

Tuesday – July 24, 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; Acting 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:**

**II. CONSENT AGENDA:**

**A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 19, 2018; AND THE SPECIAL MEETING HELD ON JULY 2, 2018**

**B. RESOLUTION NO. 18-162 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE FOR THE FISCAL YEAR 2018-19 UTILITY CUT CONCRETE REPAIR PROJECT**

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of \$294,300 plus a contingency of 15% (\$44,145) with Appalachian Paving and Concrete for the project known as Fiscal Year (FY) 2018-19 Utility Cut Concrete Repair Contract.

The City of Asheville Public Works-Streets Division Administers the Street Cut Utility Program. This program is an enterprise fund that is supported by the participation and work generated by partner agencies (Duke Energy, PSNC, City of Asheville Water Resources and City of Asheville Stormwater Division). As part of this program both internal and external utilities partner with the Streets Division to make repairs to City owned infrastructure that results from utility improvements and repairs. At times these activities cut concrete infrastructure such as curbs and sidewalk. When this occurs the Utility Cut Program must have a method to address these areas. This contract serves as an instrument to address the unpredictable nature of these cuts in the City infrastructure, and eliminates the possibility City employees being removed from the more routine scheduled maintenance of existing infrastructure. The quantity and location of the concrete repair performed under this contract is dictated by development and repair work performed by the partner utilities. This is the fifth year that a private contractor has performed this service. The contract has the option to renew annually for two, one-year extensions, upon budgetary approval by Council for each fiscal year for the project known as Utility Cut Concrete Repair Contract.

The project was advertised on May 4, 2018. A bid opening was scheduled for May 30, 2018, but we did not receive a sufficient number of bids to open. The contract was readvertised and bids were opened on June 7, 2018, with the following results:

Appalachian Paving and Concrete, Inc. of Asheville, NC	\$294,300
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A 15% contingency (\$44,145) has been added to allow payment for any unforeseen costs that typically arise during construction.

Pro:

- Provides for the timely repair on concrete infrastructure that has been damaged by the installation of utilities.

Con:

- Project management and contract administration will consume staff time.

The Street Cut Utility Program is an enterprise fund that is funded by fees paid by the four partners participating in the program. The partners will be billed 100% of the repair cost meaning that the City realizes full cost recovery.

City staff recommends City Council adopt the resolution awarding the contract to Appalachian Paving and Concrete, Inc. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of \$294,300 plus a contingency of \$44,15.00 (15%) with Appalachian Paving and Concrete, Inc. for annual concrete repair work in the Street Cut Utility Fund.

#### **RESOLUTION BOOK NO. 40 - PAGE 1**

#### **C. RESOLUTION NO. 18-163 - RESOLUTION AUTHORIZING THE CITY MANAGER EXECUTE A CONTRACT WITH EQUINOX ENVIRONMENTAL CONSULTATION AND DESIGN INC. FOR THE DESIGN SERVICES NECESSARY FOR THE SWANNANOA RIVER GREENWAY ONE, PHASE ONE: PRELIMINARY CORRIDOR DESIGN PROJECT**

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with Equinox Environmental Consultation and Design, Inc. (Equinox) for design services necessary to perform a feasibility analysis for the eventual design of a greenway between Thompson Street and Azalea Park, in the amount of \$147,638.10 and to enter into change orders to this contract not to exceed an additional 10% of the original contract amount (\$14,763.81), for a total amount of \$162,401.91.

This project is to perform a feasibility analysis for the eventual alignment of a greenway between the northwest end of Thompson Street and the recreation facilities at Azalea Park. This work includes but is not limited to data collection, base mapping, landowner identification and preliminary outreach, coordination with the N.C. Dept. of Transportation, preliminary corridor design, cost estimate, and public engagement.

The project was advertised on August 28, 2017, and Equinox was selected from a pool of eight respondents to the City's request for qualifications advertisement. The selection process included a qualifications-based, individual and group review by a committee of City staff. The eight respondents included:

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|--|------------------|
| • Atkins North America, Inc.           | Raleigh, NC      |
| • Equinox                              | Asheville, NC    |
| • Vaughn & Melton Consulting Engineers | Asheville, NC    |
| • Stewart, Inc.                        | Charlotte, NC    |
| • McAdams Company                      | Durham, NC       |
| • HensonFoley Design LLC               | Huntersville, NC |
| • AECOM                                | Charlotte, NC    |

- McGill Associates, PA Asheville, NC

Following Equinox' selection, negotiations were held and a final contract amount was agreed upon for Equinox and their subconsultant team.

Pros:

- Contributes to increasing the City's inventory of greenways
- Ensures coordination with NCDOT on needed improvements within an important transportation corridor
- Works towards defining Asheville as a recreation destination

Con:

- Eventual construction will be disruptive to the area.

The total amount of the contract is \$147,638.10. Adding in a 10% contingency of \$14,763.81 brings the total required budget to \$162,401.91. This contract is funded through the General Obligation Bond Program as part of the Transportation and Infrastructure Program.

City staff recommends City Council adopt a resolution awarding the contract to Equinox and authorizing the City Manager to execute the contract for the design services necessary to perform the Swannanoa River Greenway One, Phase One: Preliminary Corridor Design project, in the amount of \$147,638.10, and to enter into change orders to this contract not to exceed an additional 10% of the original contract amount or \$14,763.81.

#### **RESOLUTION BOOK NO. 40 - PAGE 2**

#### **D. RESOLUTION NO. 18-164 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO CO-FUND A REQUEST FOR PROPOSALS FOR RENEWABLE ENERGY PLANNING SERVICES**

Summary: The consideration of a resolution authorization the City Manager to enter into an Interlocal Agreement with Buncombe County to co-fund a Request for Proposals (RFP) for Renewable Energy Planning Services to continue the City and County's efforts in accomplishing the Energy Innovation Task Force's goals.

Buncombe County, the City of Asheville and Duke Energy Progress established a collaborative task force known as the Energy Innovation Task Force (EITF) to research and recommend strategies to transition the City and Buncombe County to a Clean Energy Future.

Both the City and County have budgeted funds to support the work of the EITF and to that end, the City and County would like to partner on examining what it would take to transition the City and County to renewable energy in an effort to guide the work of the EITF as it promotes policies and programs to encourage a clean energy future. The RFP is intended to result in a partnership to explore renewable energy development pathways, and the implications of such development. The RFP also seeks information on opportunities and challenges associated with providing communities with renewable energy and to reveal how such arrangements can be used to fulfill the municipal carbon reduction and renewable energy goals of the City and County.

Funding to implement the goals of the EITF was allocated in the Fiscal Year (FY) 2019 City budget from the General Fund in the amount of \$205,000.

Pros:

- Supports Resolution 11-77, Establishing a 4% Annual Carbon Reduction Goal
- Supports Resolution 13-228, Supporting a Clean Energy Economy
- Supports Resolution 16-64, Establishing a joint City, County and Utility Energy Innovation Task Force
- Supports Resolution 18-05 adding the EITF recommendations into the Sustainability Management Plan
- Leverages County funding through IAG partnership

Con:

- None foreseen

As part of the FY 2019 budget, \$205,000 has been budgeted from the General Fund for the EITF. Of that funding, \$50,000 will be allocated to support this partnership with the County and to support the ongoing implementation of the EITF goal to transition the City and County to a clean energy future.

Staff recommends City Council adopt a resolution authorizing the Interim City Manager to enter into an Intergovernmental Agreement with Buncombe County to co-fund an RFP for Renewable Energy Planning Services to continue the City and County's efforts in accomplishing the Energy Innovation Task Force's goals.

#### **RESOLUTION BOOK NO. 40 - PAGE 3**

#### **E. ORDINANCE NO. 4679 - BUDGET AMENDMENT ASSOCIATED WITH THE REFUNDING AND DEFEASEMENT COMPONENTS OF THE 2017 LIMITED OBLIGATION AND SPECIAL OBLIGATION BOND FINANCINGS**

Summary: The consideration of a technical budget amendment to the Fiscal Year (FY) 2017-18 budget in the General, Stormwater, Parking, and US Cellular Center Funds to budget the \$46,491,109 refunding component of the 2017 Limited Obligation Bonds and Special Obligation Bonds.

City Council approved resolutions at its August 22, 2017 meeting authorizing City staff to proceed with the issuance of Limited Obligation (LOBs) and Special Obligation (SOBs) Refunding Bonds. On November 9, 2017, the City closed on the 2017 LOBs and SOBs. These financings replaced the 2016 Installment Financing Contract and also included a partial refunding of Series 2012 LOB's.

The FY 2017-18 budget did not include appropriations reflecting the Series 2012 refunding component or the defeasement of the 2016 Installment Financing Contract. This technical amendment incorporates this appropriation into the budget in order to ensure that none of the City's operating funds exceed their approved annual budgets in the City's Comprehensive Annual Financial Report (CAFR).

Pro:

- Amends the FY 2017-18 budget to reflect the refunding and defeasement components of the 2017 Limited Obligation and Special Obligation Bond Financings in order to ensure statutory budgetary compliance.

Con:

- None.

There is no net fiscal impact from this technical budget amendment. It will simply amend the FY 2017-18 budgets in the General, Stormwater, Parking, and US Cellular Center Funds to

reflect the receipt of refunding proceeds from the bank and the subsequent payment to bondholders to defease the prior debt issuances. The City's external auditors reviewed the accounting entries for this transaction while on site in June, which delayed budget amendment approval until the July meeting.

City staff recommends City Council approve the technical budget amendment to the FY 2017-18 budget in various operating funds to budget the \$46,491,109 refunding component of the 2017 Limited Obligation Bonds and Special Obligation Bonds.

**ORDINANCE BOOK NO. 32 - PAGE 108**

**F. ORDINANCE NO. 4680 - BUDGET AMENDMENT FROM THE U.S. DEPT. OF JUSTICE FOR THE 2017 EDWARD BYRNE JUSTICE ASSISTANCE GRANT - LOCAL SOLICITATION**

Summary: The consideration of a budget amendment in the Special Revenue Fund from the U.S. Department of Justice for the 2017 Edward Byrne Justice Assistance Grant – Local Solicitation in the amount of \$54,574.

During its September 12, 2017, meeting, the City Council authorized the City to apply for and enter into an agreement with the U.S. Department of Justice for the 2017 Edward Byrne Justice Assistance Grant (JAG) in the amount of \$54,574. This is a predetermined amount of funds based on the Part 1 Uniform Crime Reporting Crimes. The Asheville Police Department (APD) and Buncombe County Sheriff's Office (BCSO) will be allocated \$54,574 based on the award matrix, with the City of Asheville receiving \$43,975 and Buncombe County receiving \$10,599. The distribution of funds will be approved through a signed Memorandum of Understanding.

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

There will be an expense of \$43,975 to pay overtime to police officers for the purpose of combating, intercepting, and resolving emerging violent Part I Crimes. The BCSO will be awarded \$10,599 to purchase rifles to train deputies who are not currently assigned rifles. This accounts for the total allocation of \$54,574 for this grant.

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

Pros:

- Increasing flexibility to deploy police officers to take an intensive approach to fighting serious crimes.

· To increase surveillance and investigative methods as well as making proactive analysis, among other best practices, as part of their overall crime prevention tasks.

Con:

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

There is no local match required.

Staff recommends City Council adopt the budget amendment to accept grant funds through US Office of Justice Programs in the amount of \$54,574.

**ORDINANCE BOOK NO. 32 - PAGE 110**

**G. RESOLUTION NO. 18-165 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM CONNECT BUNCOMBE TO BE USED TO FINANCE THE INTERPRETIVE SIGNAGE FOR THE TOWN BRANCH GREENWAY**

**ORDINANCE NO. 4681 - BUDGET AMENDMENT FOR INTERPRETIVE SIGNAGE FOR THE TOWN BRANCH GREENWAY**

Summary: The consideration of a resolution and budget amendment to accept a \$5,000 donation from Connect Buncombe for the Town Branch Greenway interpretive signage improvements.

Connect Buncombe is a non-profit organization with a mission of assisting in the implementation of greenways throughout Buncombe County. The donated funds will be used to finalize the interpretive signs for the Town Branch Greenway. The Town Branch Greenway will have an interpretive signage experience that tells the history of the Southside Community of the late 1960-early 1970's before and after Urban Renewal. The research for these signs was conducted during the design and engineering of the greenway but is not finalized. Research lacks two "bookend" signs at the trailheads that will give visitors a description of what they are about to experience. Additionally, the money will be used to refine the graphic layout of the entire signage system for a unified look that is easier to read than the original plans. These changes will be made with public input from the neighborhood.

The Finance Committee will review this action on July 24, 2018, and anything other than a unanimous endorsement will be shared at the City Council meeting.

Pros:

- This project will be 100% funded by grant funds and donations from private entities.
- We will finalize the interpretive signage for Town Branch Greenway with improved graphic arts and additional public input.
- The City of Asheville received a grant to implement the construction of the Town Branch Greenway. The additional funds made through this donation will allow us to do the needed additional signage design work before construction.

Con:

- There are no known negative impacts.

The budget for the Town Branch Greenway was included in the adopted FY 2018-19 General Capital Projects Fund budget. The donation of \$5,000 is an additional amount of funding

that will be used to conduct the finishing steps of this signage project. There is no additional fiscal impact to the City.

Staff recommends that City Council approve a resolution and budget amendment authorizing the City Manager to accept a donation of \$5,000 from Connect Buncombe to finalize the interpretive signage for the Town Branch Greenway.

**RESOLUTION BOOK NO. 40 - PAGE 4  
ORDINANCE BOOK NO. 32 - PAGE 112**

**H. RESOLUTION NO. 18-166 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT THE BUILD TRANSPORTATION DISCRETIONARY GRANT PROGRAM TO ACQUIRE TEN BUSES AND CONDUCT A FEASIBILITY STUDY**

Summary: The consideration of a resolution authorizing the City Manager to apply for and accept the BUILD Transportation Discretionary Grant program, if awarded, in order to 1) acquire ten buses and 2) to conduct a transit maintenance facility feasibility study.

This federal program was previously known as the Transportation Investment Generating Economic Recovery, or "TIGER Discretionary Grants," program and is now known as the Better Utilizing Investments to Leverage Development, or "BUILD Transportation Discretionary Grants," program. BUILD funding supports transportation projects, including transportation-related studies and program funds for this round total \$1.5 billion.

The Transportation Department has identified transit needs that include five buses for FY 2022 and five buses for FY 2023. The total cost for the ten vehicles is \$8,926,385. The 20% local match (\$1,785,277) is already planned for in the five year Capital Improvement Program.

In addition, the Transit Master Plan calls for a feasibility study to lay the foundation for a new transit maintenance facility that has met the end of its useful life. \$90,000 is needed to procure a professional team to review site requirements, potential locations, possible synergies with other department needs, and so forth. The local match required for this feasibility study totals \$18,000 and would need to be approved as an amendment to the FY 2019 budget.

The Finance Committee reviewed this action on June 26, 2018, and they unanimously endorsed it to move forward to City Council for consideration and approval.

Pros:

- Provides funding needed to roll out Transit Master Plan recommendations
- Supports the city's carbon reduction and climate mitigation goals
- Reduces harmful local emissions by over 1,000 pounds per bus per year

Con:

- Local match for the feasibility study has not yet been budgeted

The total BUILD budget would be \$9,016,385. The 20% local match totals \$1,803,277, with all but \$18,000 of it already planned for in out years of the CIP. If this grant is awarded, an \$18,000 budget amendment for FY 2019 would need to be approved.

Staff recommends that City Council approve resolution authorizing the City Manager to apply for and accept the BUILD Transportation Discretionary Grant program, if awarded, in order to 1) acquire ten buses and 2) to conduct a transit maintenance facility feasibility study.

**RESOLUTION BOOK NO. 40 - PAGE 5**

**I. RESOLUTION NO. 18-167 - RESOLUTION ACCEPTING THE ANNUAL REPETITIVE LOSS AREA ANALYSIS REPORT AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE REPORT FOR THE COMMUNITY RATING SYSTEM PROGRAM**

Summary: The consideration of a resolution accepting the annual Repetitive Loss Area Analysis report which identifies actions staff has taken over the past year as a member of the Community Rating System (CRS) Program.

The City of Asheville joined the Community Rating System (CRS) program administered by the Insurance Services Office (ISO) in 2014. As required by the CRS program, a Repetitive Loss Area Analysis (RLAA) was prepared in 2014 by the consultation firm of Brown and Caldwell to supplement the Buncombe County-wide All Hazards Mitigation Plan.

A Repetitive Loss Area (RLA) is defined as an area that contains one or more repetitive loss structures (two or more claims of more than \$1,000 that have been paid by the National Flood Insurance Program (NFIP) within any 10-year period since 1978). The RLAA is a mitigation plan developed for those areas with the purpose of reducing damages and increasing awareness from flooding and lowering the cost of claims submitted to the NFIP. The ultimate goal of lowering these costs is to reduce the increase in flood insurance premiums that has been occurring for a number of years.

The Community Rating System (CRS) is a program administered by the Federal Emergency Management Agency (FEMA). It provides lower insurance premiums under the National Flood Insurance Program. The premium reduction is in the form of a CRS Class. A 5 percent reduction is received by policyholders within the City for each class reduction the community obtains. The classes are obtained by actions that are above and beyond the requirements of the National Flood Insurance Program administered by FEMA. The benefits of joining the CRS program has been a reduction of flood insurance premiums paid for by those citizens who have flood insurance. Currently, the citizens of Asheville receive a 10 percent reduction in their flood insurance premiums through participation in the CRS program.

In order to maintain the current status in the CRS program, staff is required to provide to council the annual report of the Flood Mitigation Actions Items that were part of the RLAA report from Brown and Caldwell adopted by Council on December 10, 2013. As highlighted in the report, staff continues to look for ways to reduce flooding and damage from floods through community awareness through the city website and flyers, working with the Army Corps of Engineers on opportunities within the Swannanoa River Basin for flood mitigation opportunities, and working with developers and property owners on ways to protect their properties from flooding.

The City has a goal to continue to be stewards of the environment by looking for opportunities for flood mitigation. The projects provide public awareness of the threats of flooding.

Pros:

- The citizens of Asheville will continue to receive a 10 percent reduction on their flood insurance program.
- Provides higher level of protection through the current flood ordinance
- Promotes public education of the Special Flood Hazard Areas

Con:

- Considerable amount of staff time is necessary to maintain these requirements



There is no additional fiscal impact to continuing the efforts necessary for the CRS program, staff time is currently programmed into the annual operating budget.

Staff requests council to approve a resolution accepting the report prepared by city staff for the flood mitigation action associated with the repetitive loss area analysis report.

**RESOLUTION BOOK NO. 40 - PAGE 6**

**J. RESOLUTION NO. 18-168 - RESOLUTION AUTHORIZING THE CITY MANAGER EXECUTE A CONTRACT WITH ALFRED BENESCH & COMPANY FOR THE MOUNTAINSIDE PARK/MEMORIAL STADIUM UPGRADES/RENOVATIONS**

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with Alfred Benesch & Company, to provide design services for Mountainside Park/Memorial Stadium Upgrades/Renovations for an amount not to exceed \$220,817.

The primary goal of the project is to address equitable access to park facilities and recreation opportunities in Asheville. The Stormwater Division has also identified improvements needed in this area to address nuisance flooding near the entrance to McCormick Field and street flooding downstream of this area along Short Coxe, Southside, and Coxe Avenues. Upgrades and improvements to Memorial Stadium and Mountainside Park are budgeted within the \$17 million Parks & Recreation General Obligation bond package. The design for additional stormwater improvements is budgeted in the Stormwater Capital Fund. Proposed improvements to stadium and park would increase quality recreation opportunities for the entire community including improved parking, athletic facilities, playground, sidewalk and greenway connections, stormwater infrastructure, and restrooms. Facilities will be designed to recognize the park setting as a gateway to the neighborhood, utilize ideas and trends from some of the best recreation and athletic facilities in the country, to create enhanced, inclusive play experience for users of all ages and abilities.

The City of Asheville (City) issued a Request for Qualifications (RFQ) for design services for the Mountainside Park/Memorial Stadium Upgrades/Renovations. In response to the RFQ, the City received eleven (11) Statements of Qualifications to be considered for this project. After thorough review, evaluation & interviews, staff recommended Alfred Benesch & Company, 2359 Perimeter Pointe Parkway, Suite 350, Charlotte, North Carolina as the most qualified to perform the design services for the Mountainside Park/Memorial Stadium Upgrades/Renovations and Stormwater Improvements.

Alfred Benesch & Company has presented a scope of work and fee proposal for professional services associated with the Mountainside Park/Memorial Stadium Upgrades/Renovations project, including preliminary design services and cost estimating. This information will be used to determine the fees associated with final design/engineering documents, bidding administration, and contract administration/reporting during construction.

Tentative Project Timeline:

Preliminary Design Engineering	Summer 2018 - Winter 2018
Final Engineering/Design Services	Winter 2018 - Fall 2019
Permitting	Fall 2019
Request for Construction Bid	Winter 2019
Construction Begin	Spring/Summer 2020
Construction Complete	Summer 2022

Pros:

- Address immediate maintenance needs and critical failures that are otherwise unattached to capital investments
- Focus on underserved areas of the city
- Address the needs of diverse park users through replacement of existing assets in parks to better reflect changing neighborhoods
- Meet the Parks and Recreation goal of increasing accessibility and equity
- Leverages interdepartmental city funding to provide improvements under a single project
- Improve Stormwater quality and control stormwater runoff to provide safe access for the citizens that visit this area.
- Make capital investments through projects achieves a goal of the Stormwater Utility Program.

Con:

- None

Funding for these services are already included in the adopted Capital Improvement Budget through the City's General Obligation (GO) Bond Funding & Stormwater CIP.

Staff recommends City Council adopt the resolution authorizing the City Manager to execute a contract with Alfred Benesch & Company, to provide design services for Mountainside Park/Memorial Stadium Upgrades/Renovations and Stormwater Improvements for an amount not to exceed \$220,817, and further authorizing the execution of any change orders to said contract which may arise during execution of said project.

**RESOLUTION BOOK NO. 40 - PAGE 11**

**K. RESOLUTION NO. 18-169 - RESOLUTION AMENDING THE 2018 CITY COUNCIL MEETING SCHEDULE**

Summary: Resolution amending the 2018 City Council meeting schedule to add a City Council worksession to review the 2019-20 budget process to include information on different City programs and services on August 28, September 25, October 23, November 13, and December 11, 2018, from 3:00 p.m. - 5:00 p.m. in the 1st Floor North Conference of City Hall.

**RESOLUTION BOOK NO. 40 - PAGE 12**

**L. RESOLUTION NO. 18-170 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SOUTHERN SPECIALTY CIVIL CONSTRUCTORS LLC, FOR THE FISCAL YEAR 2018 RESURFACING - STORMWATER IMPROVEMENTS PIPE REPLACEMENT PROJECT**

**ORDINANCE NO. 4682 - BUDGET AMENDMENT FOR FISCAL YEAR 2018 RESURFACING - STORMWATER IMPROVEMENTS PIPE REPLACEMENT PROJECT**

Summary: The consideration of (1) a resolution authorizing the City Manager to execute a contract with Southern Specialty Civil Constructors, LLC. (Southern Specialty) for construction services necessary to perform the FY18 Resurfacing - Stormwater Improvements Project Pipe Replacement Project in the amount of \$1,073,685.05 and to enter into change orders to this contract not to exceed an additional 20% of the original contract amount or \$214,737.01 for a

total amount of \$1,288,422.06; and (2) a budget amendment in the Stormwater Capital Projects Fund in the amount of \$362,923 from Stormwater Fund Balance and savings from completed projects to fully fund the total amount above.

This project is to complete the needed pipe replacement and minor stormwater improvements ahead of our Street Division FY18 Resurfacing Contract. This work includes but is not limited to the installation and replacement of stormwater pipe, stormwater structures, concrete curb and the associated repairs to driveways, sidewalk, and patching of roadway.

Within the scope of the project, Southern Specialty will install approximately 1,508 feet of new storm drainage infrastructure in various locations along Chestnut St, Griffing Blvd, Terrace Rd, The Circle Rd, Virginia Ave, Brownwood Ave, Hanover St, White Ave, Emory Rd, Deaver Park Cir, and Thurland Ave.

The project was posted for bid on June 13, 2018. A non-mandatory pre-bid meeting was held with a small turnout on June 20, 2018. Bids were scheduled to be opened on June 27, 2018; however, only one bid was received. The bid was not opened and was returned to the contractor.

Following the re-bid process, the project was re-advertised for at least 7 days. Bids were received and opened on July 5, 2018; with the following bid result:

Southern Specialty Civil Constructors, LLC of Clemmons, NC     \$1,073,685.05

Upon careful consideration of the bidder, their bid submittal and their qualifications, the City determined that Southern Specialty Civil Constructors, LLC was the lowest responsive responsible bidder. With Southern Specialty's bid the final contract amount will be \$1,073,685.05.

Pros:

- Repair and installation of storm drainage systems ahead of resurfacing prevents future roadway cuts and maintenance issues in these areas.
- 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.

Con:

- Construction will be disruptive to the area for approximately 3 ½ months.

The total amount of the contract is \$1,073,685.05. Adding in a 20% contingency of \$214,737.01 brings the total required budget to \$1,288,422.06. Staff originally identified \$925,500 in available budget in the Stormwater Capital Projects Fund to fund this project. However since bids exceeded this original planning estimate, staff is requesting a budget amendment in the amount of \$362,923 to fully fund the contract and the contingency. A portion of the needed budget amount (\$144,383) will come from savings that have accrued in the Stormwater Capital Projects Fund from projects that came in under budget. The remaining amount (\$218,540) will come from available fund balance in the Stormwater Operating Fund that exceeds the 8% fund balance policy target.

City staff recommends City Council adopt a resolution awarding the contract to Southern Specialty and authorizing the City Manager to execute on behalf of the City of Asheville the contract for the construction services necessary to perform the FY18 Resurfacing - Stormwater Improvements Pipe Replacement Project in the amount of \$1,073,685.05 and to enter into change orders to this contract not to exceed an additional 20% of the original contract amount or \$214,737.01; and a budget amendment in the Stormwater Capital Projects Fund in the amount of

\$362,923 from Stormwater Fund Balance and savings from completed projects to fully fund the total amount above.

**RESOLUTION BOOK NO. 40 - PAGE 13  
ORDINANCE BOOK NO. 32 - PAGE 114**

**M. RESOLUTION NO. 18-171 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LEAF DOWNTOWN AVL**

**RESOLUTION NO. 18-172 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ZERO PROSTATE CANCER RUN/WALK**

**RESOLUTION NO. 18-173 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LIVING ASHEVILLE ARTS FESTIVAL**

**RESOLUTION NO. 18-174 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ORANGE PEEL EVENTS PRESENTS**

Summary: The consideration of a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at LEAF Downtown AVL, Zero Prostate Cancer Run/Walk, Living Asheville Arts Festival, and Orange Peel Events Presents.

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

LEAF Downtown AVL will be held on Friday, August 3, 2018 from 3:00 p.m. to 10:00 p.m. and Saturday, August 4, 2018 from 9:00 a.m. to 10:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- ZERO – The End to Prostate Cancer has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at ZERO Prostate Cancer Run/Walk and allow for consumption at this event.

ZERO Prostate Cancer Run/Walk will be held on Saturday, August 25, 2018 from 7:30 a.m. to 11:00 a.m. within the boundaries of Carrier Park as per the area limits referenced on the accompanying site map.

- Arts 2 People has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Living Asheville Arts Festival and allow for consumption at this event.

Living Asheville Arts Festival will be held on Sunday, September 2, 2018 from 11:00 a.m. to 10:00 p.m. within the boundaries of North Lexington Avenue, Hiwassee Street, and Walnut Street as per the area limits referenced on the accompanying site map.

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

Orange Peel Events Presents will be held on Friday, September 21, 2018 from 4:30 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 LEAF Community Arts, Zero – The End to Prostate Cancer, Arts 2 People, and Asheville Brewers Alliance

Con:

- Potential for public safety issues

Staff recommends City Council adopt a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at LEAF Downtown AVL, Zero Prostate Cancer Run/Walk, Living Asheville Arts Festival, and Orange Peel Events Presents.

**RESOLUTION NO. 18-171 - RESOLUTION BOOK NO. 40 - PAGE 14**  
**RESOLUTION NO. 18-172 - RESOLUTION BOOK NO. 40 - PAGE 17**  
**RESOLUTION NO. 18-173 - RESOLUTION BOOK NO. 40 - PAGE 20**  
**RESOLUTION NO. 18-174 - RESOLUTION BOOK NO. 40 - PAGE 23**

**N. ORDINANCE NO. 4683 - ORDINANCE READOPINT THE CITY OF ASHEVILLE WATER RESOURCES DEPARTMENT’S POLICY MANUAL**

Summary: The consideration of an ordinance authorizing the re-adoption of the City of Asheville Water Resources Department’s Policy Manual.

The Water Resources Department Policy Manual (herein “Manual”) was last updated and adopted by City Council on December 13, 2016. The Manual must be periodically revised to align with federal and state regulations and to remain relevant with present business practices. Along with grammatical revisions, the substantive revisions to the Manual include, but are not limited to: revision of the Economic Development Incentives, Affordable Housing, and the Water Shortage Response Plan sections.

Pros:

- Re-adoption of the Manual will ensure that it aligns with federal and state regulations and remains relevant with present business practices.
- Changes provide better document navigation and clearer interpretation.
- Changes align with the Water Design and Construction Manual.

Cons:

- Failure to re-adopt the Manual may cause confusion about interpretation of the policies.
- Failure to re-adopt could cause policies to be noncompliant with federal, state, and local regulations and present business practices.

Staff recommends City Council adopt an ordinance authorizing the re-adoption of the City of Asheville Water Resources Department’s Policy Manual.

**ORDINANCE BOOK NO. 32- PAGE 116**

**O. RESOLUTION NO. 18-175 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH T&K UTILITIES INC. FOR THE FISCAL YEAR 2018 MEDIUM AND LARGE SERVICE RENEWALS PROJECT**

Summary: The consideration of a resolution authorizing the City Manager to execute a construction agreement with T & K Utilities, Inc., for the Water Resources Fiscal Year (FY) 18-19 Medium and Large Service Renewals Project for the bid amount of \$500,000 plus a 10% contingency in the amount of \$50,000 for a total project budget in the amount of \$550,000.

On May 10, 2018, the Water Resources Department (WRD) issued an Advertisement for Bids for the FY 18-19 Medium and Large Service Renewals Project. The scope of work for this project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the demolition and renewal of five large (3" and above) and nine medium (1.5"-2") water customer connections, including vault and meter, with all related appurtenances and materials required in order to complete the work.

In response to the Advertisement for Bids, the department received one bid on June 19, 2018, and rebid the project due to the legal requirement that three bids must be received for formal construction projects. In response to the rebid, the WRD received one bid on June 28, 2018. The company responding was T & K Utilities, Inc., of Asheville, NC.

Following a review of the bids by City Staff and the project engineers, Cavanaugh and Associates, P.A., T & K Utilities, Inc., was selected as the lowest responsible, responsive bidder for the bid amount of \$540,000. The WRD and project engineers negotiated the bid price with T & K to stay within the project budget of \$500,000 as allowed by NCGS §143-129(b). A contingency amount of \$50,000 has been added for a total project budget in the amount of \$550,000.

Pros:

- This project will replace existing substandard and failing large and medium water meters and vaults with new metering infrastructure designed and constructed in accordance with the City of Asheville standards.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's property and infrastructure through Capital Improvement Projects, in order to provide a high quality of life.

Con:

- This is not a required project to effectively operate the water system.

The funding needed for the construction agreement is currently allocated within the Meter/Vault Repair project in the Water Resources Capital Improvement Projects fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a construction agreement with T & K Utilities, Inc., for the Water Resources FY 18-19 Medium and Large Service Renewals Project for the bid amount of \$500,000 plus a 10% contingency in the amount of \$50,000 for a total project budget in the amount of \$550,000.

**RESOLUTION BOOK NO. 40 - PAGE 26**

**P. RESOLUTION NO. 18-176 - RESOLUTION AUTHORIZING THE CITY MANAGER TO OBTAIN PROPERTY INSURANCE FOR FISCAL YEAR 2019**

Summary: The consideration of a resolution authorizing the City Manager to purchase property insurance for Fiscal Year 2019 (FY19).

The City of Asheville (City) purchases property insurance via the City's insurance broker of record to cover replacement costs for City buildings and highly valued vehicles/equipment and actual cash value for low-valued vehicles/equipment. The proposed policy is unique and desirable as it includes replacement cost for vehicles/equipment valued over \$250,000, such as fire apparatus, buses, and sanitation vehicles and also includes cyber, flood, and pollution liability coverage. Should loss arise, property deductibles are as follows:

<b>Asset</b>	<b>Deductible</b>
buildings/contents	\$25,000
vehicles/equipment valued above \$250,000	\$100,000
vehicles/equipment valued up to \$250,000	\$10,000
boiler/machinery/cyber/flood/pollution	Varies

Pro:

- Property insurance is sound financial risk management for City assets.

Con:

- None.

The FY19 property insurance premium is \$272,447.03. The premium cost was included in the approved FY19 budget within the City's Property & Liability Fund with the intent to purchase property insurance.

Staff recommends City Council adopt a resolution authorizing the City Manager to purchase FY19 property insurance in the amount \$272,447.03.

**RESOLUTION BOOK NO. 40 - PAGE 27**

**Q. RESOLUTION NO. 18-177 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS TO MAKE REPAIRS TO COMMUNITY RECREATIONAL FACILITIES DAMAGED DURING THE MAY 30, 2018, FLOOD EVENT**

**ORDINANCE NO. 4684 - BUDGET AMENDMENT TO REPAIR PARKS & RECREATION FACILITIES DAMAGED BY RECENT FLOODING**

Summary: The consideration of a resolution authorizing the City Manager to enter into contracts not to exceed \$1,205,000 to make repairs to community recreational facilities due to damage occurring during the May 30, 2018, flood event and to approve the associated budget amendment.

After any type of flood event City staff works with environmental consultants and the appropriate regulatory agency to make sure there is no Imminent hazard pursuant to the regulations associated with the continued use of recreational facilities by the public in order to protect the City and its assets.

Following the flooding event on May 30, 2018, damage evaluations were conducted throughout the Parks and Recreation facilities along the two primary flood areas: Swannanoa River and French Broad River corridors. The facilities that receive the heaviest flood damage within these corridors were Azalea Park, Carrier Park, French Broad River Park and Municipal Golf Course.

Remediation necessary for these facilities has been identified as the following:

**Azalea Park**

Turf Clean-Up and Repair (Soccer Complex)	\$875,000
Professional Services, Management and Administration Compliance to ensure Turf Warranty	\$28,000
Playground Repair/Replacement	\$102,000
Infrastructure Repair and Replacement of Furnishings <i>*(Furnishings are support items damage or washed away during the flood event) (i.e. bleachers, goals, trash and recycling cans, benches, scoreboards)</i>	\$65,000

**Carrier Park**

Comprehensive Assessment of Utilities Infrastructure Sub-Surface Damage	\$35,000
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**French Broad River Park**

Infrastructure Repair and Riverbank Restoration	\$65,000
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**Asheville Municipal Golf Course**

Repair of Restroom Building	\$35,000
Comprehensive Analysis/Assessment Stormwater System	

Contracts will be bid in accordance with the state statutes and the City's contracting policy

This action will go to the Finance & Human Resources Committee on July 24, 2018, and if there is anything other than unanimous support to move forward to the full Council, that it will be noted at the meeting.

Pro:

- This action provides for the restoration and repair of important recreational facilities.

Con:

- This action has a fiscal impact to the unassigned general fund balance.

The \$1,205,000 needed for this repair project will be appropriated from unassigned general fund fund balance. Staff is currently estimating that unassigned general fund balance at June 30, 2018, including fund balance appropriated with adoption of the Fiscal Year 2018-19 budget will be \$20.71 million or 16.65% of the adopted budget.

The additional fund balance appropriation for this project will lower that estimate to \$19.51 million, which will equate to 15.53% of the revised budget. Staff is anticipating that FEMA funds will be secured in order to fully or partially reimburse this fund balance usage. If that occurs, staff will return to City Council to amend the budget at a later date.



Staff recommends that City Council adopt a (1) resolution authorizing the City Manager to enter into contracts not to exceed \$1,205,000 for necessary repairs due to damage caused by the May 30, 2018, flood event; and (2) budget amendment in the amount of \$1,205,000 to fully fund those repairs.

**RESOLUTION BOOK NO. 40 - PAGE 28  
ORDINANCE BOOK NO. 32 - PAGE 163**

**R. RESOLUTION NO. 18-178 - RESOLUTION AUTHORIZING THE CITY  
MANAGER TO AMEND AN AGREEMENT WITH PARK RIDGE HEALTH TO  
PROVIDE ANNUAL PHYSICAL EXAMINATIONS FOR FIREFIGHTERS IN  
FISCAL YEAR 2018-18**

Summary: The consideration of a resolution authorizing the City Manager to the terms of the current agreement with Park Ridge Health to provide annual physical examinations for firefighters in FY 2018 – 2019 in the amount of \$77,125.

This agreement allows firefighters to receive required annual physical examinations in accordance with standards set forth by the National Fire Protection Association. The previous agreement, executed and amended in FY 2017 – 2018, allows for 275 physical examinations to be performed by Park Ridge Health for a total of \$77,125 and ended on June 30, 2018. The new agreement is a renewal that extends the contract of 275 physical examinations and 130 x-rays. for one year from August 1, 2018 to July 31, 2019. The new agreement amount will be \$77,125.

Prior to entering the original contract with Park Ridge Health, similar organizations were solicited to provide estimates of their services. SiteMed, which held the contract previously, did not provide the organizational efficiency needed to examine 275 firefighters throughout the course of the year. The costs of Mission Hospital's services were prohibitive. Thus, the services and costs of Park Ridge Health best fit the mission of Asheville Fire Department's desire to provide its firefighters with the best care to meet and exceed health standards while controlling costs. A review of the costs, operational efficiencies, and satisfaction of the firefighters with the services, factored into making the determination to renew the agreement with Park Ridge Health.

This will be heard at the July 24th Finance Committee meeting. If there is not a unanimous vote this will be brought to the attention of Council at July 24th Council meeting.

Pros:

- Meets best practices for the industry by complying with consensus standards of NFPA 1582 that will reduce risks and provide for the health, safety, and effectiveness of firefighters
- Allows for the continued medical monitoring and testing of firefighters to ensure they are fit for the challenges of emergency response
- Allows the City to begin the practice of providing initial baseline x-rays and subsequently repeated every five years to help control preventable risks to the City's firefighters

Cons:

- None Identified

All funds for the physicals and x-rays have been assigned in the adopted FY 2018 - 2019. budget, thus there are no additional impacts.

Staff recommends City Council approve the resolution authorizing the City Manager to amend the terms of the contract with Park Ridge Health to provide annual physical examinations for firefighters in FY 2018 – 2019 in the amount of \$77,125.

**RESOLUTION BOOK NO. 40 - PAGE 29**

**S. RESOLUTION NO. 18-179 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES CONTRACT WITH TYLER TECHNOLOGIES FOR MAINTENANCE AND SUPPORT TO THE CITY OF ASHEVILLE'S MUNIS ENTERPRISE SYSTEM**

Summary: The consideration of a resolution authorizing the City Manager to execute a general service agreement with Tyler Technologies for (5) five fiscal years with the understanding that funding is project specific and subject to the annual appropriation of funds.

The City of Asheville Information Technology Services is seeking to extend our current maintenance agreement for the estimated amount of \$180,000.00 for FY 2018/2019 plus a maximum of 5% escalation in subsequent years for the maximum of (5) five fiscal years

Pros:

- City has been using Tyler/Munis since January of 2010 and staff is familiar with its strengths, limitations, and support process.
- Allows for updates to the Tyler/Munis system, which enables new features and improved underlying technologies; upgrade licensing is included with support & ongoing fixes.

Con:

None noted. This maintenance will support core city financial and other key functions.

The finding needed for this agreement is currently allocated within the IT Services Business and Public Technology division's maintenance budget.

City staff recommends City Council approval of a resolution authorizing the City Manager to execute a general service agreement with Tyler Technologies for the estimated amount of \$180,000.000 for FY 2018/2019 plus a maximum of 5% escalation in subsequent years for the maximum of (5) five fiscal years with the understanding that funding is project specific and subject to the annual appropriation of funds.

**RESOLUTION BOOK NO. 40 - PAGE 30**

**T. RESOLUTION NO. 18-180 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE A STORMWATER EASEMENT FROM OWNER OF PROPERTY ON ELIZABETH PLACE FOR STORMWATER IMPROVEMENTS THAT WILL SERVE A SECTION OF THE REED CREEK GREENWAY**

Summary: The consideration of a resolution authorizing the City Manager to acquire a stormwater easement from the owners of property on Elizabeth Place for stormwater improvements that will serve a section of the Reed Creek Greenway between Broadway and Elizabeth Place.

The Transportation Bond funding allowed for the completion of neighborhood greenway connectors including the last remaining section of the Reed Creek Greenway. A private development project is planned at Broadway and Chestnut Streets to build a mixed use development that will include both retail and residential components. The Reed Creek Greenway will border the development along the back of the project and adjacent to Reed Creek.

The developers and the City intend to partner on the design and construction of the Reed Creek Greenway between Broadway and Elizabeth in order to build out that section of the greenway in the very near future. As part of the greenway design, there is a need to channel the stormwater from that section of the greenway into Reed Creek which in turn requires an easement from a neighboring property owner on Elizabeth Street. The City needs the easement in order to maintain the stormwater drainage across the greenway. The property owners of PIN # 9649-23-6247 at 63 Elizabeth Place have agreed to convey an easement on their property for this purpose.

In order to ensure both compliance with stormwater regulations and continued maintenance of infrastructure improvements, Blanch and Wayne Smith will convey a 150 square foot stormwater easement to the City. The City will construct the greenway and the drainage improvements to City specifications. City staff have negotiated a purchase price of \$3,000 in return for the easement.

Pro:

- This easement facilitates another section of the Reed Creek Greenway.

Con:

- City resources will be needed to install and maintain stormwater infrastructure.

The City has budgeted the money to pay for the greenway easement in the amount of \$3,000 within the Transportation Bond funds.

Staff recommends authorizing the City Manager to acquire a stormwater easement from Blanch and Wayne Smith at 63 Elizabeth Place for stormwater improvements that will serve a section of the Reed Creek Greenway between Broadway and Elizabeth Place.

#### **RESOLUTION BOOK NO. 40 - PAGE 31**

#### **U. ORDINANCE NO. 4685 - FIRST READING OF AN ORDINANCE GRANTING A FRANCHISE AGREEMENT TO TUK IT, LLC, FOR THE OPERATION OF AN ELECTRIC VEHICLE SHUTTLE SERVICE WITHIN THE CITY OF ASHEVILLE**

Summary: The consideration of an ordinance granting a franchise agreement for the operation of an electric vehicle shuttle service within the City of Asheville.

Staff has been working with an individual that is interested in starting an electric vehicle shuttle service within the City of Asheville under the business name of Tuk It, LLC that would operate in the Central Business District, Biltmore Village, the River Arts District, and the Historic Montford District. The shuttle service can only use public streets that have a speed limit of 35 mph or lower. Service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and disembark passengers, or with the written permission of the City Traffic Engineer. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic. Loading/unloading zones may be used for service stops but actual travel lanes should not be used.

The shuttle service will provide various tours throughout the service area for individuals, groups, and special events. They will also provide transportation services for participating hotels and businesses for their guests in an effort to minimize traditional vehicle travel within the service area. The hours of operation are Monday through Wednesday 10:00 am until 9:00 pm and Thursday through Sunday 10:00 am until midnight. Typically, each vehicle will provide one tour on Mondays and Tuesdays, two tours on Wednesdays, three tours on Thursday, and four tours on Fridays, Saturdays, and Sundays.

A total of three fully electric vehicles will be available with a maximum capacity of six passengers plus the driver per vehicle. The vehicles are manufactured in the United States and they are US DOT compliant and street legal. The vehicles are registered and “tagged” by the North Carolina Division of Motor Vehicles.

The business owner understands and acknowledges that he/she will comply with all applicable Federal, State, and local laws in the operation of its business including, but not limited to, the City of Asheville open container ordinance, and the State of North Carolina Alcoholic Beverage Control (ABC) laws. In addition, the business owner understands and acknowledges that third-party advertising is not allowed on the outside of the vehicles.

The Asheville Police Department and the Transportation Department have reviewed all of the information that has been provided by the owner and we believe that the shuttle service will not have a negative impact on efficient traffic flow or safety.

Approval of a franchise agreement requires action by City Council at two official meetings with the first meeting on July 24, 2018, and the second meeting on August 28, 2018.

The Public Safety Committee reviewed this franchise agreement on July 2, 2018, and they unanimously endorsed it to move forward to City Council for consideration and approval. The committee members expressed concern about the possibility of alcoholic beverages onboard and according to the business owner, there are no plans on alcohol being consumed on the vehicles.

Pros:

- Provides various tours within the Central Business District, Biltmore Village, the River Arts District, and the Historic Montford District which could relieve and/or minimize traffic congestion.
- Provides transportation services for hotels and retail businesses which should relieve and/or minimize traffic congestion.

Con:

- There are no known cons.

There is no known fiscal impact for the subject franchise agreement.

Staff recommends that City Council approve an ordinance, first consideration on July 24, 2018, and second consideration on August 28, 2018, granting a franchise agreement to Tuk It, LLC for the operation of an electric vehicle shuttle service within the City of Asheville.

#### **ORDINANCE BOOK NO. 32 - PAGE 165**

#### **V. RESOLUTION NO. 18-181 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT THE FUNDING FOR THE BUS AND BUS INFRASTRUCTURE PROGRAM TO ACQUIRE TEN BUSES AND ASSOCIATED CHARGERS**

Summary: The consideration of a resolution authorizing the City Manager to apply for and accept the funding from the Buses and Bus Facilities Infrastructure Investment Program (Bus and Bus Infrastructure Program), if awarded, in order to acquire ten buses and associated chargers.

The Federal Transit Administration (FTA) has announced the availability of approximately \$366.3 million of Fiscal Year 2018 funds for buses, bus facilities, and bus equipment. The

Transportation Department has identified transit needs that include five buses for FY 2021 and five buses for FY 2022. The total cost for the ten vehicles is \$8,800,000. The 20% local match (\$1,760,000) is already planned for in the five year Capital Improvement Program. The Transportation Department is concurrently applying for funds from three separate sources for FY 20-23 transit vehicles because the outcome of these grant applications is always uncertain.

The Finance Committee will review this action on July 24, 2018, and anything other than a unanimous endorsement will be shared at the City Council meeting.

Pros:

- Provides funding needed to roll out Transit Master Plan recommendations
- Supports the city's carbon reduction and climate mitigation goals
- Reduces harmful local emissions by over 1,000 pounds per bus per year

Con:

- None

The total budget would be \$8,800,000. The 20% local match totals \$1,760,000, and is already planned for in the out years of the CIP.

Staff recommends City Council approve a resolution authorizing the City Manager to apply for and accept the funding from the Buses and Bus Facilities Infrastructure Investment Program (Bus and Bus Infrastructure Program), if awarded, in order to acquire ten buses and associated chargers.

#### **RESOLUTION BOOK NO. 40 - PAGE 32**

#### **W. RESOLUTION NO. 18-182 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH TERRACON CONSULTANTS, INC. FOR ON-CALL BUILDING ENVELOPE ENGINEERING SERVICES**

Summary: The consideration of a resolution authorizing the City Manager to enter into a professional services contract with Terracon Consultants, Inc. for on-call building envelope 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 asset management, municipalities and institutional entities across the State maintain on-call service contracts with firms that support the maintenance and management of buildings and related assets.

Within this framework, the City requires building envelope engineering services for various purposes, which include re-roofing, masonry maintenance, restoration, and forensic investigation of moisture intrusion into buildings. Additional services include, but are not limited to, structural assessments to determine the feasibility of rooftop renewable energy systems. The design and construction of new buildings for the City of Asheville may be supported by building envelope design consulting and commissioning during the construction phase for quality assurance of the installation of building envelope systems.

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 May 17, 2018. In response to the Request for Qualifications, the following seven (7) firms submitted packages:

Form & Function (Asheville, NC Office)	SKA Consulting Engineers (Asheville, NC Office)
Legerton Architecture (Asheville, NC Office)	Terracon Consulting, Inc (Charlotte, NC Office)
MHA Works (Asheville, NC Office)	REI Engineers (Charlotte, NC Office)
Raymond Engineering (Greenville, SC)	

The review team utilized a scoring matrix to assess the qualifications of the proposed firms. The firm with the highest score was Terracon Consultants, Inc. If the following resolution is approved, the City will enter into a contract with this firm for on-call services. When specific projects are identified at City-owned buildings, the City will negotiate a scope of work and fee for 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 aggregate value of services provided under this on-call contract is not expected to exceed \$250,000.

Pros:

- A well-qualified firm will perform services in support of ongoing facilities maintenance and improvements needs.
- These services will be available to support various programs and projects within the City's portfolio, including capital improvement projects, facilities construction and renovation projects.

Con:

- None identified.

The contract will be established at a not-to-exceed amount of \$250,000 over the initial term. The consulting services will be used for various projects, which already have their own budget allocations under the General Fund or CIP, and the supplemental agreements under this on-call contract will not exceed the budgeted amount.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into a professional services contract with Terracon Consultants, Inc. for on-call building envelope professional services.

**RESOLUTION BOOK NO. 40 - PAGE 33**

**X. RESOLUTION NO. 18-183 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE EASEMENTS ASSOCIATED WITH THE TRANSPORTATION BOND - BUS SHELTER PROGRAM**

Summary: The consideration of a resolution authorizing the City Manager to execute easement agreements with private property owners for easements related to the Transportation Bond - Bus Shelter Program.

The Transportation Bond funding allows for the installation of bus shelter improvements throughout the City's Asheville Redefines Transit (ART) service area. Several of these improved shelters have been installed, mostly within City-controlled or NCDOT right-of-way. To continue making progress on the installation of shelter improvements, new easements from private property owners must be obtained to secure the necessary short-term and long-term access to private property for installation and maintenance of bus shelters.

Currently, staff brings forward each easement for City Council approval, with the exception of donated sidewalk easements. In February 2017, Council authorized the City Manager to accept donated public sidewalk easements. In order to streamline the acquisition of bus shelter easements, the current request for consideration provides authority to the City Manager to execute all easements associated with the Transportation Bond Program for Bus Shelters. Donations of easements are routinely sought after, however in some cases, compensation may be required. Since only City funds are associated with the bond shelter program, the Federal Uniform Act requirements for acquisition (URA) are not applicable and therefore the City has more flexibility to negotiate on price, to relocate the easement to another property or to delay installation if for some reason a mutually agreed upon price cannot be achieved.

Within the next phase of bus shelter installations, a total of seven new easements need to be acquired from private property owners. These easements range in size from 65 square feet to 200 square feet in permanent easement and all costs associated with acquiring these easements are planned for in the Transportation Bond - Bus Shelter Improvement Budget.

Pros:

- Allows for streamlining the easement acquisition process for a more expedient and efficient delivery of bus shelter easements.
- New easements support the implementation of the Transportation Bond - Bus Shelter program.

Con:

- None.

The funds associated with potential acquisition costs of these easements are budgeted within the Transportation Bond - Bus Shelter Program.

Staff recommends authorizing the City Manager to acquire and accept easement agreements related to the Transportation Bond - Bus Shelter Program.

#### **RESOLUTION BOOK NO. 40 - PAGE 34**

#### **Y. RESOLUTION NO. 18-184 - RESOLUTION ADOPTING THE WATER SHORTAGE RESPONSE PLAN UPDATE**

Summary: The consideration of a resolution adopting the Water Shortage Response Plan (WSRP) update as required by the North Carolina Department of Environmental Quality (NCDEQ).

Every few years, the Water Resources Department is required to complete a Water Shortage Response Plan (WSRP) update. On June 15, 2018, the North Carolina Department of Environmental Quality (NCDEQ) issued a letter stating that the department's WSRP update is complete and must be adopted by the water system's governing board. The WSRP establishes authority for declaration of a water shortage, defines different stages of water shortage severity, and outlines appropriate responses for each stage. Recently adopted rules governing water use during droughts and water emergencies (15A NCAC 02E. 0607) stipulate specific requirements for WSRPs.

All public and privately owned water systems subject to G.S. 143-355 (I) are required to prepare and submit a WSRP as part of their Local Water Supply Plan. At a minimum, updated

WSRPs are required every five years. Updates may also be necessary to address changes such as population growth, new sources or additional demands for water or after implementation and evaluation of restriction effectiveness.

In order for the WSRP update to be compliant with N.C.G.S. §143-355 (l), City Council must formally adopt the update. Once City Council adopts the update, NCDEQ will consider it compliant. A copy of the WSRP is also in the Water Policies, which will be updated to include the updates as approved by NCDEQ.

Pro:

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

Con:

- If the WSRP update 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.

City staff recommends City Council adopt the the Water Shortage Response Plan update as required by the North Carolina Department of Environmental Quality.

#### **RESOLUTION BOOK NO. 40 - PAGE 35**

#### **Z. RESOLUTION NO. 18-186 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH ASHEVILLE STAFFING, UPSTAFF, AND APPLE ONE TO PROVIDE TEMPORARY STAFFING SERVICES FOR THE CITY OF ASHEVILLE**

Summary: The consideration of a resolution authorizing the City Manager to enter into contracts with Asheville Staffing, UpStaff, and AppleOne to provide temporary staffing services for the City of Asheville.

Numerous departments within the City of Asheville rely on firms to meet their temporary staffing needs.

Staff recognizes that one of Council's goals is to provide living-wage jobs with benefits to City workers. A staffing firm is not intended to be used where the position could be filled with a regular, temporary, or seasonal employee. A staffing firm is to be used in those instances where temporary workers are needed to support in-house staff by managing periods of increased workload, peak demands, projects, short-term labor for hard-to-fill positions with immediate service needs, or to provide workers on an immediate basis that may otherwise require lengthy recruitments.

A staffing firm is used to provide workers in the labor, administrative, and professional sectors. Currently, departments are selecting and paying staffing firms individually. The Human Resources Department determined the need to consolidate our temporary staffing with one to three firms for use by all City departments, in an effort to maximize cost savings. An RFP was released, and proposers were invited to submit proposals for providing temporary staffing in one, two, or all three of the staffing sectors needed. The Human Resources Department received proposals from the following ten firms:

AppleOne  
Asheville Staffing  
Creative Management  
Devine  
Express Employment Professionals



Global Economic Advantage  
GO-Upstaff  
RAD Gov  
Sydata Consulting  
Talented Fish

The review team assessed the proposals submitted by the vendors based on the evaluation criteria listed in the RFP. Scoring by the review team indicated the following five companies as the highest-rated proposers:

AppleOne  
Asheville Staffing  
Global Economic Advantage  
GO-Upstaff  
Sydata Consulting

Phone interviews were then conducted by the Human Resources Department, who determined the top three companies to be AppleOne (for professional and administrative positions), Asheville Staffing (for all types of positions), and UpStaff (for administrative and labor positions). Staff hereby requests the approval of contracts with each of these companies.

Pros:

- Contracting with three companies maximizes the ability to fill temporary positions within the necessary timeframe; and
- Allows temporary staffing firms to continue to supplement in-house staff where that work is not able to be filled by a regular, temporary, or seasonal employee.

Con:

- None identified.

Departments will continue to pay for temporary staffing services out of their approved FY 2018-19 budgets. Approximately \$500,000 per year was spent on temporary staffing for the City in FY 2015 and FY 2016.

City staff recommends City Council adopt a resolution authorizing the City Manager to enter into contracts with Asheville Staffing, UpStaff, and AppleOne to provide temporary staffing services for the City of Asheville.

#### **RESOLUTION BOOK NO. 40 – PAGE 37**

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

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

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

### **III. PRESENTATIONS & REPORTS:**

#### **A. UPDATE ON THE ASHEVILLE POLICE DEPARTMENT OPEN DATA**

Assistant to the City Manager Jaime Matthews said that the goals for the Asheville Police Department (APD) Open data is (1) consistent with City Council's Open Data Policy; (2) provide ample safeguards for the privacy of victims, officers, residents and the integrity of criminal investigations; and (3) increase trust between the city and the community that it serves. She then reviewed the APD open data request. Other dataset updates include (1) use of force data and citizen complaint data - an update to the software was completed. APD is working to pull data for first review before posting these on the open data portal; (2) emergency calls and citation and arrest data - Information Technology Department and APD are working with Buncombe County to release data. Some delays are due to staff turnover at Buncombe County; and (3) demographics information on all City employees - review with the Human Resources Department and Equity Office.

## **B. COUNCIL STRATEGIC OPERATING PLAN UPDATE**

Interim Assistant City Manager Peggy Rowe briefly reviewed Council's Strategic Plan update. For an Equitable & Diverse Community, the Equity Action Plan was adopted which will establish racial equity as a key value, and reduce racial disparities within City government and our communities. In the Well Planned and Livable Community section, (1) Riverfront Greenway project advancement; (2) temporary Haywood Street installations in place and progress made toward long-term use; and (3) improvement of Tempie Avery Montford Center complex. For a Clean & Health Environment, (1) renewal energy planning services Request for Proposals; (2) energy audits & LED lighting projects; (3) Climate Resilience Assessment; (4) revised Food Policy Action Plan; (5) backyard composting workshops; and (6) 31% of 80% carbon reduction goal achieved. For Quality Affordable Housing (1) Eagle-Market Street completion; (2) South Slope Vision Plan & Lee Walker Heights Development Plan; and (3) utilization of newly-purchased City-owned land. Under Transportation & Accessibility, (1) Transit Master Plan finalized; (2) Bike Share Feasibility Study; (3) Parking Plan for Downtown Asheville; and (4) electric buses. For a Thriving Local Economy, (1) Minority-Owned and Section 3 Construction Firms Mentoring Program; and (2) support for local businesses during times of construction. For a Connected & Engaged Community (1) expand Asheville Police Department open data portal; (2) Blue Ribbon Committee recommendations approved by Council; and (3) Human Relations Commission of Asheville appointed. And, a Financially Resilient Community, (1) maintain AAA bond rating; and (2) Capital Projects Bond - Use Dashboard.

Councilwoman Mayfield also noted other highlights, some being, but are not limited to: decision made around Charlotte Street road diet; conversations with the N.C. Dept. of Transportation (NCDOT) about the Merrimon Avenue proposal; and work with the NCDOT on I-26 to make sure that the project benefits the people who live here and not just those who are passing through.

In response to Councilwoman Smith, Ms. Rowe said that she would be confirm the race of the 13% of 200 new hires in Fiscal Year 2018.

Mayor Manheimer also noted the major effort continuing to happen with the Duke substation in the old Volvo dealership property on Patton Avenue. After through a lot of community work and urging from the City, Duke will build the second ever Gas Insulated Substation, which will take up a significantly smaller footprint and can be enclosed in a building.

## **IV. PUBLIC HEARINGS:**

### **A. PUBLIC HEARING TO CONSIDER AN ECONOMIC DEVELOPMENT INCENTIVE GRANT TO GENERAL ELECTRIC CORPORATION AND UNISON ENGINE COMPONENTS INC.**

**RESOLUTION NO. 18-185 - RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT TO GENERAL ELECTRIC CORPORATION AND UNISON ENGINE COMPONENTS INC.**

Community & Economic Development Director Sam Powers said that this is the consideration of a resolution authorizing a performance based economic development incentive grant agreement with General Electric Corporation and Unison Engine Components, Inc. This public hearing was advertised on July 13, 2018.

City of Asheville has been requested by Asheville-Buncombe EDC for consideration of a performance based incentive grant under the City Economic Development policy to an existing Asheville manufacturing facility, operated by General Electric Corporation ("GE"), and Unison Engine Components, Inc. ("Unison"). The purpose of the City's participation would be to induce GE to make additional investments in the City for expenditures to acquire and install machinery/equipment, make facility improvements which increase the tax value as determined by the Buncombe County Tax Department in the amount of \$105,000,000, and create 131 new jobs with median wage of \$49,500. All new jobs will pay a Living Wage and are fully benefited. The City of Asheville is considering offering a performance based grant in an amount not to exceed \$900,960. North Carolina state law requires a public hearing be held before an incentive grant can be officially awarded.

Pros:

- Performance driven grant that is distributed after job and investment is achieved or mutually agreed performance benchmarks are established.
- Grant is based on new generation of tax revenue in the City.
- Grant supports expansion of existing industry in the City.
- Supports job creation and capital investment in Asheville.
- Supports regional and state cooperation in the project.

Con:

- Grant is formulated based on use of a portion of the new incremental increase from property tax revenue generated by the project for a 5 year period.

The project has an overall positive fiscal impact on tax revenues received by the city. Initially (during the grant period), the City will receive 50% of the new incremental property tax revenues, as well as the existing property tax revenues from the project. After the grant period of 5 years, the City will henceforth receive 100% capture of all city taxes. Staff projects that the first payment of the grant in the potential range of \$175,000 would be budgeted and paid in Fiscal Year 2020-21 (subject to performance being met).

City staff recommends Council approve a resolution authorizing a performance based economic development incentive grant agreement to support retention and expansion with General Electric Corporation and Unison Engine Components, Inc.

Mr. Michael McGuire, Plant Manager for GE Aviation in Asheville, brief Council on the history of GE Aviation and felt this is a great partnership with the City and the local business community. He felt this is the right type of technology and growth in the City.

In response to Councilwoman Mayfield, Mr. Grant explained the specifics of the 131 new jobs.

Mayor Manheimer opened the public hearing at 5:37 p.m.

Mr. Dave Rowe supported the economic development incentive grant to GE Aviation.

In response to Ms. Tiffany De'Bellott, Mr. McGuire said that he would need to follow-up with Council on the percentage of people of color that work at the Asheville GE Aviation.

Mayor Manheimer closed the public hearing at 5:40 p.m.

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

Councilman Young moved to approve Resolution No. 18-185. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

#### **RESOLUTION BOOK NO. 40 – PAGE 36**

#### **B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO ADD STANDARDS TO THE OUTDOOR LIGHTING ORDINANCE**

#### **ORDINANCE NO. 4686 - ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO ADD STANDARDS TO THE OUTDOOR LIGHTING ORDINANCE**

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to include new standards for outdoor dining and outdoor sports facilities, in addition to a couple of minor corrections. This public hearing was advertised on July 13 and 20, 2018.

The Unified Development Ordinance (UDO) includes general standards for outdoor lighting that are established to allow for nighttime use and enjoyment of property, while also addressing public health, safety and security. In order to address basic safety and security concerns, minimum levels of illuminance and uniformity of illuminance are established. However, growing environmental concerns over controlling unnecessary “over lighting”, safety concerns over unnecessary glare, and nuisance concerns over light trespass and sleep disruption resulted in maximum illuminance limits along with glare control (shielding) designs which are now required with most outdoor lighting systems.

On April 9, 2018, the Planning & Economic Development (PED) Committee heard a report on the city’s outdoor lighting standards and how they are applied, more specifically, to outdoor dining areas. Under the current ordinance, unshielded string lights with bulbs that emit more than 15 lumens per bulb, when visible from the boundary of the property, are not allowed. The PED supported a change that would allow a higher level of illuminance per bulb before requiring shielding so that dining areas may utilize string lights of a higher intensity to provide higher illumination along with nighttime ambiance to add to the dining experience. Also during the April PED meeting, staff introduced the need to add new standards for outdoor sports facilities where much higher levels of illuminance are needed for safe play. The PED committee supported adding new standards for sports facilities as well.

This wording amendment includes three primary components:

- 1) Add a new standard for string lights in permitted outdoor dining or drinking areas;
- 2) Add new standards and definitions for sports court lighting, and update standards for ball field and performance area lighting; and
- 3) Correct and/or clarify existing sections including:
  - applicability in single family residential conditions
  - exempting lighting required by the NC State Building Code

- simplify language in (g) *General standards*.

The maximum illuminance levels for string lights is proposed to be raised from 15 lumens per bulb to 25 lumens for incandescent bulbs and 50 lumens for LED bulbs. String lights that are brighter than the new allowances, or are installed in areas outside of established outdoor dining areas, may still be used but must be shielded. As always, other lighting fixtures and designs may also be used.

While the existing ordinance allowed for taller and brighter fixtures for outdoor sports facilities, it does not anticipate the transition from metal halide lights to LED, and the application of general LED standards proved impractical when working with this specialized and unique lighting application. The proposed language addresses the move to LED lights while also establishing lower standards for court (tennis and basketball) lighting where the facilities are more likely to be located entirely within residential neighborhoods.

This wording amendment was reviewed by the Planning and Zoning Commission on June 6, 2018, and was approved 5-0. Staff has received public comment from an individual in the community with concerns over the need to minimize light pollution. City Council provides the final review of all zoning text amendments.

This wording amendment supports the City's Comprehensive Plan by providing flexibility to restaurants (& tourism) to allow for greater nighttime use and appeal, and by tailoring the design options for parks in order to maximize their benefit to the community.

Having effective and outdoor lighting standards most closely aligns with the Council goals of a *Well-Planned and Livable Community* and a *Clean and Healthy Environment* by addressing safety, nuisance and environmental concerns; while the proposed update supports the goal of providing for a *Thriving Local Economy* by allowing for increased flexibility to service and tourism based businesses.

The Planning and Zoning Commission recommends approval of the zoning text amendment modifying Article XI of the UDO to expand standards for string lights, outdoor sports facilities and to perform minor corrections and clarifications, which is consistent with the Comprehensive Plan and other adopted plans.

Mayor Manheimer opened the public hearing at 5:45 p.m.

Mr. Bernard Arghiere had no objection to the sport outdoor lighting; however, he explained why he was asking Council vote separately on the suspended string of lights addition.

A gentleman noticed a deterioration of our night skies and spoke in opposition of the amendments, in particular the no limits on the string lights per certain area, when the business is closed that they should be required to turn the outdoor lighting off, new residential lighting for one and two family dwelling units should be complaint driven.

Mayor Manheimer closed the public hearing at 5:50 p.m.

At the request of Councilman Young, Ms. Tuch responded to the objections raised.

Councilwoman Mayfield suggested an amendment to the ordinance that that when the outdoor dining area is not used, the outdoor patio lights should be turned off.

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

Councilman Young moved to approve the wording amendments to UDO Articles II and XI to expand and clarify standards for outdoor lighting, with the amendment that lights must be turned off when the outdoor dining area is not in use, and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in the following ways: the amendment (1) Maintains development standards to promote harmony and compatibility with surrounding properties; (2) Provides flexibility for enjoyment and use of property at night; and (3) Improves safety by allowing higher levels of illumination for high activity areas and uses. This motion was seconded by Councilwoman Mayfield and carried unanimously.

## **ORDINANCE BOOK NO. 32 – PAGE 171**

### **V. UNFINISHED BUSINESS:**

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

#### **A. RESOLUTION NO. 18-187 - RESOLUTION ADOPTING THE TRANSIT MASTER PLAN**

Mr. Eli Mathis, Project Manager for the City, said that the Plan has gone through numerous rounds of public comment and changes and at this point we have a strong plan endorsed by a number of advisory boards and stakeholder groups, including the Transit Committee, the Multimodal Transportation Commission, Housing Authority, Drivers Union, etc. The Plan is ambitious and recommends major service expansions in the first year, as well as continuing service expansions in future years.

The following staff report was available for Council review:

*Plan Background* - The Transit Master Plan (TMP) is the guiding document for the City's transit system and shapes how and where bus service is provided, and provides a vision for long term service expansion and infrastructure needs. The original TMP was adopted in October 2009. Since that time there has been significant growth and development in Asheville and the surrounding area which has placed increasing pressure on the current structure and route networks of the City's transit system (ART). There are also significant limitations placed on the system by the current facilities which are ageing and do not have the capacity to support the City's future transit needs. On September 12, 2017, the Asheville City Council passed a resolution authorizing the City Manager to enter into a contract with Tindale Oliver for consulting services for updating the City's TMP.

*Public Engagement Process* - The process for developing the new TMP began in October 2017 and continued through the winter and spring of 2018. After a thorough review of existing plans from various City departments and regional organizations, the Project Team began the key public engagement and data collection portion of the project. Effective public engagement is crucial to ensuring that the plan reflects the needs of the public, therefore several layers were included in the public engagement strategy to collect data and feedback from both existing riders and the general public. The engagement strategy included:

- The project Steering Committee served as the primary advisory board for the TMP and helped guide the Project Team over the course of the project. The Steering Committee was comprised of City staff, Buncombe County staff, MPO staff, NCDOT staff, ART management staff, ART bus drivers, members of the Transit Committee and Multimodal Transportation Commission, and representatives from AARP, Just Economics, the Homeless Coalition, and the People's Transit Campaign.
- Two Community Workshops allowed members of the public to meet with the project team

in a charrette style setting where they could be actively involved in designing route changes.

- Two formal Public Meetings to present the Draft Plan and to receive direct feedback from the public. A free shuttle was provided for both public meetings which allowed members of the public to easily travel between the meeting location and the ART Station every 15 minutes.
- Eight Discussion Group Workshops which consisted of meetings between the Project Team and small groups of representatives from different stakeholder organizations. These meetings allowed for more in-depth conversations about the specific transit needs of the different groups. The stakeholder groups included: higher education organizations, ART drivers and supervisors, medical organizations, senior groups, Just Economics and the People's Transit Campaign, local business owners, and neighborhood associations.
- Regular updates to existing boards and commissions, such as: the Transit Committee, Multimodal Transportation Commission, Neighborhood Advisory Committee, and the Community Transportation Advisory Board.
- Continuous feedback via email and phone throughout the project. The phone number and email address of the Transit Planning Manager were posted on the project website, [AshevilleNC.gov/TransitMasterPlan](http://AshevilleNC.gov/TransitMasterPlan), and on all posters and promotional materials that were distributed during the process to allow the public to provide direct feedback to City staff. City staff also made themselves available to have private meetings with individual members of the public to review the Draft Plan whenever that request was made.
- Rider Surveys were administered onboard buses and at the ART Station by volunteers from Just Economics and the People's Transit Campaign in December and January. These surveys were focused on current transit riders and their specific ridership patterns and service needs.
- Online and Paper Surveys were available to the general public from November through January. These surveys were more broad in scope and aimed at obtaining information from both current riders and potential future riders.

In order to promote the various meetings and other engagement activities available to the public, the Project Team utilized all of the following methods: maintaining meeting dates and project information on [AshevilleNC.gov/TransitMasterPlan](http://AshevilleNC.gov/TransitMasterPlan), posters on buses and bus stops, TV and radio interviews, social media posts, newspaper advertisements, coordinating with community partners, and with regular email updates through the IRide Transit email list.

Some of the key information collected during the public engagement process includes:

- On-time performance (OTP) and overall system reliability are key to growth and sustainability of the network.
- Transferring between routes to get to a single destination is a major burden to existing riders and is a disincentive for potential riders to use the system. Even when transfers are completed on schedule, having to switch buses causes delays and is difficult for passengers with mobility issues, those traveling with groceries or children, and for passengers not familiar with the system.
- Equitable service coverage is of great concern. While frequency of service is important, preserving access to the areas already served, and increasing access to those areas with few mobility options are key to the success of transit in Asheville.
- Access to social services, medical centers, and grocery stores is a need that is recognized by the majority of stakeholders involved in the TMP process. While regular hourly service is ideal, preserving access, even with a more limited schedule was seen as a practical solution to more efficiently allocating resources throughout the fixed-route bus network.

*Service Changes and Routing Recommendations* - After the initial information gathering

portion of the project was complete, the Project Team then set about updating the existing transit network and planning for long term expansion of the network. Edits to the existing network are focused on improving on-time performance (OTP) and overall system reliability, creating options for traveling across town without transferring, and extending hours of operation. 'Year One' of the plan is scheduled for Fiscal Year 2020. Some of the major changes in the first year of the plan include:

- Combining the existing W3 and E2 routes to create the new Crosstown 2, and combining the existing W4 and E1 routes to create the new Crosstown 4. The new crosstown routes will provide single-seat rides through Downtown, and will increase service frequency on the primary east/west corridors of Tunnel Rd and Patton Ave. Initially, the east/west crosstown routes will continue to go through the ART Station on every trip.
- New direct route to Pisgah View Apartments in West Asheville will improve OTP and reliability on routes W1 and W2, and will provide a combined frequency of 15-minutes on Haywood Rd from Downtown to State St.
- Interlining of the N1 and N2 routes with S4 will create a single seat ride through downtown and a new direct connection between UNCA and AB Tech. This will also increase the frequency on S4 to 30-minutes. This change will not impact existing service on routes N1 and N2.
- Haw Creek Neighborhood will be served by 170 to alleviate severe OTP issues on E2. Service frequency will be reduced from hourly to every other hour, but the coverage area will be expanded to include Spruce Hill Apartments which lost service under the previous TMP.
- S2 will retain hourly service but will now be a one-directional clockwise loop from Downtown to Social Security Administration to Kenilworth and back to Downtown.
- Extended service hours across all routes- 10PM on Weekdays and Saturdays with some Late Night Service on key corridors until Midnight; 8PM on Sundays and Holidays.

Plans for long term expansion of the network are focused on increasing frequency on primary corridors, expanding service to new areas not currently within the existing service area, and further reducing the dependence on transfers by creating additional crosstown routes which provide single-seat trips through Downtown. Some of the major changes in the later years of the plan include:

- FY 2021- Crosstown 1 will provide a north/south single-seat ride through Downtown via Merrimon Ave, Biltmore Ave, and Hendersonville Rd. Passengers will be able to transfer to the east/west crosstown routes at Pack Square Park, eliminating the need for a major deviation through town to the ART Station on Coxe Ave. This route will be increased to 30-minute frequency in FY23, thereby giving Merrimon Ave 15-minute frequency up to Beaverdam Rd.
- FY 2021- An additional bus on routes S3/S6 will increase combined frequency on Hendersonville Rd to 30-minutes, with hourly service to Biltmore Park and the Airport.
- FY 2022- Enka route will provide hourly service to an area within the city limits which is currently not served by ART.
- FY 2023- Sweeten Creek route will provide hourly service to an area within the city limits which is currently not served by ART.
- FY 2025- Carrier Park and Swannanoa River Rd route will provide hourly service to two areas within the city limits which are currently not served by ART.
- FY 2025- Downtown Shuttle will provide greater mobility to the Central Business District (CBD) and will reduce overcrowding issues on other routes by focusing shorter trips within the CBD onto the Downtown Shuttle rather than on longer routes traveling out of Downtown.
- FY 2026 through FY 2029- Additional vehicles and operating funds are programmed into the financial plan for the out-years, but these resources are purposely left open so they



can be allocated based on future service demands: ridership, community needs, congestion, etc.

The plan also recommends service extensions beyond the city limits and into Buncombe County and other neighboring communities. Some of these are 'Strategic Extensions' which could be provided using the existing ART system, but with funding provided by regional partners for the sections that extend beyond the city limits. Other recommendations for service beyond the city limits are for longer routes which could not be accomplished with the ART system. Plans for these routes will be provided to Buncombe County and other regional partners and will be available for them to use, should they decide to implement the routes with the Trailblazer system.

*Fare Analysis* - The TMP provides a detailed analysis of the existing fare structure, as well as a review of the potential impacts of fare changes; considering the possibility of a fare increase or elimination of fares entirely. While the public engagement process did not show that the cost of transit was a major disincentive to most riders, there is significant evidence that making the service free could result in increased ridership. The primary concern about switching to a free system, aside from lost revenue, is the potential that a sudden increase in ridership could cause issues with overcrowding and on-time performance. In order to better understand and prepare for the potential impacts to ridership, the plan recommends a Fare Free Weekend Trial for a full year, beginning in July 2019. Because weekend ridership is already significantly lower than weekday ridership and weekend fare revenue is not substantial, providing a Fare Free Weekend Trial will allow staff to monitor the impacts of fare free service without the risk of overcrowding or a substantial loss of revenue. At the conclusion of the Fare Free Weekend Trial, staff will be able to provide the results of the trial and their recommendation to Council, and Council can provide further direction on how to proceed regarding fares.

*Facility Analysis* - A key component of the TMP is a review of existing transit facilities and recommendations on improvements that are needed to support future system growth. The ART Operations and Maintenance Facility at 360 West Haywood St is where all of the system's maintenance and administrative facilities are located. The current facility was built in 1971 and is nearing its federally established 50-year useful life. With the addition of electric vehicles to the fleet, and the significant expansion of the fleet projected in the coming years, the current facility will reach capacity in FY 2022 and significantly exceed capacity by FY 2023. The TMP is recommending that the construction of a new facility be made a top priority; the plan calls for the City to advance the location and design services in FY 2019 and initiate a design-build process for completion by 2024. The initial estimate for the 8-10 acre facility is \$50 million, however, this estimate will need to be refined once a more detailed facility analysis has been completed.

*Summary* - The Draft TMP was reviewed and endorsed, with edits, by the Transit Committee on May 15, 2018, and the Multimodal Transportation Commission on May 23, 2018. Comments and recommendations from both the TC and MMTC have been incorporated into the Draft Final TMP presented to the PED and City Council.

Pros:

- Expands transit service area, service hours, and frequency of service.
- Creates new crosstown route options which will provide more direct service and reduce the need to transfer between routes.
- Provides future routing options for specific areas not included in the 10-year phasing plan so these could be implemented at a later date if funding becomes available.

Con:

- Increases the total amount of local funds spent on transit service.

The Draft Final TMP proposes to expand transit revenue hours of service by 44% in FY

2020 and continue to expand it at a regular pace every year after that. This level of service expansion will trigger a renegotiation of the rates of the Transit Operations and Maintenance Contract, therefore the final cost of the service changes will not be known until the contract renegotiation has taken place. The expected cost of the service changes for transit operations in FY 2020, are approximately \$10.6 million. That represents an increase of approximately \$2.4 million from the proposed FY 2019 transit operations budget.

Staff recommends City Council approve a resolution adopting the Transit Master Plan.”

Mr. Justin Willits, Assistant Project Manager from Tindale Oliver, provided Council with a brief overview of the project schedule and an overview of community involvement. Throughout the project they learned (1) status quo service levels and funding were inadequate to serve the needs of the community; (2) on-time performance issues needed to be addressed without impacting coverage in the service area; (3) the quality and quantity of service needed to be addressed to put Asheville on a trajectory for enhancing mobility options into the future; (4) extensive feedback with incorporated to address community concerns and focus on needs; and (5) transferring downtown for all connections across town was seen as a deterrent to riding ART.

Mr. Willits then reviewed the primary changes, along with the Transit Master Plan timeline of improving the frequency of service, while expanding coverage and span of service, addressing on-time performance.

Regarding the Fare Policy, compared to peers, ART transit is very inexpensive. Sixty-seven percent of peer average for a single trip. City Council should consider raising the fare to \$1.5, day-pass to \$4 and monthly pass to \$35-40 if it wants to be comparable to peers.

Regarding the Fare Free Weekend Pilot Program, we don't want to overburden the transit system (ART saw 58% increase in ridership last Pilot Program). They will collect data on impacts of the Pilot Program.

He then explained the facility analysis. Increasing vehicle fleet means a new facility will be required for storage and maintenance - approximately 8-10 acres.

Mr. Mathis then reviewed the budget. Immediate funding needs will require (1) for Fiscal Year 2020, Operations Budget increase - \$2.5 Million; (2) For Fiscal Year 2019-20 Facility Study - \$18,000 local match; and (3) for Fiscal Year 2021, \$10 Million maintenance facility local match. Using a chart, he outlined the Fiscal Year 2019 - 2029 transit operations budget projects, including the year, revenue hours, total estimated cost, and increase from the Fiscal Year 2019 budget.

Mr. Mathis and Mr. Willits responded to various questions/comments from Council, some being, but are not limited to: what is the usefulness of a new facility and what is it's timeframe for the design-build; is the local funding match of \$10 Million a conservative estimate; will the potential growth of our system included in maintenance facility expansion study; confirmation that the maintenance facility expansion study was not budgeted in the Fiscal Year 2019-20 budget; what is the timeline for any grant opportunities to fund the expansion study; how did the state budget affect transit funding for the City; is the maintenance facility identified in our capital improvement program; are there any funds in the capital reserve that can be used for a maintenance facility; and explain the analysis of the fare free transit pilot program for the weekends.

Councilwoman Mayfield was in favor of using some of the funds not used from a study associated with the Fire Department to be used to fund the maintenance facility expansion study.

Acting City Manager Ball was confident we will be able to find the \$18,000 match. The matter will go to the Finance Committee and then to Council for a budget amendment.

Councilman Young asked that when the pilot program is implemented that Council be updated quarterly on the ridership data.

Acting City Manager Ball said that we believe there is a strong connection between health and their access to transportation. We will be moving ahead with an eye towards funding locally, potentially through the new Mission Foundation as the ability to have this transit system grow.

Ms. Sabrah n'haRaven, member of the Transit Committee, the Transit Master Plan Steering Committee, and the Better Buses Together core team, urged Council to not only adopt the Transit Master Plan but commit to funding it over the next few years. The Year 1 recommendations in the Transit Master Plan are also not about giving us a great or even a good system. They're about giving us the bare essentials of a system that actually functions well enough for people to use it. She would like to see the timeline moved up for the half-hour service on Hendersonville Road and the service to Enka-Candler.

Mr. Francisco Diaz, representing Youth Empowered Solutions, in partnership with Just Economic, spoke about the benefits of the Transit Master Plan for youth and the benefits associated with the Plan. He also supported expanding to areas like Woodfin, Weaverville and A.C. Reynolds.

Ms. Cindy Oak, representing Family to Family in the Reynolds District of Buncombe County Schools, supported the Transit Master Plan that outlines a deviated fixed route or flex service along Highway 74 from the City limits at River Ridge Shopping Center to the Reynolds campus.

A representative of Just Economics and Beloved Asheville supports the Transit Master Plan.

Ms. Vicki Meath, representing Just Economic, and Rev. Amy Cantrell spoke in support of the Transit Master Plan and urged the Council to prioritize funding for the Plan.

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 for the adoption of Resolution No. 18-187. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

#### **RESOLUTION BOOK NO. 40 – PAGE 38**

**B. RESOLUTION NO. 18-188 - RESOLUTION TO RECOMMIT \$1 MILLION TO A LOCAL COMMUNITY LAND TRUST, RECOGNIZE THE FORMATION OF THE ASHEVILLE BUNCOMBE COMMUNITY LAND TRUST AND PROVIDE A LETTER OF SUPPORT FOR THE ASHEVILLE BUNCOMBE COMMUNITY LAND TRUST SHOWCASING OUR CONTINUED STAFF SUPPORT AND THE EFFORTS OF THE ABCLT IN ACHIEVING ITS 501 (C) (3) TAX-EXEMPT STATUS**

Housing Development Specialist Paul D'Angelo said that this is the consideration of a resolution to recommit one million dollars to a local Community Land Trust, recognize the formation of the Asheville Buncombe Community Land Trust (ABCLT) and provide a letter of

support for the ABCLT showcasing our continued staff support and the efforts of the ABCLT in achieving its 501 (c) (3) tax-exempt status.

The City of Asheville currently has \$1 Million of affordable housing bond funds allocated to a community land trust, should one be formed. Over the past 14 months, city staff and community members have participated in educational forums and received technical assistance from Burlington Associates in Community Development to determine the feasibility of a community land trust in Asheville and Buncombe County. A steering committee was formed and has been meeting almost weekly since January to work on this assessment. The steering committee determined it best to create a single community land trust entity that could target specific neighborhoods – particularly predominantly African American neighborhoods that are facing gentrification-driven displacement – in Asheville as well as respond to affordable housing opportunities that may present themselves elsewhere in Asheville and throughout Buncombe County. As with other community land trust organizations operating across the country, this new CLT, to be called the Asheville-Buncombe Community Land Trust, will commit itself to figuring out – through consultation, representative governance, and ongoing communication and regular and frequent interaction with local residents and nonprofit organizations – how to build as much local ownership and accountability as possible in the neighborhoods in which the CLT would operate.

On Monday, June 11, 2018, a formal Board was appointed to oversee the ABCLT. Articles of incorporation have also been filed for this new entity.

On Monday, July 9, 2018, the Board elected the following officers:

- Dewana Little - Chair
- Libby Kyles - Vice Chair
- Rosanna Mulcahy - Treasurer
- C. Nicole Hinebaugh - Secretary

Also on the 9th, the ABCLT reviewed by-laws to be voted on in August and will be meeting with the Durham Community Land Trustees later this month for a training.

Pro:

Community Land Trusts are a recognized best practice for preserving and creating long-term affordable homeownership opportunities.

Con:

Budget constraints limit the availability and use of funds; the Asheville-Buncombe CLT will also need to find additional sources of revenue for operations.

Affordable housing bond funds are in existing budget. Existing resources can also be used for additional technical assistance.

The HCD Committee recommended at their June meeting that City Council recommit their support of the \$1 Million in affordable housing bond funds for a local CLT, recognize the formation of the ABCLT and provide a letter of support for the ABCLT in their efforts to achieve 501 (c) (3) tax-exempt status.

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

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

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-188. This motion was seconded by Councilman Young and carried unanimously.

**RESOLUTION BOOK NO. 40 – PAGE 39**

**C. BOARDS & COMMISSIONS**

Regarding the Board of Adjustment Alternate seat, the following individual applied for the vacancy: Ken Sherlin. It was the consensus of Council to re-advertise for the Alternate seat.

Regarding the appointment of Chair to the Civil Service Board, it was the consensus of Council to wait until the Board has appointed their fifth member.

Regarding the Board of Electrical Examiners layman seat, no one applied for the vacancy, therefore, it was the consensus of Council to re-advertise for the layman seat.

Regarding the Neighborhood Advisory Committee, the following individual applied for the vacancy: Karl Katterjohn. It was the consensus of Council to re-advertise for the vacancy.

Regarding the Noise Ordinance Appeals Board Alternate seat, no one applied for the vacancy, therefore, it was the consensus of Council to re-advertise for the Alternate seat.

Regarding the Tree Commission, the following individual applied for the vacancy: Martha Dyke. It was the consensus of Council to re-advertise for the vacant seat.

**RESOLUTION NO. 18-189 - RESOLUTION APPOINTING MEMBERS TO THE CITIZEN-POLICE ADVISORY COMMITTEE**

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

The terms of Carol Rogoff Hallstrom (North) and Larry Holt (Central) expired on June 30, 2017 (terms extended until their successors were appointed). In addition, Also, there is an unexpired term left by Sir Charles Gardner (resident of property owned by the Housing Authority) until June 30, 2019; and an unexpired term of Jayden Gurney (Housing Authority representative) until June 30, 2021.

The following individuals applied for the vacancy: Gretchen Gudites, Celeste Fletcher, Frederic G. Arnold, Jason Martin, S. Elizabeth Snyder, Blake Marcus and Jerry Kivitt.

It was the consensus of the Boards & Commissions Committee to appoint Blake Marcus (North), Jerry Kivitt (Central) and Gene Bell (Housing Authority representative). It was also the consensus of the Boards & Commissions Committee to re-advertise for the resident of the Housing Authority property.

Vice-Mayor Wisler moved to (1) appoint Blake Marcus (North) to fill the unexpired term of Ms. Hallstrom, term to expire June 30, 2020; (2) appoint Jerry Kivitt (Central) to serve the unexpired term of Mr. Holt, term to expire June 30, 2020; and (3) appoint Gene Bell (Housing Authority representative) to serve the unexpired term of Mr. Gurney, term to expire June 30, 2021. All appointments are until their successors have been appointed. This motion was seconded by Councilman Young and carried unanimously.

**RESOLUTION BOOK NO. 40 - PAGE 40**

**RESOLUTION NO. 18-190 - RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION**

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

The terms of Joel Storrow and Chris Bubenik expired on June 30, 2018. In addition Joe Green has resigned, thus leaving an unexpired term until June 30, 2019.

The following individuals applied for the vacancy: Shelia Surrett, Kimberly Hunter, Kyle Smith and Bill Jones.

It was the consensus of the Boards & Commissions Committee to appoint Kimberly Hunter, Kyle Smith and Bill Jones.

Vice-Mayor Wisler moved to (1) appoint Bill Jones to serve the unexpired term of Mr. Greene, term to expire June 30, 2019; and (2) appoint Kimberly Hunter and Kyle Smith to each serve a three-year term respectfully, terms to expire June 30, 2021, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

**RESOLUTION BOOK NO. 40 - PAGE 41**

**RESOLUTION NO. 18-191 - RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE**

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

Mr. John Rakes has resigned, thus leaving an unexpired term until November 1, 2019. In addition, Ms. Whitney Lott also resigned, thus leaving an unexpired term until November 1, 2021.

The following individuals applied for the vacancy: Timothy Moser, Bill Robinson, Michael Carlebach, Roberto L. Hess, Thomas Cash, Tamarie Macon, Donna Ball, Tim McElyea and Joell Steininger.

Vice-Mayor Wisler moved to (1) appoint Donna Ball to serve the unexpired term of Mr. Rakes, term to expire November 1, 2019, or until her successor has been appointed; and (2) appoint Joell Steininger to serve the unexpired term of Ms. Lott, term to expire November 1, 2021, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

**RESOLUTION BOOK NO. 40 - PAGE**

**RESOLUTION NO. 18-192 - RESOLUTION APPOINTING MEMBERS TO THE I-26 CONNECTOR PROJECT AESTHETICS COMMITTEE**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the I-26 Connector Project Aesthetics Committee.

City Council established the ad hoc committee of the I-26 Connector Project Aesthetics Committee on April 24, 2018, to gather information and ideas about treatments that would make the project a cohesive and integrated part of Asheville. It is anticipated that the Committee would serve for about one year and complete their tasks before the final Environmental Impact Statement is released.

The following individuals applied for the vacancy: Woodard Farmer, Joe Minicozzi, Michael Adams, Billy Cooper, David Nutter, Michael Zukoski, Tal Dgani and Ted Figura.

It was the consensus of the Boards & Commissions Committee to appoint Woodard Farmer, Joe Minicozzi, Michael Adams, David Nutter, Michael Zukoski and Ted Figura.

Vice-Mayor Wisler moved to appoint Woodward Farmer, Joe Minicozzi, Michael Adams, David Nutter, Tak Dgani, Michael Zukoski and Ted Figura to each serve until their tasks are complete and before the final Environmental Impact Statement is released. This motion was seconded by Councilman Haynes and carried unanimously.

**RESOLUTION BOOK NO. 40 - PAGE 43**

**RESOLUTION NO. 18-193 - RESOLUTION APPOINTING MEMBERS TO THE MULTI-MODAL TRANSPORTATION COMMISSION**

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

Ms. Billie Lofland (representing bike/ped interests) resigned leaving an unexpired term until July 1, 2018.

The following individuals applied for the vacancy: Helen Hyatt, Han Winogron, Keaton Edwards, Carson Dellinger, Tina Wexler, Andrew S. Kirby, Ritchie Rozzelle, Dennis Wencel, Pat Katz, Rachele Sorensen-Cox and Kenneth Armstrong.

It was the consensus of the Boards & Commissions Committee to appoint Rachele Sorensen-Cox.

Vice-Mayor Wisler moved to appoint Rachele Sorensen-Cox to serve the unexpired term of Billie Lofland, term to expire July 1, 2021, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

**RESOLUTION BOOK NO. 40 - PAGE 44**

**RESOLUTION NO. 18-194 - RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION**

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

The terms of Tony Hauser and Guillermo Rodriguez expire on August 13, 2018.

The following individuals applied for the vacancy: Nick Hinton, Carter B. Webb, Robert Carroll, Paul Harkrider, Jesse James, Byron Greiner, Jeffrey Vanderlip and Suzanne Godsey.

It was the consensus of the Boards & Commissions Committee to reappoint Tony Hauser and Guillermo Rodriguez.

Vice-Mayor Wisler moved to reappoint Tony Hauser and Guillermo Rodriguez to each serve an additional three-year term, terms to expire August 14, 2021, or until their successors have been appointed. This motion was seconded by Councilman Kapoor and carried unanimously.

**RESOLUTION BOOK NO. 40 - PAGE 45**

**RESOLUTION NO. 18-195 - RESOLUTION APPOINTING MEMBERS TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Buncombe County Tourism Development Authority.

The terms of Himanshu Karvir and John Lockett (seats of an owner or operator of a hotel, motel, bed and breakfast, or vacation rental management company with more than 100 rental units) expire on August 31, 2018.

The following individuals applied for the vacancy: Ken Stamps, Jennifer Lauzon, Jessica Tomasin, Elizabeth Liddell Button, Patrick Ryan Conant, Peter Pollay and Christina Bailey. However, none of the applicants fill the specific need required for this seat.

It was the consensus of the Boards & Commissions Committee to reappoint Himanshu Karvir and John Lockett.

Vice-Mayor Wisler moved to reappoint Himanshu Karvir and John Lockett (both representing an owner or operator of a hotel, motel, bed and breakfast, or vacation rental management company with more than 100 rental units) to each serve an additional three-year term, terms to expire August 31, 2021, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

**RESOLUTION BOOK NO. 40 - PAGE 46**

**RESOLUTION NO. 18-196 - RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD**

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

Ms. Lauren Weldishofer has resigned, thus leaving an unexpired term until June 30, 2020.

It was the consensus of the Boards & Commissions Committee to appoint April Suttles

Vice-Mayor Wisler moved to appoint April Suttles to the unexpired term of Ms. Weldishofer, term to expire June 30, 2020, or until until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

**RESOLUTION BOOK NO. 40 - PAGE 47**

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

Mr. Steve Foster, representing the Council of Independent Business Owners Budget Committee, spoke to Council about infrastructure items including police funding; improvements to stormwater and street maintenance, and the transit system. They urge Council to take advantage of the unprecedented growth in the City and focus resources on core infrastructure needs.

Ms. Libby Kyles, Executive Director of YTL Training Programs, submitted a proposal to Council for the use of the Stephens Lee Recreation Center. In an effort to reverse the downward spiral of our youth of color, she proposed the use of the Stephens Lee space to do the following:



(1) Create programming for youth that focuses on working through trauma; (2) Create and deliver programming for youth and their parents; (3) Explore recreation beyond basketball and football; (4) Provide community programming that explores healing the hurts that have been caused by urban renewal and gentrification; and (5) Provide space for multiple non profits that service communities of color. They request a 10-15 year lease agreement for \$1 per year; a commitment from the City to reimagine and reinvest public spaces; and a financial commitment from the City to support programming aimed not only at closing the achievement gap, but rejuvenating programming that is affordable and provides varied opportunities for youth of color living in low income neighborhoods. Executive Director of the Housing Authority of the City of Asheville Gene Bell stated that they have 22 African American males that have pledged to help Ms. Lyles, as far as coverage in any facility (primarily Stephens Lee), to help her to make sure it's a safe environment for her programs. At the request of Council, Acting City Manager Ball said that she will work with City staff, the Recreation Board, Ms. Lyles, Stephens Lee Alumni, East End Community and other stakeholders presently using Stephens Lee, and others, to provide Council an update at their August 28 meeting with an overview of the current users of the building, the demographics of those users, staffing of Stephens Lee, and Conditions Facilities Report; along with 2-3 processes available to Council in making any decision.

Mr. Max Swicegood, representing the Council of Independent Business Owners, read a resolution in support of City of Asheville Police. The Council of Independent Business Owners publicly acknowledges their support for the commitment and sacrifice made by each and every member of the City of Asheville police force.

Ms. Elizabeth Schell, downtown business owner; Ms. Delores Venable, representing Asheville Black Lives Matter, and Rev. Amy Cantrell were disturbed about the Asheville Police Department surveillance of community activists.

Ms. Amy Worthen and Mr. Reid Thompson encouraged Council to proceed with the proposal by Ms. Libby Lyles for the re-use of Stephens Lee.

Mr. Rondell Lance, President of the Fraternal Order of Police, supported Police Chief Tammy Hooper and explained the difference between police surveillance and monitoring.

Mr. Michael Carter was concerned about the lack of competency in reporting by the Asheville Police Department.

### **Results of the June 25, 2018, Civil Service Board Employee Elections**

One copy of the results of the Civil Service Board employee election held on June 25, 2018, is to be filed with the City Manager and one with the City Clerk, who shall present such certification to the City Council at its next regular meeting. The Board of Canvassers provided the following certified certificate on June 26, 2018: We do hereby certify, having opened, canvassed, and determined the original returns of the Civil Service Board employee election, the results of the Civil Service Board Employee Election held on June 25, 2018, noting the name of each person voted for and the number of votes cast for each person as follows: Marvin Rosen - 146; and Ronald Reginald King - 44.

### **Closed Session**

At 7:54 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S.

143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the following parties: City of Asheville v. T&T Enterprises, et al.; and City of Asheville v. Parkway Court, LLC. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3); and (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). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 8:51 p.m., Councilman Kapoor to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 8:51 p.m.

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CITY CLERK

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MAYOR