns with allowing the County to conduct the permitting and inspections for these Projects, with a few limited exceptions. The Interlocal Agreement will make clear that the County's authority is limited to renovation and repair projects and shall not include new construction. Additionally, the City will retain responsibility for reviewing and permitting any work that triggers compliance with City of Asheville planning and zoning, stormwater, grading/erosion control standards and regulations as well as City public safety communications requirements. Finally, the City's Fire Department will be included on the final County inspections for all permitted work as well as be notified by the County Fire Marshal if, and when, any fire safety systems are out of service in existing buildings. Additionally, the Asheville Fire Department shall retain responsibility for all periodic fire prevention inspections of all AB Tech existing buildings. The duration of the Agreement shall be limited to a period required to complete the Projects listed in Exhibit A (anticipated to be approximately 2 years), unless otherwise agreed by the parties.

Pros:

- The City is able to redirect much needed building safety resources to other development projects.
- The interlocal agreement allows the city to remain responsible for review, approval, and inspection of any work triggering planning and zoning, stormwater, grading and/or erosion control, and fire standards and regulations.
- The City is able to partner with the County.

Con:

- There is a loss of potential revenue associated with building permit fees.

The City would not receive fees for inspections conducted by Buncombe County but the City also will not be using its resources to conduct these inspections.

City staff recommends City Council adopt a resolution authorizing the City Manager to execute an Interlocal Agreement, as well as any amendments or associated documents, in order to authorize Buncombe County to conduct inspections and permitting for the AB Tech Capital Improvement Projects.

D. RESOLUTION NO. 17-255 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH SOUTH CAROLINA TELECOMMUNICATIONS GROUP HOLDINGS, LLC D/B/A SPIRIT COMMUNICATIONS FOR ANTENNAS AND RELATED EQUIPMENT AT 43 WALL STREET

Summary: The consideration of a resolution authorizing the City Manager to execute a license agreement with South Carolina Telecommunications Group Holdings, LLC dba Spirit Communications for antennas and related equipment at 43 Wall Street.

In response to increased demand for cellular service in densely populated urban areas, telecommunications companies are now employing smaller antennas that are more compact and can be mounted on poles or buildings. These types of installations are referred to as "Small Cell." Spirit Communications was granted a franchise agreement to install Small Cell equipment within the City's right-of-way on behalf of Verizon Wireless in September of 2015. A team of City staff, including real estate, legal, planning, strategic development, parking, and streets have been working with Spirit on the placement and installation of Small Cell equipment in and around downtown Asheville in accordance with the franchise agreement. Along Wall Street, Spirit has requested permission to install a Small Cell system on the Wall Street Parking Garage including 4 wall-mounted flush antennas on the exterior of the garage and an equipment box inside the garage. This installation does not impact the available parking spaces. This request would require a license agreement, since the Garage is technically City-owned property, not right-of-way.

Harry Brown, the City's Parking Services Manager, has been involved in these negotiations from the beginning and raised concerns about puncturing the walls of the Parking Garage structure for conduit and radio-frequency (RF) emission levels associated with this system. Per the City's request, Spirit procured a third-party consultant to perform an engineering review of the proposal and the results indicated that there would be no structural or RF impacts with this installation. Parking Services has approved the location and additional terms of the proposed license agreement stating that if during the term of the agreement the parking garage is reconstructed or repurposed in any way, Spirit agrees to relocate its equipment.

The Real Estate Coordinator researched appropriate rental rates for this installation and discovered a wide variety of rates from city to city where small cells were present. Many cities have not yet been approached about this type of infrastructure. Based on this research, staff recommends a rate based on the monthly rate of a parking space, plus a fee of \$50 per antenna added to the monthly payment, bringing the total cost to \$260 per month. This rate will escalate each year by 5%. The proposed term of the license is 5 years with the possibility to renew for an additional 5 years (10 years total). The Spirit equipment will be installed and maintained by Spirit Communications. In accordance with statute, public notice was provided 30 days in advance of Council's review of this item.

Pros:

- Locating the telecommunications equipment on the Wall Street garage is preferable to an alternate location on adjacent City right-of-way.
- Location of equipment does not interfere with parking spaces.
- Provides a revenue stream to the City of Asheville starting at \$3,120 per year with an escalator clause that will increase revenues in future years.

Con:

- None noted.

Since the installation is located at the parking structure on Wall Street, the annual proceeds of the rent, totaling \$3,120 per year, will benefit the Parking Enterprise Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute the license agreement with Spirit Communications.

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E. RESOLUTION NO. 17-256 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SECURITY INNOVATIONS PROTECTIVE SERVICES LLC FOR UNARMED SECURITY SERVICES IN THE CITY'S PARKING GARAGES

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Security Innovations Protective Services, LLC for unarmed security services in the City's parking garages.

The City of Asheville, through the Parking Services Division, currently operates four parking garages, public restrooms, and several monthly parking and pay-by-space surface parking lots downtown. Parking Services Division utilizes a combination of City employees and contract security services workers to provide unarmed security services in these facilities. Generally, City employees work during the business day and early evenings while contract security services are used for fill-ins, special events, and during late evenings, weekends, and holidays. Use of contracted security services allows the greatest flexibility as needs vary greatly depending on time of year and events booked at the U.S. Cellular Center, outside special events, and availability. On some days Parking Services may only need two contract security service employees for normal shifts. At other times, Parking Services may need three to eight to support a major event downtown.

In September 2017 Parking Services requested proposals from interested vendors in providing unarmed security services. The Request for Proposals also required the vendor to provide vehicles for their guards which is a change from previous contracts. The City received three proposals on October 6, 2017. The review team, consisting of five members of the Transportation Department, determined that Security Innovations Protective Services, LLC provided the best value for the service. They are headquartered in Atlanta, GA.. The total cost of the one year contract will be \$133,000.00 with an option to renew for 2 additional years. Respondents to the request for proposals were:

- Security Innovations Protective Services, LLC, Atlanta, GA \$11.27 per hour
- Guard One, Newport, NC \$15.75 per hour
- Walden Security, Nashville, TN \$15.92 per hour

Pros:

- Provides safe and convenient facilities for residents and visitors parking.
- Using contract security service employees is the most cost effective and flexible manner to augment the Parking Services Division's staffing requirements.
- Allows parking Services to capitalize on extended weekend/nights/holiday hours and special event parking to provide better customer service.
- Vendor provides vehicles for their guards thereby reducing the City's liability of allowing non-employees to drive City vehicles.
- Vendor's decision to use electric vehicles helps reduce the carbon footprint in the downtown area.

Con:

- Total cost of \$133,000.00 for one year with an option to renew for two additional years.

The necessary funds for the first year of the contract are already budgeted in the Parking Services' Operating Budget for FY 2017-18.

City staff recommends that City Council adopt a resolution authorizing the City Manager to sign a contract with Security Innovations Protective Services, LLC to provide unarmed security services in the City's parking garages and other facilities at a total cost of \$133,000 annually with an option to renew for two additional years. And the option to extend the term of the contract for up to an additional two years to an amount in the approved budget. Also, further authorized to execute any change order to said contract which might arise during the time period of the contract up to the budgeted amount.

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F. RESOLUTION ADOPTING 2017 FOOD POLICY GOALS AND ACTION PLAN

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

G. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ASHEVILLE STAFFING RESOURCES INC. FOR TEMPORARY EMPLOYEE SERVICES IN THE CITY'S PARKING GARAGES, SURFACE PARKING LOTS, AND OTHER FACILITIES

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

H. ORDINANCE NO. 4628 - BUDGET AMENDMENT FOR THE PROCUREMENT OF HYBRID BUS BATTERIES AND SECURITY CAMERAS

Summary: The consideration of a budget amendment in the amount of \$386,235, using \$78,000 in local funds from the City of Asheville's FY15 Transit Bench and Shelters project and \$308,235 in federal funds from multiple open federal grants, for the procurement of hybrid bus batteries and security cameras.

The City of Asheville has funds remaining in the following grants; NC-90-X439-01, NC-90-X395-01, NC-90-X475-00 and NC-90-X503-00. The City would like to use the remaining funds for the procurement of hybrid bus replacement batteries and security cameras to be located on buses and for both the ART Station and the Art Operations and Maintenance Facility.

The City of Asheville has remaining funds from multiple federal grants. The remaining federal funds equal \$308,235. The funds within these grants are expiring soon and need to be expended prior to December 29, 2017. Security cameras on transit buses and at the transit facilities are outdated and do not provide high definition quality and do not operate well. The Transportation Department would like to purchase high definition cameras that will recognize license plate numbers and faces so we can properly monitor suspect activity to help keep these facilities and Asheville residents safe.

Funding for the replacement batteries totals about \$251,800 and is anticipated to fund four battery packs and funding for the security cameras totals about \$134,400 and is anticipated to fund eight cameras per bus as well as cameras at the transit center and garage facility.

This report is being reviewed by the Finance Committee on November 28th and if anything other than a unanimous approval is received, the details of the decision by the Finance Committee will be made clear to City Council at their meeting later that same day.

Pros:

- The bulk of project funding is provided by the FTA, covering approximately 80% (\$308,235) of the total project cost (\$386,235).

Con:

- The City of Asheville is responsible for the local match of \$78,000.

The total combined financial impact for the projects is \$386,000. Asheville's local match for the security cameras and batteries is approximately \$78,000; funds for the match are currently available in the FY15 Transit Bench and Shelters project.

Staff recommends that City Council adopt a budget amendment in the amount of \$386,235, using \$78,000 in local funds from the City of Asheville's FY15 Transit Bench and Shelters project and \$308,235 in federal funds from multiple open federal grants, for the procurement of hybrid bus batteries and security cameras.

ORDINANCE BOOK NO. 31 - PAGE 386

I. RESOLUTION NO. 17-259 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A PERMANENT UTILITY EASEMENT TO DUKE ENERGY PROGRESS INC. OVER CITY-OWNED REAL PROPERTY AT 171 SOUTH CHARLOTTE STREET

Summary: The consideration of a resolution to convey an easement to Duke Energy Progress, Inc. over a portion of City-owned property along South Market Street.

The City of Asheville owns real property at 171 S. Charlotte Street (PIN 9648-49-9147) identified as the Public Works Garage. There is a substantial number of large and complex improvements on this site. The topography of the site is such that there is a dramatic drop in elevation from the Beaumont/South Market Street side of the parcel to the rear of the buildings fronting South Charlotte Street. The Public Works buildings are located on the flat portion of the parcel with road frontage along South Charlotte Street. Duke Energy Progress is requesting to locate a utility pole at the Beaumont/South Market intersection, which is at the top of the steep bank at the rear of the parcel. Duke is requesting a 30 foot easement with restrictions on what can occur beneath the lines once they are installed. This permanent easement would impact approximately 240 square feet.

This request was precipitated by a requirement that the developer of the adjacent condominium complex on South Market Street keep City street lights active in the area. In order to meet this requirement, additional utility poles must be installed in the area and Duke is requesting to install a pole on the City's property.

The manager of the Streets Division in the Public Works Department along with the Real Estate Coordinator met with Duke's right-of-way agent and engineer on site. Public Works has no objections to the easement because of its location at the rear property line along a narrow ridge. The topography in this area does not make it amenable to future development; therefore, the easement does not present an impediment to the existing uses nor future development of the City-owned site. The existing utility lines along South Market Street will be connected to the new utility pole / street light, so no compensation is offered for this easement.

Pros:

- The addition of a power pole in this location will allow the developer to comply with City Lighting Requirements.
- Increased lighting will improve visibility in the area at a key intersection.

Con:

- None

Staff recommends City Council adopt a resolution granting the permanent easement for utility pole and associated distribution lines at the intersection of Beaumont and South Market streets.

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J. RESOLUTION NO. 17-260 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR FUNDING FROM THE N.C. DEPT. OF TRANSPORTATION FISCAL YEAR 2019 URBAN STATE MATCH PROGRAM, AND IF AWARDED, ENTER INTO SAID AGREEMENT

Summary: The consideration of a resolution authorizing the City Manager to apply for funding from the North Carolina Department of Transportation FY 2019 Urban State Match Program.

The North Carolina Department of Transportation - Public Transportation Division is soliciting requests for Urban State Match Funding to be applied as a match to Federally-funded facility or vehicle projects.

The City is required to purchase buses every year in order to maintain a healthy fleet. Transit vehicles are a huge capital cost that each demand significant resources to operate for their 12-year life. The City operates a peak fleet of 17 transit buses and maintains a total of 22 buses. In order to maintain operational efficiency and avoid spikes in capital outlays for new buses, one to two new buses should be purchased annually but due to a lag in purchases we are currently purchasing five vehicles.

The current opportunity for Urban State Match funding would provide up to up 10% (\$495,591) of the total lifecycle cost of the five buses (\$4,955,913), which includes the upfront capital costs as well as 12-years of battery lease payments.

This report is being reviewed by the Finance Committee on November 28th and if anything other than a unanimous approval is received, the details of the decision by the Finance Committee will be made clear to City Council at their meeting later that same day.

Pro:

- If awarded, the grant would provide \$495,591 in funding that would otherwise have to be provided by the City's general fund

Con:

- The city share of the purchase would total \$1,790,913

The total life-cycle cost of \$4,955,913 will be supported with \$2,544,409 from FTA, \$125,000 from Proterra, and \$495,591 from the grant. As a result, the City's local match for this purchase would be reduced from \$2,286,504 to \$1,790,913, of which \$600,000 is currently budgeted in the FY 2018 CIP and \$1,190,913 would be provided from future transit fund

operating budgets using diesel fuel savings resulting from the transition from diesel to electric vehicles.

Staff recommends City Council adopt a resolution authorizing the City Manager to apply for funding from the FY 2019 Urban State Match Program.

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K. RESOLUTION NO. 17-261 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MATTERN & CRAIG INC. FOR THE BOND SIDEWALK BUNDLE B DESIGN PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a professional services contract in the amount of \$573,725.00 plus a contingency of 10% (\$57,372.50) with Mattern & Craig Inc. of Asheville, NC. for the project known as Bond Sidewalk Bundle B Design, City of Asheville Contract #91800177.

The areas that were identified for the project have large pedestrian use and there is no sidewalk available or gaps missing between sections.

Project Name	Professional Services Contract \$\$	Contingency Amount	Total Project Budget	Percentage of Contract Vrs Project
Patton Ave- X1805	\$87,275.00	\$8,727.50	\$616,000.00	14%
Johnson Blvd- X1804	\$210,950.00	\$21,095.00	\$1,434,500.00	15%
New Haw Creek- X1806	\$168,750.00	\$16,875.00	\$1,120,000.00	15%
Onteora Blvd- X1807	\$106,750.00	\$10,675.00	\$588,000.00	18%
SUM	\$573,725.00	\$57,372.50	\$3,758,500.00	15%

The areas identified will help to ensure that the City of Asheville remains compliant with current City standards and Americans with Disabilities Act. The RFQ was advertised on March 31, 2017. Design firms/ Engineers that submitted were the following:

Anchor QEA, of Asheville, NC
 McGill and Associates, of Asheville, NC
 Vaughn and Melton Inc, of Asheville, NC
 Siteworks of Asheville, NC

Mattern and Craig, of Asheville, NC
 Davenport, of Winston-Salem, NC
 Henson Foley of Huntersville, NC
 Wetherill of Raleigh, NC

Mattern & Craig Inc, of Asheville, NC proposes to perform all of the design work included in the contract. Work covered by this contract includes surveying, development of construction documents, permitting, environmental documents and community outreach. Right of way and easement negotiation can be added at an additional cost.

A 10% contingency (\$57,372.50) has been added to allow payment for any unforeseen costs that typically arise during construction and design. The work produced from this design service contract will construct new sidewalk and fill in missing gaps to make existing sections of sidewalk connect with new sidewalk.

Pros:

- Design of sidewalk that will meet City and National standards.
- Improve mobility and safety on city streets.

Con:

- Construction will be disruptive to adjacent residences and businesses.

The total cost of this contract, including contingency, is \$631,097.50. The project was authorized as a 2016 general fund bond project. These projects are initially funded using the the City's capital reserve funds which will then later be reimbursed through the issuance of bonds. The remaining funds in this budget will be used for construction of sidewalks in the project. These construction contracts will be presented to Council during a later meeting.

City staff recommends City Council adopt the resolution awarding the contract to Mattern & Craig Inc, of Asheville, NC. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of \$573,725.00 plus a contingency of \$57,372.50 (10%) for the contract known as Bond Sidewalk Bundle B Design, City of Asheville Contract #91800177.

RESOLUTION BOOK NO. 39 - PAGE 203

L. RESOLUTION NO. 17-262 - RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN DUKE ENERGY PROGRESS' SMALL BUSINESS ENERGY SAVERS PROGRAM AND TO ENTER INTO A SOLE SOURCE CONTRACT WITH LIME ENERGY FOR THE PURPOSE OF INSTALLATION OF ENERGY EFFICIENT LIGHTING IN PUBLIC WORKS BUILDING A

Summary: The consideration of a resolution authorizing the City Manager to participate in Duke Energy Progress' Small Business Energy Saver Program and to enter into sole source provider contract for the purchase and installation of energy efficient lighting in Public Works A Building.

The electric utility Duke Energy Progress' Small Business Energy Saver (SBES) Program pays for energy efficiency upgrades up front, and covers up to 80% of the total project costs.

The Public Works building provides an opportunity to utilize the SBES program while yielding an estimate of \$7,753.80 in annual energy savings. In terms of carbon reductions, the project will yield 65.6 MTCO_{2e} towards our annual 4% carbon reduction goal the City has adopted.

Staff has analyzed the potential and costs for the project and determined that the SBES Program is a unique opportunity to leverage significant up front capital funding from Duke Energy Progress. The total cost to the City would be \$75,322.40; however, utilizing Duke Energy Progress' utility incentive program, the project offsets the cost by 24%. This cost includes parts, labor and project management. The total cost of the project is \$55,937.76 and will be funded from the green saving funds that are part of the Sustainability FY 2017-18 Budget.

The SBES Program is run through a single authorized contractor, Lime Energy. In order to participate in the SBES Program, the City needs to pursue a single source provider contract

with Duke Energy Progress / Lime Energy. See Exhibit A and Exhibit B. This is allowable as per N.C.G.S. 143-129(e)(6) which states that "the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bidding when (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration."

These energy efficiency upgrade supports City Council's 2036 Vision through a Clean and Healthy Environment and Smart City; additionally, the scope of work supports Resolution 07-90, establishing energy conservation goals and benchmarks as well as Resolution 11-77, increasing the municipal carbon footprint reduction goal to 4% every year.

Pros:

- Supports Resolution 11-77, reducing the City's municipal carbon footprint
- Leverages a DEP incentive which contributes to \$19,384.64 of the total project cost

Con:

- None Identified

As noted above the total cost of the project is \$55,937.76, with funding utilized from the green savings that are part of the Sustainability budget. Once complete, the upgrade will produce an estimate of \$7,753.80 savings of energy costs per year.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into a sole source contract to purchase and install energy efficiency lighting as part of Duke Energy Progress' Small Business Energy Savers Program.

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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.

Councilman Smith moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda Items "F" and "G". This motion was seconded by Councilman Young and carried unanimously.

ITEMS PULLED FROM THE CONSENT AGENDA FOR DISCUSSION AND/OR AN INDIVIDUAL VOTE

G. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ASHEVILLE STAFFING RESOURCES INC. FOR TEMPORARY EMPLOYEE SERVICES IN THE CITY'S PARKING GARAGES, SURFACE PARKING LOTS, AND OTHER FACILITIES

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Asheville Staffing Resources, Inc. for temporary employee services in the City's parking garages, surface parking lots, and other facilities.

The City of Asheville, through the Parking Services Division, currently operates four parking garages, public restrooms, and several monthly parking and pay-by-space surface parking lots downtown. Parking Services Division utilizes a combination of City employees and

contract temporary workers to provide service and customer assistance in these facilities and lots. Generally, City employees work during the business day and early evenings while contract temporary services are used for fill-ins, special events, and to extend garage and public restroom hours during late evenings, weekends, and holidays. Use of temporary workers allows the greatest flexibility as needs vary greatly depending on time of year and events booked at the U.S. Cellular Center, outside special events, and other large venues downtown. On some days Parking Services may only need one temporary service employee to fill in for a City employee sick or on vacation. At other times, Parking Services may need six to 15 to support a major event downtown.

In June 2017 Parking Services requested proposals from interested vendors in providing temporary service employees. The City received only one proposal which remained unopened. Wanting to ensure the City received the best possible proposals, the request for proposal was re-issued in August 2017. At that point, the City received two proposals. The review team determined that Asheville Staffing Resources provided the best value for the service. They are located in Asheville. The total cost of the contract will be \$96,000.00, for the remainder of this fiscal year, with an option to renew for 2 additional years. Respondents to the request for proposals were:

- Asheville Staffing Resources, Asheville, NC, \$14.70 per hour
- Alliant Global Strategies, Inc., Richmond, VA, \$14.94 per hour

Pros:

- Provides safe and convenient facilities for residents and visitors parking.
- Using temporary service employees is the most cost effective and flexible manner to augment the Parking Services Division's staffing requirements.
- Allows parking Services to capitalize on extended weekend/nights/holiday hours and special event parking to provide better customer service and to bring in additional revenue.

Con:

- Total cost of \$96,000 with an option to renew for two additional years.

The necessary funds for the first year of the contract are already budgeted in the Parking Services' Operating Budget for FY 2017-18.

Staff recommends City Council adopt a resolution authorizing the City Manager to sign a contract with Asheville Staffing Resources to provide temporary services in the City's parking garages and other facilities at a total cost of \$96,000 annually with an option to renew for two additional years. Also, further authorized to execute any change order to said contract which might arise during the time period of the contract up to the budgeted amount.

When Councilman Young asked if these services can be filled by City staff, Parking Services Manager Harry Brown explained that we primarily use these temporary staffers for special event parking. He said it's a way for us to have the flexibility to bring staff in when we need them and not pay for it when we don't.

In response to Councilman Young, Mr. Brown said that we do not know if Asheville Staffing pays their employees a living wage. City Attorney Currin said that if we ask Asheville Staffing if they pay a living wage, they answer it, and they don't get the contract, it looks like we considered it for awarding the contract. We have consulted with the School of Government and they have advised us not to ask since the statute says that we cannot consider that for awarding a contract.

In response to Councilwoman Mayfield, Mayor Manheimer suggested this matter be referred to the Finance Committee and City Attorney Currin said that they would research legal options for the City to perhaps accomplish Council's standard for employees being paid a living wage.

Councilman Young said that employers should know that the City of Asheville supports employers pay a living wage to their employees.

Since this contract will not go into effect until January 1, 2018, Councilman Smith moved to table this item until the December 19, 2017, meeting. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

F. RESOLUTION NO. 17-257 - RESOLUTION ADOPTING 2017 FOOD POLICY GOALS AND ACTION PLAN

Summary: The consideration of Council adopting the proposed 2017 Food Policy Goals and Action Plan.

In 2013 Asheville City Council adopted Resolution 13-17 establishing the City of Asheville's Food Action Plan in support of the Asheville Buncombe Food Policy Council Agenda. On September 6, 2016 the City Council adopted a strategic priority to revisit the 2013 Food Policy Action Plan.

The City engaged Asheville Buncombe Food Policy Council (ABFPC), with Bountiful Cities acting as the fiscal agent, to produce the revised plan. ABFPC, through a nine-month community engagement process produced the 2017 Food Policy Action Plan.

The resulting 2017 Municipal Food Policy Goals and Action Plan has a broader scope of impact and aims to position Asheville as a regional leader in comprehensive food planning.

Based on community feedback, the following food policy focus areas and goals were identified:

1. Focus Area: Food Access and Distribution
2. Focus Area: Farms, Food Production and Processing
3. Focus Area: Community Food Education
4. Focus Area: Resource Stewardship
5. Focus Area: State Food Policy and Legislation
6. Focus Area: Emergency Preparedness

The 2017 Food Policy Goals and Action Plan provides a comprehensive list of action steps that support the food policy focus areas and goals. Action steps reflect prioritization of (1) planting more food; and (2) creating metrics to build a foundation for tracking Asheville's food system achievements. Future action items will be guided based on metrics created through the assessment process, reviewed by the Sustainability Advisory Committee and the budget process.

The 2017 Municipal Food Policy Goals and Action Plan were reviewed by the Sustainability Advisory Committee on Energy and the Environment at their August meeting. Planning and Economic Development Committee reviewed the plan in October and November; prioritizing the planting of more food and creating metrics over the next two years.

Pros:

- Identifies long term food policy focus areas and goals

- Creates a framework for addressing Asheville's food systems
- Aligns with the City's Comprehensive Plan
- Advocates State food policy and legislation

Cons:

- Performance measures unidentified
- Formal relationships with key stakeholders and other governmental entities have yet to be developed

The Fiscal Year 2018 budget includes \$15,000 to continue the relationship with ABFPC addressing action items listed in the 2017 Food Policy Action Items and Costs. Over the next two years the City will focus its efforts on the prioritized action items working through the Fiscal Year 2019 budget process.

Staff recommends City Council adopt a resolution authorizing the City Manager to adopt the Municipal Food Policy Goals and Action Plan.

Councilman Smith was pleased to have this product before Council tonight. Council has made this a priority and we have an array of partners who are willing to help us. We prioritized the planting of more food and creating a metrics to build a foundation for tracking Asheville's food system achievements. He thanked everyone who worked on this broad community process.

The following individuals spoke in support of the Municipal Food Policy Goals and Action Plan:

Ms. Kiera Bulan, Coordinator for the Asheville-Buncombe Food Policy Council
 Ms. Gabrielle White, representing Patchwork Urban Farms
 Ms. Nichole Hinebaugh, representing Bountiful Cities

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

Councilman Smith moved to adopt Resolution No. 17-257. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 194

III. PRESENTATIONS & REPORTS:

A. Aaa RATING FROM MOODY'S INVESTOR SERVICES

Chief Financial Officer Barbara Whitehorn said that in August, 2015, Standard and Poor's Rating Services (S&P) awarded the City of Asheville the highest rating for its General Obligation (GO) debt, AAA. At that time, Moody's affirmed the City's GO rating of Aa1, one step below their highest rating of Aaa.

Now two years later, the City is well into work on it's major capital improvement program and has gained approval from the voters for \$74 million of projects to be funded with General Obligation debt, moving the City forward with investments in strategic goal areas and infrastructure. Analysts from Moody's visited Asheville again in September, 2017. On October 10, 2017, City staff was notified that Moody's had increased the City's ratings for debt. The City's General Obligation debt was awarded the highest rating: Aaa.

The City issues several different types of debt, depending on the type of acquisition or project, and its purpose. These types of debt include: short-term installment financing, General

Obligation bonded debt, Limited Obligation bonded debt, Special Obligation bonded debt, and Revenue bonds.

General Obligation debt is the highest rated of the long-term debt options available to the City. Limited Obligation and Special Obligation Bonds and are usually rated one and two steps down from a government's General Obligation (GO) debt. This reflects the relative security of the revenue or assets backing the bonds. GO debt is the most secure, because it is secured by the property tax collections of the City, often referred to as "the full faith and credit" of the the City. LOBs are secured by a master indenture, a group of city-owned properties that are used as collateral. Ideally, these should be the most critical physical assets owned by a city, City Hall, fire stations and other municipal facilities. Properties that could easily be sold or repurposed are not used as part of the master indenture. SOBs are unique in that they are backed by sales and other taxes not levied by the City. Because the City has little direct control over these revenue streams, SOBs are rated lower than either GO debt or LOBs. Following are the current ratings for City of Asheville debt. (Each debt issuance requires a new rating or a confirmation of the existing rating.)

Agency	GO Bond Rating	LOBs Rating	SOBs Rating
Moody's	Aaa	Aa1	Aa2
Standard & Poor's	AAA	AA+	AA

With the increased rating from Moody's, the City's General Obligation debt is now rated prime investment grade, the highest rating recognized by the markets, by both Moody's and S&P.

Mr. Doug Carter, with Moody's Investor Services, updated City Council on the City of Asheville's debt. He reviewed (1) What is a credit rating, and who are S&P and Moody's?; (2) What is the importance of the highest credit ratings?; (3) What do the highest ratings say about Asheville?; (4) City infrastructure improvements and economic development; (5) Maintaining the ratings; and (6) Role of sound/strong policy-making and management.

B. QUARTERLY OPERATING AND CAPITAL BUDGET REPORTS

Director of Finance Barbara Whitehorn provided the Council with a report that reflects financial information on the City's overall financial position for the fiscal year through September 2017.

It is important to note that per North Carolina State accounting guidelines, the City accrues 90 days of revenue received from the State to the fiscal year ended June, 30. These revenues include sales and use taxes, utility taxes and ABC revenue received through September 30, 2017. Estimates forecast for these revenue for the fiscal year 2017-18 in this report are based entirely on historic trends.

Amendments. There were two budget amendments in the General Fund during the first quarter. The chart below shows the additions to the Adopted General Fund Budget.

Adopted General Fund Budget:	\$120,705,145
<u>Amendments:</u>	

Grant for the City's Urban Forest Program	\$6,000
Transit contract that exceeded estimates (Fund Balance)	\$441,000
Amended General Fund Budget 9/30/2017	\$121,152,145

Revenues. Through September 30, 2017, the City has collected \$10.4 million in General Fund revenue, which represents approximately 9% of the amended General Fund revenue budget. With so little collection data available through the first quarter, staff bases most of its FY 2017-18 revenue projections on prior year results and multi-year trends. Property and sales taxes make up just over 70% of total General Fund revenue, and staff is currently projecting both of these revenues will end the year very close to budget estimates. Overall, Budget staff is currently projecting that ***FY 2017-18 General Fund revenue will finish the year at \$120.4 million, which is \$827,000 or 0.7% above the revised budget.***

Expenditures. General Fund expenditures through September 30, 2017 totaled \$27.0 million or 22% of the amended budget, which is typical for this point in the fiscal year. Personnel expenses, the largest component of the General Fund budget, are on budget through the first quarter. Overall, staff is projecting that ***FY 2017-18 expenditures (including actual expenses and encumbrances) will finish the year at \$120.2 million.***

Fund Balance. The City began FY 2017-18 with an unassigned fund balance of \$20.1 million, after subtracting out the \$1,181,000 fund balance appropriation included in the adopted budget. Unassigned fund balance equated to 16.6% of the adopted FY 2017-18 budget. After the start of the fiscal year, City Council approved the additional \$441,000 fund balance appropriation noted above. This additional appropriation is reflected in the amended 9/30/2017 budget, which shows an unassigned fund balance of \$19.6 million or 16.2% of budgeted expenditures. ***Based on current revenue and expenditure projections for FY 2017-18 (above), staff is forecasting a \$1.7 million increase to the unassigned fund balance at June 30, 2018, for an estimated unassigned fund balance of \$21.4 million or 17.8% of estimated expenditures.***

As with projected revenues through the first quarter, the estimate for an increase to fund balance is based on historical trends and forecasting. While an early estimate is provided, it is important to understand that there is minimal performance data available as of September 30. Forecast confidence will increase when second quarter results are available and current estimates have been borne out by actual financial performance.

She then reviewed the following July - September 2017 enterprise funds: Water Resources Fund, Street Cut Utility Fund, US Cellular Center Fund, Stormwater Fund, Transit Fund, and Parking Fund.

Capital highlights include (1) North Fork Dam Improvements - \$35 Million (a) new spillway and armament of the dam; and (b) improves dam safety and meets State standards and climate resiliency expectations; (2) RADTIP - \$27 Million (a) transportation improvements in the River Arts District; and (b) area enhancement to improve area redevelopment; (3) Martin Luther King Jr. Drive Improvements (GO Bond) - \$2.5 Million - roadway and sidewalk improvements; and (4) bond stakeholder meetings (a) internal enhancement of project coordination with team

stakeholders; (b) communications plans and charters part of the development process; and (c) multiple budget checks - start early in a project and continue throughout project development.

GO Bond highlights include (1) total number of projects or project bundles - 32 (a) stand alone project examples include Jake Rusher Park, Haywood Street Improvements; and (b) bundled project examples include outdoor court improvements, bus shelters; (2) projects in design - 17 (a) project examples include Montford Complex, Bond-funded traffic signals; and (b) total value of design contracts awarded - \$1,260,352.50; and (3) projects under construction contract - 2 (a) project examples include bus shelters, road resurfacing including Martin Luther King Jr. Drive; and (b) total value of construction contracts awarded - \$4,431,912.70.

C. CITY COUNCIL STRATEGIC PRIORITIES UPDATE

Interim Assistant City Manager Jade Dundas provided Council with a quarterly update on the City Council Strategic Priorities. He said that in January 2016, Asheville City Council created a 20-year vision for the city. This Council vision reflects Asheville's unique character and the aspirations for the community. Council has used the vision as a guide when developing policies and priorities. He then focused on the progress and work being done on the Equity and Inclusion Initiative. For an update of all the strategic priorities, a document is available on-line. Council's vision states that, "We use a racial equity lens to review and achieve our city's strategic goals in health, education, housing, and economic mobility." Kimberlee Archie, the Equity and Inclusion Manager is leading the initiative.

The City of Asheville officially kicked off its Equity and Inclusion initiative on September 25, 2017, by bringing together a cross-section of employees, named the Equity Core Team, to increase understanding and skills for establishing the use of an equity lens in all City program and policies. Opportunities to learn about equity and inclusion are available at work and in the community. During October UNC-Asheville Center for Diversity Education will host two lectures that will help to give context to the work the City is undertaking.

The Parks and Recreation Racial Equity Action Plan is an internal working document that will guide racial equity work during 2017-20. It reflects what staff have heard from community members and groups through existing relationships and projects, and captures ongoing work from the past year's, work that was initiated this year, and new initiatives. It establishes timelines, accountability and performance measures for each action. Furthermore, it outlines key steps to ensure staff are equipped with necessary training, knowledge and tools to integrate racial equity into their work and the organization a whole. The Racial Equity Action Plan is a working document, and as such, it will be continually enhanced and improved upon through future staff and community dialogue. The action plan supports ongoing internal transformational change to ensure a continued high level of service to the evolving community. The Racial Equity Action Plan is organized under five goals:

1. Creating/developing/fostering a culture that values and advances racial equity.
2. Create an effective and inclusive government that engages all communities.
3. Create APRD workforce reflects the diversity of community across the breadth and depth of the organization.
4. APRD investments in contracting and procurement benefit the diversity of the community.
5. Providing programs and services that are responsive and reflective of community needs

This year at the Management Team CIP Budget retreat, Kimberlee Archie, Equity and Inclusion Manager, led the team through an exercise to consider capital investment through an equity framework.

Next steps include (1) Continued Implementation of Equity and Inclusion Initiative (a)

Development of Racial Equity Toolkit; and (b) Continued Engagement of External Partners and Stakeholders; (2) Council Retreat; and (3) Fiscal Year 2019 Budget Process.

D. CITY-OWNED PROPERTY DATABASE UPDATE

Real Estate Program Director Nikki Reid provided Council with an update on the new database tool of the visual inventory of City-owned property.

IV. PUBLIC HEARINGS:

A. 1568 BREVARD ROAD

RESOLUTION NO. 17-263 - RESOLUTION APPROVING THE RELEASE OF THE BUNCOMBE COUNTY OWNED PROPERTY LOCATED AT 1568 BREVARD ROAD (ALSO KNOWN AS THE BENT CREEK PROPERTY) FROM THE DEED RESTRICTION REQUIRING THAT THE PROPERTY BE USED FOR AN ECONOMIC DEVELOPMENT PURPOSE AS DEFINED IN N. C. GEN. STAT. SEC. 158-7.1; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND HENDERSON COUNTY REGARDING THIS PROPERTY TO DELETE THIS REQUIREMENT

Assistant Director of Planning & Urban Design Alan Glines said that this is the consideration of a resolution approving the release of the Buncombe County Owned property located at 1568 Brevard Road (also known as the Bent Creek Property-137.21 acres) (hereto the "Property") from the deed restriction requiring that the Property be used for an economic development purpose as defined in NCGS 158-7.1 and authorizing the City Manager to execute an amendment to the Interlocal Agreement between the City and Henderson County regarding this property to delete this requirement.

On April 14, 2015, the City Council approved the sale of the Property to Buncombe County by Henderson County for the appraised value of \$6,815,00.00, in accordance with the terms of an Interlocal Agreement between the City and Henderson County dated April 16, 2014 as amended in April 2015. The Interlocal Agreement outlined certain requirements regarding the use and division of proceeds of any sale of the Property between the City and Henderson County and also contained the provision that any conveyance of the Property should be subject to the specific condition that the property be used for an economic development purpose pursuant to NCGS 158-7.1. At the time of purchase, Buncombe County was working with a potential economic development partner which was considering the expansion of its operations into Buncombe County. This economic development deal did not materialize and since that time, the County has not been able find any potential purchasers of the Property interested in using it for an industrial purpose. The County has, however, had interest from potential purchasers wanting to use the Property for residential development purposes and therefore, it has submitted a request to the City to rezone the Property from Industrial District (IND) to Residential Multifamily High Density District (RM 16)-this matter is also before you this evening.

In order for the Property to be rezoned from Industrial to Residential, it must first be determined that it should be released from the aforementioned economic development condition. NCGS 158-7.1 has a rather broad definition of economic development purposes which include aiding and encouraging the location of manufacturing enterprises, and the location of industrial and commercial plants within the city or county, but also include more generally, purposes that in the discretion of the governing body will increase the population, taxable property and business prospects of any city or county. While residential development might be considered to fall within this more general definition of economic development, the statute is typically interpreted to refer

to the location of industrial or commercial development and therefore, Buncombe County request the release of this condition to ensure that the Property may be freely used for residential development.

At its meeting on October 2, 2017, the Board of Commissioners of Henderson County voted to release the condition regarding use for economic development purposes on conveyance of the Property. City Economic Development Staff also supports release of this condition having conferred with the EDC, which does not believe this Property is suitable for industrial use, and concluding the Property is more suitable for a residential use, which will also have economic development benefits.

Pros:

- If the Property is sold to a private entity, it becomes taxable.
- May lead to the rezoning of property to Residential from Industrial, thereby making it more attractive to interested purchasers.

Con:

- May lead to rezoning of property from Industrial to Residential, leading to a further loss of Industrial zoned properties within the City.

City staff recommends approval of a resolution to release the condition requiring use of the Buncombe County owned property located at 1568 Brevard Road for an economic development purpose as defined in NCGS 158-7.1, and authorizing the City Manager to execute an amendment to the Interlocal Agreement between the City and Henderson County regarding this property to delete this condition.

Councilwoman Mayfield said that she has been contacted from some area residents who were concerned about the traffic volume on Ferry Road. Mr. Glines said that whatever is developed would have to adhere to City regulations and if the project met the threshold, it would need to come back to Council for approval.

A community resident spoke to Council about traffic concerns on Ferry Road and did not support a multi-family development. She also noted there are 2,174 planned apartment units for this area. They know that the area will be developed and hoped single-family units would be developed on that property.

A woman felt that that the 137 acres should be used for something more to make Asheville beautiful.

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

Councilman Smith moved for the adoption of Resolution No. 17-263. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 208

PUBLIC HEARING TO REZONE 1568 BREVARD ROAD FROM INDUSTRIAL DISTRICT TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT

ORDINANCE NO. 4629 - ORDINANCE TO REZONE 1568 BREVARD ROAD FROM INDUSTRIAL DISTRICT TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT

Assistant Planning & Urban Design Director Alan Glines said that this is the consideration of an ordinance to rezone 1568 Brevard Road from Industrial District to RM-16 Residential Multi-Family High Density District. This public hearing was advertised on September 22 and 29, 2017. On October 3, 2017, this public hearing was continued until this date.

Buncombe County is requesting a rezoning for a parcel located at 1568 Brevard Road from Industrial District (IND) to Residential Multifamily High Density District (RM16). The PIN for the property is 9636103860 and totals 137.22 acres.

The subject property is 137.22 acres and is currently undeveloped. The property has limited frontage on Brevard Road and is addressed based on this frontage. There is a more substantial frontage along Ferry Road and the property is often referred to as the Ferry Road property. The site is heavily wooded and has the French Broad River as a property border on the southeastern side.

The property has a long history that includes former ownership by the City of Asheville. The City sold the tract to Hendersonville County as part of an early water expansion agreement. Later Hendersonville County sold the track to Buncombe County for economic development purposes and retained an easement for the City of Asheville for future greenway connections. Neither the width of the greenway nor the specific route was specified in this sale except that it will be consistent with the greenway master plan. The property also borders I-26 but there is no direct access to the highway.

In addition to the direct French Broad River frontage, the site is in a natural undeveloped condition, wooded and with a slope down to the river. The natural grade of the parcel is 19% on average across the site.

The applicant has requested that the zoning be changed from Industrial to Residential multifamily high density (RM16) for the purpose of selling the property for residential development. While there has been no specific proposal submitted for the site, a change to a residential zone will limit the non-residential possibilities for the parcel.

An easement for future greenway is in place for the tract.

The purpose of the Industrial zoning district is to allow and encourage larger scale industrial and manufacturing uses. Industrial sites typically need good access to transportation facilities (roadways and highway) to support the movement of goods to and from the site. This specific site has indirect access to Brevard Road via the small Ferry Road connection and a narrow flagpole portion running toward Brevard Road adjacent to but separated by a separate city-owned parcel. Standing alone, the site is challenging from an access standpoint for an industrial use without additional land purchased from adjoining owners. The site with its current access could provide for residential development.

The RM16 zoning district is developed for a wide range of housing options from single family to multi-family with additional options for clustering the development away from the more sensitive areas of the property which may result in the protection of the French Broad River. A limited number of other non-residential uses are also allowed in the RM16 zoning district including schools and places of worship.

The subject property is surrounded by Buncombe County zoning: R1 and R3 to the north and west which are mostly reserved for single and two-family residential uses (R1) and multifamily uses if water and sewer are available (R3). The western edge of the property is zoned CS, Commercial Service along Brevard Road. Commercial Service encourages a

concentration of commercial activities but not strip development. Roadways are considered to be sufficient for such development. The proposed zoning change will be compatible with the existing uses surrounding the property. Higher density residential uses can provide a buffer between commercial services and residential uses of lower densities.

The property is a satellite annexation within the City of Asheville's jurisdiction because of the time when the property was owned by the City of Asheville. Rezoning applications are reviewed by the Planning and Zoning Commission with final consideration by City Council.

The 2025 Comprehensive Plan shows this area as an industrial use and recommends in general, the preservation of property for industrial uses. The site was recently contemplated for a large industrial development and one of the requirements for the site negotiation was additional land for improved access to Brevard Road from a neighboring property owner. In several recent requests to rezone industrial property within the city's jurisdiction, insufficient access to highways has been cited as a factor in the lack of suitability of particular properties for industrial uses. The working draft of the *Living Asheville Comprehensive Plan* notes the need to maintain industrial uses within the city, but also demonstrates the continued shortage of housing in the community

This action aligns most closely with the 2036 Council Vision in the following area: (1) *Quality Affordable Housing* –Goal 17 is to cooperate and form a partnership with Buncombe County to increase the supply of affordable housing. The proposed rezoning of Buncombe County owned land from Industrial to Residential Multi-family High Density (RM16) could result in a variety of housing types from single family to multifamily across the large 137 acre site. Any residential development proposal with 50 or more units will also be reviewed by City Council.

Considerations:

- The site has challenging access for industrial uses without additional land from adjacent properties or other off-site roadway improvements
- This rezoning to RM16 would allow a variety of housing options for the site which could benefit the community still facing a housing shortage
- A greenway easement for a future greenway is in place for this parcel
- The Comprehensive Plan notes the tension between maintaining suitable sites for industrial uses and the continued need for additional housing.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable and within the public interest.

The Planning and Zoning Commission reviewed the request at their meeting on September 6, 2017. There was a robust discussion about changing the zoning designation and losing a potential industrial site. The Commission acknowledged the tension between retaining industrial areas and also the community need for additional housing. In the end though the commission voted unanimously to recommend approval of the change.

Mayor Manheimer opened the public hearing at 6:26 p.m., and when no one spoke, she closed the public hearing at 6:26 p.m.

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

Councilman Smith moved to approve the rezoning request for 1568 Brevard Road (PIN 9636-10-3860). From Industrial District to Residential Multifamily High Density District (RM16) and find that the request is reasonable is within the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) the site is a suitable location for housing development which is needed in the community; and (2) the site, as-is, does

not have suitable infrastructure for an industrial use. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ORDINANCE BOOK NO. 31 – PAGE 388

B. PUBLIC HEARING TO CONSIDER A SERIES OF TEXT AMENDMENTS TO ARTICLE VIII OF CHAPTER 7 OF THE CODE OF ORDINANCES PERTAINING TO DEVELOPMENT STANDARDS FOR THE HAYWOOD ROAD FORM CODE FOUND IN SECTION 7-8-28, TO INCLUDE A NEW HR7 - TRADITIONAL COMMUNITY DISTRICT AND DISTRICT STANDARDS

ORDINANCE NO. 4630 - ORDINANCE TO AMEND ARTICLE VIII OF CHAPTER 7 OF THE CODE OF ORDINANCES PERTAINING TO DEVELOPMENT STANDARDS FOR THE HAYWOOD ROAD FORM CODE FOUND IN SECTION 7-8-28 TO INCLUDE A NEW HR7 - TRADITIONAL COMMUNITY DISTRICT AND DISTRICT STANDARDS

Mayor Manheimer said that Council first heard this issue at their October 3, 2017, meeting; however, they did not hold a public hearing or take action and remanded the issue back to the Planning & Zoning Commission.

Assistant Planning & Urban Design Director Alan Glines said that this is the consideration of an ordinance amending Article VIII of the Chapter 7 of the Code of Ordinance pertaining to development standards for the Haywood Road Form Code found in Section 7-8-28 to include a new HR7 - Traditional Community District and District standards. This public hearing was advertised on November 17 and 24, 2017.

In September 9, 2014, the City Council adopted the Haywood Road Form Code as the first form district in the city. This applied to Haywood Road beginning almost at the French Broad River and proceeded for approximately 2.5 miles to Patton Avenue. The district established six zoning types based on the scale and characteristics of the area along the corridor. With several years experience using the ordinance, staff have identified amendments to facilitate the implementation of the code.

Staff is bringing back to Council general Haywood Road text amendments that were first presented to Council on September 25, 2017. During the hearing, Council directed staff to create a new Haywood Road district that would allow for a mix of residential and commercial uses except that it would not permit lodging facilities, including hotels and short term rentals (STRs), associated with the area below Beacham's Curve. Council also directed staff to consider additional study for lodging facilities along the entire Haywood Road corridor and include feedback from the West Asheville Business Association (WABA). There was concern that STRs may be inappropriate along the corridor. These three general subjects will be reviewed in this report separately.

Amendments to the general development standards of the Haywood Road Form-Based Code - The focus of these amendments is to create reasonable requirements in the code to retain the original vision for Haywood Road but allow greater flexibility to renovate and develop new projects. These changes have been identified during a number of communications with property owners, neighborhood associations, developers and design professionals concerning implementation of the code and from the review of development proposals by staff. Staff is proposing the following changes to the form code development standards:

- **Build-to-zone – main frontage and side street** - reduce the required percentage along the main frontage from 80% and 90 % of the lot frontage to 70%; for side streets, reduce

coverage to a minimum building depth of 25 feet to provide more flexibility to redevelop a site

- **Building setbacks** – some adjustments in the form of minimum and maximum distance from the right-of-way line to account for overhead utility or other easements
- **Outdoor amenity space** - align it with other urban areas of the city for more consistency and to encourage redevelopment
- **Building height allowances** - lessen the minimum heights floor-to-floor for flexibility which is especially helpful for smaller building floorplates.
- **Building fenestration detailing** (such as windows and doors) - revise how to measure fenestration and adjust percentages to allow more flexibility in building design
- **Streetscape** - clarify limitations on changes to Haywood Road since it is a DOT roadway
- Allowing more **height options in HR4 Traditional** - parcels in this area are more limited in size and depth. Buildings would be allowed from one to three stories
- Allow a building setback of at least 10 feet to create a plaza space or expand sidewalks to satisfy the building **stepback requirement** for upper floors
- **Proposed update for lodging facilities in the permitted use table to align with Council approval of review thresholds on 2/14/17, which is related to the number of guest rooms: 21 guest rooms or more and 20 guest rooms or less**

The form code also includes a permitted use table, a parking standard and a sign allowance. The following changes are proposed:

- Allow Bed and Breakfast and Homestay in HR1 Core
- Remove use by right with special requirements for Live-work uses
- Remove single family use for the entire corridor area; add duplex to all districts
- Add parking lots as a use in the use table
- Allow on-street spaces existing or proposed to count one-for-one toward the parking requirements
- Specify temporary use provisions of the UDO are allowed in the district
- Some clarification for parking, bicycle parking and parking for newly established eating and drinking establishments

Creation of a new seventh zoning category - A section of Haywood Road east of Beacham's curve and west of the river is an area currently zoned HR5 Live-work. The area with 43 parcels has a number of vacant parcels. There is the possibility for greater investment and redevelopment in this area with additional commercial activity that would be appropriate given the growth and investment in the surrounding area. Council directed staff to create a new district for this area that would be similar to the HR4 Traditional district (currently on neighboring parcels) but would not permit lodging facilities. Staff have added an amendment for a new HR7 Traditional Community district with scale and uses meeting these parameters. The following sections of the ordinance reference the proposed HR7 Traditional Community district:

Page 3 - the general map of the Haywood Road districts would be amended.

Pages 30 - 33, the HR7 TC district and the HR4 TRAD district are aligned for development requirements.

Beginning on page 43, to add a column for HR7 to the Permitted Use Table.

Page 47, to add HR7 to the Parking Table.

Beginning on page 51, to add HR7 to the Sign Table

Consideration of the appropriateness of lodging facilities for the entire Haywood Road corridor - Council directed staff to review with the Planning and Zoning Commission the appropriateness of lodging facilities (hotels, STRs, etc.) within the remaining zoning districts along the Haywood Road corridor. Per the discussion during the meeting staff also

recommended and Council agreed, to take this item to the West Asheville Business Association (WABA) for review and comment.

Lodging facilities with 21 guest rooms or more is already required to be reviewed as a conditional zoning citywide and be approved by City Council. Therefore, on November 1, 2017, the Planning and Zoning Commission discussed whether *lodging facilities with 20 guest rooms or less* should remain a permitted use along the corridor where it is permitted today, if they should be prohibited, if certain districts should allow the use or if other districts should prohibit the use. The Planning and Zoning Commission considered these issues and did not recommend any changes to the use table for lodging facilities, preferring to continue to permit lodging in the areas where they are allowed today. Austin Walker, WABA President, presented a letter on behalf of the WABA Board asking that no changes be recommended for the lodging facility use in this form code area. Several members of the community spoke to retaining lodging along the corridor in general.

The draft code provides distinct red-line entries for all of the portions of the ordinance that are being adjusted. This will allow the specific changes to be distinguished individually in the review.

The current changes were reviewed on June 6, August 31, September 19, and October 26, 2017, with the West Asheville Business Association (WABA). There was interest in the code and some questions about the application of the ordinance. WABA was generally supportive of the general development changes and the new HR7 Traditional Community district. They were concerned about any new limitations on lodging facilities in the sections of Haywood Road where they are currently permitted. WABA felt that the use is a component of a mixed-use corridor and would support local businesses.

Staff also reviewed the general concepts of this amendment with the East West Asheville Neighborhood Association (EWANA) at their meeting on June 14, 2017, and discussed changes to height for the HR4 Traditional district, as well as the rezoning being contemplated for the same area along Haywood Road. There was some concern and questions about short term rentals as a permitted lodging use along the Haywood Road Form Code area adjacent to the neighborhood.

In early August, staff also mailed an informational letter outlining the proposed code and rezoning changes specifically in the area of Beacham's Curve in the HR4 Traditional and HR5 Live Work section to neighbors within 200 feet of this specific area. This is the only section of Haywood Road where a rezoning is contemplated. After Council directed staff to adjust the ordinance by creating a new HR7 district, staff provided an additional notice letter in October to explain the latest changes.

The Comprehensive Plan encourages denser sustainable infill development along existing corridors as a long term development plan in the city. Changes to the UDO that further these goals are encouraged along with processes that involve public participation. The Haywood Road Form Code includes mixed-use development and multimodal transportation along with a number of other community identified goals such as historic preservation, flexibility for property owners and economic health.

The Haywood Road Form District fits within City Council's vision for *A Well-Planned and Livable Community* and *A Thriving Local Economy*. The code provides a clear framework for reinvestment and redevelopment in an important area of the city. The code provides a greater level of clarity and predictability for both the community, property owners and developers. Lastly, the process used to develop the original code also aligns with Council's goal of a *Connected and Engaged Community*, through the high level of engagement and community outreach with property owners, business owners and residents.

The Planning and Zoning Commission reviewed the amendment and voted unanimously to recommend approval of the broad list of development amendments (on September 6, 2017), and voted 5-1 to recommend approval of the addition of a new district (on November 1, 2017), HR7 Traditional Corridor, which would be similar in form to the HR4 Traditional district but would not allow lodging facilities as a specifically permitted use. The Commission found that the Haywood Road Form-Based Code amendment is reasonable and in the public interest and is consistent with the Comprehensive Plan by laying the framework for continued investment in mixed-use development, future job growth and housing.

The Planning and Zoning Commission recommended that lodging facilities remain a permitted use where they are currently allowed with no recommendations for changes along the rest of the Haywood Road corridor. Staff has not included any changes to lodging facilities in the corridor where they are already permitted based on direction provided by the Planning and Zoning Commission during their review. At the same meeting, the Planning and Zoning Commission also recommended that City Council review the issue of short term rentals (STR's) comprehensively across the city.

At her request, Vice-Mayor Wisler said that the Planning & Economic Development (PED) Committee will review excluding all lodging facilities as a permitted use across the City in the December/January timeframe.

Mayor Manheimer opened the public hearing at 6:40 p.m.

Mr. Austin Walker, President of the West Asheville Business Association, said that they support the rezoning of the river end of the District, but asked lodging facilities with 20 guest rooms or less continue to be allowed in the areas where they are allowed today. He said the Haywood Road Form Code was a community vision and that is what the community wants.

Mr. Michael Butrum, representing the Land of Sky Association of Realtors, urged Council to allow lodging facilities with 20 guest rooms or less to remain as a permitted use along the corridor.

Mr. Christopher Fink, representing neighbors on Brucemont Circle, advocated the development of west Asheville as a community and not a recreation zone. He hoped for community use along the corridor and that you maintain a community that supports residents opposed to visitors.

Mr. Mike Collins felt that lodging facilities should be a permitted use along the entire Haywood Road corridor.

Mayor Manheimer closed the public hearing at 6:49 p.m.

Councilman Haynes supported excluding all lodging facilities across all districts from the entire Haywood Road corridor. He noted we are not banning the lodging facilities, but just removing them as a right. People can still seek conditional zoning for their lodging project. He felt if we waited until after the PED Committee review, more lodging facilities with 20 guest rooms or less could be built in the interim.

Councilwoman Mayfield understood that we are not respecting the long process that the City and community went through to develop the Form Code. However, most of what is being proposed are changes based on things we have learned in the community. We have learned that affordability is only an increasing problem and illegal short term rentals are only an increasing

problem. Again, we are not prohibiting the lodging facilities but saying if you want to build a short term rental facility on the Haywood Road corridor, you need Council approval. We have found that in the 20 guest rooms or more projects we have gotten better projects and she saw no reason this wouldn't be the case with this as well.

Councilman Young said that there are merits on both sides of this argument. He would support the Form Code but hoped the next Council will comprehensively look at the issue of short term rentals to see if they really affect affordable housing.

Councilman Smith said that the Haywood Road Form Code did have a lot of community input and since it's completion we have seen the emergence of the seriousness of the short term rental issue across the City. This is not a ban, but just a removal of the use by right. The conditional zoning process remains available for all applicants.

Councilman Bothwell predicted the new Council will ban whole house rentals city-wide and permit accessory dwelling units.

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

Councilwoman Mayfield moved to approve the Haywood Road Form Code amendment with an additional amendment to exclude lodging facilities (21 guest rooms or more and 20 guest rooms or less) of all types from all districts in the Haywood Road Form Code, and find that the request is reasonable and is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) the code amendment will encourage infill development and vibrant mixed-use neighborhoods; and (2) the amendment will facilitate the implementation of the code. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ORDINANCE BOOK NO. 31 – PAGE 391

C. PUBLIC HEARING TO REZONE PROPERTIES FOR A SECTION OF HAYWOOD ROAD WITHIN THE HAYWOOD ROAD FORM CODE AREA FROM HR5 - LIVE WORK DISTRICT TO HR7 - TRADITIONAL COMMUNITY DISTRICT

ORDINANCE NO. 4631 - ORDINANCE TO REZONE PROPERTIES FOR A SECTION OF HAYWOOD ROAD WITHIN THE HAYWOOD ROAD FORM CODE AREA FROM HR5 - LIVE WORK DISTRICT TO HR7 - TRADITIONAL COMMUNITY DISTRICT

Assistant Planning & Urban Design Director Alan Glines said that this is the consideration of an ordinance to rezone properties for a section of Haywood Road within the Haywood Road Form Code area from HR5 - Live Work District to HR7 - Traditional Community District. This public hearing was advertised on November 17 and 24, 2017.

The area proposed for rezoning consists of 43 separate PINs along the north and south sides of Haywood Road closest to the French Broad River. The lots on the south side are mostly undeveloped except for several single family homes and a small restaurant. On the north side is a mix of uses including a new three-story structure and other older commercial, distribution and warehouse uses.

The subject parcels are zoned HR5 Live-Work and were zoned this way with the adoption of the Haywood Road Form Code on September 9th, 2014. The Haywood Road Form Code was

developed with extensive public engagement and a community charrette to develop the plan. The form code work came after the adoption of the Vision Plan report for Haywood Road.

During the development of the original code, the consultant team was concerned about the potential limited amount of development interest along Haywood Road based on a market study that was performed. They did not want to have an unsuccessful corridor that might result if it was left with too many vacant underutilized parcels. Their recommendation was to create the HR5 Live-Work district to focus on small scale studio spaces and residential uses.

Staff has had approximately three years since the adoption of the original ordinance to utilize the Haywood Road Form-Based Code. Over this time staff have met with property owners, design professionals, neighborhood groups and other users of the code to answer questions and hear comments about which elements of the form-based code are working and which sections could be improved. Since this time the New Belgium Brewery was constructed and opened along Craven Street, and private investment in the River Arts District has continued. The entire eastern end of Haywood Road is also seeing a revival of new businesses and expansions of existing businesses, including several eating and drinking establishments, a cider house and a brewery, a skin care company and an ice cream-making facility opening nearby on the corridor, to name a few.

The HR5 Live-Work district permits a limited range of commercial activity and allows for multifamily housing. With the recent growth of activity located along Haywood Road at Beacham's curve and vicinity, the original concern that vacant underutilized parcels would reduce the economic success of the corridor seem to no longer apply.

At the City Council meeting on September 26, 2017, City Council directed staff to create a new form-based code district that would be similar to the scale and uses permitted in the HR4 Traditional district with the notable exception that "lodging facilities", which includes uses such as hotels and short term rentals, would not be permitted. The proposed HR7 Traditional Community achieves these goals and will allow a more complete range of commercial activities at a scale that will be compatible to the surrounding uses in the vicinity. City Council further directed staff to review the appropriateness of lodging facilities along the remaining sections of the Haywood Road corridor and this is reviewed under a separate wording amendments staff report.

In 2012 the New Belgium Brewery was approved along Craven Street; the brewery opened in 2016. The Haywood Road Form-Based Code was approved by City Council on September 9, 2014.

The process for reviewing rezoning requests is that they are considered by the Planning and Zoning Commission with a recommendation to City Council, and a final review by Council. The Planning and Zoning Commission reviewed the rezoning request on September 6, 2017, and again on November 1, 2017, for the latest adjustment to add the HR7 Traditional Community district. The commission unanimously recommended approval of the rezoning with a vote of 6-0.

Staff discussed the Haywood Road amendments and property rezoning at a meeting of the West Asheville Business Association (WABA) on June 6, August 31, September 19 and October 26, 2017. WABA was supportive of the new HR7 Traditional Community district. Staff also attended a meeting of the East West Asheville Neighborhood Association (EWANA) on June 14, 2017, and answered questions about the proposed rezoning, as well as details about the HR4 Traditional district. In early August 2017 and again in October as a part of public notice, staff sent an informational letter to property owners located within 200 feet of the proposed rezoning. Several neighbors and property owners contacted staff to inquire about additional information or to see how their properties aligned with the HR7 standards.

The zoning along Haywood Road to the west of the proposed rezoning area is HR4 Traditional, which is very similar to the proposed HR7 Traditional Community district in terms of form, with the exception that “lodging facilities” are permitted in the HR4 district. Surrounding neighborhood areas are zoned Residential Multifamily Medium Density district (RM8). The Haywood Road Form-Based Code accounts for adjoining residential properties with both a planted buffer and height reductions adjacent to the residential edge. The proposed change will be compatible with the surrounding area.

There are policies throughout the 2025 Comprehensive Plan supporting the need for higher-densities and a mix of uses, where placemaking is an important goal and transit is in place to support new development. Other sections of the Plan recommend creating opportunities for economic development through higher densities while reinforcing a strong urban form that enhances the pedestrian environment.

The proposal aligns with the 2036 Council visions in the following areas: (1) *A Well-Planned and Livable Community* - through the enhanced community focused design standards that accompany the Haywood Road Form Code; (2) *Transportation and Accessibility* – due to the requirements for wider sidewalks, pedestrian-friendly design and densities to support expansion of transit; and (3) *Thriving Local Economy* -encouraging a wider mix of compatible commercial uses and opportunities for more intense development (including a higher residential density).

Considerations:

- Economic conditions in the rezoning area have changed supporting greater opportunities for investment and redevelopment
- The proposed rezoning from HR5 Live-Work to HR7 Traditional Community is similar to the adjacent HR4 Traditional district in terms of form, with the exception that lodging facilities would not be permitted in the new HR7 district. The HR7 will also provide areas for community-scaled development that is compatible with the adjacent area
- Development requirements are in place to buffer residential areas from commercial impacts

The Planning and Zoning Commission unanimously recommended approval of the rezoning from HR5 Live-Work to HR7 Traditional Community on November 1, 2017, with a vote of 6-0. The Commission found the request to be reasonable and consistent with City-adopted plans and strategic goals for redevelopment along the Haywood Road corridor.

Mayor Manheimer opened the public hearing at 7:05 p.m., and when no one spoke, she closed the public hearing at 7:05 p.m.

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

Vice-Mayor Wisler moved to approve the zoning map amendment from HR5 Live-Work district to HR7 Traditional Community district 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) opportunities for commercial investment and redevelopment are enhanced; (2) buffering requirements are in place to protect residential areas; and (3) the HR5 Live-Work district is no longer the most appropriate zoning for this area. This motion was seconded by Councilwoman Mayfield and carried unanimously.

ORDINANCE BOOK NO. 31 – PAGE 393

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 17-258 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY REAL PROPERTY LOCATED AT 427 BROADWAY STREET TO REED CREEK GREENWAY PLAZA, LLC, SUBJECT TO SPECIFIC AFFORDABLE HOUSING DEED RESTRICTIONS

Real Estate Program Director Nikki Reid said that this is the consideration of a resolution authorizing the City Manager to convey real property located at 427 Broadway Street to Reed Creek Greenway Plaza, LLC, subject to specific affordable housing deed restrictions.

The City of Asheville owns vacant property at 427 Broadway Street (approximately 0.38 acres) located directly adjacent to the former gas station at the Cauble Street intersection. The City has received an unsolicited bid from Reed Creek Greenway Plaza, LLC (RCGP) to purchase the property. Reed Creek Greenway Plaza, LLC (RCGP) purchased the former gas station site in 2016 and is now seeking to purchase and assemble the City's property into a larger site for mixed-use redevelopment (1.21 acre total site).

PIN #	City-owned Property Address	Parcel Size	Zoning	Description
9649142559	427 Broadway	0.38 acres (16,553 sf)	NCD - Neighborhood Corridor District	Corner lot on Broadway at Cauble Street; Vacant paved land adjacent to the Reed Creek Greenway and former Citgo Gas

Upon receipt of the unsolicited bid from RCGP, staff analyzed the offer and development concept through the lens of existing plans and policies. The City acquired the subject property in 2000 from NCDOT and constructed the Reed Creek Greenway to the rear of the property. The property is located on Broadway Street, within the study area for the Broadway Corridor Action Plan, adopted by Asheville City Council in August 2002. In the Action Plan, this site was recommended to be "Greenway / Mixed Use Development."

With respect to policy direction to re-purpose City-owned land for affordable housing, the City negotiated the inclusion of affordable housing as part of the proposal. The current offer is based on a purchase price of \$115,000 (based on an appraisal that assumes certain restrictions on the property) plus an affordable housing deed restriction that requires the construction of 20% affordable rental units within the total site development (minimum of 8 units) available to households at 60% Area Median Income (AMI), with an affordability period of 25 years. In follow-up to the review by the Housing & Community Development Committee, the developer has also agreed to restrict short term rental on the property for a period of 25 years. Due to the fact that the developer has agreed to these affordable housing restrictions, the City has the ability to do a direct sale rather than put the property up for upset bids.

The proposed price point is based on an appraisal that considered environmental concerns associated with the prior gas station use. This property is contiguous to the former Citgo gas station, which operated for over twenty years before closing in 2015. The underground tanks were removed from the gas station property in accordance with NCDENR, and as a result, environmental deed restrictions were placed on certain areas of the gas station site to prohibit

use of property for residential, daycare and park purposes where the tanks were removed. While the City property is not specifically impacted by the environmental deed restrictions, it is possible that some residual petroleum contaminants may exist on the City property. With that being the case, the City sought to leverage the sale of its property to require that affordable housing is built on other areas of the site that are not impacted by the environmental issue.

Considering the inclusion of affordable housing into the master development plan, the fulfillment of the land use recommendations of the Broadway Corridor Action Plan, and the noted environmental issues, staff recommends the sale of this property to Reed Creek Greenway Plaza, LLC subject to affordable housing deed restrictions. In that RCGP has agreed to these affordability restrictions, North Carolina General Statute 160A-456, 157-3 and 157-9.4 permits the City to convey property through private sale wherein the development of a multi-family rental housing project includes at least 20% of the housing units for low-income persons-defined as 60% AMI and below, for at least 15 years. The proposed deal requires affordability for 25 years, which exceeds the statutory minimum of 15 years by a decade.

The Housing and Community Development Committee (HCD) will reviewed this item on November 21.

Pros:

- The addition of 8 affordable units of housing to 60% AMI for an affordability period of 25 years on a site with access to transit, job centers and educational opportunities.
- The sale of the property to a private owner will return the property to the tax rolls.
- Subsequent development of the property will increase economic activity on this corner.

Con:

- None identified.

Upon sale of this property, the City's General Fund will receive \$115,000 in proceeds of sale.

Staff recommends City Council adopt a resolution authorizing the City Manager to convey real property located at 427 Broadway Street to Reed Creek Greenway Plaza, LLC, subject to specific affordable housing deed restrictions.

When Mayor Manheimer asked for public comments, none were received.

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

Vice-Mayor Wisler moved for the adoption of Resolution No. 17-258. This motion was seconded by Councilman Smith and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 200

B. PRIMARY ELECTION RESULTS - CITY OF ASHEVILLE - OCTOBER 10, 2017; GENERAL ELECTION RESULTS - CITY OF ASHEVILLE - NOVEMBER 7, 2017

Attached hereto as Exhibit "A" is the abstract containing the number of legal votes cast in the Primary Election, City of Asheville, held on October 10, 2017. Also attached as Exhibit "B" is the abstract containing the number of legal votes cast in the General Election, held on November 7, 2017.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Peter Landis suggested Council declare a temporary moratorium on short term rentals.

A woman suggested several process amendments regarding the Consent Agenda.

Because this was Councilman Bothwell's and Councilman Smith's last formal Council meeting, each thanked the citizens of Asheville for the opportunity to serve over the past eight years.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:15 p.m.

CITY CLERK

MAYOR

Exhibit "A"

STATISTICS		0001_CITY OF ASHEVILLE MAYOR									
REGISTRATION	RECORDS	CAST	BLANK	ABSENT	NOT VOTED	MAILED	MAIL	WANTS	OVER	UNDER	
01.1 01.1	2059	362	0	14	228	73	28	0	19	32	
02.1 02.1	3293	749	0	26	527	132	32	0	32	21	
03.1 03.1	2444	519	0	4	367	111	16	0	21	5	
04.1 04.1	1451	425	0	5	361	36	18	0	22	9	
05.1 05.1	2521	654	0	9	547	48	28	0	20	11	
06.1 06.1	1452	232	0	1	186	28	8	0	9	15	
07.1 07.1	1860	418	0	14	318	49	17	0	4	8	
08.1 08.2	2552	263	0	10	194	35	13	0	9	11	
08.3 08.3	1640	199	0	8	132	42	8	0	9	15	
09.1 09.1	3470	367	0	9	245	72	25	1	8	4	
10.1 10.1	1683	255	0	14	173	52	8	0	9	11	
11.1 11.1	1833	213	0	18	127	53	11	0	4	8	
12.1 12.1	2225	449	1	3	320	99	18	0	9	11	
13.1 13.1	2438	421	0	10	283	102	17	0	9	14	
14.2 14.2	2329	370	0	11	232	99	14	0	14	2	
14.3 14.3	1541	85	0	3	53	24	3	0	2	17	
15.1 15.1	2199	493	0	6	360	85	24	1	13	68	
16.2 16.2	2861	454	0	4	294	122	21	0	16	25	
17.1 17.1	1681	445	0	11	357	44	17	0	16	9	
18.2 18.2	5025	840	0	14	658	55	45	0	68	9	
19.1 19.1	1488	112	0	7	80	9	7	0	5	18	
20.1 20.1	1118	174	0	8	127	22	11	1	18	6	
21.1 21.1	2571	402	1	10	322	33	21	0	16	7	
22.2 22.2	2313	653	2	6	541	59	22	0	25	15	
23.2 23.2	127	16	0	1	13	1	1	0	0	45	
23.3 23.3	924	225	0	11	170	21	5	0	18	0	
24.1 24.1	2514	181	0	10	120	37	5	0	18	6	
25.1 25.1	2456	249	0	3	188	34	18	0	6	15	
26.1 26.1	1854	232	0	3	165	43	14	0	7	9	
28.1 28.1	2565	377	0	5	287	52	18	0	15	0	
29.2 29.2	2927	548	0	18	419	39	27	0	45	0	
43.2 43.2	15	1	0	1	0	0	0	0	0	0	
44.1 44.1	1013	92	0	0	73	9	9	0	1	2	
45.1 45.1	135	4	0	0	0	2	0	0	0	0	
46.1 46.1	1	0	0	0	0	0	0	0	0	1	
54.2 54.2	437	13	0	1	9	1	1	0	1	0	
55.1 55.1	158	8	0	1	2	3	2	0	0	0	
56.2 56.2	4	1	0	0	0	1	0	0	0	0	

STATISTICS		0001_CITY OF ASHEVILLE MAYOR						
REGISTRATION	RESIDENT	CAST - BALLOTS	CAST - BALLOTS	CAST - BALLOTS	CAST - BALLOTS	CAST - BALLOTS	CAST - BALLOTS	CAST - BALLOTS
		REGISTRATION	RESIDENT	CAST - BALLOTS	CAST - BALLOTS	CAST - BALLOTS	CAST - BALLOTS	CAST - BALLOTS
62.1 62.1	258	10	0	0	6	0	1	3
70.1 70.1	56	2	0	0	1	1	0	0
71.1 71.1	100	27	0	0	26	1	0	0
ESOS	0	0	0	0	0	0	0	0
ABSENTEE	0	0	0	0	0	0	0	0
PROVISIONAL	0	0	0	0	0	0	0	0
TRANSFER	0	0	0	0	0	0	0	0
TOTALS	69591	11540	4	279	8511	1729	533	485

0002_CITY OF ASHEVILLE CITY COUNCIL																
	P r a t i k	B h a k t a	C e c i l	A n d r e w	J e r e m y	G o l d s t e r e i n	V i j a y	J a n (H o w a r d)	R i c h L e e	K i m R o n e y	S h e n e s m i t k a h	A d r i a n	D e e W i l l i a m s	G w e n W i l l e r	O v e r V o t e s	U n d e r V o t e s
62.1 62.1	4	0	0	0	4	5	0	2	1	3	1	1	1	2	0	7
70.1 70.1	0	0	0	1	0	2	1	1	0	1	0	0	0	0	0	0
71.1 71.1	3	0	3	0	15	19	0	4	0	3	0	7	4	16	0	7
ESOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ABSENTEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PROVISIONAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	1172	3081	548	2389	5652	321	3197	3184	4116	1368	3419	3620	33	2520	0	0

Buncombe County, NC
Municipal General-Nov 7, 2017

STATISTICS		0001_CITY OF ASHEVILLE MAYOR					0002_CITY OF ASHEVILLE CITY COUNCIL										
REGISTRATION	CLASS	CAST	BALLOT	BLANK	CAST	WRITEN	MAYOR	WRITEN	UNDER	OVER	WRITEN	DENIED	WRITEN	UNDER	OVER	WRITEN	
01.1 01.1	2071	460	1	336	101	4	231	167	185	190	199	6	3	116			
02.1 02.1	3322	976	0	738	197	11	547	337	489	305	417	9	6	163			
03.1 03.1	2459	758	0	569	158	4	423	266	405	242	326	3	0	129			
04.1 04.1	1455	542	0	458	76	4	389	223	166	112	359	2	0	116			
05.1 05.1	2546	950	0	801	105	10	736	440	195	194	665	24	0	240			
06.1 06.1	1457	392	1	326	58	0	275	201	108	98	220	1	0	59			
07.1 07.1	1869	597	0	495	85	1	419	241	216	176	288	10	3	88			
08.2 08.2	2575	419	0	321	77	1	235	117	162	258	211	3	3	103			
08.3 08.3	1685	321	0	238	67	1	134	111	140	245	93	3	0	75			
09.1 09.1	3491	586	1	434	121	1	317	247	258	361	195	7	6	136			
10.1 10.1	1689	360	0	259	87	2	124	97	174	304	105	4	0	87			
11.1 11.1	1841	304	0	212	74	4	114	86	158	212	131	5	0	83			
12.1 12.1	2236	702	0	531	152	2	303	303	454	457	269	4	3	107			
13.1 13.1	2460	617	0	425	180	2	244	235	458	409	223	5	0	108			
14.2 14.2	2339	499	0	338	148	3	173	163	395	372	159	6	3	80			
14.3 14.3	1543	166	0	113	48	1	77	45	103	72	57	3	0	31			
15.1 15.1	2205	738	0	581	142	3	409	294	458	445	299	6	6	119			
16.2 16.2	2881	681	0	482	179	6	315	281	466	426	197	8	0	120			
17.1 17.1	1665	589	0	485	83	5	418	264	165	261	366	18	0	169			
18.2 18.2	5050	1194	1	990	132	8	1131	341	164	399	210	17	3	481			
19.1 19.1	1507	153	0	128	20	0	131	46	33	65	44	0	0	57			
20.1 20.1	1121	261	0	211	45	1	181	96	106	143	67	1	0	37			
21.1 21.1	2574	594	2	497	72	8	418	283	150	300	156	16	3	116			
22.2 22.2	2321	945	0	815	107	3	734	361	218	436	200	8	3	207			
23.2 23.2	126	9	0	8	1	0	8	1	1	4	3	0	0	3			
23.3 23.3	931	304	0	257	37	3	245	132	76	113	62	9	0	70			
24.1 24.1	2519	309	0	228	65	2	198	124	139	158	74	2	0	70			
25.1 25.1	2457	408	0	323	72	1	261	152	157	217	218	4	0	115			
26.1 26.1	1879	360	0	264	79	3	176	141	223	219	92	3	0	101			
28.1 28.1	2590	536	0	413	109	3	348	206	208	277	144	8	3	118			
29.2 29.2	2933	713	0	579	82	7	638	208	111	283	157	11	3	259			
32.1 32.1	66	41	0														
33.2 33.2	1309	413	0														
33.3 33.3	1971	492	1														
34.1 34.1	1165	404	0														
35.1 35.1	1737	488	0														
36.1 36.1	469	302	2														
41.1 41.1	3	0	0														

STATISTICS		0001_CITY OF ASHEVILLE MAYOR					0002_CITY OF ASHEVILLE CITY COUNCIL								
REGISTRATION	TOTALS	CAST	BALLOTS	CAST	BALLOTS	CAST	BALLOTS	CAST	BALLOTS	CAST	BALLOTS	CAST	BALLOTS	OVER VOTES	UNDER VOTES
42.1 42.1	193	9	1	0	0	1	0	0	0	0	0	1	0	0	0
43.2 43.2	15	1	0	0	0	1	0	0	0	0	0	1	0	0	0
44.1 44.1	1019	151	0	118	31	1	106	61	52	86	26	81	1	0	40
45.1 45.1	134	4	0	0	2	0	2	0	0	2	0	2	0	0	6
46.1 46.1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
54.2 54.2	442	19	0	12	6	0	9	1	10	13	11	2	0	0	11
55.1 55.1	160	10	0	8	2	0	3	2	2	8	2	2	0	0	4
55.2 56.2	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
58.1 58.1	77	4	0	0	0	0	0	0	0	0	0	0	0	0	0
59.1 59.1	336	32	1	0	0	0	0	0	0	0	0	0	0	0	0
62.1 62.1	259	24	0	17	6	1	12	7	13	12	2	13	3	0	10
67.1 67.1	2394	565	0	0	0	0	0	0	0	0	0	0	0	0	0
68.1 68.1	149	1	1	0	0	0	0	0	0	0	0	0	0	0	0
69.1 69.1	433	2	0	0	0	0	0	0	0	0	0	0	0	0	0
70.1 70.1	2963	161	14	1	1	1	1	1	1	2	1	0	0	0	0
71.1 71.1	1728	154	1	40	2	0	40	17	4	15	7	33	0	0	10
OS ESOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS WABL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS NABL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS SBBL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS MORC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS FCON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ABSENTEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PROVISIONAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	94814	19730	27	13051	3009	106	530	6299	6834	9210	4591	8421	210	48	3844

		0003_TOWN OF BLACK MOUNTAIN MAYOR						0004_TOWN OF BLACK MOUNTAIN ALDERM						
		W e s t o n H a l l	M i c h a e l S o b b o l i c	W R I T E - I N	O V E R V O T E S	U N D E R V O T E S	J o n a t h a n B r a d e n	J e r e m i e K o n e g n i	B o b P a u l Y	M a t t R o b i n s o n	R y a h S t o n e	W R I T E - I N	O V E R V O T E S	U N D E R V O T E S
32.1	32.1	2	4	0	0	0	1	15	22	0	37	0	0	7
33.2	33.2	46	146	0	0	1	24	168	140	73	305	9	0	107
33.3	33.3	251	170	0	1	2	35	185	162	120	372	2	2	106
34.1	34.1	58	185	2	0	4	15	213	131	58	281	4	0	106
35.1	35.1	261	193	1	0	2	33	214	146	90	364	5	0	124
OS	ESOS	0	0	0	0	0	0	0	0	0	0	0	0	0
OS	WABL	0	0	0	0	0	0	0	0	0	0	0	0	0
OS	NABL	0	0	0	0	0	0	0	0	0	0	0	0	0
OS	SBEL	0	0	0	0	0	0	0	0	0	0	0	0	0
OS	MORC	0	0	0	0	0	0	0	0	0	0	0	0	0
OS	FCON	0	0	0	0	0	0	0	0	0	0	0	0	0
ABSENTEE		0	0	0	0	0	0	0	0	0	0	0	0	0
PROVISIONAL		0	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFER		0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS		922	205	698	3	1	108	795	601	341	1359	20	2	450

	0005_TOWN OF MONTREAT COMMISSIONER						0006_TOWN OF WEAVERVILLE MAYOR				0007_TOWN OF WEAVERVILLE TOWN COUN									
	Alicia	Boggs	Grace Nichols	Ken Otter	Tom Widmer	Writter	Over Votes	Under Votes	Alcott	Writter	Over Votes	Under Votes	Dous Jackson	Dotter	Earl Valois	Thomas	P. Veasey	Writter	Over Votes	Under Votes
36.1 36.1	206	112	218	202	26	0	142													
58.1 58.1								4	28	2	0	0	1	3	2	0	0	0	0	2
59.1 59.1													23	22	7	7	2	2	0	3
67.1 67.1								488	21	0	0	0	414	383	86	178	6	6	0	63
71.1 71.1								51	0	0	0	0	37	40	21	24	0	0	0	10
OS ESOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS WABL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS NABL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS SBBL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS MORC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS FCON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ABSENTEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PROVISIONAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	206	112	218	202	26	0	142	571	23	0	0	73	475	448	116	209	8	0	0	78

0008_TOWN OF WOODFIN ALDERMAN		0009_WOODFIN SANITARY WATER AND SE					0010_CITY OF ASHEVILLE CHARTER AMENDMENT								
W . J a c k i e O n a r e	D e b e n n e	A . G i e z e n t e n s l e y	W R I T T E - I N	O V E R V O T E S	U N D E R V O T E S	I v o B a l l e n t i n e	W . G a s s a w a y	D o n H a y n e s	W R I T T E - I N	O V E R V O T E S	U N D E R V O T E S	Y e s	N o	O V E R V O T E S	U N D E R V O T E S
01.1 01.1												96	306	0	58
02.1 02.1												168	736	1	71
03.1 03.1												135	562	0	61
04.1 04.1												96	415	0	31
05.1 05.1	0	0	0	0	0	161	183	153	8	3	653	216	694	0	50
06.1 06.1												89	279	0	24
07.1 07.1												74	482	0	41
08.2 08.2												112	278	0	29
08.3 08.3												93	205	0	23
09.1 09.1												157	386	0	43
10.1 10.1												68	270	0	22
11.1 11.1												60	208	0	36
12.1 12.1												117	543	0	42
13.1 13.1												89	490	0	38
14.2 14.2												94	370	0	35
14.3 14.3												46	110	0	10
15.1 15.1												110	589	0	39
16.2 16.2												133	514	0	34
17.1 17.1												115	442	0	32
18.2 18.2												537	568	0	89
19.1 19.1												59	87	0	7
20.1 20.1												48	198	0	15
21.1 21.1												156	408	0	30
22.2 22.2												215	671	1	58
23.2 23.2												3	6	0	0
23.3 23.3												104	186	0	14
24.1 24.1												89	208	0	12
25.1 25.1												106	280	0	22
26.1 26.1												44	293	0	23
28.1 28.1												97	416	0	23
29.2 29.2												295	375	0	43
41.1 41.1	0	0	0	0	0										
42.1 42.1	7	8	5	0	0	7									
43.2 43.2												0	1	0	0
44.1 44.1												46	95	0	10
45.1 45.1												2	2	0	0
46.1 46.1												0	0	0	0
54.2 54.2												7	12	0	0

0008_TOWN OF WOODFIN ALDERMEN		0009_WOODFIN SANITARY WATER AND SE					0010_CITY OF ASHEVILLE CHARTER AMENDMENT									
	W . B Y S O N	A . G I E E N T A D O N H E N S L E Y	W R I I T E - I I N	O V E R V O T E S	U N D E R V O T E S	I V O B A L L E T I N E S	W . G A S S A W A Y S A R A H Y	D O N H A Y N E S	W R I I T E - I I N	O V E R V O T E S	U N D E R V O T E S	Y E S	N O	O V E R V O T E S	U N D E R V O T E S	
55.1 55.1	167	173	128	21	0	162	249	300	240	16	3	806	3901	11726	2	1067
56.2 56.2																
62.1 62.1																
68.1 68.1	0	0	0	0	0	3										
69.1 69.1	2	2	1	1	0	0										
70.1 70.1	121	127	92	11	0	126	80	107	79	7	0	129	0	1	0	1
71.1 71.1	37	36	30	9	0	26	0	1	0	0	0	8	12	29	0	1
OS ESOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS WABL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS NABL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS SEBL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS MORC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS FCON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ABSENTEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PROVISIONAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	167	173	128	21	0	162	249	300	240	16	3	806	3901	11726	2	1067