

Tuesday – February 27, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; 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: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. RESOLUTION NO. 18-56 - RESOLUTION IN MEMORY OF THE REVEREND BILLY GRAHAM

Mayor Manheimer read the resolution in memory of the Rev. Billy Graham as follows: WHEREAS, on behalf of the City of Asheville, we extend our sincere condolences over the passing of Reverend Billy Graham; and WHEREAS, Reverend Billy Graham was a charismatic North Carolina pastor who preached to more than 200 million people in 185 countries, counseled presidents and led mass religious rallies that featured professional musicians and huge choirs, in venues ranging from a circus tent in Los Angeles to Yankee Stadium in New York; and WHEREAS, Reverend Billy Graham held one of his famous religious rallies here in Asheville; and WHEREAS, Reverend Billy Graham served as a counselor or minister to a dozen U.S. presidents and, had a close fellowship with Queen Elizabeth II and the Royal Family; and WHEREAS, Reverend Billy Graham died on February 21, 2018; NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City of Asheville extends our sincere sympathies to his family and supporters upon the passing of Reverend Billy Graham.”

Mayor Manheimer then presented the resolution to Mr. Will Graham, grandson of Rev. Graham, and Mr. Glenn Wilcox, family friend, who thanked City Council for this resolution.

Resolution No. 18-56 was adopted by acclamation.

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B. PROCLAMATION PROCLAIMING MARCH 10, 2018, AS “ZELDA FITZGERALD DAY”

Vice- Mayor Wisler read the proclamation proclaiming March 10, 2018, as "Zelda Fitzgerald Day" in the City of Asheville. She presented the proclamation to Mr. Jim MacKenzie, who briefed City Council on some activities taking place during the day.

C. PROCLAMATION PROCLAIMING MARCH 19-25, 2018, AS “ASHEVILLE CLIMATE WEEK”

Councilwoman Mayfield read the proclamation proclaiming March 19-25, 2018, as "Asheville Climate Week" in the City of Asheville. She presented the proclamation to Ms. Megan Robinson, Executive Director of The Collider, , who briefed City Council on some activities taking place during the week.

II. CONSENT AGENDA:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 13, 2018; AND THE ANNUAL RETREAT HELD ON FEBRUARY 15-16, 2018**
- B. RESOLUTION NO. 18-38 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DIVISION OF EMERGENCY MANAGEMENT FOR THE FISCAL YEAR 2017 HOMELAND SECURITY GRANT TO UPGRADE AND ENHANCE WIRELESS TELECOMMUNICATIONS EQUIPMENT**

ORDINANCE NO. 4653 - BUDGET AMENDMENT THE N.C. DIVISION OF EMERGENCY MANAGEMENT FOR THE FISCAL YEAR 2017 HOMELAND SECURITY GRANT

Summary: The consideration of (1) a resolution authorizing the City Manager to apply for and enter into a contract with the N.C. Division of Emergency Management for the Fiscal Year 2017 Homeland Security Grant Program to upgrade and enhance the wireless telecommunications equipment; and (2) a budget amendment, in the amount of \$30,000, in the City's Special Revenue Fund budget for the grant.

In November 2010, City Council approved a resolution to authorize the City Manager to accept \$550,000 from the Fiscal Year 2010 Homeland Security Grant Program administered by the North Carolina Division of Emergency Management for procurement and installation of wireless telecommunications equipment to enhance the ability of emergency responders to communicate locally and throughout the region. That equipment was purchased and has been in use by the City since 2011. This equipment has enhanced the ability of the Asheville Fire Department and other regional Emergency Responders to communicate during a disaster or other emergency that requires the coordination and communication between multiple jurisdictions. After seven years of use and changes in technology, now is the appropriate time to enhance and upgrade the equipment. The \$30,000 from the Fiscal Year 2017 grant will be used for equipment that enhances existing wireless data/voice resources and capabilities; supports the Incident Management Team needs at alternate Emergency Operations Center locations; elevates radio frequency, provisions wireless access points for data and voice that can expand the present range, and increases the margin of safety for radio frequency exposure.

Pros:

- An increased ability to communicate with responders from other jurisdictions that can not operate on the City's Public Safety Radio System or who are outside the system coverage area.
- Increases responder safety and accountability of the City's resources when providing mutual aid to other jurisdictions.
- The redundant infrastructure will provide an additional margin of safety during emergency operations ensuring continued and reliable communications.

Con:

- None identified

The equipment purchase will be fully funded by the grant proceeds. There is no impact to the City's General Fund budget.

City staff recommends City Council adopt (1) a resolution authorizing the City Manager to apply for and enter into a contract with the N.C. Division of Emergency Management for the Fiscal Year 2017 Homeland Security Grant Program to upgrade and enhance the wireless telecommunications equipment; and (2) a budget amendment, in the amount of \$30,000, in the City's Special Revenue Fund budget for the grant.

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C. RESOLUTION NO. 18-39 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RECEIVE REIMBURSEMENT FUNDS FROM THE N.C. EMERGENCY DIVISION OF THE DEPT. OF PUBLIC SAFETY FOR STAFF DEPLOYMENT TO TEXAS TO ASSIST WITH HELO-AQUATIC RESCUE EFFORTS AND STAFF DEPLOYMENT TO BUNCOMBE COUNTY TO SUPPORT NORTH CAROLINA TASK FORCE 2 OPERATIONS DURING HURRICANE IRMA

ORDINANCE NO. 4654 - BUDGET AMENDMENT FOR STAFF DEPLOYMENT TO TEXAS TO ASSIST WITH HELO-AQUATIC RESCUE EFFORTS AND STAFF DEPLOYMENT TO BUNCOMBE COUNTY TO SUPPORT NORTH CAROLINA TASK FORCE 2 OPERATIONS DURING HURRICANE IRMA

Summary: The consideration of (1) a resolution authorizing the City Manager to receive reimbursement funds from the State of North Carolina N.C. Emergency Division of the Dept. of Public Safety for staff deployment to Texas to assist with Helo-Aquatic Rescue efforts and staff deployment to Buncombe County to support North Carolina Task Force 2 operations during Hurricane Irma; and (2) a budget amendment, in the amount of \$17,448.35, in the General Fund budget for the reimbursement.

The State of North Carolina participates in the The Emergency Management Assistance Compact (EMAC). EMAC is a nationally adopted mutual aid agreement among states to share resources during times of need. The City of Asheville Fire Department supports the North Carolina Helo-Aquatic Rescue Team (NCHART). During Tropical Storm Harvey, the state of Texas requested resources through the EMAC agreement and North Carolina responded by sending the NCHART team. AFD had two members deploy with the team at a cost of \$12,062.27. This amount represents the cost to the City in the form of compensation and benefits.

The North Carolina Emergency Management division of the Department of Public Safety supports seven Urban Search and Rescue (USAR) Task force teams. Buncombe County serves as the host for Task Force 2. The City of Asheville Fire Department supports this effort by providing trained staff. During Hurricane Irma, Task Force 2 increased their readiness level in anticipation of flood/swiftwater emergencies. AFD supported this effort through staffing at a cost of \$5,386.08. This amount represents the cost to the City in the form of compensation and benefits.

Pro:

- Receiving reimbursement funds will reduce the impact this deployment had on the fire department's compensation budget.

Con:

- None Identified

Upon City Council approval, a budget amendment will be made in the current fiscal year to accept this reimbursement and reduce the overtime impact to the Asheville Fire Department in the amount of \$17,448.35.

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to receive reimbursement funds from the State of North Carolina N.C. Emergency Division of the Dept. of Public Safety for staff deployment to Texas to assist with Helo-Aquatic Rescue efforts and staff deployment to Buncombe County to support North Carolina Task Force 2 operations during Hurricane Irma; and (2) a budget amendment, in the amount of \$17,448.35, in the General Fund budget for the reimbursement

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ORDINANCE BOOK NO. 32 - PAGE 11**

D. RESOLUTION NO. 18-40 - RESOLUTION PROPOSING TO ACCEPT AN OFFER FOR SALE OF 102.8 SQUARE FEET OF AIR RIGHTS AT 35 EAGLE STREET; DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS FOR THE SALE OF AIR RIGHTS; AND IF NO OTHER BIDS ARE RECEIVED OR ACCEPTED, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CONVEY THE AIR RIGHTS

Summary: The consideration of a resolution proposing to accept an offer for sale of 102.8 square feet of air rights at 35 Eagle Street; directing the City Clerk to advertise for upset bids for the sale of air rights; and if no other bids are received or accepted, authorizing the City Manager to execute any and all documents necessary to convey the air rights.

The City of Asheville controls the sidewalk and street right-of-way located at 35 Eagle Street and in turn controls encroachments into the overhead airspace above the sidewalk. At this time, Asheville Foundry Inn, LLC is constructing a hotel that is comprised of several historical buildings and some new construction. The construction plans call for a cornice at the roof line that extends slightly onto the City's right of way on Eagle Street. Because this cornice would be a permanent part of the building, this encroachment into the public air space must be treated as a sale of property, and therefore the City requires that the sale of air rights follow certain disposition procedures; specifically the upset bid process.

The project was approved in March of 2015 by the Technical Review Committee and it was favorably reviewed by the Downtown Commission in May of that year. Planning and Zoning reviewed and approved the Level II project in June of 2015. Due to the historical status of the existing buildings, the developer reduced the scope of the project. The result was the elimination of one floor in the future hotel. The plans were revisited by the design team and the cornice was added along the roofline on the Eagle Street side. This addition to the plans triggered the need to purchase air rights from the City of Asheville. In terms of current policy, the sale of air rights is reviewed on a case by case basis. There is an air rights policy that was drafted by the Planning & Urban Design Department and reviewed by the Downtown Commission, but not yet officially approved. This policy generally allows air rights to be granted for existing structures such as this Property. The Public Works Department was consulted in regard to this air rights request, since it is responsible for the sidewalk below and it had no concerns.

On January 12th, 2018, a qualifying bid was received from Asheville Foundry Inn, LLC in the amount of \$833.00 for the purchase of 102.8 square feet of air space for the purpose of constructing a cornice onto an existing roof overhang at 35 Eagle Street. This bid was based on an average of the value from a 2016 Commercial Appraisal of a nearby hotel and the tax assessed value of the land where construction is underway on Eagle and South Market Street, and the offered amount is considered to be at fair market value for the air rights. If the City

Council approves the following resolution, the City Clerk will be directed to publish an advertisement for upset bids for a period of 10 days, in which any interested party may upset the current bid of \$833.00. The statutes require that a qualifying bid must increase the current offer by 10% of the first \$1,000 and 5% of the remainder (i.e., \$917.00 or higher). Since the function of the upset bid process is to confirm fair market value, this resolution provides that if no qualifying, competing bid is received, then the City Council agrees to convey this specified area of air rights to Asheville Foundry Inn, LLC for \$833.00.

Pros:

- The project will preserve existing buildings on the Historic Register.
- The sale of the air rights will be at fair market value.

Con:

- The cornice is an encroachment into the City's right-of-way.

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

Staff recommends City Council adopt a resolution that proposes to accept an offer for sale of 102.8 square feet of air rights at 35 Eagle Street to Asheville Foundry Inn, LLC; directing the City Clerk to advertise for upset bids for the sale of said air rights; and if no other bids are received or accepted, authorizing the City Manager to execute any and all documents necessary to convey the easement and air rights.

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E. RESOLUTION NO. 18-41 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH GHD CONSULTING SERVICES FOR THE MILLS RIVER WATER TREATMENT PLANT ROOF REPLACEMENT AND STRUCTURAL IMPROVEMENTS PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a Supplemental Agreement with GHD Consulting Services, Inc. for the proposed amount of \$206,040 plus a 10% contingency for a total of \$226,644 for the Mills River WTP Roof Replacement and Structural Improvements Project.

On August 11, 2014, the Water Resources Department (WRD) issued a Request for Qualifications (RFQ) for On-Call Professional Services for Water Treatment Plant (WTP) Projects. In response to the RFQ, seven engineering firms submitted Statements of Qualifications (SOQ). A WRD review team selected three engineering firms with proven experience and expertise to provide professional and engineering services for various water treatment plant repair, replacement, and/or expansion projects. The three selected firms are Brown and Caldwell, CDM Smith Inc., and GHD Consulting Services.

With guidance from the City's Legal and Purchasing Departments, the WRD executed Master Agreements with all three firms to establish initial contractual terms. Specific projects would be authorized under a separate Supplemental Agreement between the WRD and individual engineering firm. The WRD desires to enter into a Supplemental Agreement with GHD for the Mills River WTP Roof Replacement and Structural Improvements.

The Mills River WTP's roof is original to the facility (opened 1999) and is past its useful life. As the roof system is approaching 20 years old, water is penetrating the building envelope in locations throughout the building and the roof is in need of replacement. Following the initial site inspection, GHD was informed that the plant currently does not have a way to replace bulk

storage tanks in the chemical area. GHD has been asked to provide a scope of work that includes the design and specification of a roof system replacement, along with structural improvements for the installation of removable skylights for the removal of the sodium hydroxide, sodium hypochlorite, alum, and fluoride bulk storage tanks, construction administration, and full-time project oversight.

The scope of services to be performed by GHD under this Supplemental Agreement include design services, bid and construction administration services, and on-site representation and inspections needed for the project.

Pros:

- This project will replace the roof and make needed structural improvements at the MR WTP in order to operate the plant at the most efficient level possible.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- A delay in awarding this agreement would postpone the roof replacement, which will continue to leak and cause damage to filter controls and structural aspects of the MR WTP.

The funding needed for this agreement is currently allocated within the Water Treatment Plant Improvements Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with GHD Consulting Services, Inc. for the proposed amount of \$206,040 plus a 10% contingency for a total of \$226,644 for the Mills River WTP Roof Replacement and Structural Improvements Project.

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- F. RESOLUTION NO. 18-42 - RESOLUTION AMENDING THE 2018 CITY COUNCIL MEETING SCHEDULE TO (1) RESCHEDULE THE PREVIOUSLY SCHEDULED BUDGET WORKSESSION ON MARCH 13, 2018, TO MARCH 20, 2018, AT 3:00 P.M. IN THE COUNCIL CHAMBER AND HELD IN CONJUNCTION WITH A PARTICIPATORY BUDGET WORKSESSION; (2) ADD
A JOINT CITY COUNCIL/BUNCOMBE COUNTY COMMISSIONERS MEETING ON MARCH 13, 2018, AT 3:00 P.M. IN THE 1ST FLOOR CONFERENCE ROOM AT 200 COLLEGE STREET, ASHEVILLE, N.C.; AND (3) RESCHEDULE
THE MAY 8, 2018, FORMAL MEETING TO MAY 15, 2018**

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- G. ORDINANCE NO. 4655 - BUDGET AMENDMENT FOR CONNECTIVITY IMPROVEMENTS NEAR THE MIXED-USE DEVELOPMENT ON FAIRVIEW ROAD KNOWN AS "THE DISTRICT"**

Summary: The consideration of a budget amendment in the General Capital Projects Fund in the amount of \$200,000 to appropriate funding received from the applicant for connectivity improvements near the mixed-use development on Fairview Road known as "The District."

The project known as "The District" was approved by City Council on January 27, 2015, under ordinance number 4379. The approval was for a mixed-use development on Fairview Road just south of Biltmore Village with approximately 309 residential units (including 7% of those units dedicated at affordable rents according to the ordinance), approximately 9,700 square feet of commercial space and streetscape improvements that activate Fairview Road. As a part of the City Council hearing, the applicant offered and agreed that "The property owner and/or applicant shall pay to the City of Asheville \$200,000 on or before the date the first building permit is issued for the purpose of promoting connectivity from the property to Sweeten Creek Road and Biltmore Village and/or for traffic calming measures or pedestrian enhancements on or around Fairview Road and Stoner Road."

The check from the applicant in the amount of \$200,000 was received by the City in March 2016. Staff from the Planning and Urban Design, Public Works and Transportation Departments have been working to determine possible improvements to satisfy this condition and will be holding a community meeting on February 22, 2018. Staff will then be ready to begin work on the improvements and therefore a budget amendment is needed to appropriate funding.

The Finance Committee will be reviewing this item at their February 27, 2018, meeting and if there is anything other than unanimous support to move this forward to City Council it will be brought to the attention of Council at their February 27 meeting.

Pros:

- Provides budget authorization for upcoming project expenses.
- Funds needed public pedestrian improvements with private revenue source

Con:

- None.

As noted above, the \$200,000 in improvements planned with this project require no additional City funds.

City staff recommends City Council adopt the budget amendment in the General Capital Projects Fund in the amount of \$200,000 to appropriate funding received from the applicant for connectivity improvements near the mixed-use development on Fairview Road known as "The District."

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H. RESOLUTION NO. 18-43 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH W.K. DICKSON & CO. INC. FOR THE NEIGHBORHOOD ENHANCEMENT PROJECT - AREA 5

Summary: The consideration of a resolution authorizing the City Manager to execute a Supplemental Agreement with W.K. Dickson & Co., Inc. for the proposed amount of \$762,395 plus a 10% contingency for a total of \$838,635 for the Neighborhood Enhancement Project - Area 5.

The City of Asheville Water Resources Department has prioritized this Neighborhood Waterline Replacement Project for the current fiscal year and is seeking engineering design and project management assistance for this project. This project will replace existing substandard and failing water lines in favor of new water lines, designed and constructed in accordance with the City of Asheville standards.

The scope of this project includes: design for construction of approximately 27,925 Linear Feet of 6, 8 and 12-inch water line and appurtenances along various streets within the Muirfield Subdivision, Mills Gap Road, Swannanoa River Road, South Tunnel Road, Long Shoals Road, Brookwood Road, Brevard Road, Hazel Mill Road and Joe Jenkins Road.

Through a qualifications based selection process for engineering services, the City of Asheville selected four engineering firms to provide on-call professional services for Water Distribution and Storage Projects. WK Dickson was one of the selected firms, and the City of Asheville entered into a Master Agreement with them on May 11, 2015, for On-Call Professional Services for Water Distribution and Storage Projects. If approved, the proposed engineering services described herein will be developed into a Supplemental Agreement under the conditions of the Master Agreement.

Subsequent to this selection, Water Resources staff met with WK Dickson and negotiated an Engineering Services Contract in the amount of \$762,395 plus a 10% contingency for a total of \$838,635.

Pros:

- WK Dickson has provided Engineering Services on water system improvement projects. Their experience and knowledge of water systems will minimize staff support and input during the design process.
- This project will provide citizens with improved water system reliability and much improved fire protection.

Con:

- Failure to award an engineering services contract would prevent the Water Resources Department from completing the Neighborhood Enhancement Project in a timely manner and delay the replacement of the aging existing water system.

The funding needed for this agreement is currently allocated within the Small Waterline Replacement Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with W.K. Dickson & Co., Inc. for the proposed amount of \$762,395 plus a 10% contingency for a total of \$838,635 for the Neighborhood Enhancement Project - Area 5.

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I. RESOLUTION NO. 18-44 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH BROWN & CALDWELL FOR THE NORTH FORK WATER TREATMENT PLANT SODIUM BICARBONATE FEED SYSTEM REPLACEMENT PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a Supplemental Agreement with Brown and Caldwell for the proposed amount of \$165,000 plus a 10% contingency for a total of \$181,500 for the North Fork Water Treatment Plant (NFWTP) Sodium Bicarbonate Feed System Replacement Project.

On August 11, 2014, the Water Resources Department (WRD) issued a Request for Qualifications (RFQ) for On-Call Professional Services for Water Treatment Plant (WTP) Projects. In response to the RFQ, seven engineering firms submitted Statements of Qualifications (SOQ). A WRD review team selected three engineering firms with proven experience and expertise to provide professional and engineering services for various water treatment plant repair,

replacement, and/or expansion projects. The three selected firms are Brown and Caldwell, CDM Smith Inc., and GHD Consulting Services.

With guidance from the City's Legal and Purchasing Departments, the WRD executed Master Agreements with all three firms to establish initial contractual terms. Specific projects would be authorized under a separate Supplemental Agreement between the WRD and individual engineering firm. The WRD desires to enter into a Supplemental Agreement with Brown and Caldwell, for the NFWTP Sodium Bicarbonate Feed System Replacement Project.

The bicarbonate silo at the NFWTP provides storage for powdered bicarbonate, a chemical used for water system corrosion control. The existing silo was installed in 1996 and is at the end of its useful life. The silo currently suffers from issues that pose water treatment challenges and raise safety concerns. The silo is in immediate need of replacement to address these issues.

The scope of services to be performed by Brown and Caldwell under this Supplemental Agreement includes, but is not limited to: (1) an evaluation of the existing bicarbonate silo and associated chemical feed system; (2) a summary of proposed improvements; (3) design drawings and technical specifications for the new bicarbonate silo bidding and construction; (4) preparation of bid documents; (5) a pre-bid meeting; (6) bid review and recommendation of award; and (7) construction administration.

Pros:

- This project will replace the sodium bicarbonate feed system at NFWTP in order to operate the plant at the most efficient level possible.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- A delay in awarding this agreement would postpone needed repairs to the sodium bicarbonate feed system at NFWTP, which could result in a Notice of Violation from NCDEQ if it failures were to occur with this operation.

The funding needed for this agreement is currently allocated within the Water Treatment Plant Improvements Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with Brown and Caldwell for the proposed amount of \$165,000 plus a 10% contingency for a total of \$181,500 for the North Fork Water Treatment Plant (NFWTP) Sodium Bicarbonate Feed System Replacement Project.

RESOLUTION BOOK NO. 32 - PAGE 271

J. RESOLUTION NO. 18-45 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE SOCON JAMFEST

RESOLUTION NO. 18-46 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY MARKET

RESOLUTION NO. 18-47 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR

UNFORTIFIED WINE AT THE RUN FOR THE PAWS EVENT

RESOLUTION NO. 18-48 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY SOCCER CLUB GAMES

RESOLUTION NO. 18-49 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWS AND BEARS EVENT

RESOLUTION NO. 18-50 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGANFEST

RESOLUTION NO. 18-51 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT HOLA ASHEVILLE

Summary: The consideration of resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the SoCon JamFest, Asheville City Market, Run for the Paws, Asheville City Soccer Club Games, Brews and Bears, Asheville VeganFest and Hola Asheville.

Review:

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

The SoCon JamFest will be held on Sunday, March 4, 2018, from 1:00 p.m. to 3:45 p.m. within the boundaries of 68 Haywood Street as per the area limits referenced on the accompanying site map.

- Asheville Sustainable Agriculture Project has requested through the City of Asheville Community & Economic Development Department that City Council allow them to permit properly licensed beer and/or unfortified wine product vendors the option to provide one-ounce samples of their beer and/or unfortified wine product at the Asheville City Market and allow for consumption at the events.

The Asheville City Market will be held weekly on Saturdays beginning April 7, 2018, through December 15, 2018, from 8:00 a.m. to 12:00 p.m. within the boundaries of North Market Street as per the area limits referenced on the accompanying site map.

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

Run for the Paws will be held on Sunday, April 22, 2018, from 10:00 a.m. to 2:00 p.m. within the boundaries of Carrier Park, and Asheville VeganFest will be held on Sunday, June 10, 2018, from 11:00 a.m. to 6:00 p.m. within the boundaries of Pack Square Park, as per the area limits referenced on the accompanying site maps.

- The Asheville City Soccer Club has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Asheville City Soccer Club Games and allow for consumption at the events.

The Asheville City Soccer Club Games will be held on Sundays, Mondays, Tuesdays, Thursdays, Fridays and Saturdays, May 4, May 5, May 8, May 17, May 19, May 29, June 2, June 12, June 14, June 19, June 21, June 23, June 27, June 29, June 30, July 2, July 3, July 10, July 13, July 14, and July 15, 2018, from 6:00 p.m. to 10:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on the accompanying site map.

- Friends of the WNC Nature Center has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Brews and Bears and allow for consumption at the events.

Brews and Bears will be held on Fridays, May 11, July 13, and September 14, 2018, from 5:30 p.m. to 8:00 p.m. within the boundaries of the WNC Nature Center as per the area limits referenced on the accompanying site map.

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

Hola Asheville will be held on Saturday, June 23, 2018, from 12:00 p.m. to 8:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for the Asheville Buncombe Regional Sports Commission, Appalachian Sustainable Agriculture Project, Brother Wolf Animal Rescue, Asheville City Soccer Club, Friends of the WNC Nature Center, and Hola Community Arts

Con:

- Potential for public safety issues

There is no fiscal impact.

Staff recommends City Council adopt a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at SoCon JamFest, the Asheville City Market, Run for the Paws, Asheville VeganFest, ACSC Games, Brews and Bears, and Hola Asheville.

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- K. ORDINANCE NO. 4656 - TECHNICAL BUDGET AMENDMENT TO MOVE THE REVENUE AND EXPENSE BUDGETS FOR PASS THROUGH FUNDING THAT IS RECEIVED FROM THE FEDERAL TRANSIT ADMINISTRATION FUND TO THE TRANSIT MULTI-YEAR FUND**

Summary: The consideration of a technical budget amendment in the amount of \$1,062,500 to move the revenue and expense budgets for pass through funding that is received from the Federal Transit Administration (FTA) from the Transit Operating Fund to the Transit Multi-Year Fund.

As the direct recipient of Federal Section 5307 funds for transit operations and capital programs for this region, the City of Asheville annually receives FTA funding that it then passes on to subrecipient organizations within the urbanized area which include: Henderson County, Buncombe County, and Haywood County. With the recent change in the formula allocation, the amounts that the City passes through to subrecipient organizations has increased and will continue to increase as the new allocation formula is fully implemented.

The City has historically budgeted and accounted for this pass through funding in the Transit Operating Fund. With this amount growing to potentially exceed \$1.0 million, staff is recommending that the budget for the pass through funding be moved from the Transit Operating Fund (6500) to the Transit Multi-Year Fund (6510). Moving this budget out of the Transit Operating Fund will provide a more accurate accounting of the revenues and expenses associated with operating the City's own transit system. The FY 2018-19 Manager's Recommended Budget, which staff will present to City Council in May will include the pass through budget in the Transit Multi-Year Fund as opposed to the Transit Operating Fund. Adjusting the current year budget will allow for a better year-to-year comparison when Council is reviewing the FY 2018-19 Manager's Recommended Budget.

Pro:

- Provides an improved financial presentation of the cost associated with operating the City's transit system.

Con:

- None.

There is no net fiscal impact to this technical budget amendment. Budget is simply being transferred from one fund to another.

City staff recommends City Council adopt the technical budget amendment in the amount of \$1,062,500 to move the revenue and expense budgets for pass-through funding that is received from the Federal Transit Administration (FTA) from the Transit Operating Fund to the Transit Multi-Year Fund.

ORDINANCE BOOK NO. 32 - PAGE 15

L. RESOLUTION NO. 18-52 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH BUCKEYE BRIDGE LLC FOR THE NEIGHBORHOOD ENHANCEMENT PROJECT AREA 3 WATER DISTRIBUTION SYSTEMS PHASE 2 PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a construction agreement with Buckeye Bridge, LLC, for the NEP Area 3 Water Distribution Systems Phase 2 Project for the bid amount of \$2,013,316 plus a 15% contingency in the amount of \$301,998 for a total project budget in the amount of \$2,315,314.

On December 20, 2017, the Water Resources Department (WRD) issued an Advertisement for Bids for the NEP Area 3 Water Distribution Systems Phase 2 Project. The scope of work for this project includes, but is not limited to, all labor, materials, equipment, and

incidentals required for the installation of approximately 1,200 Linear Feet (LF) of 30-inch Ductile Iron Pipe (DIP) and 200 LF of 24-inch DIP located along Tunnel Road and Beaucatcher Road from Buckstone Place to Kenilworth Road in the Kenilworth Area, with related appurtenances required in order to complete the work.

In response to the Advertisement for Bids, the WRD received 3 bids on January 30, 2018. Companies responding were:

1. Buckeye Bridge, LLC; Canton, NC – Bid: \$2,013,316
2. Thomas Construction Company, Inc.; Johnson City, TN – Bid: \$2,218,835
3. Hyatt Pipeline, LLC; Canton, NC – Bid: \$2,246,917

Following a review of the bids by City Staff and the project engineers, CDM Smith, Buckeye Bridge, LLC, was selected as the lowest responsible, responsive bidder for the bid amount of \$2,013,316. A contingency amount of \$301,998 has been added for a total project budget in the amount of \$2,315,314.

Pros:

- This project will add an additional transmission waterline and relocate an existing aging waterline out of a flood zone. The subject lines are undersized, provide inadequate flow, and/or have a high risk of failure. Replacement of these lines will help to improve the service and reliability of the water system.
- This project is aligned with the City and the WRD's goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- Failure to award a construction contract would prevent the completion of the water system improvements.

The funding needed for this agreement is currently allocated within the Small Waterline Replacement Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a construction agreement with Buckeye Bridge, LLC, for the NEP Area 3 Water Distribution Systems Phase 2 Project for the bid amount of \$2,013,316 plus a 15% contingency in the amount of \$301,998 for a total project budget in the amount of \$2,315,314.

RESOLUTION BOOK NO. 39 - PAGE 293

M. RESOLUTION NO. 18-53 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH T & K UTILITIES INC. FOR THE FAIRVIEW AREA WATER SYSTEM IMPROVEMENTS PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a construction agreement with T & K Utilities, Inc., for the Fairview Area Water System Improvements Project for the bid amount of \$3,704,100 plus a 15% contingency in the amount of \$555,615 for a total project budget in the amount of \$4,259,715.

On January 3, 2018, the Water Resources Department (WRD) issued an Advertisement for Bids for the Fairview Area Water System Improvements Project. The scope of work for this project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of a 1.0 Million Gallons per Day (MGD) booster pumping station with three pumps,

construction of a 0.5 Million Gallon (MG) ground storage tank on a concrete pedestal, the installation of four new pressure reducing valve (PRV) stations and the installation of approximately 1,400 Linear Feet (LF) of 12 and 8-inch ductile iron pipe (DIP) with related appurtenances required in order to complete the work.

In response to the Advertisement for Bids, the WRD received 6 bids on January 30, 2018. Companies responding were:

1. T&K Utilities, Inc; Asheville, NC – Bid: \$3,704,100
2. The Harper Corporation; Greenville, SC – Bid: \$3,749,000
3. State Utility Contractors, Inc; Monroe, NC – Bid: \$3,782,000
4. Dellinger, Inc.; Monroe, NC - Bid: \$3,999,000
5. Wharton - Smith, Inc.; Charlotte, NC - Bid: \$4,029,050
6. Buckeye Bridge, LLC; Canton, NC - Bid: \$4,235,616

Following a review of the bids by City Staff and the project engineers, Hazen & Sawyer, T & K Utilities, Inc., was selected as the lowest responsible, responsive bidder for the bid amount of \$3,704,100. A contingency amount of \$555,615 has been added for a total project budget in the amount of \$4,259,715.

Pros:

- This project will reduce the demands on the existing 1 MG Concord Tank and associated pressure zone, provide needed redundancy for the system, improve flow and pressure characteristics, and improve water quality by reducing water age.
- This project is aligned with the City and WRD's goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- Failure to award a construction contract would prevent the completion of the water system improvements.

The funding needed for this agreement is currently allocated within the Fairview Service Area Waterline Improvements Project in the Water Resources Capital Improvement Projects (CIP) Fund. The cost of this project will be funded with the issuance of debt proceeds (up to \$12 million) and pay-as-you-go funds currently allocated in the CIP Fund Project Budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a construction agreement with T & K Utilities, Inc., for the Fairview Area Water System Improvements Project for the bid amount of \$3,704,100 plus a 15% contingency in the amount of \$555,615 for a total project budget in the amount of \$4,259,715.

RESOLUTION BOOK NO. 39 - PAGE 294

N. RESOLUTION NO. 18-54 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH CDM SMITH INC. FOR ENGINEERING SERVICES ASSOCIATED WITH WATER SYSTEM DISTRIBUTION PROJECTS - PROJECT 2

Summary: The consideration of a resolution authorizing the City Manager to execute a Supplemental Agreement with CDM Smith, Inc. for the proposed amount of \$884,124 plus a 10% contingency for a total of \$972,537 for the Water System Distribution Projects - Project 2.

The City of Asheville Water Resources Department has prioritized this Water System Distribution Project for the current fiscal year and is seeking engineering design and project management assistance for this project. This project will replace existing substandard and failing transmission mains in favor of new transmission mains, designed and constructed in accordance with the City of Asheville standards. It is anticipated that construction of the project will occur in multiple phases.

The scope of this project includes: design for construction of approximately 10,600 Linear Feet of 24-inch water transmission main along Patton Avenue and all associated appurtenances. This transmission line replacement project will begin near the intersection of Craven Street and Hazel Mill Road and terminate at the intersection of Patton Avenue and Haywood Road.

Through a qualifications based selection process for engineering services, the City of Asheville selected four engineering firms to provide on-call professional services for Water Distribution and Storage Projects. CDM Smith, Inc. was one of the selected firms, and the City of Asheville entered into a Master Agreement with them on May 27, 2015, for On-Call Professional Services for Water Distribution and Storage Projects. If approved, the proposed engineering services described herein will be developed into a Supplemental Agreement under the conditions of the Master Agreement.

Subsequent to this selection, Water Resources staff met with CDM Smith and negotiated an Engineering Services Contract in the amount of \$884,124 plus a 10% contingency for a total of \$972,537.

Pros:

- CDM Smith, Inc. has provided Engineering Services on water system improvement projects. Their experience and knowledge of water systems will minimize staff support and input during the design process.
- This project will provide citizens with improved water system reliability and much improved fire protection.

Con:

- Failure to award an engineering services contract would prevent the Water Resources Department from completing the Water System Distribution Project in a timely manner and delay the replacement of the aging existing water system.

The funding needed for this agreement is currently allocated within the Small Waterline Replacement Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with CDM Smith, Inc. for the proposed amount of \$884,124 plus a 10% contingency for a total of \$972,537 for the Water System Distribution Projects - Project 2.

RESOLUTION BOOK NO. 39 - PAGE 295

O. RESOLUTION NO. 18-55 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH MCGILL ASSOCIATES FOR THE WATER SYSTEM DISTRIBUTION PROJECTS - PROJECT 1

Summary: The consideration of a resolution authorizing the City Manager to execute a Supplemental Agreement with McGill Associates, PA for the proposed amount of \$967,878.80

plus a 10% contingency for a total of \$1,064,667 for the Water System Distribution Projects - Project 1.

The City of Asheville Water Resources Department has prioritized this Water System Distribution Project for the current fiscal year and is seeking engineering design and project management assistance for this project. This project will replace existing substandard and failing water lines in favor of new water lines, and it will add capacity and redundancy to the transmission main system. The project will be designed and constructed in accordance with the City of Asheville standards. It is anticipated that construction of the project will occur in multiple phases.

The scope of this project includes: (1) design for construction of approximately 1,700 Linear Feet (LF) of 48-inch transmission line and appurtenances along North Fork Road with separate tie-ins to the existing 36 and 24-inch transmission mains south and north of the NCDOT bridge; and (2) design for construction of approximately 13,300 LF of 12-inch water main, 700 LF of 24-inch transmission main and appurtenances along McDowell Street, Short McDowell Street and Meadow Road. The project will involve two major bore / tunneling operations under the French Broad River, adjacent to the Amboy Road bridge and crossing under the Railroad Lines along Meadow Road.

Through a qualifications based selection process for engineering services, the City of Asheville selected four engineering firms to provide on-call professional services for Water Distribution and Storage Projects. McGill Associates was one of the selected firms, and the City of Asheville entered into a Master Agreement with them on April 28, 2015, for On-Call Professional Services for Water Distribution and Storage Projects. If approved, the proposed engineering services described herein will be developed into a Supplemental Agreement under the conditions of the Master Agreement.

Subsequent to this selection, Water Resources staff met with McGill Associates and negotiated an Engineering Services Contract in the amount of \$967,878.80 plus a 10% contingency for a total of \$1,064,667.

Pros:

- McGill Associates has provided Engineering Services on water system improvement projects. Their experience and knowledge of water systems will minimize staff support and input during the design process.
- This project will provide citizens with improved water system reliability and much improved fire protection.

Con:

- Failure to award an engineering services contract would prevent the Water Resources Department from completing the Water System Distribution Project in a timely manner and delay the replacement of the aging existing water system.

The funding needed for this agreement is currently allocated within the Small Waterline Replacement Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with McGill Associates, PA for the proposed amount of \$967,878.80 plus a 10% contingency for a total of \$1,064,667 for the Water System Distribution Projects - Project 1.

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.

Councilwoman Mayfield moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Young and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. LEGISLATIVE STUDY COMMITTEE TO STUDY RATES AND TRANSFER/ PUBLIC ENTERPRISES

Representative Chuck McGrady provided Council with a brief history on why the Legislative Study Committee to Study Rates and Transfer/Public Enterprises which grew out of the legislation dealing with Asheville's water system. In summary, he asked for Council's assistance and cooperation on (1) an interlocal agreement between Henderson County and the City of Asheville that addresses the potential need for waterline extensions in northern Henderson County related to economic development opportunities; and (2) Henderson County representation on the Metropolitan Sewerage District (MSD) Board because Henderson County residents pay a higher rate for sewer and they are not represented on the MSD Board.

Mayor Manheimer explained that there is a draft interlocal agreement which is currently being reviewed by the City Attorney and Henderson County's attorney.

When Councilman Kapoor asked Representative McGrady why he doesn't ask the Study Committee to not look at Asheville's water system, Representative McGrady said the only issue in any way that would relate to Asheville would be to trying to solve this representation fix with MSD. That could relate to Asheville so he can't say whatever comes out of it will not at all relate to Asheville. He said Asheville is in no way a target. He said if he can take care of the MSD representation and the interlocal agreement he felt he has taken care of his constituents.

Councilwoman Mayfield clarified what she heard was that we are past the time when anyone is looking to force a merger or takeover or otherwise seize or remove from the control of the City of Asheville it's water system. Representative McGrady said he couldn't speak for everyone, but he said he could speak for himself, and he said no, he has absolutely no interest in going down that road unless he's forced. And, he didn't think he would be forced because he's trying to disconnect these issues from each other. He said he did not expect to have any legislation having to deal with Asheville's water system.

When Councilman Kapoor asked Representative McGrady under what circumstances might he envision himself being forced, Representative McGrady said he that if we don't take care of the MSD issue then he would have to figure out how to push it, because his constituents are paying too much for sewer and they are not represented. If the Buncombe County and its various cities can't help him figure out how to get around that, then the question will become what will he do about it.

Three individuals were concerned that Representative McGrady will continue to try to force regionalization of the entire Buncombe County and Henderson County water and sewer systems unless he gets Henderson County representation on the MSD Board and the City and Henderson County adopt the interlocal agreement.

On behalf of City Council, Mayor Manheimer thanked Representative McGrady for his presentation.

B. UPDATE ON THE CHARLOTTE STREET INNOVATION DISTRICT PROCESS

Assistant City Manager Cathy Ball said that previous planning and traffic studies for N. Charlotte Street include a 1997 Traffic Study, a 1999 Corridor Plan, a 2002 Transportation Study, a 2013 Transportation Study, and a 2016 Transportation Plan.

By Resolution No. 14-241, the Charlotte Street Corridor was established as an Innovation District. The approved budget (Capital Improvement Program) for Fiscal Year 2019 is \$200,000 for N. Charlotte Street, and \$1,050,000 for Fiscal Year 2020.

There has been recent public engagement through CSBA. Completed activities include: (1) City response to red light camera and crash data inquiry; (2) Installation of flashing speed limit signs; (3) Installation of temporary speed radar signs for 3 months; (4) New traffic counts taken and data shared with stakeholders; (5) Staff memo on Red Lights Cameras; and (6) Staff memo on three year crash data. A scheduled activity is a new crosswalk to be installed on Charlotte Street (Baird/Broad) by end of April 2018.

Next steps include (1) complete the crosswalk by April 2018; (2) Planning & Economic Development Committee meeting on March 12, 2018 (consideration of options for planning process); (3) Council meeting in April, 2018; and (4) develop schedule based on outcome from April Council meeting.

In response to Vice-Mayor Wisler, Ms. Ball said that staff is folding in the Edwin/Celia stormwater project with the N. Charlotte Street project. The stormwater project funds will not come out of the \$1,250,000 Capital Improvement Program funds for the N. Charlotte Street Project.

In response to Mayor Manheimer, Transportation Director Ken Putnam said that at this time we will be putting in a crosswalk but we are moving forward with getting current traffic counts for a signal. Once we justify the signal, we will have to identify the funding source.

In response to Councilwoman Mayfield, Mr. Putnam said that at the new crosswalk, we will use the normal pedestrian warning signs that have the LEDs that flash all the time around the sign. There is another type of flashing lights that are activated by push buttons, but at the moment the federal government has taken our ability away to install new ones.

C. QUARTERLY OPERATING AND CAPITAL BUDGET REPORTS

Finance Director Barbara Whitehorn provided Council with the following second quarter of 2017-18 financial report. The financial information reflects the City's overall financial position for the fiscal year through December 2017.

“Amendments. There were three budget amendments in the General Fund during the first two quarters. 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

ADA Keep America Beautiful Grant	\$8,000
Amended General Fund Budget 12/31/2017	\$121,160,145

There have been two additional budget amendments approved since the start of the third quarter, which are outlined below:

<u>Amendments:</u>	Amount	Status
Storm Response Materials (Fund Balance)	\$461,212	Approved 2/13
Grant Matching Funds (Fund Balance)	\$75,000	Approved 1/23
Amended General Fund Budget as of 2/28/2018	\$121,696,357	

See Fund Balance Analysis on page 5 for details on the forecast fund balance for June 30, 2018.

Revenues. Through December 31, 2017, the City has collected \$66.8 million in General Fund revenue, which represents approximately 55% of the amended General Fund revenue budget. The majority of property tax revenue is received in December and January when tax bills are due. At the end of December, the City had collected 74% of budgeted property tax revenue. The City has received four months of sales tax revenue this fiscal year, and collections are up 5.5% compared to the prior fiscal year, which is slightly ahead of the budgeted growth rate of 5.0%. Intergovernmental revenue, which is heavily influenced by trends in state utility tax collection, is projected to come in slightly under budget. Revenue from Development Service fees is trending slightly lower than in the prior fiscal year, and currently stands at 41% of budget. Based on seasonal construction patterns, revenues typically increase in the third quarter, and it is estimated that total annual revenue is trending at 90% of budget. Overall, Budget staff is currently projecting that **FY 2017-18 General Fund revenue will finish the year at \$120.2 million, which is \$710,000 or 0.6% above the revised budget.**

Expenditures. General Fund expenditures through December 31, 2017 totaled \$55.2 million or 45% 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 two quarters. Overall, staff is projecting that **FY 2017-18 expenditures will finish the year at \$120.1 million.**

Fund Balance. The City began FY 2017-18 with an unassigned fund balance of \$20.1 million, net of the \$1,181,000 fund balance appropriation included in the adopted budget. Unassigned fund balance at June 30, 2017, 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 12/31/2017 budget, which shows an unassigned fund balance of \$19.6 million or 16.2% of budgeted expenditures. It should be noted that the 12/31/2017 budget does not include the \$75,000 fund balance appropriation that City Council approved at its January 23, 2018 meeting for grant matches in the Transportation Department, nor does it include the \$461,212 fund balance appropriation for additional storm control materials that City Council approved at its February 13, 2018 meeting. Staff, however, has included an allowance for those items in the year-end expenditure estimate even though they are not included in the 12/31/2017 budget.

Based on current projections for FY 2017-18 (above), staff is forecasting that revenues will exceed budget and expenses will come in under budget by sufficient amounts to offset the budgeted uses of fund balance, including the amendments (page 1). Currently, actual revenues are projected to exceed actual expenses at year end by \$118,255. Assuming this trend continues

during the second half of FY 2017-18, unassigned fund balance at June 30, 2018 will equal \$21.4 million or 17.8% of estimated expenditures.”

D. 12-MONTH UPDATE ON REVIEW PROCESS FOR LEVEL III PROJECTS

Director of Planning & Urban Design Todd Okolichany provided Council with the following 12-month update:

“A one year update following the adoption of changes to the review process for Level III projects.

On February 14, 2017, the Asheville City Council approved a zoning text amendment to the Unified Development Ordinance (UDO) concerning the method for reviewing larger scale Level III developments. This amendment along with more recent wording adjustments concerning lodging uses has resulted in the following development review thresholds:

1) Changes to the Level III development review thresholds city-wide.

Outside the CBD: Developments 100,000 s.f. or larger,
 50 or more residential units
 Hotel uses including short term vacation rentals

Inside the CBD-: Developments 100,000 s.f. or larger
 Buildings 100 feet tall or taller
 Hotel uses including short term vacation rentals

2) Clarifying that Level III development is a use that is only allowed in an *Expansion District* which is reviewed as a conditional zoning application. With a conditional zoning City Council and the developer agree to a specific set of conditions for project approval.

3) Creation of new floating zoning districts called *Expansion Districts* for large scale projects with specific development standards for each. The expansion districts include:

- 7-8-40 Central Business Expansion District
- 7-8-41 Institutional Expansion District
- 7-8-42 Commercial Expansion District
- 7-8-43 Residential Expansion District
- 7-8-44 Industrial Expansion District
- 7-8-45 Lodging Expansion
- 7-8-46 Mixed Use Expansion

Since the adoption of the UDO changes to establish the Level III thresholds there have been six applications requesting a rezoning to an Expansion District Conditional Zone:

390 Airport Road for a Lodging Expansion CZ application for a new hotel with 112 guest rooms. Approved by City Council on 1/23/18.

153 Smokey Park Highway for a Commercial Expansion CZ application for a new Ingles Market and associated commercial development. Approved by City Council on 1/23/18.

95 Roberts Street for a Lodging Expansion CZ application for a new hotel as an adaptive reuse of a historic structure with 70 guest rooms with additional commercial space. Approved by City Council on 10/24/17.

49 Tunnel Road for a Lodging Expansion CZ application for the Candlewood Hotel with 103 guest rooms. Approved by Council on 8/22/17.

175 Lyman Street for a Mixed Use Expansion CZ application for the Stoneyard Apartments project with 133 apartments and commercial space. Approved by Council on 11/14/17.

1500 Tunnel Road for a Lodging Expansion CZ application for the Hotel Krish with 86 guest rooms. Approved by City Council on 7/25/17.

Conditional zoning applications require a large amount of communication between the developer(s) and staff as a proposal works its way through the review process. Although the conditional zones are underlying zoning districts with specific development standards, the development conditions concerning the proposal must be agreed to by both the developer and City Council. In addition there is some benefit to the fact that Council may learn about a project through dialogue with the developer prior to the actual public hearing. The conditional zoning application provides a level of customization while maintaining compliance with the Comprehensive Plan.

Some of the initiation of the wording change was in response to the growth of lodging uses in downtown which was coupled with the previously allowed larger review thresholds in the Central Business District zoning district. As with any new development review process there have been discussions with developers and community members to share the specific aspects of the changes.

This report is informational only.”

E. CITY COUNCIL STRATEGIC PRIORITIES UPDATE

City Council was provided with an update on their Strategic Priorities.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 18-57 - RESOLUTION ON GUN VIOLENCE PREVENTION

Mayor Manheimer read the following resolution on gun violence prevention: “WHEREAS, more than 150,000 students attending more than 170 primary and secondary schools have experienced a shooting on campus since the Columbine High School massacre in 1999; and WHEREAS, from Columbine to Virginia Tech to Sandy Hook to Parkland, the lives of hundreds of students and school employees have been lost to the plague of gun violence; and WHEREAS, on average, nearly two dozen children are shot each day in the United States; and WHEREAS, the City of Asheville is committed to the health and safety of students, school employees, and all residents; and WHEREAS, it is the City of Asheville’s highest priority to create and maintain a respectful and healthy environment and the City is therefore, committed to reduce gun violence and fatalities. Doing so is necessary to helping all children thrive and remain safe at home, in school and throughout life; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City of Asheville calls upon the United States Congress and state legislatures to prioritize the protection of students and school system employees and all city residents by all means necessary, including but not limited to enacting legislation in

furtherance thereof beginning with a ban on the manufacturing, transferring and possession of assault weapons.”

Mayor Manheimer said that she is a part of a Mayor’s Coalition Against Illegal Guns and personally hoped that the Congress would act immediately to reinstate the ban on assault weapons.

The following individuals spoke in support of the resolution, including the following suggestions: (1) install metal detectors in every school (with parents and civic groups helping fund the detectors); (2) every school should have a threat assessment and a highly trained security officer; (3) schools need more counselors; (4) examination on reporting and follow-up procedures so improvements can be made; (5) raising the legal age for any gun sale, not just handguns and higher caliber rifles, including gun shows and second hand sales, from 18 to 21; (6) mandate a 10-day waiting period for the purchase of any firearm in the United States; (7) allow for temporary restraining orders to be enacted that can remove or prevent the subject of petition from purchasing firearms; (8) require background checks which include school disciplinary records and mental health examinations; and (9) tackle the nationwide ban of assault weapons:

Ms. Charlene Thibodeau
Ms. Jaime Cummings
Ms. Caroline Bowers, Senior at TC Roberson
Mr. Sean McDowell, Senior at TC Roberson
Mr. Will Thibodeau
Ms. Eva Ritchey

Mayor Manheimer said that she will be discussing this topic with the Superintendent of Asheville City Schools and the Police Chief, noting that it’s the School Board’s decision about safety around schools.

Mayor Manheimer also noted that cities and counties in North Carolina have very limited authority over gun control. In fact, not long ago legislation was passed to allow concealed carry in City parks. We had to change our ordinance and signs to conform to state law. City Council adopted a resolution in protest. She will be closely monitoring this issue.

Councilman Young Moved for the adoption of Resolution No. 18-57. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 298

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

The following individuals explained there there is a differential treatment of uber drivers vs. other commercial transportation drivers, noting problems with this at the Airport. They asked City Council require uber drivers to obtain a Certificate of Public Convenience and Necessity for each vehicle the same as other services that provide transportation with a vehicle for a fee must provide, or do not require the Certificate for any business that provides that service (i.e. a limousine transportation service):

Mr. William Paulk
Mr. Harry Siegel
Ms. Eva Ritchey

At the request of Mayor Manheimer, City Attorney Currin said that there are significant restrictions on regulating uber because they have statutory protection; however, she will research Council's options and report back to City Council.

Mr. Casey Campfield and Ms. Elizabeth Schell made statements claiming homophobic and racist comments by the Rev. Billy Graham.

Mr. Bill Robinson spoke about the need to find new ideas to protect the homeless in Asheville.

Closed Session

At 6:47 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. 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 7:18 p.m., Vice-Mayor Wisler moved to come out of closed session. This motion was seconded by Councilman Haynes and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:18 p.m.

CITY CLERK

MAYOR