

Tuesday – February 13, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: Councilman Brian D. Haynes

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

City Manager Gary Jackson Announces Retirement

Today City Manager Jackson announced his retirement, effective December 31, 2018. Mayor Manheimer then read a portion of a letter she wrote to City Manager Jackson “You have made me aware that you are retiring effective December 31, 2018, and that you will announce your decision to retire shortly. You have served this City selflessly, wisely, and with grace and integrity. Our community is forever indebted to you.

“Under your leadership, spanning more than 12 years, you have led the accomplishment of great things for the City of Asheville. Among those: navigating the financial hardship of the great recession, meeting the challenges of tremendous growth, creating a series of sustainable budgets resulting in a AAA bond rating, managing the greatest number of capital improvements to City infrastructure in its history, streamlining permitting and processes to better meet the needs of citizens, “greening” the City through dramatically increased recycling and other environmental measures, improving and growing transit services, building more affordable housing per capita than any other city in North Carolina, leading City staff through the planning of a \$74 million general obligation bond program, making our City safer through improvements to police and fire services, and helping us forward as we ensure greater equity across the community. These are extraordinary accomplishments for any municipality to achieve, and they would not all have been possible for Asheville without your commitment and leadership.”

City Manager Jackson said it’s been an honor and a privilege to work for the City of Asheville. Council’s goals have been ambitious and aggressive goals and we, as a team, were more than honored to carry them out.

A. PROCLAMATION PROCLAIMING FEBRUARY 2018 AS “BLACK HISTORY MONTH”

Councilman Young read the proclamation proclaiming February, 2018, as "Black History Month" in the City of Asheville.

B. PROCLAMATION PROCLAIMING FEBRUARY 10-17, 2018 AS “LOVE ASHEVILLE GO LOCAL WEEK”

Vice-Mayor Wisler read the proclamation proclaiming February 10-17, 2018, as "Love Asheville Go Local Week" in the City of Asheville. She presented the proclamation to Ms. Franzi Charen and several others.

II. CONSENT AGENDA:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 23, 2018**
- B. ORDINANCE NO. 4649 - BUDGET AMENDMENT FOR STORM CONTROL MATERIALS**

Summary: To consideration of a budget amendment, in the amount of \$461,212, from unassigned General Fund fund balance for the purpose of the acquisition of storm control materials.

For the Fiscal Year 2017/2018, the original budget for storm control materials was \$140,000. This value allowed us to fill our salt storage facility to capacity prior to the winter season. Our salt storage facility when at maximum capacity holds approximately 4000 tons of material. As a result of multiple snow and ice events, including the record snowfall received December 8-9, 2017; we are now at less than 10% capacity of our facility. This is also after we have ordered and partially received approximately 1540 tons of salt to re-stock what had been used during and after the December 9th, December 31st, and January 16th events. In addition to snow storm control materials this line item is also used for the purchase of material such as stone, erosion control measures and concrete in flooding events that cause damage or destruction of city owned roads and sidewalks.

This budget amendment was presented to and supported by the Finance Committee on January 23, 2018.

Pros:

- The availability of this material will position the Public Works Department such that it can properly respond to weather events that hamper the safe travel of the public.
- This assists in achieving a stated Outcome & Performance Measure of responding to winter storm events as listed in the adopted 2017-2018 City budget.

Con:

- Payment requires an appropriation from unassigned General Fund fund balance.

The additional funds for storm control materials will come from unassigned fund balance in the General Fund. Before considering the use of fund balance, Finance staff worked with the Public Works department to economize savings from other parts of the Public Works budget to help cover the cost. With this additional fund balance appropriation, FY 2017-18 budgeted fund balance in the General Fund will total \$2.1 million. However, based on current trends in the General Fund, staff is projecting that revenue collections will exceed budget and expenses will come in under budget such that there will be no decrease in actual fund balance at year end. Current estimates are as follows:

Estimated FY 2017-18 GF Expenses as of Q2:	\$120,200,000
Unassigned FY 2017-18 FB Estimate as of Q2:	\$ 21,400,000

Unassigned FB Estimate as a Percent of GF Budgeted Expenditures:17.8%

City staff recommends City Council adopt a budget amendment for the funding to replenish necessary storm response materials in order to adequately prepare for and address upcoming severe weather events.

ORDINANCE BOOK NO. 32 - PAGE 1

C. RESOLUTION NO. 18-24 - RESOLUTION TO RENAME LAKEWOOD PARK IN KENILWORTH TO LEAH CHILES PARK

Summary: The consideration of a resolution to rename the Lakewood Park to Leah Chiles Park.

Community members James Vaughn and Kevin Broadwater are proposing to rename Lakewood Park to Leah Chiles Park, and to donate a historical plaque to be located on site.

Leah Chiles and her husband James Chiles were the founders and developers of the town of Kenilworth in the 1920's. In 1928, Leah Chiles became the first women elected mayor of a town in western North Carolina. As Mayor of Kenilworth, Mrs. Chiles stood up for rights of Kenilworth residents by demanding a vote of residents before agreeing to annexation by the City of Asheville in 1929. Mrs. Chiles was also a businesswoman, continuing the Kenilworth Development Corporation after the death of her husband. Additionally she created a nationally renowned art exhibition in Asheville and founded the Kenilworth Galleries. The present day Lakewood Park was donated to the town of Kenilworth in 1924 and is located directly across the street from the historic James Madison Chiles and Leah Arcouet Chiles House.

Pursuant to the City's policy on naming public facilities, Mr. Vaughn and Mr. Broadwater submitted the renaming proposal and the required petition signed by over 30 registered voters who reside within the city limits of Asheville.

The proposal was presented to the Recreation Advisory Board on November 13, 2017, and the Kenilworth Neighborhood Association on July 11, 2017, and received unanimous support from the board and association.

Mr. Vaughn and Mr. Broadwater have followed the City's policy on public naming and pursuant to the policy, on January 23, 2018, City Council made an announcement of the request and solicited input from surrounding property owners, residents, affected parties and other City officials or anyone else who can contribute meaningful input.

The cost to the City to support the renaming of Lakewood Park to Leah Chiles Park is \$4,000 to \$6,000 for the park identification sign. The funds to support the cost is budgeted in the City's Capital Improvement Program for the Parks and Recreation Department. There is no cost associated with the historical marker since it will be donated to the City.

The Recreation Advisory Board recommends the renaming of Lakewood Park to Leah Chiles Park, and to place a historical marker on-site to honor Leah Chiles.

RESOLUTION BOOK NO. 39 - PAGE 248

D. RESOLUTION NO. 18-25 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDING FROM THE FEDERAL TRANSIT ADMINISTRATION SECTION 5339 - BUSES AND BUS FACILITIES GRANTS PROGRAM

ORDINANCE NO. 4650 - BUDGET AMENDMENT TO BUDGET THE GRANT FUNDING AND THE CITY'S MATCH FOR SECTION 5339 GRANTS PROGRAM

Summary: The consideration of a resolution authorizing the City Manager to accept funding from the Federal Transit Administration (FTA) Section 5339; Buses and Bus Facilities Grants Program totaling \$214,000; and a budget amendment in the amount of \$267,500 in the Transit Multi-Year Fund to budget the grant funding and the City's match.

The Section 5339 grants program provides funding through formula allocations and competitive grants. The City of Asheville receives an annual allocation from the formula program that now averages approximately \$262,000. The funds can be used to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities.

Transportation Department staff seeks to use the funds towards the purchase of four hybrid battery packs as mid-life replacements for hybrid transit vehicles.

For the purchase of the hybrid batteries, the City will use \$214,000 of section 5339 funds which require a local match of \$53,500. The City's local match will come from the adopted FY 2017-18 Transit Services Fund operating budget utilizing savings in fuel expenses.

The Finance Committee reviewed and unanimously supported this request on January 23, 2018.

Pro:

- The bulk of project funding is provided by the FTA, covering approximately 80% of the total project cost.

Con:

- A local match in the amount of \$53,500 is required from the Transit Operating Fund.

As noted above, the total project budget equals \$267,500 and will require a \$53,500 local match from the Transit Services Fund operating budget.

Staff recommends that City Council adopt a resolution authorizing the City Manager to accept Section 5339 formula funds in the amount of \$214,000 to be used towards the purchase of four hybrid battery packs; and a budget amendment in the amount of \$267,500 in the Transit Multi-Year Fund to budget the grant funding and the City's match.

**RESOLUTION BOOK NO. 39 - PAGE 249
ORDINANCE BOOK NO. 32 - PAGE 3**

E. ORDINANCE NO. 4651 - BUDGET AMENDMENT FROM THE FEDERAL TRANSIT ADMINISTRATION TO IMPROVE MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES BY REMOVING TRANSPORTATION BARRIERS

Summary: The consideration of a budget amendment in the Transit Services Multi-Year Fund (6510) in the amount of \$152,504 from the Federal Transit Administration for transit services to improve mobility for seniors and individuals with disabilities by removing transportation barriers.

The City of Asheville is the designated recipient of the Enhanced Mobility of Seniors and Individuals with Disabilities program, which is a program of the Federal Transit Administration (FTA). This is a formula grant program oriented to improve mobility for seniors and individuals with disabilities by removing barriers to transportation service and expanding transportation mobility options. The grant originated as part of the Moving Ahead for Progress (MAP) 21

transportation bill passed by Congress in 2012 that consolidated the Elderly and Disabled program that distributed funds to the states and the New Freedom program that was a formula program in which the City was the region's designated recipient.

To be eligible, the program requires alignment with a Coordinated Public Transportation and Human Services Transportation Plan or CTP-HSTP based on community participation. The CTP-HSTP was developed with the French Broad Metropolitan Planning Organization (MPO), Buncombe, Henderson and Haywood Counties, human services agencies, public and private transportation providers, the North Carolina Department of Transportation and the general public to assess transportation needs, identify gaps and to set goals.

The plan was approved on March 29, 2012 by the French Broad River MPO's governing body (the Board), which includes elected representatives from each of the eighteen local governments which make up the MPO. The CTP-HSTP set the region's priorities and identifies needs; the projects were selected on May 25th, 2017 through a competitive process led by the MPO. The projects are listed as follows:

Sub-Recipient	Project	Amount funded	Local match
City of Asheville	ADA paratransit	\$150,000	\$37,500
Jewish Family Services	Elder Club- Hendersonville	\$50,400	\$12,600
Jewish Family Services (Internal)	Administration - Hendersonville	\$2,646	\$2,646
City of Asheville	ADA Upgrades for Dedicated Signals	\$31,500	\$7,875
Land of Sky Regional Council	Expansion of Senior Companion Program	\$15,904	\$15,904
Buncombe County	RIDE Vouchers Program	\$44,179	\$44,179
City of Asheville	Program Administration	\$29,463	N/A

Description of Projects:

City of Asheville (ADA Paratransit) - Supports public transportation to meet specific needs for seniors and individuals with disabilities and ADA Paratransit services from Mountain Mobility.

Jewish Family Services (Elder Club) - Supports the purchase of service from Apple Country Transit that provides socialization, nutrition, activities and exercise in a structured program for older and/or disabled Henderson County adults who are socially isolated, and may have normal cognitive skills or mild to moderate memory impairments.

Jewish Family Services (Internal) - Supports the Jewish Family Services and Elder Club staff to assist with all cooperating organizations throughout the year to identify appropriate clients and to educate staff members of cooperating organizations regarding JFS agency and program services.

City of Asheville (ADA Upgrades) - Adds accessible features to existing pedestrian crossing signals near bus stops in downtown Asheville. The feature consist of a vibrotactile call button and speaker which give pedestrians who cannot see the pedestrian signal a way to know that the walk signal is activated either by vibration of the call button or the sound from the speakers.

Land of Sky (Senior Companions Program) - Provides companionship services to senior adults who are homebound and need additional assistance to stay independent in their homes for as long as possible.

Buncombe County (RIDE Program) - A curb-to-curb, subsidized transportation program that allows eligible participants to purchase private transportation services at a significant discount.

City of Asheville (Program Administration) - The funds will be used to administer the projects funded by this program and ensure compliance.

The City of Asheville expenses for ADA Paratransit and Program Administration are already budgeted in the adopted Transit Services Fund budget so no budget amendment is needed for that portion of the grant. The budget amendment in the amount of \$152,504 will provide budget authorization for the City to receive and pass through the subrecipient grant amounts from FTA and also budget the City of Asheville project for ADA Upgrades to Dedicated Signals. The \$7,875 local match for that project will come from the existing adopted FY 2017-18 Transportation department General Fund budget.

The Finance Committee reviewed and unanimously supported this request on January 23, 2018.

Pros:

- Project funding is provided by the FTA, 50% for operating projects and 80% of capital projects. The sub-recipients are responsible for the local match.
- The City is provided \$29,463 for administration purposes, which does not require a local match.

Con:

- The local match in the amount of \$45,375.

The total grant award for the subject projects are \$369,467 and will be funded with Federal Funds. As noted above, \$29,463 will be reimbursed to the city for administrative costs, and Asheville's local match for the provision of ADA paratransit services and ADA Upgrades totals \$45,375. The local match is already budgeted in the Adopted FY 2017-18 budget.

Staff recommends City Council adopt a budget amendment for \$152,504, which is the unbudgeted program cost for the 5310 projects funded by the Federal Transit Administration.

ORDINANCE BOOK NO. 32 - PAGE 5

F. RESOLUTION NO. 18-26 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH MOTOROLA INC. TO PROVIDE MAINTENANCE COVERAGE FOR THE CITY'S RADIO SYSTEM

Summary: The consideration of a resolution authorizing the City Manager to sign an agreement with Motorola, Inc. to provide maintenance coverage for the City's radio system.

The City recently completed the installation of a new public safety radio communications system. Motorola Solutions has provided maintenance services for the City's radio communications system under the initial 12 month warranty which began on December 1ST 2016. Funding for the agreement shall be appropriated annually in the City budget process. The initial term of the agreement is from December 1, 2017, to June 30, 2022. The agreement shall automatically renew for an additional 60 months as requested in the original request for proposals for purchase of the radio system.

Pros:

- Keep the City's radio system reliable and operational for public safety officers.

- Able to provide communication services to several outside agencies, thereby improving interagency communications.

Con:

- None noted.

The maintenance agreement reflects a charge of \$226,366 for the remainder of the current fiscal year. Funding for this contract was included in the Adopted Fiscal Year 2017/18 Budget. Funding for the additional years of the contract will be included in future annual budgets.

City staff recommends the adoption of the resolution for radio maintenance coverage for the term of December 1, 2017, through June 30, 2027.

RESOLUTION BOOK NO. 39 - PAGE 250

G. RESOLUTION NO. 18-27 - RESOLUTION OF INTENT TO SET A PUBLIC HEARING ON MARCH 13, 2018, TO PERMANENTLY CLOSE A PORTION OF PEACHTREE STREET (JAKE RUSHER PARK)

Summary: The consideration of a resolution of intent to permanently close a portion of Peachtree Street (Jake Rusher Park) and setting a public hearing on March 13, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, City of Asheville, owner of parcels 9654-35-0589, 9654-35-4902, 9654-35-4725, and 9654-35-4635, have requested to permanently close a portion of Peachtree St (Jake Rusher Park) and to set a public hearing on March 13, 2018. A copy of this resolution of intent shall be sent by registered or certified mail to all property owners abutting the unnamed alley, not joining in the petition to close.

The Multimodal Transportation Commission reviewed this request at their October 2nd, 2017, meeting and recommended approval of the closure.

Pursuant to N.C. Gen. Stat. Sec. 160A-299, prior to closing the alley, the City Council must first adopt a resolution, declaring its intent to close the alley and calling a public hearing on the question. This resolution of intent shall be published once a week, for four successive weeks prior to the date of the hearing.

A copy of this resolution of intent shall also be sent by registered or certified mail to all owners of property adjoining the alley, as shown on the county tax records. A copy of this resolution shall also be prominently posted, in at least two places, along the alley, to provide notice of the closing and public hearing.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution of intent to permanently close to permanently close a portion of Peachtree Street (Jake Rusher Park) and set a public hearing on such closure for March 13, 2018.

RESOLUTION BOOK NO. 39 - PAGE 251

H. RESOLUTION NO. 18-28 - RESOLUTION OF INTENT TO SET A PUBLIC HEARING ON MARCH 13, 2018, TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY LOCATED NEAR 85 DEAYER STREET

Summary: The consideration of a resolution of intent to permanently close an unopened right of way near 85 Deaver Street and setting a public hearing on March 13, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, Jose Ruiz, owner of parcels 9638-76-5217 and 9638-76-4166, and Rose Logan, owner of parcel 9638-76-5178, have requested the City of Asheville to permanently close an unopened right of way located near 85 Deaver Street. A copy of this resolution of intent shall be sent by registered or certified mail to all property owners abutting the unnamed alley, not joining in the petition to close.

The Multimodal Transportation Commission reviewed this request at their October 2, 2017, meeting and recommended approval of the closure.

Pursuant to N.C. Gen. Stat. Sec. 160A-299, prior to closing the alley, the City Council must first adopt a resolution, declaring its intent to close the alley and calling a public hearing on the question. This resolution of intent shall be published once a week, for four successive weeks prior to the date of the hearing.

A copy of this resolution of intent shall also be sent by registered or certified mail to all owners of property adjoining the alley, as shown on the county tax records. A copy of this resolution shall also be prominently posted, in at least two places, along the alley, to provide notice of the closing and public hearing.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution of intent to permanently close an unopened right of way near 85 Deaver Street and setting a public hearing on such closure for March 13, 2018.

RESOLUTION BOOK NO. 39 - PAGE 253

I. RESOLUTION NO. 18-29 - RESOLUTION OF INTENT TO SET A PUBLIC HEARING ON MARCH 13, 2018, TO PERMANENTLY CLOSE AN UNOPENED

RIGHT-OF-WAY LOCATED AT THE END OF DEEVER STREET SOUTH OF HOWARD STREET

Summary: The consideration of a resolution of intent to permanently close an unopened right of way located at the end of Deaver Street south of Howard Street and setting a public hearing on March 13, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, Barwick and Assoc. LLC, owner of parcels 9638-74-1509, 9638-74-0685, 9638-74-1740, and 9638-74-2666, have requested the City of Asheville to permanently close an unopened right of way /w located at the end of Deaver Street south of Howard Street.

The Multimodal Transportation Commission reviewed this request at their October 2, 2017, meeting and recommended approval of the closure.

Pursuant to N.C. Gen. Stat. Sec. 160A-299, prior to closing the alley, the City Council must first adopt a resolution, declaring its intent to close the alley and calling a public hearing on the question. This resolution of intent shall be published once a week, for four successive weeks prior to the date of the hearing.

A copy of this resolution of intent shall also be sent by registered or certified mail to all owners of property adjoining the alley, as shown on the county tax records. A copy of this resolution shall also be prominently posted, in at least two places, along the alley, to provide notice of the closing and public hearing.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution of intent to permanently close an unopened right of way located at the end of Deaver Street south of Howard Street, and set a public hearing on such closure for March 13, 2018.

RESOLUTION BOOK NO. 39 - PAGE 255

- J. RESOLUTION NO. 18-30 - RESOLUTION AMENDING THE 2018 CITY COUNCIL MEETING SCHEDULE TO ADD THE CITY COUNCIL ANNUAL RETREAT ON FEBRUARY 15-16, 2018, AT THE COLLIDER, 1 HAYWOOD STREET, ASHEVILLE, N.C. BEGINNING AT 8:15 A.M.**

RESOLUTION BOOK NO. 39 - PAGE 257

- K. RESOLUTION NO. 18-31 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON CITY-OWNED**

**PROPERTY ON SHEPPARD DRIVE TO MICHAEL LEDFORD FOR
CONSTRUCTION OF A SEWER SERVICE LINE**

Summary: The consideration of a resolution authorizing the City Manager to convey an easement over a portion of City-owned property on Sheppard Drive near Old County Home Road in West Asheville to Michael Ledford for the purpose of installing a sewer line.

The City of Asheville owns a vacant parcel in the Echo Hills neighborhood that contains approximately 2.69 acres (PIN is 9628-79-7260). The City acquired the land in the 1960's. The lot is vacant, wooded land and the City performs no maintenance. Concerning the future use of this parcel, the City has no current plans for this property; however, the City is currently reviewing the property inventory to determine suitable sites for affordable housing development.

An existing MSD sewer line runs parallel to Old County Home Road along the rear property line. An adjacent property owner has approached the City with a request for a sewer line easement to connect to the existing MSD line. Michael Ledford owns an undeveloped lot on Old County Home Road and he has subdivided the original parcel (9628-89-1121) into five individual lots of approximately 0.24 acres each. He intends to develop the parcels for single family homes, at market rate price points of \$225,000 to \$250,000. The Real Estate Division reached out to Parks & Recreation, Planning, and Community Development for comments, and there were no objections to the connection because of its location and minimal impact to the City's property. It would not impede the City's ability to develop the property should plans be made in the future.

The easement being requested is approximately 24 linear feet long and 18 feet wide for a total square footage of approximately 432 square feet. MSD has a policy of compensating owners according to 50% of land value for an easement and when we apply this to practice to this situation, the cost of the easement would be \$150.00 plus the real estate transaction fee. An exhibit is provided to show the approximate location of the sewer line and the manhole where this connection would have to be made.

Pros:

- There is compensation payable to the City associated with the granting of this easement.
- The easement would not interfere with the City's ability to develop the property at a later date.

Con:

- A permanent easement would exist on City-owned property.

Funds generated by the granting of this easement will be deposited in the General Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to convey this 432 square foot easement on City-owned property near Old County Home Road at Sheppard Drive to Mr. Ledford for purposes of installing a sewer service connection.

RESOLUTION BOOK NO. 39 - PAGE 258

- L. RESOLUTION NO. 18-32 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO INCREASE THE CONTRACT WITH B. ALLEN
CONSTRUCTION INC. TO CONSTRUCT A NEW VISITOR RECEPTION AND
WELCOME PLAZA AT THE WESTERN NORTH CAROLINA NATURE
CENTER**

Summary: The consideration of a resolution authorizing the City Manager to increase the contract with B. Allen Construction, Inc. to construct a new Visitor Reception and Welcome Plaza at the Western North Carolina Nature Center (aka Asheville Wildlife Park) in the amount of \$60,000 and to execute any change orders to contract or documents which may arise during construction of project within the approved budget.

On December 13, 2017, City Council authorized the City Manager to enter into a contract with B. Allen Construction, Inc. for \$1,116,382.00 to improve the Asheville Wildlife Park – Visitor Reception and Welcome Plaza. The entrance to the Nature Center needed improvements due to the age of the facility as well as the growing visitor attendance at this facility. This new entrance which is currently under construction will provide more parking on the entrance level, be more accessible to the visitor and greatly improve the visitor’s experience arriving and departing the Nature Center.

The Nature Center was developed under different government agencies over many decades. As a result many improvements have been performed during the course of these years with little or no documentation. The Parks and Recreation Department and the consultant team evaluated as much as possible the existing site conditions during the development of the construction documents. When the contractor started construction for the project, a number of unknown infrastructure issues arose. These mostly include stormwater pipes that are seriously deteriorated, water lines and features including fire protection that no longer exist or are in poor condition and portions of the existing wood construction of the barn which have degraded with the passage of time.

As a result of these unrevealed conditions, the project will incur additional costs to improve these features which total \$60,000.00.

Pros:

- Improves the deteriorated underground infrastructure.
- Replace and replace water lines for fire protection that no longer exist or are in poor condition to meet code compliance.
- Contributes towards improvements noted in the 2020 Vision Master Site Plan for the Western North Carolina Nature Center

Cons:

- During improvements, some modest interruptions in viewing several of the animal exhibits can occur
- Project can not continue without the additional funding.

The additional \$60,000 needed for this change order will come from the Adopted FY 2017-18 Parks and Recreation Department Capital Improvement Budget.

Staff recommends that the City Council adopt a resolution authorizing the City Manager to increase the contract with B. Allen Construction, Inc. \$60,000 to address the underground infrastructure issues discovered during the construct of a new Visitor Reception and Welcome Plaza at the Western North Carolina Nature Center (aka Asheville Wildlife Park).

RESOLUTION BOOK NO. 39 - PAGE 259

M. RESOLUTION NO. 18-33 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AN OIL TANKER DONATION FOR A DEPARTMENT TRAINING PROP

Summary: The consideration of a resolution to authorize the City Manager to accept the Title and Property of the Gasoline Tanker Prop to be located at the Buncombe County Training Facility.

North Carolina is divided into seven geographical regions for the purpose of hazardous material emergency response. The North Carolina Department of Public Safety contracts with municipalities across North Carolina to respond into the geographical regions and provide technician level hazardous materials emergency response. Within the Contract for Hazardous Materials Regional Response Team Services the contract Under Section 2.2 Compensates teams for training to maintain, advance and education to maintain the level of standards to respond to incidents involving hazardous materials and/or acts of terrorisms.

On June 26, 2016, the N.C. Dept. of Public Safety and the City of Asheville signed the Notice to Proceed for the contractual agreement to the City of Asheville for Hazardous Materials Emergency Response Services for contract years of July 1, 2016 through June 30, 2020. The signed contract agreement increased the level of Training Funds from the previous contract of \$19,000 per calendar year to \$25,000 per calendar year. These training funds can be utilized to either send individuals to training or to purchase props to train on. RRT-6 was able to acquire a damaged Gasoline tanker from Bumgarner Oil Company and have it moved to the Buncombe County Training Center. The Asheville Fire Department is asking the City of Asheville to accept the property and title of the Gasoline Tanker.

Pros:

- The State of North Carolina provides funds for training members of the Asheville Fire Department to enable us to competently handle hazardous materials emergencies.
- The Gasoline Tanker will provide valuable training for responding to actual incidents within the City of Asheville and within RRT-6 response area.
- The Gasoline Tanker will be stationary and will not be transported on the road.
- The City of Asheville has full use of the truck and all specialty equipment within the City of Asheville. Without the state hazardous materials contract, Asheville taxpayers would need to provide much of resources necessary to properly respond to emergencies within Asheville. With the contract, we have the advantage of the equipment and resources being funded at the state level, rather than at the local level.
- Firefighter and citizen safety will be enhanced.

Con:

- None have been identified or known at this time.

The fiscal impact of this donation is budget neutral. The Asheville Fire Department paid \$600 to have the tanker moved from the donator to the Buncombe County Training Facility; however, in accordance with the contract with the North Carolina Department of Public Safety, the City will be reimbursed this cost. Further costs may be incurred in the future if the Buncombe County Training Facility would like the prop removed.

Staff recommends City Council adopt a resolution authorize the City Manager to accept the Title and Property of the Gasoline Tanker Prop to be located at the Buncombe County Training Facility.

RESOLUTION BOOK NO. 39 - PAGE 260

N. RESOLUTION NO. 18-34 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RSM US LLP FOR AUDITING SERVICES FOR FISCAL YEAR 2017-18

Summary: The consideration of a resolution authorizing the Mayor to execute a contract with RSM US LLP for auditing services for fiscal year 2017-2018.

North Carolina General Statute §159-34 requires that a local government have its accounts audited each fiscal year and submit a copy of the audit report and financial statements to the Local Government Commission.

Additionally, the City's Auditing Services Financial Policy states that the City must replace the independent auditor at the end of a five-year engagement. Cherry Bekaert LLP completed the fifth year of its five-year engagement in FY2016-2017, so according to policy, it is necessary for the City to change auditors.

In November 2017, the City published a Request for Proposals and requested bids for firms interested in providing audit services, in response to the Request for Proposals, the following five firms submitted bids:

- Cherry Bekaert LLP; Charlotte, NC; did not meet requirements cost proposal not opened
- Elliott Davis, PLLC; Raleigh, NC; did not meet requirement cost proposal not opened
- CliftonLarsonAllen LLP; Charlotte, NC; bid: \$82,300
- RSM US LLP; Greensboro, NC; bid: \$93,340
- Mauldin & Jenkins, LLC; Atlanta, GA; bid: \$69,500

The review team utilized a scoring matrix to assess the proposals that included mandatory elements, technical qualifications, and cost proposals. Two firms did not pass the mandatory requirements and were therefore not considered further. The remaining three firms were evaluated, with technical qualifications weighted at 70% and cost proposals weighted at 30%. RSM US LLP was the highest scoring firm. As such, staff recommends retaining the services of RSM US LLP to conduct the audit of the city's accounts for the fiscal year ending June 30, 2018. The estimated fee for fiscal year 2017-2018 audit and financial statement preparation is \$93,340, and is already included in the Finance Department's Adopted FY 2017-18 Budget.

Pro:

- Contracting with RSM US LLP aligns with City Council's financial policy and will help ensure the timely and successful completion of the annual audit.

Con:

- None noted.

Fees of \$93,340 for the annual audit are budgeted in the Finance Department's FY 2017-18 operating budget. These funds will be encumbered by June 30, 2018.

Staff recommends City Council adopt a resolution authorizing the Mayor to execute a contract with RSM US LLP in the amount of \$93,340 for auditing services for fiscal year 2017-2018.

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- O. RESOLUTION NO. 18-35 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GREEN LIGHT ELECTRIC INC. TO CONSTRUCT THE SOUTH CHARLOTTE STREET/BILTMORE AVENUE TRAFFIC SIGNAL UPGRADE PROJECT**

ORDINANCE NO. 4652 - BUDGET AMENDMENT TO PROVIDE ADDITIONAL

FUNDING FOR THE SOUTH CHARLOTTE STREET/BILTMORE AVENUE TRAFFIC SIGNAL UPGRADE PROJECT

Summary: The consideration of: 1) a resolution authorizing the City Manager to execute a contract in the amount of \$105,798.75 plus a contingency of \$10,579.88 (10%) with Green Light Electric, Inc to construct the South Charlotte Street / Biltmore Avenue traffic signal upgrade project, and 2) a budget amendment in the city's General Capital Projects Fund in the amount of \$16,000 to provide additional funding for the project from the Traffic Safety Projects budget.

Adding pedestrian signals to this intersection is part of an FTA Job Access/ Reverse Commute (JARC) grant project. The intersection was included because it is large, complex, has high pedestrian and vehicle traffic volumes, and connects people to transit.

The bid was advertised on December 1, 2017. The bid opening was scheduled for January 11, 2018, but only one bidder submitted a bid. The bid was then re-advertised January 11, 2018, but no other bids were received, so the one bid was opened January 19, 2018. The construction company that submitted a bid was Green Light Electric, Inc of Weaverville, NC.

Green Light Electric, Inc of Weaverville, NC proposes to perform all of the construction work included in the contract, including such work as surveying, concrete ramps, refuge islands, electrical and traffic control.

A 10% contingency (\$10,579.88) has been added to allow payment for any unforeseen costs that typically arise during construction. The work produced from this construction contract will help provide a safer intersection for pedestrian use.

The current balance in the project fund is insufficient to cover the full cost and contingency, so the budget amendment moves funds from the Traffic Safety Projects budget in the General Fund to this project. Additional FTA grant funding is pending FTA action, so it is hoped that much of the Traffic Safety funding will be able to be returned to the General Fund.

Pros:

- Pedestrian safety and mobility will be improved.
- Improve mobility and safety on city streets.

Cons:

- Construction will be disruptive to adjacent residences and businesses.
- The Traffic Safety budget balance will potentially be reduced by as much as \$16,000 to complete this signal.

As noted above, funding is coming from an FTA 2010 grant and the City's Traffic Safety budget. The total cost of this contract, including contingency, is \$116,378.63.

City staff recommends City Council (1) adopt the proposed budget amendment in the amount of \$16,000, and (2) adopt the resolution awarding the contract to Green Light Electric, Inc of Weaverville, NC. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of \$105,798.75 plus a contingency of \$10,579.88 (10%) for the contract known as Charlotte St/ Biltmore Ave. signal upgrade, City of Asheville Project 298-T1101.

**RESOLUTION BOOK NO. 39 - PAGE 262
ORDINANCE BOOK NO. 32 - PAGE 7**

P. RESOLUTION NO. 18-36 - RESOLUTION AUTHORIZING THE CITY

**MANAGER TO ISSUE PAYMENT TO COLONIAL FORD TRUCK SALES, INC.
FOR REPAIRS TO ASHEVILLE FIRE DEPARTMENT LADDER 10**

Summary: The consideration of a resolution to authorize the City Manager to issue payment to Colonial Ford Truck Sales, Inc. in the amount of \$100,891.70 for repairs to a Asheville Fire Department ("AFD") Ladder.

On January 6, 2017, Asheville Fire Department Ladder 10 apparatus was hit-in-the-rear and sustained considerable damage. The City filed an insurance claim with the City's insurance carrier, Berkley Southeast Insurance Group (Berkley) to pay for the repair costs, minus a \$10,000 deductible. Berkley directed repairs be made by Colonial Ford Truck Sales (Colonial). In March 2017, the City received \$92,091.70 from Berkley as a payment installment for estimated repairs and tow service to Ladder 10. The funds were deposited into the City's Property & Liability Fund and reserved to pay Colonial upon confirmation all repairs were complete. Repairs are complete and the City seeks to issue payment to Colonial in the amount of \$100,891.70. Berkley will issue Colonial a \$56,296.97 supplemental check to apply toward Colonial's final repair balance of \$157,188.67.

Pro:

- Payment issuance will result in Ladder 10 return to service.

Con:

- None.

Zero fiscal impact. Funds are reimbursed via City First Party insurance claim.

Staff recommends City Council adopt a resolution authorizing the City Manager to issue payment from the City Property & Liability Fund to Colonial Ford Truck Sales, Inc. in the amount of \$100,891.70.

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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.

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

III. PRESENTATIONS & REPORTS:

A. BLUE RIBBON COMMITTEE ON HUMAN RELATIONS COUNCIL REPORT

Ms. Dewana Little, Chair of the Blue Ribbon Committee on Human Relations Council, along with Mr. Patrick Conant, provided Council with the Committee's following final report:

The Blue Ribbon Committee held an initial meeting on August 23rd, 2017, and held 11 official meetings until January 31st, 2018. In between the regular meetings, we met in small working groups to develop specific portions of our recommendations.

The Blue Ribbon Committee presented an interim report before Boards and Commissions on November 14th, 2017, and City Council approved an extension of our charge until January 31st, 2018.

The Blue Ribbon Committee, with the support of City Staff and volunteers from the community, held two public engagement sessions, January 10th at the Arthur R. Edington Education & Career Center, and January 24th at the Shiloh Rec Center. The first public input session was attended by over 50 people, while the second session was attended by over 40 people. During these sessions, we gathered an extensive list of feedback and suggestions from the community.

During our final meeting, on January 31st, 2018, we reviewed the full list of feedback from our input sessions, amended our focus areas to include many of the specific suggestions from the community, and adopted our final recommendations.

The Blue Ribbon Committee recommends that City Council reach out to the Asheville Chamber of Commerce to request their support for the inception and operation of a Human Relations Commission in Asheville.

Their Mission Statement is “The Human Relations Commission strives to improve human relations with priority on racial equity in Asheville by partnering with communities and agencies in an effort to better promote and ensure diversity, equity, and inclusion. The human relations commission works to identify and address all forms of individual, institutional and community level discrimination through education, advocacy and policy recommendations.” *As approved at 9/20/17 Blue Ribbon Committee on a Human Relations Commission meeting. Amended and adopted at the 11/01/17 Blue Ribbon Committee meeting.*

Focus Areas are as follows: *(As adopted at the 11/01/17 Blue Ribbon Committee meeting. Revised and adopted at the 01/31/18 Blue Ribbon Committee meeting. Items with a * indicate their addition at the 01/31/18 meeting in response to the public engagement process.)*

- **Make policy recommendations to City Council to enhance equity**
 - Duties
 - Recommend policies to City Council that the HRC finds necessary and may be lawfully taken to minimize areas of conflict and to promote harmonious relations among racial and ethnic groups in the City.
 - Create a pipeline for community-driven solutions by allowing proposals to be discussed, refined, and vetted with the goal of presenting recommendations to Council that possess strong community support.
 - Utilize existing City resources to conduct research and gather data to analyze the equity of existing City programs and develop policy recommendations.
 - Review the demographics of City staff and committee members and make policy recommendations that improve the diversity of these groups to better represent our community.
 - Provide reports and other information to the community to provide feedback on the efforts and results of equity initiatives within the City.
 - * Collaborate with City Council to develop an effective process for policy recommendations.
- **Support the efforts of the Equity Manager**
 - Duties
 - Provide community input on the focus areas and initiatives of the Equity Manager to ensure these efforts reflect the priorities of all residents.

- Develop partnerships between the Equity Manager and individuals and groups in the community to provide additional resources to enhance equity in our City.
 - Provide ongoing reports and feedback to the community regarding equity initiatives within the City, specifically focusing on the outcomes of those efforts.
 - * Develop policy recommendations that build stronger employment-driven partnerships.
 - * Work with the City of Asheville to provide and facilitate leadership/professional development for potential partner organizations.
 - * Analyze the membership of existing City Council appointed boards and committees to ensure they adequately represent the communities they serve.
 - * Facilitate community forums to provide input from HRC Members and the community during the hiring process for the Office for Equity and Inclusion.
- **Provide a public forum for community to voice complaints**
 - Duties
 - * To act as a public forum in hearing complaints involving racial tension, discrimination, or other concerns of equity.
 - To bring together the parties involved to discuss the facts.
 - To assist in the resolution of such complaints.
 - To recommend to City Council action needed where resolution cannot be achieved.
 - * Develop creative mechanisms to gather concerns and ideas from the citizens, and to work together with groups and individuals to improve outcomes in our City.
- **Engage the community around funded programs and policies**
 - Duties
 - Provide a mechanism for community input and oversight of programs funded by the City.
 - Involve the community in the development of outcome-based metrics using a racial equity lens.
 - Provide community input of the allocation of City funds as specified in the City budget.
 - Members will be available for conversations, education, and learning partnerships to guide analysis through a racial equity lens.
 - * Implement inclusive practices for public engagement within the activities of the HRC and advocate for their use in other City programs.
- **Promote equity in public safety**
 - Duties
 - Promote mutual respect and understanding between the police department and our community. Identify opportunities for effective collaboration.
 - Provide a mechanism to educate and solicit feedback from the community about police department policies, training programs, and other activities.
 - Improve community trust in the police department by advocating effective methods of community policing and by ensuring the transparency and accountability of the department.
 - Review public safety outcomes and other data from an equity perspective. Provide a forum for community discussion around reports issued to Council, such as traffic stop data.

- Work with the community and APD to develop policy recommendations that can improve the equity of public safety outcomes.
 - Provide examples and resources that demonstrate the development of positive relationships between the community and police department.
 - Provide feedback and solicit input from the community on public safety trends and the effect of policies designed to improve the equity of public safety programs within the City.
 - * Work with existing City departments, boards, and committees as well as outside agencies.
- **Promote equity in educational opportunities**
 - Duties
 - Provide educational resources and other opportunities to encourage youth engagement in the City programs and the local government process.
 - Establish initiatives that assist with the development and retention of talent and expertise within Asheville, in collaboration with City departments.
 - Establish “working groups” between City Staff and individuals and organizations in the community to discuss and analyze equity challenges using data.
 - Provide feedback and solicit input from the community regarding the outcomes of educational efforts.
 - * Work with City Departments to prioritize participation by City staff in racial equity focused training and educational opportunities.
 - * Work with individuals and community groups to promote racial equity through art and other cultural programs.
 - * Work with existing City departments, boards, and committees as well as outside agencies.
- **Promote equity in economic development efforts**
 - Duties
 - Analyze employment, income, and business development outcomes across the City through a racial equity lens.
 - Provide community input on City employment and procurement processes.
 - Work with existing City departments and local organizations to build a successful minority business community.
 - Advocate for increased awareness and analysis of racial equity concerns in existing economic development efforts. Promote new initiatives to increase employment and business development.
 - Provide feedback and solicit input from the community regarding the outcomes of economic development efforts.
 - * Research and recommend policy changes that provide an equity perspective in the creation of economic development incentives and programs. Review incentive program on an annual basis.
 - * Ensure representation from communities of color during economic development recruitment process.
 - * Encourage the City to increase the development and utilization of African American owned businesses for City contracts, events and features in publications.
 - * Work with existing City departments, boards, and committees as well as outside agencies.
- **Health and Human Services**
 - Duties

- Analyze health and human services outcomes for City residents through a racial equity lens.
 - Provide a forum to discuss community concerns around health related issues.
 - Provide educational resources to the community to promote access to health-related services.
 - Provide feedback and solicit input from the community regarding the outcomes of health and human services efforts.
 - * Work with existing City departments, boards, and committees as well as outside agencies.
- **Housing**
 - Duties
 - Analyze data on housing outcomes through a racial equity lens.
 - Provide a mechanism for community feedback on City policies and programs related to housing.
 - Ensure that individuals in different housing situations are adequately represented in City processes and programs.
 - Provide feedback and solicit input from the community regarding the outcomes of housing related efforts.
 - * Collaborate with the Affordable Housing Advisory Committee on solutions that enable affordable housing for all residents.
 - * Analyze the impact and effects of gentrification in Asheville from an equity perspective and research policy solutions.
 - * Work with existing City departments, boards, and committees as well as outside agencies.

Membership:

- 15 members
- **Broad criteria for all on the committee**
 - * The City follows the non-discriminatory policy in the selection of its members that is currently in place.
 - City resident with close ties to community that is most impacted by racism, oppression and inequity in this city.
 - People with the capacity to attend meetings.
 - People who have a passion for this work.
 - People who not only have “equity training”, but have demonstrated involvement in the community – Application: Share some examples of what you have already done that has influenced creating more equity in some aspect of your work or community. Attention to demonstrated actions, not just “intentions to help”.
 - Look for people that are still in it, not just “I did this once.”
- **Demographic criteria – people will ideally have overlaps**
 - Always appoint 2 of any group of people so that someone is not “the only one”.
 - At least 6 African Americans
 - At least 2 Latinx
 - At least 2 LGBTQ
 - At least 3 professionals with influence
 - At least 2-3 youth (16-25)
 - Representatives from all 5 geographical areas
 - 2-3 living in public housing
 - * 2 individuals with a disability
- **Terms**
 - Staggered terms
 - 2 years

Recommendations for Staff - *As adopted at the 01/31/18 Ribbon Committee meeting.*

The Blue Ribbon Committee identified an extensive list of focus areas and duties to create a Human Relations Commission that can produce meaningful change in Asheville.

To position this HRC for success, and to expand the existing efforts of the Office and Equity and Inclusion, the Blue Ribbon Committee believes it is critical to provide a recommendation for staff.

We would recommend that City Council work with the Office of Equity and Inclusion to create three additional staff positions which align closely with the focus areas and duties of the HRC.

Since the Office of Equity and Inclusion works across all City departments, the BRC would also recommend that the Office of Equity and Inclusion is created as a fully independent City department, reporting directly to the City Manager and/or City Council.

Members of the Blue Ribbon Committee met with the City Manager and the Equity and Inclusion Director, and support the following draft descriptions for an enhanced structure for the Office of Equity and Inclusion.

Equity & Inclusion Director

- Oversees and facilitates equity and inclusion initiative citywide
- Manages the Equity Core Team; provides consultation and technical assistance across city government
- Oversees the development, implementation and evaluation of an Equity Action Plan
- Facilitates the adoption of an equity lens by all departments in decision-making
- Manages staff, leads efforts, staffs Human Relations Commission
- Communicates, Cooperates, Coordinates and/or Collaborates with public institutions and private organizations to address structural oppression and racism.

Equity & Inclusion Program Manager

- Works with internal departments to develop, implement, and track results of Equity Action Plan, provide technical assistance on using equity lens, and
- Plans and implements events, workshops and learning opportunities to promote equity and inclusion inside city government and across the City; supports development of community leaders.

Human Relations Specialist

- Serves as the point of contact for community to report complaints related to discrimination; facilitates the process for the Human Relations Commission to hear complaints. Supports the administrative priorities of the Human Relations Commission
- Conducts research, collects data and develops reports to increase equitable outcomes for residents in areas aligned with the mission and annual work plan of the Human Relations Commission.

Inclusive Engagement Manager

- Facilitates inclusive public outreach and community engagement
- Consults with departments to implement equitable and inclusive public engagement
- Liaise between historically underserved community members and city government

Mayor Manheimer, along with other Council members, appreciated all the hard work of the Committee members and thanked them as well for the step by step recommendations.

It was the consensus of the Council to accept the Committee's report and refer the recommendations to the Boards & Commissions Committee to begin the process of creating the Commission.

Ms. Ashley Cooper, Ms. Elizabeth Schell and Ms. Kim Roney all spoke in support of the Commission's recommendations.

B. TREE COMMISSION PRESENTATION ON GAP ANALYSIS STUDY

Tree Commission Chair Steve Henricks and Tree Commission member Ed Macie said that the Urban Forest Sustainability & Management Assessment System is a framework for comprehensively evaluating urban forest management programs.

Mr. Macy said that the primary objectives are to: (1) engage the full spectrum of urban forestry stake holders; (2) provide program direction that increases the standards of practice and care in urban forest management; (3) conduct a gap analysis of management practices and the health of green assets; (4) Improve the health of the green assets managed by the program, and (5) Optimize management for identified ecosystem services (e.g., increased canopy for storm water management). The *Urban Forest Sustainability and Management Review* system utilized in this project is developed and supported by the USDA Forest Service, Southern Region

There are 11 categories of review: (1) policies and ordinances; (2) professional capacity and training; (3) funding and accounting; (4) authority; (5) inventories; (6) urban forest management plans; (7) risk management; (8) disaster planning; (9) practices (standards & BMPs); (10) community; and (11) green asset evaluation. There are 119 elements within 11 categories - not practiced, in development, adopted common practice, and exceeds common practice. The evaluation consists of (1) standard of care; (2) next step activities; and (3) advanced management activities.

Findings consist of (1) Urban forestry program with many core strengths; (2) Best practices and standards of care have been widely adopted and employed by the City; and (3) There are also specific opportunities for improvement, which include: (a) increasing capacity to manage the resource; (b) developing improved inventory and data sets, (comprehensive public tree inventory, and canopy analysis); (c) updating ordinances and plans; and (d) increasing community commitment, (building community support and awareness).

Recommendations are as follows: (1) Adequate staffing, including the addition of an Urban Forester; (2) Strategic planning, including the development of a comprehensive Urban Forestry Master Plan; (3) Updating City Ordinances, strengthening active tree protection during development, and adoption of an urban tree canopy policy (no net loss, canopy goals); and (4) Strengthening of private-public partnerships that engages citizens, increases awareness, and supports the City's urban forestry goals. He stressed that the Urban Forester position is the most appropriate step after the canopy analysis.

In response to Councilwoman Mayfield, City Manager Jackson said that the Tree Commission had brought forward three elements - the gap analysis, the canopy study, and the Urban Forestry Master Plan. The gap analysis study was funded and has now been completed. The other two elements are not funded and will be brought forward with all the other budget funding recommendations in the budget process.

C. NON-REVENUE WATER REPORT

Interim Water Resources Director David Melton updated Council on the non-revenue water report. He said this program has proven to be a viable resource for efficient operations for sustainability of the water system and the plan moving forward is to continue a proactive approach. In one year, there has been a 300,000 gallon a day reduction, which is estimated to be a savings of \$3 Million a year.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

- A. RESOLUTION NO. 18-37 - RESOLUTION TO NOT SUPPORT THE N.C. DEPT. OF TRANSPORTATION PROPOSAL TO WIDEN MERRIMON AVENUE TO FIVE LANES AND REQUESTING THE N.C. DEPT. OF TRANSPORTATION TO COLLABORATE WITH CITY STAFF TO DEVELOP ALTERNATIVES FOR MERRIMON AVENUE AND TO MEET REGULARLY WITH CITY STAFF TO REVIEW ALL OTHER N.C. DEPT. OF TRANSPORTATION PROJECTS WITHIN ASHEVILLE**

Transportation Director Ken Putnam provided the Council with the following staff report: The N.C. Dept. of Transportation (NCDOT) is proposing to improve traffic operations on Merrimon Avenue where two intersections (WT Weaver Blvd & Edgewood Rd) operate below NCDOT standards contributing to the corridor's congestion. As a result, NCDOT is proposing to widen Merrimon Avenue from a four- to a five- lane road between these intersections so that a center turn lane can be added. The project primarily aims to accommodate automobile traffic and would not provide sufficient infrastructure for bicycles and pedestrians. Staff recommends that City Council adopt a resolution to 1) reject the proposed plan because it fails to meet city goals, and 2) request NCDOT to collaborate with city staff to develop alternatives that align with city goals and adopted plans and that safely accommodate all users, especially those most vulnerable.

Merrimon Avenue is also known as US25, a road that is classified as a minor arterial that connects Downtown Asheville to Weaverville, running through some of Asheville's oldest neighborhoods. Merrimon Avenues is a traditional road and city connector that passes through vital City residential neighborhoods and business areas. It is the gateway to Asheville neighborhoods to the north and to the University of North Carolina, and the Asheville Central Business District to the south. In Downtown Asheville, Broadway Street, a two-lane road, transitions into Merrimon Avenue north of I-240 and becomes a four-lane road for three miles until it transitions back to a two lane road at the point that Merrimon Avenue reaches Beaver Lake. The NCDOT proposed project primarily aims to improve traffic operations at two intersections along Merrimon Avenue at WT Weaver and Edgewood Road, and these intersections were identified concerns that received funding and were put into the statewide plan, the State Transportation Improvement Program (STIP), for right-of-way acquisition in 2018 and for construction in 2019.

Asheville has changed significantly since early Merrimon Avenue discussions occurred about 20 years ago. Since the 1999 feasibility study there have been changes in policy, transportation planning standards, and local politics. In 2009, a Community Characteristics Report developed for NCDOT recommended that a future project needed to coordinate with the community to mitigate potential impacts on the historic character of the neighborhood. In 2012, the city adopted a Complete Streets Policy, which directs projects to incorporate active transportation options, reduce vehicle miles traveled and the associated carbon emissions, and calls for better integration of transportation and land use, now recognizing the important nexus between street operations and economic development (NCDOT adopted their own Complete Streets policy in 2009). In 2016 the city adopted the Asheville in Motion (AIM) Plan, which calls

for reducing automobile speeds to improve pedestrian safety citywide, adding bicycle facilities on Merrimon, and enhancing transit service on Merrimon.

The current proposed design by NCDOT is the wrong solution for the problem as it has been shown that road widenings induce demand and, over time, eliminate the automobile level of service (LOS) improvements that are initially gained, thereby perpetuating and contributing to a larger problem. Most important, however, we have realized that road widenings primarily benefit automobiles at the expense of pedestrians, bicyclists, and the built environment. Changing Merrimon to make it look and feel like Tunnel Road or Leicester highway is not be the best fit for this corridor or for Asheville.

Key to this community conversation is an understanding that motor vehicle LOS is only one indicator for the health of street. Other important factors include safety, mobility, and the effect on property and urban design.

- **Safety.** Between 2006-2017, this stretch of Merrimon Avenue had over 600 recorded crash incidents, including at least two with disabling injuries (see image to the right). In 2015, a 67-year-old woman was killed when trying to cross Merrimon Avenue one block south of the project area. On average, there is one auto-related crash along this half mile every week. The final design should improve safety for all users, especially for the most vulnerable.
- **Mobility options.** Currently Merrimon Avenue lacks appropriate pedestrian and bicycle facilities. Although the proposed project incorporates 5' sidewalk and allows for bicyclists to share the road, national standards (NACTO) recommend that shared roads are not appropriate on streets with design speeds above 25 mph--the proposed design speed is 40 mph. Safety concerns are both real and perceived. A 5-foot wide sidewalk along a five-lane road with no buffer from the street and immediately adjacent to a 13' moving lane is intimidating and uninviting. In addition, the numerous existing utility poles in the middle of sidewalks are an impediment to handicapped-accessible pedestrian travel.
- **Effect on property & urban design.** Five lane roads such as Tunnel Road, Leicester Highway, and Hendersonville Road are suburban, auto-oriented designs. They primarily serve to accommodate automobiles. Yet in urban environments wide roads without street trees significantly degrade the neighborhood and the pedestrian experience. Wider five-lane roads have fewer street trees because NCDOT requires that street trees be set back from moving vehicles, effectively eliminating them from many projects, as proposed for Merrimon Avenue.

Alternative Approach. There is another way forward that has been proven to be successful, even in locations with similar traffic volumes. The 'road diet' approach uses the right-of-way more efficiently, seeking to improve automobile LOS by removing turning vehicles from the moving lanes by providing dedicated turn lanes and making improvements to control driveway access (Staff has identified at least seven driveways driveways that require further investigation to determine if they are redundant and/or excessive, and whether their removal could improve traffic operations and safety while still maintaining necessary access for business.) The FHWA Safety Program provides guidance and case studies for road diets that are recommended for volumes below an Average Daily Traffic (ADT) of 20,000, and may be appropriate for higher-volume streets. For instance, the maximum acceptable volume for a road diet in Seattle, WA is 25,000 ADT. The following are a few comparable road diet case studies:

Project Location	ADT	Resulting Road Diet Benefits
Ocean Park Blvd (pg 18), Santa Monica, CA	23,000	Crashes reduced 65%

East Blvd (pg 4), Charlotte, NC	20,000	Crashes reduced 20-100%*
La Jolla Blvd, San Diego, CA	23,000	Crashes reduced 90%; Retail sales up 30%

* Some rear end crashes increased

Aside from ADT, road diet analysis depends on peak volumes and direction of traffic, turning movements, and other factors that together define the expected automotive LOS. These factors need to be analyzed and reviewed so that we can understand potential impacts on automobile transport to then weigh them against the benefits that come along with safety enhancements, improved mobility, and a better urban design. To date, however, staff has not seen data from NCDOT to review current and projected LOS.

Asheville's City Council Vision points to a city with pedestrian oriented development that harmonizes with the transportation system where it is easy to get around without a car safely. The Asheville City Development Plan 2025 (or Comprehensive Plan) identifies Merrimon Avenue as an Urban/Neighborhood Corridor where sidewalks, streetscape and building design acknowledge and provide a safe environment for the pedestrian users of the corridor. The Comprehensive Plan update highlights the importance of transit-supportive corridors that support walkability, bicycling, and ease of getting around.

In order to accomplish these goals, we must choose designs that align with our goals. In the case of Merrimon Avenue, an alternative design could be one that slows vehicles such that through-traffic chooses instead to travel along I-26; where bicyclists travel in a protected lane that safety connects to the Glenn's Creek Greenway; where pedestrians have wider sidewalks buffered with street trees; where an improved streetscape raises the level of the shopping corridor to make it a place that is exciting to visit--where taking a stroll is safe and pleasant.

It is understandable that NCDOT may not be interested in the alternative concepts if they fail to improve the automotive LOS because conventional transportation planning does not fully account for the other needs and benefits that a street can provide, that a road diet may lead to unaccounted for auto congestion and that that possibility is enough to drop the project. In other words, the thinking goes that by not being able to identify, in advance, where modeled spillover traffic may go, it is enough to forgo a project that would provide multiple benefits and that may actually accommodate cars sufficiently, as has been shown to be the case in other cities.

If Asheville is to move in the direction of the vision set by City Council and to achieve the many goals related to multimodal transportation and quality of life for Ashevilleians, we need to consider more than automobile LOS in this project. Inconvenient automobile congestion during peak travels times need not dominate the conversation because automobiles, although significant, are only part of the puzzle. This project can balance the automotive needs and also improve safety, enhance the pedestrian experience, provide a safe alternative for bicyclists, and support the existing urban land uses with streetscape improvements, potentially adding benches and pedestrian-scale lighting along wider sidewalks that include street trees. Improving the environment to make it more attractive for business should be a key element of the design.

It is our responsibility to make the case very clear that both city and state goals call for multimodal designs that improve safety. An alternative concept is possible if as a community we can agree to accept a reduced automobile LOS in exchange for improved safety, mobility, and a higher-quality urban design. Asheville looks forward to collaborating with NCDOT and the design team to revise the plan to meet our mutual goals and stay on schedule.

Pros to an alternative design for Merrimon Avenue:

- To reduce automobile speeds and related crashes, saving citizens cost of property damage and potentially saving lives
- Provide more equitable transport options
- Create shorter crossing distances for pedestrians, especially vulnerable populations
- Reduce costs with a smaller overall footprint; less property acquisition
- To improve service for emergency responders
- To align with City Council Vision, the City Comprehensive Plan, the Asheville in Motion (AIM) Mobility Plan (AIM identifies that Merrimon Avenue should have lower travel speeds and traffic volumes where pedestrians and cyclists navigate to visit businesses, and that more people accessing businesses by bike or foot could translate to less parking requirements for the business owners), and the Comprehensive Bicycle Plan of 2008, and would also align with NCDOT's Complete Streets Policy and Vision Zero Resolution
- To support NCDOT's recently-adopted safety performance measures to reduce fatal and serious injuries by 5% on a five year average as research shows that four-to-three lane road diets typically reduce speeds and crash rates
- To support regional planning consistent with the Land of Sky MPO's Clean Cities Coalition to reduce vehicle miles traveled (VMT) that an alternative concept would likely achieve as more local auto trips would shift to transit, bicycling, and walking
- To support transit: The city's Transit Master Plan is currently underway and will likely see improved north/south transit service along Merrimon Avenue that would help to provide additional mobility to potentially further reduce VMT along this corridor.
- To include street trees: It has been shown (Jacobs, Allan B. *Great Streets*, MIT Press, 1993, pg. 279) that attractive streets have vertical to horizontal ratios of about 1:2 (street is twice as wide as buildings are tall), and that wider streets are only successful if they have street trees to provide definition and a better sense of pedestrian scale. The Merrimon Avenue section is about 1:4 so street trees are important if the corridor is to attract more visitors and shoppers. A reduced design speed and buffered bicycle facilities of the alternative concept would likely provide the necessary clear zone space required by NCDOT to allow for street trees to be incorporated into the design.

Cons to an alternative design for Merrimon Avenue:

- Reduced LOS and convenience for automobiles, especially at peak commuting hours
- Possible delayed project schedule

The State Transportation Improvement Program (STIP) lists these two intersections with a total budget of \$1,391,000. Depending on the final design, the project cost may exceed this budget requiring additional funding, which may require support from the City of Asheville or other funding sources.

Staff recommends that City Council 1) reject the proposed plan because it fails to meet city goals, and 2) request NCDOT to collaborate with city staff to develop alternatives that align with city goals and adopted plans and that safely accommodate all users, especially those most vulnerable.

In response to Vice-Mayor Wisler, Mr. Putnam said that specifically for Merrimon Avenue, the NCDOT's consultant is putting all the comments they received together and they will come back to the City with an action plan. The City has been proactive in that they have already made a complete list of the 18-19 projects on the book with the NCDOT and they have taken steps to reach out and ensure we will be at the table on individual projects. We are identifying the projects that will be handled out of the Raleigh office vs. the projects that will be handled out of the local office. So far, the good news is that the projects out of the Raleigh office have been assigned to Mr. Weaver who has been instrumental in helping us through the I-26 process.

Mayor Manheimer said that she will be meeting with Mr. Billy Clarke who is our representative on the State Board of Transportation, along with our Council members on the Metropolitan Planning Organization (Vice-Mayor Wisler and Councilwoman Mayfield) and other Raleigh and City staff to talk about how we are going to get this working relationship right on this and future projects.

Mr. David Nutter, representing the viewpoint of the Preservation Society of Asheville & Buncombe County, opposed the current NCDOT proposal for Merrimon Avenue. He urged Council to terminate or postpone this project until it can be rethought as an urban Complete Streets project. In its present form the project will do substantial and irrevocable damage to the character of the study area. They are aware that the NCDOT is proposing to reconstruct the Glenn's Creek culvert beneath Woolsey's Dip. This reconstruction is a special and sensitive environmental design element warranting the U.S. Corps of Engineers attention. The project also requires serious environmental and historic preservation review. They believe that improvements to the street should be held within its existing street width and that Merrimon needs sidewalks which are continuous on both sides of the street. They ask that no commitment be made to close off Clearview Terrace until a sensitive study is made. They feel that an Historic Architecture and Resources Study prepared by consultants qualified under the U.S. Dept. of Interior Standards should be conducted.

Mr. Mike Soule, Director of Asheville on Bikes, opposed the NCDOT proposal for Merrimon Avenue and provided Council with a card that supported a safe Complete Streets for Merrimon Avenue designed to work for all people moving by a variety of modes.

A resident in the Grove Park area, asked that the area be made more pedestrian friendly.

Mr. Tony Hauser opposed the NCDOT proposal for Merrimon Avenue noting that adding lanes does not solve traffic problems. We must change the ways we think about transportation.

On the Merrimon Avenue project, Councilman Kapoor hoped that we would reach an understanding with the NCDOT to avoid taking someone's home.

Councilman Young hoped that this will lead to the NCDOT working more closely with the City of Asheville when projects are proposed to make sure they align with our goals as a City.

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. 18-27. This motion was seconded by Councilman Young and carried unanimously.

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VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Vice-Mayor Wisler announced that the appointments on the Audit Committee, Homeless Initiative Advisory Committee, Multimodal Transportation Commission and Riverfront Area Redevelopment Commission will be postponed until March 13, 2018.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Catherine Anne Walsh asked Council to strengthen the list of preferred species and to prohibit certain non-native invasive plants.

Mr. Bill Robinson spoke to Council the need to take better care of the homeless in Asheville.

Closed Session

At 6:48 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the City of Asheville vs. Robert H. Frost. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 7:26 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilman Young and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:26 p.m.

CITY CLERK

MAYOR