

Tuesday – April 10, 2018 - 3:00 p.m.

General Fund Operating Budget Worksession

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; Interim City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Chief Financial Officer Barbara Whitehorn said that the Finance Committee worksession they started with gap of \$3.2 Mil. The Finance Committee recommended (with unanimous support) (1) adjust Employer Health Insurance contribution to current year level - \$255,000; (2) Debt Fund capital maintenance - \$700,000; and (3) adjust Asheville Fire Department fleet maintenance budget - \$100,000. New information for the Transit revenue adjustment is \$200,000.

<u>Item</u>	<u>Finance Committee Response</u>	<u>General Fund Impact Cost/(Savings)</u>
<i>Initial budget gap after staff workshop:</i>		\$ 3,200,000
Expanded Equity Program	Recommended	259,000
Reduce salary increase by (0.5%)	Discuss	(300,000)
Reduce Health Insurance Contribution	Recommended	(255,000)
Debt Fund Capital Maintenance	Recommended	(700,000)
Fund Balance allocation to operations	Discuss	(300,000)
Reduce Police Academy class size	Discuss	(200,000)
Reduce AFD Fleet allocation	Recommended	(100,000)
<i>Gap assuming all of the above:</i>		\$ 1,604,000
Updated state transit revenue*		(200,000)
<i>Adjusted gap:</i>		\$ 1,404,000

*\*Based on information recently received, state transit grant revenue has increased for FY 2018-19.*

It was the consensus of Council to accept these recommendations from the Finance Committee.

Additional considerations include (1) Mission-HCA deal (a) potential for \$6.8 Million addition to property tax revenue; and (b) no additional revenue until 2019-20; and (2) transit funding (a) costs and contract management; and (b) identifying alternative funding sources.

Items that are recommended for further discussion include:

- Employee salary increases from 3% to 2.5% - \$300,000
- Adjust Police Academy class size - \$200,000
- Utilize Fund Balance to bridge gap (16.6%) - \$300,000
- Parking fee changes, Transit support - \$1.1 Million
- Additional use of Fund Balance (16.0%) - \$750,000
- Additional use of Fund Balance (15.0%) - \$1.3 Million

**Topics of Discussion out of the Finance Committee:**

***24-Hour Restroom availability at Rankin Street Garage***

A proposal was brought forward with a strategy to keep the restrooms open with no financial impact. Staff recommended that the restrooms be staffed, for a potential cost of \$156,000. Additional Cost: \$0-\$156,000; Parking Fund (no General Fund impact) Recommended.

***Unspent Neighborhood Funds assigned from Fund Balance for FY 2017-18***

Fund balance allocation of \$50,000 in FY 2017-18 to be reallocated in FY 2018-19, potentially to be used for first participatory budgeting funds. Recommended.

***Inclusion of expanded Equity program***

Additional Cost: **\$259,000**

Recommended.

Additional information: The table below outlines the full year cost for each position including salary, benefits and associated operating expenses. In the memo provided to the Finance Committee, the estimated costs (\$365,000) included an additional position that was not part of the Blue Ribbon Committee's recommendations. An updated total cost is provided below. The staff recommendation to fully fund two positions for a full year and one for half a year would still result in savings of approximately \$40,000 in FY 2018-19.

***Full Year Cost of Expanded Equity Program***

<b><u>Position</u></b>	<b><u>FY19</u></b>	<b><u>Ongoing</u></b>
Equity Action Plan Implementation	\$ 98,000	\$ 92,000
Human Relations Commission Support	\$ 94,000	\$ 89,000
Equity & Inclusion Community Outreach	\$ 107,000	\$ 101,000
<i>Total</i>	<i>\$ 299,000</i>	<i>\$ 282,000</i>

***Adjust proposed salary increase for employees from 3.0% to 2.5% and reduce pool for market adjustments***

Savings: **(\$300,000) salaries; (\$125,000) market adjustment pool**

Vice-Mayor Wisler and Councilwoman Mayfield supported both; Vice-Mayor Wisler also recommended no Council raises and the consideration of a cap on the salary level at which staff would be eligible for raises. Councilman Kapoor did not support a reduction in the 3% increase, citing the market competition for high performing employees.

Recommendation: Move forward for discussion.

Discussion: Council members each voiced their support to either (1) freeze all salaries for one fiscal year; (2) freeze salaries for any employee making more than \$50,000 - savings of \$956,000; (3) freeze salaries for all executives - savings of \$166,250; (4) raise all employee salary increases by 2.5%; or (5) raise all employee salary increases by 3%. Interim Assistant City

Manager Peggy Rowe said that in order to avoid exacerbating an existing challenge of salary compression, they recommended that any salary increase afforded to employees include all full time and part time benefited employees. After discussion, it was the majority of Council's consensus to provide all full time and part time benefited employees a 2.5% salary increase.

At the request of Councilman Young, Ms. Rowe said that she would provide Council with information on regional increases of employee salaries.

***Adjust employer health insurance contribution to current year funding level***

Savings: **(\$255,000)**

Recommended based on current trends and projections for next fiscal year.

***Debt fund certain capital maintenance expenses currently in operating budgets***

Savings: **(\$700,000)**

Staff would propose this as a one-year cost shift to the CIP model, and that funding revert to the General Fund operating budget in FY 2019-20 pending a review of the capital capacity and operating budget.

Recommended.

***One-Time revenues - fund balance (\$300,000)***

As outlined in the March 20 work session, staff would recommend maintaining the City's existing fund balance percentage (currently 16.6%) to avoid negatively impacting the City's credit rating. Based on current year-end projections for FY 2017-18 as well as projections for next year's adopted General Fund budget total, staff is currently estimating that there may be approximately \$300,000 in fund balance available for appropriation while still staying at the 16.6% level.

Councilmembers Wisler and Mayfield supported, Councilmember Kapoor cautioned against the use of fund balance.

Recommendation: Move forward for discussion.

Discussion: Councilmembers did not support the use of \$750,000 of Fund Balance. After discussion, it was the consensus of Council to bring back other cost saving items in order to not have to use Fund Balance.

***Adjust APD academy class size from 20 to 15 recruits***

Savings: **(\$200,000)**

The Police Department has experienced persistent under-staffing in sworn positions for several years. To address this issue, additional personnel expenses are programmed in the Asheville Police Department (APD) to support a higher number of recruits attending the Police Academy. Reducing the number of recruits may result in more vacancies for a longer period of time. The cost per extra recruit is approximately \$40,000, so reducing the number by five next fiscal year would produce savings of \$200,000.

Recommendation: Move forward for discussion.

Discussion: Councilman Haynes recommended reducing the APD budget by \$1.2 Million for Fiscal Year 2019-20. Interim City Manager Cathy Ball said the result would be laying off people who are in training now, in addition to eliminating the other programs Council agreed to fund last year. It was the consensus of Council to have staff provide Council with information on the APD programs put in motion last year, i.e., new Downtown Unit, impact on overtime, etc.; the minority makeup of trainees; where the new hires will be located; effectiveness of programs; and if we did not increase the APD budget by \$1.2 Million, what will be the ground impacts.

***Adjust AFD fleet maintenance budget***

Savings: **(\$100,000)**

Recommended.

## **Other Items Discussed:**

### ***Increase parking fees to support Transit (TBD)***

An increase in parking deck fees could be considered to cover a portion of the increased cost of Transit services. Staff is evaluating options for fee adjustments in the Parking Fund.

Recommendation: Move forward for discussion.

Additional Information: The bike and pedestrian plan is currently funded at \$175,000 (\$140,000 in grant funding). Staff estimate that expanding the plan to include greenways would cost an additional \$100,000.

Staff Proposed Parking Changes: (1) Increase monthly rates in garages: Depending on the garage, monthly rates range from \$40 (discounted rate) to \$140. Currently there are 950+ monthly account holders generating about \$750,000 annually. Raising the monthly rates by \$10 would generate a potential increase of \$100,000 annually. (2) Eliminate first hour free: Based on the current annual transient transactions occurring in the four parking garages, staff estimates that eliminating the first hour free would generate a potential increase of \$1,000,000 annually. (3) Increase Daily Maximum: Based on the current annual transient transactions that exceed the \$10 daily maximum in the four parking garages, staff estimates that raising the daily maximum to \$12 would generate a potential increase of \$60,000 annually. Staff recommends the \$1.1 Million go to transit and that will free some money up for the General Fund and also create a revenue stream for transit.

The Transit Planning Division is in the process of developing a new Transit Master Plan (TMP) which will replace the current plan developed in 2009. The key goals of the TMP will be increased service frequency, expanded service hours, and future service into areas outside the existing coverage area. Implementation of changes and service expansion are planned to begin in Fiscal Year 2019-20. The creation of a new position will ensure that appropriate outreach efforts are made to avoid negatively impacting existing riders and to promote transit services to potential riders. The additional cost of this position would be \$86,000 for Fiscal Year 2019.

The Transit Committee recommended adding 12 additional daily service hours in Fiscal Year 2019. Due to schedule requirements for service changes, it is likely that this service could not be implemented until January 1, 2019. A full year cost of 12 additional daily service hours would be \$183,000. Staff recommends the Transit Planner position be funded in Fiscal Year 2019 and that any service expansions be considered for Fiscal Year 2020. This will allow staff to focus efforts during Fiscal Year 2019 on building up the fleet, facilities, and staffing levels needed to properly implement the TMP beginning in Fiscal Year 2020.

Discussion: Councilwoman Mayfield noted that the City applied for 10 buses through the Metropolitan Planning Organization (MPO) and that subcommittee recommended funding of those buses. In addition, the MPO subcommittee recommended funding for three sidewalk projects, which will free up some transportation bond money. The City will know in May if we receive those funds.

After an extensive review of balancing strategies to close the budget gap, it was the consensus of Council to have a final recommendation from the Transit Department which will (1) add the Transit Planner position (with an approximate start date of September 1); and (2) delay the implementation of the 12 additional daily service hours until January 1, 2019.

Councilman Kapoor felt we need to feel confident that based on staffing we can execute what we have planned, including the RADTIP and bond program, and still execute the duties of a City that the public expects the City to perform.

It was the consensus of Council to hold another budget worksession on April 24, 2018, at 3:00 p.m. in the 1st Floor North Conference Room in order to receive information on (1) Police budget; (2) additional cost savings so as not to use Fund Balance; and (3) transit related items.

Mayor Manheimer adjourned the worksession at 4:20 p.m.

Tuesday – April 10, 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; Interim City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

#### **PLEDGE OF ALLEGIANCE**

Mayor Manheimer led City Council in the Pledge of Allegiance.

#### **I. PROCLAMATIONS:**

##### **A. PROCLAMATION PROCLAIMING APRIL, 2018, AS “PARKINSON’S DISEASE AWARENESS MONTH”**

Mayor Manheimer read the proclamation proclaiming April, 2018, 2018, as "Parkinson's Disease Awareness Month" in the City of Asheville. She presented the proclamation to Mr. Robert Pate, and others, who briefed City Council on some activities taking place during the month.

##### **B. PROCLAMATION PROCLAIMING APRIL, 2018, AS “CHILD ABUSE PREVENTION MONTH”**

Mayor Manheimer read the proclamation proclaiming April, 2018, 2018, as "Child Abuse Prevention Month" in the City of Asheville. She presented the proclamation to Mr. Geoff Sidoli, who briefed City Council on some activities taking place during the month.

#### **II. CONSENT AGENDA:**

##### **A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 13, 2018; AND THE SPECIAL MEETING HELD ON MARCH 16, 2018; THE WORKSESSION HELD ON MARCH 20, 2018; AND THE SPECIAL MEETING HELD ON MARCH 29, 2018**

##### **B. MOTION SETTING A PUBLIC HEARING ON MAY 22, 2018, FOR THE FISCAL YEAR 2018 OPERATING BUDGET; AND AMENDING THE BUDGET CALENDAR TO (1) MOVE THE FINAL BUDGET ADOPTION FROM JUNE 12, 2018, UNTIL JUNE 19, 2018; AND (2) ADD A BUDGET WORKSESSION ON APRIL 24, 2018**

Summary: The consideration of a motion setting a public hearing on the Proposed Annual Operating Budget for May 22, 2018, and amending the budget calendar to (1) move the final budget adoption from June 12, 2018, until June 19, 2018; and (2) add a budget worksession on April 24, 2018, at 3:00 p.m. in the 1st Floor North Conference Room in City Hall.

The 2018-19 Proposed Annual Operating Budget is scheduled to be presented to City Council on May 15, 2018, and adopted on the rescheduled date of June 19, 2018. In accordance with the North Carolina Local Government Budget and Fiscal Control Act (G.S. 159-12), the board is required to hold a public hearing on the Proposed Budget prior to adoption of the annual budget ordinance. The action tonight will set that public hearing date for May 22, 2018, and amend the budget calendar (1) for final budget adoption on June 19, 2018; and (2) add a budget work session on April 24, 2018, at 3:00 p.m. in the 1st Floor North Conference Room.

Staff recommends City Council set May 22, 2018, as the date to conduct the public hearing on the City of Asheville Fiscal Year 2018-19 Proposed Annual Operating Budget, and amend the budget calendar to (1) move the final budget adoption from June 12, 2018, until June 19, 2018; and (2) add a budget worksession on April 24, 2018, at 3:00 p.m. in the 1st Floor North Conference Room of City Hall.

**C. RESOLUTION NO. 18-71 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE 5 WALNUT ORVIS PARTY**

**RESOLUTION NO. 18-72 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE DOWNTOWN AFTER FIVE EVENTS**

**RESOLUTION NO. 18-73 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL VILLAGE**

**RESOLUTION NO. 18-74 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY SOCCER CLUB PLAYOFF GAME 1.5**

Summary: The consideration of resolutions authorizing the City Manager to approve making provisions for the possession and consumption of malt beverages and/or unfortified wine at the 5 Walnut Orvis Party, Downtown After 5, Mountain Sports Festival Village, and Asheville City Soccer Club Playoff Game 1.5.

- Asheville Greenworks has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the 5 Walnut Orvis Party and allow for consumption at this event.

The 5 Walnut Orvis Party will be held on Wednesday, April 11, 2018, from 5:00 p.m. to 10:00 p.m. within the boundaries of Walnut Street as per the area limits referenced on the accompanying site map.

- Asheville Downtown Association has requested through the City of Asheville Community & Economic Development Department that City Council allow them to serve beer and/or unfortified wine at Downtown After 5 and allow for consumption at this event.

Downtown After 5 will be held on Fridays, May 18, June 15, July 20, August 17, and

September 21, 2018, from 5:00 p.m. to 10:00 p.m. within the boundaries of Lexington Avenue as per the area limits referenced on the accompanying site map.

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

The Mountain Sports Festival Village will be open on Friday, May 25, 2018, from 4:00 p.m. to 10:00 p.m., Saturday, May 26, 2018, from 10:00 a.m. to 10:00 p.m. and Sunday, May 27, 2018, from 12:00 p.m. to 6:00 p.m. within the boundaries of Carrier Park as per the area limits referenced on the accompanying site map.

- 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 Playoff Game 1.5 and allow for consumption at the event.

The Asheville City Soccer Club Playoff Game 1.5 will be held on Thursday, July 12, 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.

Pro:

- Allows fundraising opportunities for Asheville Greenworks, Asheville Downtown Association, Mountain Sports Festival, and Asheville City Soccer Club

Con:

- Potential for public safety issues

Staff recommends City Council adopt resolutions authorizing the City Manager to approve making provisions for the possession and consumption of malt beverages and/or unfortified wine at the 5 Walnut Orvis Party, Downtown After 5, Mountain Sports Festival Village, and the Asheville City Soccer Club Playoff Game 1.5.

**RESOLUTION NO. 18-71 - RESOLUTION BOOK NO. 39 - PAGE 328**

**RESOLUTION NO. 18-72 - RESOLUTION BOOK NO. 39 - PAGE 331**

**RESOLUTION NO. 18-73 - RESOLUTION BOOK NO. 39 - PAGE 334**

**RESOLUTION NO. 18-74 - RESOLUTION BOOK NO. 39 - PAGE 337**

**D. RESOLUTION NO. 18-75 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP INC. FOR THE MORRIS STREET STORMWATER IMPROVEMENT PROJECT**

**ORDINANCE NO. 4660 - BUDGET AMENDMENT FOR THE MORRIS STREET STORMWATER IMPROVEMENT PROJECT**

Summary: The consideration of (1) a resolution authorizing the City Manager to execute a contract with Patton Construction Group, Inc. (Patton) for construction services necessary to perform the Morris Street Stormwater Improvement Project in the amount of \$910,166.00 and to enter into change orders to this contract not to exceed an additional 15% of the original contract amount or \$136,525.00 for a total amount of \$1,046,691.00; and (2) a budget amendment in the amount of \$327,318.00 from other project savings and the Stormwater Operating Fund to fund the contract and the 15% contingency.

Currently there is not an existing storm drainage system along Morris Street from Brevard Road to West Asheville Park. Citizens in this area have been experiencing issues during heavy rainfall events with water overtopping the roadway and running onto private property. Stormwater runoff also accumulates along the edge of the pavement of Morris Street creating low shoulders and/or shoulder erosion. The stormwater accumulation continues to flow down Morris Street and enters the West Asheville Park creating erosion concerns within the park setting.

Within the scope of the project, Patton will install approximately 2330 feet of new storm drainage infrastructure and approximately 3150 feet of curb. This project also provides for additional water quality benefits by having Patton expand the existing stormwater control measure within the West Asheville Park which is designed to capture the stormwater runoff from Morris Street for low flow storm events.

Through the design phase of the Morris Street Project, City Staff and the consulting engineer met multiple times with the neighborhood to discuss the project in detail. Individual meetings were held with various property owners to discuss the specifics of the project adjoining their property and to work through any concerns associated with the project. Our project will be better by having these interactions with the neighborhood and individual property owners.

The project was posted for bid on October 3, 2017. A mandatory pre-bid meeting was held with a large turnout on October 16, 2017. The bids were opened on October 24, 2017, after receiving complete bid submittals from three bidders. The apparent lowest bidder was more than 10% over the engineer's estimate. Therefore, the City decided to reject all bids, redesign a portion of the project and bid the project again.

The revised project was posted for bid on December 12, 2017. This time a non-mandatory pre-bid meeting was held on December 19, 2017. Bids were scheduled to be opened on January 9, 2018; however, only two bids were received. The bids were not opened and were returned to the contractors. Following the re-bid process, the project was re-advertised for at least 7 days. Three bids were received and opened on January 18, 2018, with the following results for base bids:

Graham County Land Company of Robbinsville, NC	\$899,362.50
Patton Construction Group of Arden, NC	\$910,370.00
NHM Constructors of Asheville, NC	\$1,247,405.00

Upon careful consideration of the bidders, their bid submittals and their qualifications, the City determined that Patton Construction Group, Inc. was the lowest responsive responsible bidder. Graham County Land Company, though the lower bid, was determined to be "non-responsible" due to performance issues in other current city contracts. After discussions with Patton and considering the alternate bid item, the final contract amount will be \$910,166.00.

Pros:

- Installation of a new storm drainage system in this area prevents future roadway maintenance issues.
- Expanding the existing stormwater control measure within West Asheville Park provides additional stormwater quality benefits.
- Controlling stormwater runoff provides safe access for the citizens that visit this area.
- Making capital investments through projects achieves a goal of the Stormwater Utility Program.

Cons:

- Construction will be disruptive to the area for approximately 5 months.



- Cost of project

The total amount of the contract is \$910,166.00. Adding in a 15% contingency of \$136,525.00 brings the total required budget to \$1,046,691.00. A budget of \$750,000.00 was approved for this project in FY 2016-17 in the Stormwater Capital Project Fund with easement acquisition services charged to the project in that year. There is currently a balance of \$719,373.00 remaining for construction of this project. In order to fund the construction contract and the 15% contingency, a budget amendment is required in the amount of \$327,318.00. This amount can be funded from a combination of savings from other projects that were completed under budget and available money within the professional services account of the Stormwater Operating fund.

City staff recommends City Council adopt a resolution awarding the contract to Patton Construction Group and authorizing the City Manager to execute on behalf of the City of Asheville the contract for the construction services necessary to perform the Morris Street Stormwater Improvement Project in the amount of \$910,166.00 and to enter into change orders to this contract not to exceed an additional 15% of the original contract amount or \$136,525.00; and approve a budget amendment in the amount of \$327,318.00 from other project savings and the Stormwater Operating Fund to fund the contract and the 15% contingency.

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ORDINANCE BOOK NO. 32 - PAGE 23**

**E. RESOLUTION NO. 18-76 - RESOLUTION AUTHORIZING THE CITY  
MANAGER TO APPLY FOR, AND ENTER INTO, IF AWARDED, THREE  
FEDERAL EMERGENCY MANAGEMENT AGENCY GRANTS**

Summary: The consideration of a resolution authorizing the City Manager to apply for and enter into, if awarded, three Federal Emergency Management Agency (FEMA) grants.

There are currently three federally funded grant programs that the Asheville Fire Department has applied for in the past. The three programs are all administered by FEMA and are awarded after several different reviews, with the final decision being made by fire service members who review all the applications based upon the proposed expected outcomes and community needs. The three programs are:

- AFG- Assistance to Firefighters Grant
- SAFER- Staffing for Adequate Fire and Emergency Response Grant
- Fire Prevention and Safety Grant

All three programs are authorized annually by the US Senate and Congress, and the amounts available vary from year to year. The application periods are established when the funding is secured and typically is only a few weeks.

The AFG program is focused primarily on the equipment required for firefighters to perform their duties in a more safe manner. Items such as Self Contained Breathing Apparatus (SCBA), protective equipment, and items to reduce cancer risks have been focused areas of the program in the past. AFD has applied every year except last year for this grant, but unfortunately we have not been successful. We did not apply last year due to the timing of the application window.

The SAFER program is designed to help fire departments hire and retrain additional firefighters to provide for a safer emergency scene. Multiple studies over the past 10 years have shown that the overall effectiveness of emergency scene operations increase significantly as

minimum fire company staffing increases up to a level of 4 firefighters per company. AFD has also applied for this grant every year it has been available, but our applications were at the bottom of those considered over the past few years as agencies that were confronted with reducing staffs were a priority for consideration.

The Fire Prevention and Safety Grant focuses on equipment and programs for community risk reduction. AFD was successful last year in the Fire Prevention and Safety Grant program, we were awarded \$110,000 to purchase items for education programs focused on kids and smoke alarms that are being installed in homes all over the City of Asheville.

The unpredictable and short application periods make it difficult for staff to provide Council with adequate time to review needs and provide policy direction for grants prior to the application deadlines. AFD recommends policy direction from Council to apply for all of these grants as they become available. In future years AFD staff will return with recommendations to seek future grant opportunities.

The Finance Committee reviewed and supported this action at their February 27, 2018, meeting.

Pros:

- Firefighter and Citizen safety would be increased significantly
- Grant would bring COA into compliance with national consensus standards
- The grant would allow a much-needed infusion of protective gear
- AFD would not need to request funds to be spent from the Fund balance for added safety equipment

Con:

- The total match for all three grants could be between \$5,000 and \$862,500. This range of matching funds is explained in the fiscal impact section of this staff report.

The Assistance to Firefighters Grant (AFG)

- Requires a 10% local match.
- The grant amount, if awarded, would likely be between \$200,000 and \$500,000
- One time local match would be between \$10,000 to \$50,000.

The Staffing for Adequate Fire and Emergency Response Grant (SAFER)

- Awarded over a three year period.
- The first year and second year require a 25% local match, and the third year requires a 65% local match.
- The grant amount, if awarded, would likely be between \$300,000 and \$750,000 annually.
- The local match would be between \$75,000 and \$187,500 in years one and two. The local match for year three would be between \$195,000 and \$487,500.
- The grant does not require the City to maintain the higher level of staffing after year three. If Council direction at year four was to continue the higher staffing level, the cost in year four and ongoing would be between \$309,000 and \$772,500 (increasing annually with inflation). If the direction was to return to current level staffing after year three, the firefighters hired under the grant would be reassigned within the department and normal hiring in year four would be curtailed, with no ongoing staff or financial impact.

Fire Prevention and Safety Grant

- Requires a 5% local match.
- The grant amount, if awarded, would likely be between \$100,000 and \$200,000.
- One time local match between \$5,000 to \$10,000.

City staff recommends City Council authorize the City Manager to apply for, and enter into, if awarded, three Federal Emergency Management Agency grants.

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**F. ORDINANCE NO. 4661 - BUDGET AMENDMENT FROM NC GOVERNOR'S CRIME COMMISSION'S STATE APPROPRIATION COMMITTEE - LOCAL SOLICITATION TO PURCHASE FLEET DASHBOARD CAMERA SYSTEMS**

Summary: The consideration of a budget amendment in the City's Special Revenue Fund, in the amount of \$113,900.00 utilizing funds from the NC Governor's Crime Commission's State Appropriation Committee—Local Solicitation to purchase fleet dashboard camera systems, along with the City match.

On January 23, 2018, the City of Asheville Police Department (APD) requested authorization to apply for and if awarded, accept funds from the NC Governor's Crime Commission's State Appropriation Committee 2017-2018 Body/Dashboard Cameras - Local Solicitation. On March 1, 2018, the APD received notice that they would be awarded this grant for \$56,950. Since this is a dollar for dollar matching grant, it is now requested that City Council authorize a budget amendment of \$113,900 to include the \$56,950 of State grant funding as well as the \$56,950 in matching City funds.

These funds will be used to purchase dashboard cameras. The purchase of new cameras will help to update the existing camera inventory and equip new cars with this technology. Cameras are an essential piece of technology for 21st Century Policing. The use of cameras increases the accountability for officers and citizens during law enforcement interactions. This increased accountability enhances the police-community partnerships and decreases use of force. Moreover, criminal and internal investigations are augmented through audio-visual evidence that corroborates the factual basis of an incident.

Pro:

- The City will receive 50% funding for equipment they would otherwise be 100% funded from the City budget.

Cons:

- Ongoing budgeted funding required to sustain the Dashboard Camera program into the future police operations that includes a FTE to manage the program and the continual costs for the maintenance and replacement after the approximate five-year service life of the devices.
- Ongoing task and costs associated with managing, storing, providing discovery, and following retention schedules.

The City will incur an expense as the Local Solicitation is a state-issued matching grant (\$1 state for every \$1 local). The total expense for the purchase of the 50 camera systems is \$113,900; \$56,950 provided by the City of Asheville and \$56,950 provided by this grant. The City's local match will come from capital funds already budgeted in FY 2017-18 for the replacement of police vehicles and the associated equipment. Moreover, there will be continual costs for maintenance and replacement after the approximate five-year service life of the devices.

Staff recommends City Council approve a budget amendment in the City's Special Revenue Fund, in the amount of \$113,900.00 utilizing funds from the NC Governor's Crime

Commission's State Appropriation Committee—Local Solicitation to purchase fleet dashboard camera systems, along with the City match.

**ORDINANCE BOOK NO. 32 - PAGE 25**

**G. RESOLUTION NO. 18-77 - RESOLUTION ADOPTING THE 2017 LOCAL WATER SUPPLY PLAN**

Summary: The consideration of a resolution adopting the 2017 Local Water Supply Plan (LWSP) as required by the North Carolina Department of Environmental Quality (NCDEQ).

Every year, the Water Resources Department is required to complete a Local Water Supply Plan (LWSP) update. On March 2, 2018, the North Carolina Department of Environmental Quality (NCDEQ) issued a letter stating that the department's 2017 LWSP is complete and must be adopted by the water system's governing board. The LWSP contains a variety of information about the City of Asheville's water system, including:

- The distribution system (i.e. types/sizes of water lines);
- Water conservation programs;
- Water use (i.e. number of metered connections and average use by customer type);
- Water sales to wholesale customers;
- Monthly withdrawals from reservoirs;
- Surface water sources (i.e. locations and average monthly withdrawals);
- Wastewater discharge by the Metropolitan Sewerage District (MSD);
- Present and projected population;
- Present and future water supplies; and
- Other relevant information as NCDEQ may require.

In order for the 2017 LWSP to be compliant with N.C.G.S. §143-355(l), City Council must formally adopt the plan. Once the City Council adopts the 2017 LWSP, NCDEQ will consider it compliant.

Pro:

- Adoption of the 2017 LWSP will ensure compliance with N.C.G.S. §143-355(l).

Con:

- If the 2017 LWSP is not adopted, then the City will not be compliant with N.C.G.S. §143-355(l) and may be issued a Notice of Violation from NCDEQ.

There is no fiscal impact.

City staff recommends City Council adopt the 2017 Local Water Supply Plan as required by the North Carolina Department of Environmental Quality.

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**H. RESOLUTION NO. 18-78 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE FRENCH BROAD METROPOLITAN PLANNING ORGANIZATION FOR TRANSIT PERFORMANCE MANAGEMENT REPORTING REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION**

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the French Broad River Metropolitan Planning Organization (FBRMPO) for transit performance management reporting required by the Federal Transit Administration (FTA).

In order to comply with Federal transit requirements established in 23 CFR 450.314, the MPO, State, and local transit providers must jointly agree upon and develop specific written procedures for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward achievement of critical outcomes for the region served by the MPO, and the collection of data for the State asset management plan for the National Highway System (NHS).

This agreement requires that the City provide written notice to the MPO when the City's Transit Planning Division sets transit asset management performance targets. This notice will provide the targets and the date the targets were set. The date the targets were set will begin the 180-day time-period within which the MPO must set performance targets.

Pros:

- Satisfies a requirement from the Federal Transit Administration.
- Ensures continued Federal funding.
- Improves system performance by consistent reporting and coordinating performance management goals.

Con:

- Federal funding could be jeopardized if action is not taken.

There is no fiscal impact as a result of this agreement. The performance reporting is already a requirement of the FTA, and the agreement only establishes that the City will coordinate with the MPO on the performance targets.

Staff recommends that City Council adopt a resolution authorizing the City Manager to enter into an agreement with the French Broad River Metropolitan Planning Organization (FBRMPO) for transit performance management reporting required by the Federal Transit Administration (FTA).

#### **RESOLUTION BOOK NO. 39 - PAGE 343**

#### **I. RESOLUTION NO. 18-79 - RESOLUTION SUPPORTING A REVISION TO THE CONCEPTUAL CROSS-SECTION FOR SWEETEN CREEK ROAD IN THE ASHEVILLE IN MOTION MULTIMODAL TRANSPORTATION PLAN**

Summary: The consideration of a resolution supporting a revision to the Asheville in Motion (AIM) cross-section recommendation for Sweeten Creek Road from Rock Hill Road to Hendersonville Road.

The N.C. Dept. of Transportation (NCDOT) has begun planning and designing a \$50,000,000 project to widen and reconstruct Sweeten Creek Road from Rock Hill Road to Hendersonville Road.

City staff has recently begun a more proactive approach to NCDOT projects within Asheville city limits to ensure they meet the goals and priorities of the city. From recent correspondence with the NCDOT project manager for Sweeten Creek Road, we understand that NCDOT is meeting sometime in May 2018 to discuss best fit cross-section alternatives for the Sweeten Creek Road project.

Due to the fact that the Asheville in Motion (AIM) plan recommendation, a five-lane undivided road with bollard-separated bike facilities, is not consistent with NCDOT practice, we believe it would be best for the city to gain consensus on a cross-section concept that aligns with stakeholders and best practice to then provide a revised City of Asheville adopted concept to NCDOT before their May meeting.

An alternative concept proposes a separated, off-road bicycle facility that is integrated with a sidewalk on one side of the street.

Potential benefits include the following:

- Reduced overall footprint, impervious surfaces (~8 acres), and associated costs
- Safer facilities for all users (cars, bicycles, pedestrians)
- Better north/south multimodal facilities
- Consistent with the vision established by the Sweeten Creek Association of Neighborhoods (SCAN)

Primary challenges:

- Driveways along the multi-use path
- Maintenance of planted median
- Uncertain city costs relating to non-standard infrastructure (see below Fiscal Impact)

The design process would determine which side of Sweeten Creek Road would best accommodate a multi-use path based on constraints and site conditions. The concept was presented to the Multimodal Transportation Commission on February 28, 2018 and to the Planning and Economic Development Committee on March 12, 2018, and both bodies support the concept.

It is uncertain how much local funding would need to be provided for this alternative concept, if any. For NCDOT projects, Asheville typically contributes 40% of the cost of sidewalk (concrete only). In this case, the shared-use path along what is typically a sidewalk area would be considered a nonstandard treatment and there is no clear cost-sharing guidance at this time.

Staff recommends that City Council approve a resolution updating the Asheville in Motion (AIM) recommended cross-section for Sweeten Creek Road from Rock Hill Road to Hendersonville Road in order to incorporate better multimodal infrastructure which would improve safety for all users.

#### **RESOLUTION BOOK NO. 39 - PAGE 344**

#### **J. RESOLUTION NO. 18-80 - RESOLUTION APPROVING THE INCLUSION OF THE ELSIE BRIDGE AND REED CREEK AS CONNECTIONS IN THE NEIGHBORHOOD GREENWAY CONNECTORS SECTION OF THE TRANSPORTATION BOND FUNDS PROGRAM**

Summary: The consideration of a resolution to include two projects; specifically, the Elsie Bridge and Reed Creek projects in the *Neighborhood Greenway Connectors* section of the Transportation Bond Funds program.

The Transportation Bond Funds included \$1,000,000 for *Neighborhood Greenway Connectors*. These projects are intended to improve greenway connections to neighborhoods and to close existing greenway gaps. In assessing possible projects, staff considered the size/cost of

the proposal, equity, safety, schedule, and potential for partnerships to leverage private resources. The following chart highlights projects that were considered and how they compared against each other.

Project	Size/Cost	Equity	Safety	Schedule	Partnership
Elsie Bridge	✓	✓	✓	✓	✓
Reed Creek	✓	✓	✓	✓	✓
Stevens Lee to Beaucatcher	✓	✓	✓	X	✓
Swannanoa to Highlands	✓	X	X	X	✓
AB Tech Loop to AB Tech	X	✓	X	X	✓

Elsie Bridge and Reed Creek rose to the surface as the two most appropriate projects. After the completion of these two projects, there should be enough funding remaining to complete one or two more greenway connector projects. We will wait until these first two projects are complete to give us a clear budget for other connector projects.

The following are more detailed reviews of the two proposed projects:

**PROJECT #1 - Elsie Bridge/Town Branch:**

Location: River Arts District

Greenway Connection: Town Branch

Cost Estimate: \$125,000

Elsie’s Bridge is a former road bridge that connects Depot Street to Ralph Street passing between the Glenrock Hotel development and undeveloped City property that is being considered for a future affordable housing location. Although not maintained, the bridge has been a popular cut-through for pedestrians of the Southside community. From Ralph St, there is a dirt path leading to the bridge, which is a ¼ mile short cut to the Mini Mart for residents living to the north. The path is overgrown and dark at night. Residents of Glenrock complain of nefarious activities in this area.

Recently, Mountain Housing Opportunities (MHO) approached the City to ask about the possibility of making this informal connection a better planned facility that can help the neighborhood connect to the future Town Branch Greenway. MHO had the bridge inspected by SKA Consulting Engineers and it was deemed structurally sound as a pedestrian bridge.

MHO would like to partner with the City of Asheville to create an accessible and more attractive connection at the bridge plus a community garden on the corner of the City-owned property. Due to a sewer easement in the area, the proposed site for the community garden is not suitable for housing development and a community garden could be the highest and best use of the land. Incidentally, the sewer line that runs beneath the property is newly installed.

MHO has expressed an interest in paying for the design of the facility contingent on a commitment from the city to build it. To date, MHO has raised \$6,400.

Pros:

- This connector will provide safety and aesthetic improvements to a heavily-used pathway

- between two neighborhoods and the Town Branch Greenway
- A community garden will be added to this trail project in partnership with the Glenrock residents and the City of Asheville Sustainability Office
- This trail would be built on a corner of city-owned land that is not suitable for housing development

Con:

- No identified constraints have been identified.

### **PROJECT #2 - Reed Creek Greenway from Magnolia to Elizabeth Street**

Location: Broadway Ave/ Montford

Greenway Connection: Reed Creek

Cost Estimate: \$350,000

A private developer is building a mixed-use building on the corner of Broadway Ave and Elizabeth St. The proposed building will have 4000 square feet of commercial space and 36 residential units. The construction is planned to begin in early April.

As part of the project, the developer will build approximately 150' of the Reed Creek Greenway adjacent to their driveway on Elizabeth St. The impetus to construct this segment of the greenway is to prevent future greenway construction to block their driveway. The City has a greenway easement on this property and owns all property between it and the existing terminus of the greenway on the north side of Magnolia Street.

Due to the tight development of the site, once built, there will not be sufficient space for the property owner to allow a temporary construction easement to the City. With this consideration, staff recommends building the remaining approximately 190' of greenway on the property while the site is under construction; and to build approximately 445' of greenway northward to close the gap between Elizabeth St and Magnolia St. The most efficient way to conduct this project would be to agree on the costs of the greenway on the developer's property and pay them to build the greenway as part of their project. The City could then build the gap that travels underneath Chestnut St bridge to connect with the Reed Creek Greenway where it currently terminates at Magnolia Street.

Pros:

- This connector will create another 0.15 miles of greenway on the Reed Creek corridor.
- Constructing the greenway on the developer's property now will minimize disturbance to current and future residents by consolidating two projects.
- Striking a private/public partnership to construct the greenway on the developer's property will enjoy cost efficiencies and reduce environmental impacts to Reed Creek.

Cons:

- This project is time sensitive. If we are unable to obtain approval for this project in a timely manner, we will lose the opportunity to move forward with the developer's timeline. Waiting to construct this greenway section at a later date will most likely cost more money than constructing it now.

This action was shared with the Asheville Area Riverfront Redevelopment Commission (AARRC) on March 8, 2018 and the Reed Creek project was reviewed and approved by the Montford Neighborhood Association on March 13, 2018. It was also shared with the River Arts District Business Association (RADBA) on March 27, 2018 and favorably received.

This action was reviewed and approved by the Greenway Committee on March 1, 2018, the Multi-Modal Transportation Commission on February 28, 2018 and the PED Committee on



March 12, 2018.

The costs of these projects will be paid for with transportation bond funds that are already budgeted.

Staff recommends that City Council approve a resolution authorizing the City Manager to use a portion of the Neighborhood Greenway Connectors funds of the Transportation Bond for the construction of two separate projects: 1) a portion of the Reed Creek Greenway and 2) a neighborhood connection within the Town Branch Greenway corridor, known as Elsie Bridge.

**RESOLUTION BOOK NO. 39 - PAGE 345**

**K. RESOLUTION NO. 18-81 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH AMEC FOSTER WHEELER FOR ON-CALL GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES**

Summary: The consideration of a (1) resolution authorizing the City Manager to enter into a professional services contract with Amec Foster Wheeler for on-call geotechnical and environmental engineering services; and (2) a resolution authorizing the City Manager to enter into a professional services contract with S&ME, Inc. for on-call geotechnical and environmental engineering services.

A primary function of the General Services Department is the stewardship of City-owned properties and facilities. The Department is involved with the life cycle of the City's real estate assets, including the initial acquisition of real property, construction and renovation of facilities, and disposition of assets. As a best practice within real estate asset management, municipalities and institutional entities across the State maintain on-call service contracts with firms that support the acquisition, maintenance and management of real estate assets.

Within this framework, the City requires geotechnical or environmental engineering services for various purposes, which include informing the redevelopment of City-owned property, providing needed due diligence on property that the City may acquire, materials testing for construction, etc. Firms within this area of expertise typically perform the following professional services:

1. Geotechnical Engineering: Subsurface assessments, foundation testing, and other geotechnical services related to real property and/or redevelopment of real property; and
2. Environmental Services: Phase I and Phase II Environmental Site Assessments, Asbestos and Lead Paint Assessments, Remediation Design, Indoor Air Quality Assessments, Groundwater Testing and other Environmental services related to real property and/or the redevelopment of real property.

In order to secure firms to perform this work, the City must follow a qualifications-based procurement process. A Request for Qualifications for these services on an on-call basis was published on January 5, 2018. In response to the Request for Qualifications, the following nine firms submitted packages:

EAS Professionals (Asheville, NC Office)	Anchor QEA (Asheville, NC Office)
ECS Carolinas (Asheville, NC Office)	Amec Foster Wheeler (Asheville, NC Office)
S&ME, Inc. (Arden, NC Office)	Mid-Atlantic (Charlotte, NC)
Froehling & Robertson (Greenville, SC)	Little Environmental, PLLC (Raleigh, NC)
SUMMIT (Simpsonville, SC Office)	

The review team utilized a scoring matrix to assess the qualifications of the proposed firms. Two firms scored high enough to be short-listed for on-site interviews, including S&ME, Inc. and Amec Foster Wheeler. Staff discussed with each firm and determined that the best course of action was to contract with both firms in accordance with the scope and framework of the Request for Qualifications. S&ME, Inc. and Amec Foster Wheeler have agreed to this approach and both firms are well-qualified in all the required disciplines, with extensive experience and expertise in this field of work.

If the following resolutions are approved, the City will then enter into a contract with these firms for on-call services. Once a specific project is identified for City-owned real property or property the City wishes to acquire, the City will then reach out to the appropriate contracted firm and negotiate a scope of work and final pricing for those services based on the contracted cost framework and specific project needs. The duration of these on-call service contracts will be for an initial term of one year with an option to renew for up to two additional one-year periods. For the initial term, the total expenditure of each contract is not expected to exceed \$250,000.

Pros:

- Well-qualified firms will perform needed services in support of ongoing City real estate and facilities management.
- These services will be available to support various programs and projects within the City's portfolio, including redevelopment of City-owned land for affordable housing, capital improvement projects, facilities construction and renovation projects, and acquisition of real estate to support Council's strategic goals.

Cons:

- None identified.

Each contract will be established at a not-to-exceed amount of \$250,000 over the initial term. At the point in which a project, scope of work, and task cost are identified, the funds must be programmed and/or budgeted within the annual operating or capital project budget.

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to enter into a professional services contract with Amec Foster Wheeler for on-call geotechnical and engineering services; and (2) a resolution authorizing the City Manager to enter into a professional services contract with S&ME, Inc. for on-call geotechnical and engineering services.

#### **RESOLUTION BOOK NO. 39 - PAGE 346**

#### **L. RESOLUTION NO. 18-82 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH S&ME FOR ON-CALL GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES**

Summary: The consideration of a (1) resolution authorizing the City Manager to enter into a professional services contract with Amec Foster Wheeler for on-call geotechnical and environmental engineering services; and (2) a resolution authorizing the City Manager to enter into a professional services contract with S&ME, Inc. for on-call geotechnical and environmental engineering services.

A primary function of the General Services Department is the stewardship of City-owned properties and facilities. The Department is involved with the life cycle of the City's real estate assets, including the initial acquisition of real property, construction and renovation of facilities, and disposition of assets. As a best practice within real estate asset management, municipalities

and institutional entities across the State maintain on-call service contracts with firms that support the acquisition, maintenance and management of real estate assets.

Within this framework, the City requires geotechnical or environmental engineering services for various purposes, which include informing the redevelopment of City-owned property, providing needed due diligence on property that the City may acquire, materials testing for construction, etc. Firms within this area of expertise typically perform the following professional services:

3. Geotechnical Engineering: Subsurface assessments, foundation testing, and other geotechnical services related to real property and/or redevelopment of real property; and
4. Environmental Services: Phase I and Phase II Environmental Site Assessments, Asbestos and Lead Paint Assessments, Remediation Design, Indoor Air Quality Assessments, Groundwater Testing and other Environmental services related to real property and/or the redevelopment of real property.

In order to secure firms to perform this work, the City must follow a qualifications-based procurement process. A Request for Qualifications for these services on an on-call basis was published on January 5, 2018. In response to the Request for Qualifications, the following nine firms submitted packages:

EAS Professionals (Asheville, NC Office)	Anchor QEA (Asheville, NC Office)
ECS Carolinas (Asheville, NC Office)	Amec Foster Wheeler (Asheville, NC Office)
S&ME, Inc. (Arden, NC Office)	Mid-Atlantic (Charlotte, NC)
Froehling & Robertson (Greenville, SC)	Little Environmental, PLLC (Raleigh, NC)
SUMMIT (Simpsonville, SC Office)	

The review team utilized a scoring matrix to assess the qualifications of the proposed firms. Two firms scored high enough to be short-listed for on-site interviews, including S&ME, Inc. and Amec Foster Wheeler. Staff discussed with each firm and determined that the best course of action was to contract with both firms in accordance with the scope and framework of the Request for Qualifications. S&ME, Inc. and Amec Foster Wheeler have agreed to this approach and both firms are well-qualified in all the required disciplines, with extensive experience and expertise in this field of work.

If the following resolutions are approved, the City will then enter into a contract with these firms for on-call services. Once a specific project is identified for City-owned real property or property the City wishes to acquire, the City will then reach out to the appropriate contracted firm and negotiate a scope of work and final pricing for those services based on the contracted cost framework and specific project needs. The duration of these on-call service contracts will be for an initial term of one year with an option to renew for up to two additional one-year periods. For the initial term, the total expenditure of each contract is not expected to exceed \$250,000.

Pros:

- Well-qualified firms will perform needed services in support of ongoing City real estate and facilities management.
- These services will be available to support various programs and projects within the City's portfolio, including redevelopment of City-owned land for affordable housing, capital improvement projects, facilities construction and renovation projects, and acquisition of real estate to support Council's strategic goals.

Cons:

- None identified.

Each contract will be established at a not-to-exceed amount of \$250,000 over the initial term. At the point in which a project, scope of work, and task cost are identified, the funds must be programmed and/or budgeted within the annual operating or capital project budget.

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to enter into a professional services contract with Amec Foster Wheeler for on-call geotechnical and engineering services; and (2) a resolution authorizing the City Manager to enter into a professional services contract with S&ME, Inc. for on-call geotechnical and engineering services.

**RESOLUTION BOOK NO. 39 - PAGE 347**

**M. RESOLUTION NO. 18-83 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH WES COLE LAND SURVEYING PA FOR ON-CALL SURVEYING SERVICES**

Summary: The consideration of a resolution authorizing the City Manager to enter into a professional services contract with Wes Cole Land Surveying PA for on-call surveying services.

A primary function of the General Services Department is the stewardship of City-owned properties and facilities. The Department is involved with the life cycle of the City's real estate assets, including the initial acquisition of real property, construction and renovation of facilities, and disposition of assets. As a best practice within real estate asset management, municipalities and institutional entities across the State maintain on-call service contracts with firms that support the acquisition, maintenance and management of real estate assets.

Within this framework, the City requires surveying services for various purposes, which include informing the redevelopment of City-owned property, providing needed due diligence on property that the City may acquire, identifying the locations of easements, improvements, utilities, boundary lines, etc. A qualified firm should be able to perform the following services: Boundary survey and plats, topographic survey, ALTA survey, easement exhibits, subdivision plats, metes and bounds descriptions and other survey related services.

In order to secure firms to perform this work, the City must follow a qualifications-based procurement process. A Request for Qualifications for these services on an on-call basis was published on January 5, 2018. In response to the Request for Qualifications, the following eight firms submitted packages:

Wes Cole Land Surveying (Asheville, NC)	Mattern & Craig (Asheville, NC)
McGill Associates (Asheville, NC)	Vaughn & Melton (Asheville, NC Office)
Ed Holmes & Assoc. (Asheville, NC)	Stewart (Raleigh, NC)
The Wooten Co. (Hickory, NC)	GEL Engineering of NC (Raleigh, NC)

The review team utilized a scoring matrix to assess the qualifications of the proposed firms. Three firms scored high enough to be short-listed for on-site interviews, including Wes Cole Land Surveying, McGill Associates, and Mattern & Craig. Scoring by the interview team indicated Wes Cole Land Surveying as the highest-rated offeror in this procurement. Wes Cole Land Surveying is well-qualified in all the required disciplines, with extensive experience and expertise in this field of work.

If the following resolution is approved, the City will then enter into a contract with this firm for on-call surveying services. Once a specific project is identified, the City will then reach out to the contracted firm and negotiate a scope of work and final pricing for those services based on

the contracted cost framework and specific project needs. The duration of this on-call service contract will be for one year with an option to renew for up to two additional one-year periods. For the initial term, the total expenditure of the contract is not expected to exceed \$100,000.

Pros:

- Well-qualified surveying firm will perform needed services in support of ongoing City real estate and facilities management.
- These services will be available to support various programs and projects within the City's portfolio, including redevelopment of City-owned land for affordable housing, capital improvement projects, facilities construction and renovation projects, and acquisition of real estate to support Council's strategic goals.

Con:

- None identified.

This contract will be established at a not-to-exceed amount of \$100,000 over the initial term. At the point in which a project, scope of work, and task cost are identified, the funds must be programmed and/or budgeted within the annual operating or capital project budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into a professional services contract with Wes Cole Land Surveying for on-call surveying services.

#### **RESOLUTION BOOK NO. 39 - PAGE 348**

#### **N. RESOLUTION NO. 18-84 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GENERAL SERVICES CONTRACT WITH TELECOMMUNICATION & INDUSTRIAL CONSULTING SERVICES (TELICS) FOR ON-CALL RIGHT-OF-WAY AND EASEMENT ACQUISITION SERVICES**

Summary: The consideration of a resolution authorizing the City Manager to enter into a general services contract with Telecommunication & Industrial Consulting Services Corporation (TELICS) for on-call right-of-way and easement acquisition services.

The City's Real Estate Division is frequently called upon to acquire easements or other fee interests of private property for capital improvement projects and other City projects wherein access to real property is essential for project completion. At this time, staff seeks to engage a qualified firm to provide right-of-way (ROW) and easement acquisition services on an on-call basis to augment the current capacity of the Real Estate Division.

The firm should have experience acquiring easements and fee simple interests for a wide variety of municipal improvement projects such as roadway, sidewalk or greenway installation, water line extension, and/or other transportation and utility projects. The firm must be able to perform acquisition services in compliance with the Federal Uniform Act (URA).

Work assignments may include the following:

- Permanent and/or temporary easement acquisition;
- Fee simple right-of-way acquisition;
- Valuation of real property (i.e., claim reports);
- Appraisal of real property; and
- Relocation services (sign relocations, limited residential/business relocation).

In order to secure firms to perform this work, the City published a Request for Proposals for these services on an on-call basis on January 5, 2018. In response to the Request for Proposals, the following five firms submitted packages:

TELICS (Statesville, NC)	OR Colan Associates (Charlotte, NC)
AECOM Technical Services (Raleigh, NC)	Vaughn & Melton (Asheville, NC Office)
Bernard Johnson Group (San Diego, CA)	

The review team utilized a scoring matrix with specific criteria to assess the responses of the firms. The criteria included costs, qualifications, and experience of the firms. Scoring by the review team indicated TELICS as the highest-rated firm in this procurement. TELICS is well-qualified in all the required disciplines and provided unit pricing that is competitive and appropriate for this field of work.

If the following resolution is approved, the City will then enter into a contract with this firm for on-call right-of-way and easement acquisition services. Once a specific project is identified, the City will then reach out to the contracted firm and negotiate a scope of work and final pricing for those services based on the contracted cost framework and project need. The duration for this on-call service contract will be for one year with an option to renew for up to two additional one-year periods. For the initial term, the total expenditure of the contract is not expected to exceed \$250,000.

Pros:

- Well-qualified right-of-way and easement acquisition firm will perform on-call services in support of ongoing City infrastructure improvement programs.
- These services will be available to support various programs and projects within the City's portfolio, such as capital improvement projects in support of Council's strategic goals.

Con:

- None identified.

This contract will be established at a not-to-exceed amount of \$250,000 over the initial term. At the point in which a project, scope of work, and task cost are identified, the funds must be programmed and/or budgeted within the annual operating or capital project budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into a general services contract with TELICS for on-call right-of-way and easement acquisition services.

**RESOLUTION BOOK NO. 39 - PAGE 349**

**O. RESOLUTION NO. 18-85 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A REVISED AGREEMENT WITH BUNCOMBE COUNTY TO SHARE THE COSTS OF A COMPOSTING FEASIBILITY STUDY**

Summary: The consideration of a resolution authorizing the City Manager to enter into a revised agreement for payment of \$37,500 to Buncombe County for half the cost of a *completed* composting feasibility study.

On June 28, 2016, City Council voted to authorize the City Manager to enter into an agreement with Buncombe County to share the cost of a composting feasibility study. Phase II of the Organics Feasibility Study was completed last month. The research and data compiled from the study will help inform the Sanitation Division's Solid Waste Management Plan. Funding for

the Solid Waste Management Plan was submitted through the Fiscal Year 2019 budget in the Public Works Department.

The original document reflected a "not to exceed dollar amount of \$37,000". The correct amount is \$37,500. Approval of this action will corrects that error.

Pro:

- Funding for Resolution 16-152 is available and ready for payment to Buncombe County

Con:

- None Identified

As noted above the total cost of the portion of the study is \$37,500, with funding utilized from Green Revolving funds.

Staff recommends City Council to approve the difference in payment of \$500 and authorize the City to Manager to enter into a revised agreement for payment to Buncombe County, with the cost of the City's portion of the study not to exceed \$37,500.

#### **RESOLUTION BOOK NO. 39 - PAGE 350**

**P. MOTION TO CHANGE THE NAME OF THE FINANCE COMMITTEE TO FINANCE & HUMAN RESOURCES COMMITTEE AND TO CLARIFY THAT ITS AREAS OF INTEREST INCLUDE HUMAN RESOURCES POLICY ISSUES INCLUDING EMPLOYEE COMPENSATION AND PERSONNEL POLICIES WHILE THE GOVERNANCE COMMITTEE CONTINUES TO HAVE OVERSIGHT OF SPECIFIC PERSONNEL MATTERS THAT INVOLVE AN EMPLOYEE**

Summary: The following is a memorandum from Councilman Kapoor: "In an effort to better clarify and define Council committee responsibilities, I propose that Council vote to change the Finance Committee's name to the Finance & Human Resources Committee and to clarify that human resources policy issues such as employee compensation and personnel policies (including harassment and discipline) be brought to it. Personnel matters or issues dealing with specific employees (including the City Manager, City Attorney and City Clerk) would be handled by the Governance Committee.

By way of background, the City Clerk explained that the Finance Committee was established by motion in 2006 and its "areas of interest include the annual budget process, capital improvement programming, financial reports, taxes, fees, assessments and infrastructure finance. Fees, Debt Issues, Alternative Revenue Sources; Outside Agency Grants."

Council created the Governance Committee on December 10, 2013, to provide guidance on "City Council Rules of Procedure; Personnel Issues; City Council Retreat Planning, or designate a committee retreat planning; development of legislative agenda; strategic planning process, follow through and accountability; and public engagement, development and recommendation of best practices." While the Governance Committee charge includes "personnel issues," I understand that in practice this meant dealing with specific employee issues rather than more general human resources policy matters which went to the Finance Committee. I don't propose any change to that role – the distinction in responsibility is between personnel policies and procedures that impact the City's workforce and specific personnel matters that involve an employee.

Given the critical role human resources policy plays in the City's operation, we must be

clear that Council will exercise its oversight responsibilities in this area and making this change is a step in that direction.”

**Q. RESOLUTION NO. 18-86 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CLARK PATTERSON LEE, P.C., FOR THE U.S. CELLULAR CENTER HVAC DESIGN AND ENGINEERING SERVICES CONTRACT**

Summary: The consideration of a resolution authorizing the City Manager to execute a Contract Amendment to the Professional Services Agreement with Clark Patterson Lee, P.C. in the amount of \$215,000 for design and engineering services for the U.S. Cellular Center HVAC and Mechanical Renovation Project.

On November 3, 2017, the General Services Department issued a Request for Qualifications for Design and Engineering Services for the U.S. Cellular Center HVAC and Mechanical Renovation project, for professional services including design, planning, and construction administration services. The project is partially funded by a 2016 Tourism Product Development Fund (TPDF) grant for \$1,500,000 and City Capital Improvement Program funds that were authorized in the 2016-17 budget.

The project’s first priority is to maximize the available construction funds to replace existing equipment and increase system efficiency. These improvements will reduce the U.S. Cellular Center’s operating costs and provide greater flexibility for the venue to book a wider range of events. The project’s second priority is to provide a complete systems modernization plan for future improvements, which will include cost estimation, scope development, and design in key areas such as the addition of a solar array on the arena roof. The project is based on a 2015 building energy analysis, and the design and planning considerations are being coordinated with the Office of Sustainability.

In response to the Request for Qualifications, the department received eight submittals on November 30, 2017. Companies responding were:

Clark Patterson Lee (Greenville, SC Office)	Griffith Engineering (Charlotte, NC)
RMF Engineering (Charlotte, NC)	McGill Associates (Asheville, NC)
AME Consulting Engineers (Charlotte, NC)	SUD Associates (Asheville, NC)
DeVita (Greenville, SC)	Clark Nexsen (Asheville, NC Office)

Following a review of qualifications by City staff and the program manager, Clark Patterson Lee, P.C., was selected as the most qualified firm. In order to expedite design and ensure the design would be complete in time for construction to be performed during the U.S. Cellular Center’s off season, the City Manager awarded an initial scoping and schematic design phase contract in the amount of \$50,000 on February 6, 2018. The initial phase is well underway, and it is time to move forward with design development, construction documents, and related activities. The negotiated fee for this additional work requires a contract amendment in the amount of \$215,000, and the resulting total contract amount will be \$265,000 for consideration by City Council.

Pros:

- Reduce energy consumption and operational costs at the U.S. Cellular Center.
- Improve the venue’s ability to host a wider range of events.
- Leverage grant funding in partnership with the Buncombe County Tourism Development Authority.



Con:

- None.

The funding needed for this agreement is currently allocated within the TPDF Theater Project (C1701) in the Capital Improvement Program (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Contract Amendment to the Professional Services Agreement with Clark Patterson Lee, P.C., for the amount of \$215,000 for design and engineering services for the U.S. Cellular Center HVAC Design and Engineering Services, which yields a total contract amount of \$265,000 for these professional services.

**RESOLUTION BOOK NO. 39 - PAGE 351**

- R. RESOLUTION NO. 18-87 - RESOLUTION AMENDING THE 2018 CITY COUNCIL MEETING SCHEDULE TO CANCEL THE JUNE 12, 2018, AND JUNE 26, 2018, FORMAL CITY COUNCIL MEETINGS AND ADD A FORMAL CITY COUNCIL MEETING ON JUNE 19, 2018**

**RESOLUTION BOOK NO. 39 - PAGE 352**

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 Vice-Mayor Wisler and carried unanimously.

**III. PRESENTATIONS & REPORTS:**

- A. PRIORITIZING EQUITY IN PLANNING AND INVESTING IN RECREATIONAL FACILITIES AND PROGRAMS**

Director of Parks & Recreation Roderick Simmons said Urban parks and recreational facilities are dynamic institutions that play a vital role in the social, economic and physical well-being of urban areas and its residents. Dating back to the 19th century when Frederick Law Olmsted introduced the first large-scale urban parks to this country, these green spaces provided relief from urban intensity for residents and brought people together across social, economic and racial divides. Community recreational facilities are not only designed to be safe and beautiful, but also serve as one of the key components in helping to address nearly every critical urban need from health to housing, education, environmental, combating crime and countering developmental sprawl. (City Park Alliance, Why Urban Parks Matter, <http://www.cityparksalliance.org> (accessed January 9, 2018))

The City of Asheville provides an 803-acre system with 78 facilities, consisting of neighborhood parks, central business district parks, open space, playgrounds, pools, community recreation facilities, sports fields and courts, a golf course, gardens, walking paths, and nature sanctuaries. With this number of physical assets, the system requires an investment in resources to operate, maintain and provide a satisfactory level of service. Over the past ten years, the City has invested a combined total of \$5 million, approximately \$500,000 per year to address capital maintenance needs, which has only allowed for the rehabilitation of existing facilities when there are failures of critical systems. Funding was not previously available to implement a sustainable,

ongoing maintenance program to maintain all systems during their useful life cycle or to develop a predictable funding model for major facility upgrades or replacement of recreational infrastructure.

The previous lack of funding has resulted in some neighborhoods that have had high-quality public spaces, while others do not meet contemporary needs and have fallen into disrepair. Now, with the passage of the 2016 bond, the City is able to develop a plan to maintain, replace, and upgrade recreational facilities, revolutionizing the park system for years to come.

**Equity Plan:** The 2009 Parks and Recreation Master Plan identified the community's recreational gaps in services. The majority of the City's parks and facilities that have not received funding since the late 70's and 80's are in communities of low wealth. These parks and facilities have not received the necessary investments to maintain their useful life to provide a safe and enjoyable experience for park visitors. In order to address these gaps and ensure that funding is directed where it is needed, the Parks and Recreation Department developed an equity-based criteria system to prioritize investments in parks and facilities using an Equity Matrix.

The Equity Matrix focuses on racial and economic equity for capital and rehabilitation project scheduling, while providing recreational programs, and services to the community. The Equity Matrix is based on U.S. Census Data, and previous investment priorities for replacement, operating, and maintenance of existing neighborhood park assets.

The Parks and Recreation Department's Neighborhood Recreational Service Plans use the Equity Matrix to help guide annual funding for neighborhood park maintenance, rehabilitation, capital investments and recreational programming.

**Equity Goal:** The use of the Equity Matrix is meant to quantifiably evaluate neighborhood parks, to ensure investments are equitably targeted in support of the Asheville Parks and Recreation Department's Comprehensive Plan, with particular focus on the theme: *Dynamic Parks That Shape City Character and Meet Diverse Community Needs.*

Through the increase in available funding and the implementation of this data-driven process, the Parks and Recreation Department will invest capital, rehabilitation, maintenance, and programming over the next decade to meet community recreational needs. These needs will be met with a commitment to ensuring that racial and economic equity criteria is utilized in the determination of the distribution of equitable funding to neighborhood parks and programs in the City.

He explained the following equity actions in progress: (1) using census tracts - neighborhood park and recreational facility within each neighborhood in the Census Tract was mapped; (2) used mapping to create department service districts to track equity investments by facility and program; (3) develop Neighborhood Recreational Service Plans for each service district; (4) develop equity pricing strategies for programs and services; (5) on-going re-engineering of department staff and resources to address equity in service delivery and implement the equity action plan; (6) staff equity education and training in connection with the Equity Office; (7) community engagement efforts - revamping strategy (a) community designed outreach efforts; (b) hands on community design workshops; and (c) Shiloh and Grant Center - in the process of developing the Neighborhood Recreational Service Plans; (8) developing a small business database and outreach to minority owned business for projects based on state statute that does not require formal bid process; (9) developing Community Benefit Agreement with school systems to offer programs and make facility improvements for use by the community (a) Asheville Middle School; and (b) South Asheville (Valley Springs); (10) created additional summer camp sites for underserved youth 1st - 6th and 7th-8th grades; (11) offering a Nature Center Camp at the Nature Center for youth from identified underserved neighborhoods; (12) created a

free neighborhood swimming camp at Walton Street pool; (13) offering a year-round YWCA community swim program; (14) help support the Fire Department middle school camp; (15) working with Asheville Police Department and Asheville Fire Department to continue to offer ongoing presentation to after school/summer camp sites; (16) continue to work with City of Asheville Youth Leadership Academy (CAYLA) and In Real Life - providing facility and activities; and (17) continue to conduct youth focus groups with Asheville middle students and CAYLA students to determine gaps in services for youth.

Future action items include (1) locate a bus stop at Nature Center and soccer complex; and (2) youth development program for middle and high school - civic and job training.

He explained that their desired end result is for a more equitable allocation and distribution of public park and recreation resources.

Mr. Simmons responded to various questions from Council, some being, but are not limited to: regarding workforce youth development, is there a possible small stipend; and is it appropriate to look at federal funds from the Dept. of Labor.

## **B. OFFICE OF SUSTAINABILITY ANNUAL REPORT**

Sustainability Officer Amber Weaver said that the Office of Sustainability was created in 2008 to advance the City's efforts in addressing Greenhouse Gas Emissions. Through Resolution No. 11-77, the City's adopted carbon reduction goal for municipal operations of 80% by 2050 was doubled to 4% annual reduction, or 1,114 metric tons of carbon reduced annually. City Council adopted the Sustainability Management Plan in 2009 which outlines eight focus areas and 107 action items. She then reviewed the 2017 progress in achieving the Plan's focus areas, action items and new policies adopted by City Council.

She reviewed the notable Fiscal Year 2017 climate resilience assessment achievements:

- Completion of the first three steps in the US Climate Toolkit
- Addition of the Climate Resilience Assessment within the City's Comprehensive Plan, Living Asheville.

Top priorities for Fiscal Year 2018:

- Finalize the Climate Resiliency Assessment
- Equity Foundations Training through GARE + USDN
- Work with IT Department to include climate hazards on Simplicity
- Public Information Sessions
- Staff Trainings.

She reviewed the notable Fiscal Year 2017 waste reduction goal achievements include:

- Added an additional 388 public housing residents to the City's curbside recycling program for a total of 666 units.
- Provided City residents five (5) backyard compost demonstration workshops through Asheville GreenWorks contract.

Top priorities for Fiscal Year 2018 include:

- Adding an additional 256 public housing units to curbside recycling program.
- Composting program at the US Cellular Center's Thomas Wolfe Auditorium.
- Additional backyard composting workshops through Asheville GreenWorks contract.

She reviewed the notable Fiscal Year 2017 Food Policy Action plan achievements include:

- Updated Food Policy Action Plan through the Asheville Buncombe Food Policy Council contract, with Bountiful Cities as the fiscal agent.
- Creation of the Asheville Edibles webpage located on the Office of Sustainability website.
- Rollout of the Asheville Edibles Community Garden Program.
- Rollout of the Asheville Adopt A Spot program through the Asheville GreenWorks contract.

Top priorities for Fiscal Year 2018 include:

- Water spigot installations at community gardens.
- Bountiful Cities contract to oversee the Asheville Edibles Community Garden Program.
- Planting more food on City of Asheville properties
- Establishing metrics to determine the City's role in Asheville's larger food system.

Ms. Bridget Herring, Energy Program Coordinator, reviewed the notable Fiscal Year 2017 4% carbon reduction goal achievements include: • To date, the City has achieved 31% of the carbon reduction goal • Reduced carbon emissions by 1.43% from the baseline • Leveraged over \$130,000 in Duke Energy Rebates estimated to yield \$38,000 in annual avoided energy costs. Top Priorities for Fiscal Year 2018 Include: • LED upgrades at 6 municipal properties • Electric landscaping equipment pilot • Energy Audits for 3 buildings • Rooftop Solar Energy Assessments on 4 rooftops. The City did not achieve the 4% reduction goal and exceeded the target by 249 tons of CO2 equivalent.

She reviewed the notable Fiscal Year 2017 community clean energy policy framework achievements include: • Hired Sustainability Technician to organize and advertise the Asheville Workplace Challenge (AWC) • Launched AWC and celebrated top 3 participants in partnership with the Chamber of Commerce • Embedded clean energy initiatives within the City's Comprehensive Plan, Living Asheville • Installed 2 electric vehicle charging stations in Rankin and Civic Center parking decks with grant from Duke Energy • Created of the Energy Innovation Task Force through Resolution 16-64. Top Priorities for Fiscal year 2018 include: • Contract with Green Built Alliance to oversee AWC • Achieved national SolSmart Gold designation • Proclaimed October 5, 2017, as Energy Efficiency Day and distributed over 550 LED light bulbs to City staff.

She reviewed the notable Fiscal Year 2017 Energy Innovation Task Force achievements include: • Creation of Energy Innovation Task Force (EITF) project page managed by staff which include meeting agendas, meeting minutes and presentations. Top Priorities for Fiscal Year 2018 Include: • Cities Leading through Energy Analysis and Planning (LEAP) analysis • Buncombe County partnership for low-income residential weatherization • Buncombe County partnership for commercial retrofits • Launch of Blue Horizons Campaign • Contract with Green Built Alliance to manage Blue Horizons Campaign.

Ms. Weaver then summarized the Green Revolving Fund expenditures.

In response to Councilwoman Mayfield, Ms. Weaver explained the pay as you throw program, which the City does not implement.

**C. I-26 WIDENING PROJECT FROM NC 280 (AIRPORT ROAD) TO I-40 - BRIDGE REPLACEMENT OVER THE FRENCH BROAD RIVER**

Mr. David Uchiyama, consultant working with the N. C. Dept. of Transportation, briefed Council on the I-26 widening project from NC 280 (Airport Road) to I-40, in particular the bridge replacement over the French Broad River and the potential impacts on the river users. He noted that a design public meeting will be held on Monday, April 16, 2018, at 4:00 p.m. at Biltmore Baptist Church.

When Councilwoman Mayfield asked about the bats under the bridge, Mr. Uchiyama said the N.C. Dept. of Transportation has funded a study and they are working with the U.S. Fish and Wildlife Service.

**IV. PUBLIC HEARINGS:**

**A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 1 BROOKSIDE CIRCLE FROM RM-6 RESIDENTIAL MULTI-FAMILY LOW DENSITY DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE FOR 70 RESIDENTIAL UNITS IN THREE BUILDINGS WITH A CLUBHOUSE**

**ORDINANCE NO. 4662 - ORDINANCE TO CONDITIONALLY ZONE  
PROPERTY LOCATED AT 1 BROOKSIDE CIRCLE FROM RM-6  
RESIDENTIAL MULTI-FAMILY LOW DENSITY DISTRICT TO RESIDENTIAL  
EXPANSION/CONDITIONAL ZONE FOR 70 RESIDENTIAL UNITS IN THREE  
BUILDINGS WITH A CLUBHOUSE**

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance to conditionally zone property located at 1 Brookside Circle from RM-6 Residential Multi-Family Low Density District to Residential Expansion/Conditional Zone for 70 residential units in three buildings and associated parking with a clubhouse at the property located on 5.89 acres. This public hearing was advertised on March 30 and April 6, 2018.

Ms. Vrtunski said that this this project is considered a Level III Development, which requires a rezoning and is subject to a Conditional Zoning review pursuant to Section 7-5-9 of the city's Unified Development Ordinance (UDO).

The applicant is proposing to build three apartment buildings and a clubhouse with parking on the site. Plans indicate 70 units which is a resulting density of 12 units per acre. The project will provide 21 three-bedroom units, 35 two-bedroom units and 14 one-bedroom units. This project is being proposed as an affordable housing project with 100% of the units being affordable.

The project site is 5.89 acres in Candler near the Westridge shopping center. The lot is nonconforming with no direct street frontage. The site slopes from the northwest to the east. The property is bordered on two sides to the north by residential zoning and development, and along the southern boundary, commercial zoning (Highway Business). Currently there is one single family house on the property.

The site is accessed from a private road from Westridge Shopping Center. Given the topography and surrounding development, this access route makes the most sense as visitors will be able to access the site via a signalized intersection at Smokey Park Boulevard.

Sidewalks are provided in the development leading from buildings to parking areas and the clubhouse. A sidewalk is shown leading from the development to the property line of the shopping center lot. A ramp is required because of the grade of the site.

Parking is provided throughout the site with 105 spaces, which meets the parking requirements for this type of development.

The project is required to comply with landscaping standards, including street trees, a 20 foot type A property line buffer (along the east and west), building impact, vehicle use area and tree save area. Retaining walls may require either screening or natural stone facing depending on height.

Open space is being provided above and beyond required and will need to be shown on plans.

Sec. 7-8-43 states that projects adjacent to residential zoning should be compatible with the immediate neighborhood context in the following ways: building scale, setback and relative height of structures transitioning to existing neighborhood fabric.

The proposed structures are four stories overall, but built into the natural slopes of the site so that northern and western sides of the buildings are three stories in height on the uphill side and four stories on the downhill side. With an overall height of approximately 48 feet

(including the roofs), the buildings are well below the 60 feet in height allowed by the Residential Expansion district. With the topography and landscaping, the development should be sufficiently screened to have a limited impact on surrounding residential development.

*Conditions:* The applicant is requesting several conditions to modify the standards.

1. Access to the site will be via a private road that enters from the Westridge shopping center. The lot is currently a non-conforming lot without frontage on a road.
2. Sidewalks in front of and connecting the buildings will be 7 feet wide.
3. The street sidewalk connecting the apartment buildings and shopping center shall have a grass strip of varying widths between the back of curb and edge of sidewalk.
4. A fence along the property line adjoining the Brigadoon subdivision will be provided.

This project was approved with conditions by the city's Technical Review Committee (TRC) on February 19, 2018. As this is a Level III review, it will be reviewed by the Asheville City Council. A Final TRC review is also required if approved by City Council.

Planning and Zoning Commission reviewed this project on March 7, 2018, and voted 7-0 in favor of the project. The Commission did discuss several issues including a sidewalk to connect to the existing shopping center stores, ensuring that the street through the shopping center is clearly a street.

The Commission recommended a condition that the developer provide planted islands along the private road where there are currently only painted "islands". At the meeting, the developer was willing to pursue this option, but it was made clear that the parking lot is not under his control and that property owner was not present at the meeting.

The Brigadoon Homeowners Association reached out to staff with concerns. They communicated their concerns to the developer and had a representative at the Planning and Zoning meeting. The developer agreed to several of their requests including providing a fence at the property line, moving the playground and dumpster. No other public comment has been received regarding this proposal as of the writing of this report.

Current zoning is RM-6, Residential Multifamily Low Density District. The applicant is requesting conditional rezoning to Residential Expansion Conditional Zone district.

On January 9, 2018, City Council approved a Conditional zoning for a new Ingles shopping center at 153 Smoky Park Highway, approximately two miles to the east.

The proposed project should be relatively compatible with the surrounding context. To the south are commercially zoned properties along Smokey Park Highway. Directly to the east for a portion of the property is the Westridge Shopping Center, zoned Highway Business. To the northeast and along the west side of the property are residential properties zoned RM-6.

The development of this parcel aligns with the City Development Plan 2025 (i.e. the comprehensive plan), specifically the goal to encourage the construction of affordable housing. The comprehensive plan also identifies this general area as a commercial node on the Future Land Use map.

The proposal aligns with the 2036 Council vision in the following areas (1) A Well-Planned and Livable Community – The project is located near stores, services, and schools in the Enka-Candler area; and (2) Quality Affordable Housing - The development will provide 70 affordable units in the Candler area.

Considerations:

- Project will provide 70 affordable housing units close to needed facilities such as grocery stores, bank, library and schools.
- Proposal meets almost all standards with the exception of lot frontage.
- This is an infill project in a developing area and on a major transportation corridor.
- Higher density housing can serve as an effective transitional use between a commercial corridor and single-family housing, and will support future commercial development on the corridor.

The Planning and Zoning Commission reviewed this project on March 7, 2018. The Commission voted 7-0 in favor of the project and recommended Council approval of this Conditional Zoning request subject to Final TRC approval and the B-1 Conditions that were presented to Planning & Zoning with the addition of planted islands in the parking lot of the shopping center, and a clarification of the type of fence to be installed along the property line with the Brigadoon Subdivision.

Councilwoman Field noted that the HCD Committee approved a Housing Trust Fund loan for this project, which Council will consider later in the meeting.

When Councilman Kapoor asked how many trees will be cut down, Ms. Vrtunski was not sure; however, they have an incentive to keep as many as they can as they get an incentive. This is an affordable housing project and they will want to reduce their costs as much as possible.

The President of Workforce Homestead, Inc. said that this will facilitate the much needed affordable housing. He felt this is an ideal location for working families that can walk to a grocery store, YMCA, banks and restaurants. He asked for Council's support. He too, was not sure how many trees would be cut down, noting that parts of the parcel are cleared and some are not.

When Vice-Mayor Wisler asked when a decision will be reached on the federal housing tax credit awards, the President of Workforce Homestead said mid-August, noting it is a very competitive process.

Mayor Manheimer opened the public hearing at 6:25 p.m. and when no one spoke, she closed the public hearing at 6:25 p.m.

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

Vice-Mayor Wisler moved to approve the conditional zoning request for Residential Multifamily Low Density District to Residential Expansion Conditional zone for the Amaranth Apartments project with the requested conditions and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) the project provides much needed affordable housing; and, (2) the development is well located such that residents will have good access to schools, community services and commercial businesses. This motion was seconded by Councilwoman Mayfield and carried unanimously.

**ORDINANCE BOOK NO. 32 - PAGE 32**

**V. UNFINISHED BUSINESS:**

- A. ORDINANCE NO. 4663 - ORDINANCE ESTABLISHING A HUMAN RELATIONS COMMISSION OF ASHEVILLE**

Deputy City Attorney Kelly Whitlock said that this is the consideration of an ordinance establishing a Human Relations Commission of Asheville (HRCA).

In May of 2017 the City Council provided a directive to establish a human relations commission in the City to deal with issues relating to equity and human relations.

N.C. Gen. Stat. §160A-492 authorizes cities to undertake a human relations program and appoint a commission to carry out such program. The statute defines a human relations program as “one devoted to (i) the study of problems in the area of human relations, (ii) the promotion of equality of opportunity for all citizens, (iii) the promotion of understanding, respect and goodwill among all citizens, (iv) the provision of channels of communication among the races, (v) dispute resolution, (vi) encouraging the employment of qualified people without regard to race, or (vii) encouraging youth to become better trained and qualified for employment.”

In furtherance of its directive and goal to promote equity in the City, the City Council appointed a Blue Ribbon Commission (“BRC”) as an advisory body to provide recommendations to the City Council about the mission, scope and duties of a human relations commission. The BRC held approximately 12 meetings over a period of several months and presented its final recommendations to the City Council at its February 13, 2018, meeting.

City staff drafted an ordinance creating a Human Relations Commission of Asheville (“HRCA”) that incorporates the recommendations provided by the BRC and state law requirements.

In summary, the ordinance includes the following sections: i) Establishment and Purpose; ii) Definitions; and iii) Duties, Membership and Rules of Procedure. The membership of the HRCA is comprised of 15 members appointed by the City Council. Membership is intended to reflect the groups of individuals that the human relations program is intended to assist and protect, including but not limited to, individuals from different races, ethnicities, sexual orientation and socioeconomic backgrounds.

Duties of the HRCA include, but are not limited to, the following: i) making policy recommendations to the City Council which promote and improve human relations and advance equity in the City; ii) supporting the City’s Office of Equity and Inclusion; iii) providing a forum where residents can raise issues and complaints relating to human relations in the City; iv) engaging the community regarding the utilization of City-funded programs and policies for the promotion of human relations; and 5) promoting and improving human relations and advance equity in the following areas: public safety; educational, art and cultural opportunities; economic development; health and human services; and housing.

The proposed ordinance was presented to the City Council’s Boards and Commissions Committee on March 13, 2018. With some proposed minor modifications which are incorporated herein, it was the consensus of the Committee to recommend adoption of the proposed ordinance.

Pros:

- Serves to improve human relations in Asheville by partnering with communities and agencies in an effort to better promote and ensure diversity, equity and inclusion.
- Serves to identify and address all forms of individual, institutional and community level discrimination through education, advocacy and policy recommendations.
- Increases community engagement.

Con:

- None noted.



Staff recommends adoption of the ordinance.

In response to Councilwoman Mayfield, Ms. Whitlock said that while the ordinance does not spell out all the Blue Ribbon Committee recommendations, it is noted in the ordinance that City Council desires that the Committee be guided and influenced by those recommendations.

City Attorney Currin also noted that the Commission cannot make binding decisions or policy decisions because that is not within the scope of their under authority under the General Statutes.

Councilwoman Mayfield felt that the recommendations by the Blue Ribbon Committee requested broader authority regarding providing a forum for citizens to come to raise issues and bring concerns about racial equity. Ms. Whitlock responded that said that state law prohibits local governments from regulating private employers or regulating public accommodations. That means that this Commission cannot rule on a grievance or regulate a private employer but they can hear a complaint and grievance and help resolve them in any other way.

Councilman Young felt that scope can be developed by the Commission.

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

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

Vice-Mayor Wisler moved for the adoption of Ordinance No. 4663. This motion was seconded by Councilman Haynes and carried unanimously.

#### **ORDINANCE BOOK NO. 32 – PAGE 35**

#### **VI. NEW BUSINESS:**

#### **A. RESOLUTION NO. 18-88 - RESOLUTION AUTHORIZING THE APPROVAL OF HOUSING TRUST FUND LOANS TO WORKFORCE HOMESTEAD INC. AND MOUNTAIN HOUSING OPPORTUNITIES INC.**

Community Development Analyst Chris Hnatin said this is the consideration of a resolution authorizing the approval of Housing Trust Fund loans to Workforce Homestead, Inc. and Mountain Housing Opportunities, Inc.

Staff received two (2) Housing Trust Fund (HTF) applications totaling \$2,400,000 in requested funds for the creation of 130 affordable rental units. These applications were presented to the Housing and Community Development Committee (HCD) on March 23, 2018. The HCD Committee recommended the full amount requested for each project be awarded (\$2,400,000 total) to the applicants.

The following applications have been recommended by HCD for approval:

- 1) Amaranth Apartments: Workforce Homestead, Inc. asks \$600,000 for the construction of a 70 unit rental development with all units serving households earning 60% AMI or less. Project is located on Smokey Park Highway (Enka/Candler area) and is a 100% affordable Low Income Housing Tax Credit (LIHTC) project.

- 2) Clingman @ Hilliard: Mountain Housing Opportunities Inc. asks \$1,800,000 for the construction of an 80 unit mixed-income rental development with 60 units being reserved to households earning 60% AMI or less. Project is located downtown, is mixed-use, and a Low Income Housing Tax Credit (LIHTC) project.

**Workforce Homestead, Inc. – Amaranth Apartments (\$600,000)**

Workforce Homestead, Inc., proposes a 70 unit all affordable multi-family rental Low Income Housing Tax Credit (LIHTC) development, known as Amaranth Apartments. The developer is seeking a \$600,000 Housing Trust Fund loan. The project will serve all levels of low to very low incomes (60%, 50%, and 30% AMI’s) and vouchers will be accepted. The project is designed with 3 buildings each ¾ split level with a park and community center on site; it will receive Energy Star certification, 5% of the units will be fully ADA accessible and reserved for homeless transition or those with disabilities; and a 30 year affordability period, per LIHTC agreements, will accompany the project. The project is expected to begin construction in May 2019 and completing in November 2019.

The proposed project is on a 5.89 acre site located off of Smoky Park Highway next to the Westridge Shopping Center. It is zoned RM-6 and does require rezoning Planning and Zoning and Technical Review reviews are taking place. It is 8 miles from downtown and is within 1/4 mile of jobs and services, including grocery, pharmacy, YMCA, and AB-Tech. Transit does not extend to this site, but is a corridor that is mapped for extension and a gap transit service is provided by Buncombe County.

The application request results in the following terms, conditions, estimated development costs and subsidy allocation:

<b>Proposed Loan Terms and Conditions</b>									
<b>30% AMI Units</b>	<b>50% AMI Units</b>	<b>60% AMI Units</b>	<b>Loan Amount</b>	<b>HTF Loan Per Unit</b>	<b>Affordability Period (Years)</b>	<b>HTF Loan/Unit / Year</b>	<b>Interest Rate*</b>	<b>Term (Years)</b>	<b>Type</b>
18	10	42	\$600,000	\$8,571	30	\$285	Adjusted to meet 1.15 DCR (est. 0.5% average)*	20	Amortized with Balloon Payment
<i>*Outside of policy</i>									

<b>Proposed Total Development Costs and Loan Allocations</b>						
<b>Total HTF Loan Amount</b>	<b>Total Development Cost</b>	<b>Loan % of Total Development Cost</b>	<b>Total cost per unit</b>	<b>Additional City Investment</b>	<b>Total City Investment</b>	<b>Total Est. City Investment Per Unit</b>
\$600,000	\$10,271,497	6%	\$146,736	\$0	\$600,000	\$8,571

The total Housing Trust Fund investment per unit is \$8,571 per unit; to date, no other City funding has been requested (i.e. Land Use Incentive Grant). Developer has submitted cost estimates, but could change. Developer is working with shopping center to develop a private road to access the property and developer is working with P&Z to meet City requirements. The project

is pending LIHTC award which are announced in August 2018. Project scored a 90 in HTF Underwriting and an adjusted amortization is requested in order to meet the minimum 1.15 DCR, which is outside the HTF Policy. All other parameters are within policy.

**Strengths:**

- Seventy (70) units serving households earning 60% AMI or less
- Unit mix includes households earning 50% and 30% AMI
- Low subsidy per unit, \$8,571
- 30 year affordability period
- Low development cost and minimum cash flow
- Will obtain energy efficiency certification
- Close proximity to grocery and AB-Tech

**Concerns:**

- Project has an adjusted amortization which yields little interest on the loan
- Project is 8 miles from downtown with no transit
- Project is dependent upon LIHTC
- Entrance to the property may be an issue
- Cost estimates could change
- No Environmentals on record
- No additional financial commitments to date

**Mountain Housing Opportunities, Inc. – Clingman@Hilliard (\$1,800,000)**

Mountain Housing Opportunities, is proposing an 80 unit mixed-equity and mixed-use development at 357 Hilliard Avenue in downtown Asheville, just across the street from the former Parks/Maintenance site. Sixty (60) of those units will be reserved for households earning 60% AMI, including 50% and 30% AMI's, and will be a Low Income Housing Tax Credit (LIHTC) project; 20 of the units will be market rate (comparable to workforce housing), and 5,000 sq. ft. of office space will be financed separately. Developer requests a \$1,800,000, 2% interest only loan with deferred principle in perpetuity with an affordability period to match that (i.e. 99 years). The project is designed to have parking underneath the building with 37 shared spaces between the commercial and residential spaces. It will provide ADA and homeless transition and no other City funds are being requested at this time. The request does deviate from the current HTF policy, with a request higher than \$20,000/unit, \$1,000,000 maximum ask, and no payback of the principal amount.

The proposed project is a on a .66 acre site in downtown and is zoned CBD. The project is currently in Planning and Zoning and Technical Review Committee, with no required zoning changes. The project is located in close proximity to transit, transit center, downtown, and grocery. The project will be NC Green Built and System Vision certified with will provide units as ADA accessible. The developer is proposing permanent affordability (i.e. 99 years).

The application request results in the following terms, conditions, estimated development costs and subsidy allocation:

Proposed Loan Terms and Conditions									
30% AMI Units	50% AMI Units	60% AMI Units	Loan Amount*	HTF Loan Per Unit*	Affordability Period (Years)**	HTF Loan/Unit / Year	Interest Rate	Term (Years)	Type

15	9	36	\$1,800,000*	\$30,000*	99**	\$303	2%	99	Interest Only
*Exceeds policy maximums - \$1,000,000 and \$20,000/unit respectively									
**HTF principal remains in the project in perpetuity; all subject to project performance									

Proposed Total Development Costs and Loan Allocations						
Total HTF Loan Amount	Total Development Cost	Loan % of Total Development Cost	Total cost per unit	Additional City Investment	Total City Investment	Total Est. City Investment Per Unit
\$1,800,000	\$13,070,117	14%	\$163,376	\$0	\$1,200,000	\$30,000

The total Housing Trust Fund investment per unit is \$30,000 per unit; to date, no other City funding has been requested, but Fee Rebate Grant will likely be applied for. Developer has submitted cost estimates, but could change. Developer has completed environmental assessments and there are no expected challenges with the review. The project is pending LIHTC award which are released in August 2018. Project received 85 points in HTF Underwriting Score and several requests were made outside of the policy, including more than \$1,000,000 ask and \$20,000/affordable unit. All other parameters are within policy and affordability period is requested in perpetuity (99 years) with HTF funds remaining in the project for that length of time.

Strengths:

- Sixty (60) units serving households earning 60% AMI or less
- Affordable period in perpetuity (99 years)
- Unit mix includes households earning 50% and 30% AMI
- Location efficiency in downtown and on bus line
- Mixed income and Mixed-use development
- Environmental Site Assessments Completed
- Will obtain energy efficiency certification
- Offers homelessness transition through vouchers through Homeward Bound

Concerns:

- Total ask (\$1,800,000) and subsidy per unit (\$30,000) are above policy guidelines
- Could bank DCR be reduced with less subsidy and higher conventional loan
- Development Costs per unit are high (\$163,376)
- Concern about shared parking arrangements
- Project is dependent upon LIHTC
- Cost estimates could change
- No additional financial commitments to date

The Housing Trust Fund, with the support of \$1,200,000 FY 18-19 CIP funds and \$5,000,000 affordable housing bond funds, has sufficient cash flow to cover anticipated draw requests for the proposed developments. (The current FY 18-19 HTF balance as of July 1, 2018 is \$570,393.)

The Housing and Community Development Committee recommends City Council approve a resolution approving the following loans subject to the developers meeting all program requirements for loan closing:

1. \$600,000 to Workforce Homestead, Inc. for the development of seventy (70) multifamily rental units at Amaranth Apartments, serving 60%, 50%, and 30% AMI households including vouchers, adjusted amortization to meet minimum 1.15 total debt-coverage

ratio, with principal deferred for 20 year loan term. The approval is conditioned on the developer receiving appropriate City Planning and Zoning approvals and Low Income Housing Tax Credit (LIHTC) award. Loan is to be made immediately available for disbursement following loan closing.

2. \$1,800,000 to Mountain Housing Opportunities, Inc., for the development of eighty (80) multifamily rental units for Clingman@Hilliard, 60 units reserved for households earning 60%, 50%, and 30% AMI including vouchers, as 2% interest only with deferred principal in perpetuity (99 years) loan term. The approval is conditioned on the developer receiving Low Income Housing Tax Credit (LIHTC) award. Loan is to be made immediately available for disbursement following loan closing.

In response to Councilman Kapoor, Mr. Hnatin explained the application process noting that you can apply now throughout the fiscal year to be eligible for these funds.

In response to Councilman Kapoor, Mr. Hnatin said that the City has not worked directly with the developer for Workforce Homestead in the past. However, Councilwoman Mayfield noted that the HOME Consortium has also awarded them money as the company has developed affordable housing across the state.

Mr. Hnatin responded to Councilman Kapoor when he questioned why Workforce Homestead is being awarded \$600,000 for 70 units and Mountain Housing Opportunities is being awarded \$1.8 Million for 80 units. Councilwoman Mayfield noted that part of the increase is the location - downtown land, along with the affordability in perpetuity vs. 30 years of affordability.

Mr. Hnatin responded to Vice-Mayor Wisler regarding the funding sources, which sources have not been decided yet.

At the request of Councilman Kapoor, it was the consensus of Council to consider these loans separately.

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

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

Councilwoman Mayfield moved to approve the Housing Trust Fund loan to Workforce Homestead, Inc. This motion was seconded by Councilman Young and carried unanimously.

Councilwoman Mayfield moved to approve the Housing Trust Fund loan to Mountain Housing Opportunities, Inc. This motion was seconded by Councilman Young and carried on a 6-1 vote, with Councilman Kapoor voting "no."

#### **RESOLUTION BOOK NO. 39 – PAGE 353**

#### **B. ORDINANCE NO. 4664 - ORDINANCE ADOPTING THE FISCAL YEAR 2018-19 FEES & CHARGES**

Chief Financial Officer Barbara Whitehorn said that this is the consideration of an ordinance adopting the Fiscal Year (FY) 2018-19 fees and charges.

Fees and charges are a significant revenue source for the City of Asheville, comprising 35% of city-wide revenue and 10% of General Fund revenue. Utilizing a fee for service model allows the City to recover service costs directly from those that benefit from the service. These

fees generally fall into three major categories: general user fees and charges; regulatory fees; and public enterprise fees and charges.

Fees and charges are evaluated throughout the year, taking into consideration changes in service levels, demand for the service, and related costs of providing service. The proposed FY 2018-19 fee adjustments were reviewed and endorsed by the City Council Finance Committee at their February and March meetings. A full summary of the proposed adjustments was provided. It should be noted that the development related fee proposals resulted from the recently completed fee study performed by Matrix Consulting Group. These proposals will move the City closer to full cost recovery in the areas of planning & zoning and site development.

All of the proposed fee adjustments would be effective July 1, 2018, but changes to the charges on the combined utility bill for water and stormwater will not be applied until September 1, 2018, to ensure that only services provided at the new rate are being billed. As staff continues preparation of the FY 2018-19 Manager's Recommended Budget, there may be additional fee adjustments that are brought forward as part of the budget presentation in May.

Pros:

- Provides opportunity to recover the cost of services from those that directly utilize or benefit from the service where appropriate, reducing the financial burden of city services on taxpayers.
- Provides additional revenue to help balance the FY 2018-19 budget.
- Allows staff to begin communicating fee changes to citizens, customers, and stakeholders so they are aware of changes that will be implemented on July 1.

Con:

- A slight increase in the annual costs to Asheville citizens and customers.

The proposed fee adjustments would generate estimated revenue as follows:

GENERAL FUND (non development)	\$11,660
STORMWATER FUND (non development)	\$279,005
GENERAL FUND (development fees)	\$224,155
STORMWATER FUND (development fees)	\$138,509
WATER FUND	\$881,793
PARKING FUND	\$10,000
STREET CUT FUND	\$6,500

City staff recommends City Council adopt an ordinance adopting the fees and charges for Fiscal Year 2018-19.

Mr. McDowell noted that the parking fee reductions are not part of this ordinance but will be a part of the budget ordinance presentation in May.

In response to Councilwoman Mayfield, Mr. McDowell said that they are not raising any solid waste fees.

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

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

Vice-Mayor Wisler moved for the adoption of Ordinance No. 4664. This motion was seconded by Councilman Kapoor and carried on a 5-2 vote with Councilman Haynes and Councilman Young voting “no.”

**ORDINANCE BOOK NO. 32 – PAGE 40**

**C. BOARDS & COMMISSIONS**

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacant seat: Helen Hyatt, Han Winogron, Keaton Edwards, Carson Dellinger, Tina Wexler, Andrew Stephen Kirby, Ritchie Rozzelle, Dennis Wencel, Pat Katz, Rachelle Sorensen-Cox, Kenneth Armstrong and Wayne Wheeler. It was the consensus of Council, at the request of the Multimodal Transportation Commission, to postpone the appointment.

**RESOLUTION NO. 18-89 - RESOLUTION APPOINTING MEMBERS TO THE AUDIT COMMITTEE**

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

On December 19, 2017, City Council adopted Resolution No. 17-277 establishing an Audit Committee, consisting of 5 members, 4 who must have a minimum of 5 years of experience in the management of accounting, finance, or audit for corporation, non-profit, and/or government. In addition, there must be at least two Certified Public Accountants and/or Certified Internal Auditors. City Council has previously appointed Vice-Mayor Wisler to also serve on the Committee.

The following individuals applied for the vacancy: Amy Kemp, Michael Donohue, Keith Sharpe, Holly Nolan, Scott Farkas, Rich Lee, Himanshu Karvir, Teddy Jordan, Dennis White, W. Scott Powell and Gail Miller.

On March 13, 2018, City Council appointed Amy Kemp and Scott Farkas as the two Certified Public Accountants; and requested to interview Himanshu Karvir, W. Scott Powell and Gail Miller.

After Council spoke highly of all the candidates, Himanshu Karvir received 4 votes, W. Scott Powell received 5 votes and Gail Miller received 4 votes. Another vote was taken. Himanshu Karvir received 3 vote and Gail Miller received 4 votes. Therefore, (1) Gail Miller was appointed to serve a three-year term , term to begin May 1, 2018, and expire May, 1, 2021, or until her is appointed; and W. Scott Powell was appointed to serve an initial two-year term, term to begin May 1, 2018, and expire May 1, 2020, or until his successor is appointed. In addition, at the March 13, 2018, Council meeting, Amy Kemp was appointed to serve as one of the two Certified Public Accountants, to serve a three-year term, term to begin May 1, 2018, and expire May 1, 2021, or until her successor is appointed; and Scott Farkas was appointed to serve as one of the two Certified Public Accountants, to serve an initial two-year term, term to begin May 1, 2018, and expire May 1, 2020, or until his successor has been appointed.

**RESOLUTION BOOK NO. 39 – PAGE 354**

**RESOLUTION NO. 18-90 - RESOLUTION APPOINTING A MEMBER TO THE RIVERFRONT AREA REDEVELOPMENT COMMISSION**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Riverfront Area Redevelopment Commission (RARC).

Ms. Cindy Weeks (property or business owner in the Riverfront area) has resigned, thus leaving an unexpired term until January 1, 2020.

The following individuals, who meet the requirement of a property or business owner in the Riverfront, applied for the vacancy: Jeffrey Horner, Jerry Sternberg, Shelley Schenker, Brent Starck, Viola Spells, Tim Schaller, Stuart Cowles, Emily Boyd and Daniel Brown.

On March 13, 2018, it was the consensus of Council to interview Shelley Schenker, Tim Schaller and Viola Spells. After the interview, it was discovered that Ms. Spells was a County employee, and if Council chooses to appoint her, they would need to waive their rules.

After Council spoke highly of all the candidates, Ms. Schenker received no votes, Mr. Schaller received 4 votes and Ms. Spells received 3 votes. Therefore, Tim Schaller was appointed to serve the unexpired term of Ms. Weeks (property or business owner in the Riverfront area), term to expire January 1, 2020, or until his successor has been appointed.

#### **RESOLUTION BOOK NO. 39 - PAGE 355**

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

Ms. Ashley Cooper asked Council that as they move forward bridging the budget gap that they do so with transparency and accountability.

Mr. Sidney Bach spoke to Council about the stipulations of the bond lawsuit settlement agreement noting that the bond lawsuit was settled by joint agreement of all parties and then jointly dismissed by the parties at their request.

Mr. Patrick Conant, member of the Blue Ribbon Committee, spoke in support of the Human Relations Commission of Asheville (HRCA) and hoped that for those people not appointed to the Commission still bring ideas and participate in the process. He said it was important for Council to support the HRCA and when they make policy recommendations that Council seriously consider their recommendations.

Ms. Kim Roney thanked City staff for their work on the readvertisement of the Multimodal Transportation seat, in helping translate the public service announcement in Spanish for more outreach into the community and help with public service announcements. She hoped that this will be an example we see in our other boards and commissions.

#### **Closed Session**

sAt 7:18 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); (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); (3) To establish or to instruct the



City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the terms of a contract for the acquisition of real property by purchase, option, exchange or lease. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(5); and (4) To discuss matters relating to the location or expansion of industries. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(4). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 9:02 p.m., Councilman Kapoor to come out of closed session. This motion was seconded by Councilwoman Smith and carried unanimously.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 9:02 p.m.

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CITY CLERK

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MAYOR