

Tuesday – September 11, 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:

A. PROCLAMATION PROCLAIMING SEPTEMBER 9-15, 2018, AS “SUICIDE PREVENTION WEEK”

Councilman Kapoor read the proclamation proclaiming September 9-15, 2018 as "Suicide Prevention Week" in the City of Asheville. He presented the proclamation to Ms. Nichole Rickard and possibly Betsy Rhodes (Area Director for the N.C. Chapter of the American Foundation for Suicide Prevention, who briefed City Council on some activities taking place during the week.

B. PROCLAMATION PROCLAIMING SEPTEMBER 12-14, 2018, AS “GREEN BOND PLEDGE DAYS”

Councilwoman Mayfield read the proclamation proclaiming September 12-14, 2018 as "Green Bond Pledge Days" in the City of Asheville. She presented the proclamation to Ms. Megan Robinson and Josh Dorfman from the Collider, who briefed City Council on some activities taking place during the days.

C. PROCLAMATION PROCLAIMING SEPTEMBER 21, 2018, AS “INTERNATIONAL DAY OF PEACE”

Councilwoman Smith read the proclamation proclaiming September 21, 2018 as "International Day of Peace" in the City of Asheville. She presented the proclamation to Ms. Rachel Bliss and Dr. Ellie Halsey, who briefed City Council on some activities taking place during that day.

CONSENT AGENDA:

At the request of Mayor Manheimer asked that Consent Agenda “L” (Resolution Appointing Sabrina Rockoff as Interim City Attorney) be added to the Consent Agenda.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 28, 2018

B. MOTION TO ADOPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR THE CONSTRUCTION OF A NEW TELECOMMUNICATIONS TOWER AT 1256 HENDERSONVILLE ROAD

C. RESOLUTION NO. 18-231 - RESOLUTION ACCEPTING WILLIS WAY ALLEY FROM RAMOTH ROAD TO NORWOOD AVENUE AS A CITY STREET

Summary: The consideration of a resolution to accept Willis Way Alley from Ramoth Road to Norwood Avenue as a City street.

Willis Way Alley from Ramoth Road to Norwood Avenue has existed for many years serving several residential properties (the original plat is dated June 1915). Unfortunately, there has been confusion regarding the street being city-maintained or privately-maintained. Since the Water Department needed to make some repairs to their water lines along this street which would require an asphalt overlay, the decision was made during November 2017 that staff would move forward with a recommendation to City Council to officially accept the street as a city-maintained street once all of the work was completed and inspected. All of the work is now completed.

Willis Way Alley from Ramoth Road to Norwood Avenue has an average width of 11 feet with unpaved shoulders, a length of 0.19 mile, and a right-of-way width of 15 feet.

Transportation Department staff, Fire Department staff, Planning Department staff, and Public Works Department staff inspected the subject street and determined that it was constructed according to current standards as indicated in the City of Asheville's Standard Specifications and Details Manual with the exception of the pavement width.

Following City Council's approval of this resolution, the subject street will be added to the official Powell Bill List. In this specific case, the City of Asheville will not receive Powell Bill Funds from the North Carolina Department of Transportation since the average pavement width is less than 16 feet.

Pro:

- The street provides access to several residential properties.

Con:

- The City of Asheville will **not** receive Powell Bill Funds from the N.C. Dept. of Transportation (NCDOT) to help maintain the street.

There will be no initial financial impact to the City, although the responsibility of maintenance will belong to the Public Works Department.

Staff recommends that City Council accept Willis Way Alley from Ramoth Road to Norwood Avenue as a City street.

RESOLUTION BOOK NO. 40 - PAGE 100

D. RESOLUTION NO. 18-232 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH RESTOCON TO COMPLETE REPAIRS IN THE CIVIC CENTER GARAGE

Summary: The consideration of a resolution authorizing the City Manager to sign a contract with RESTOCON to complete repairs in the Civic Center Garage.

The four City owned parking garages are valuable assets that generate millions of dollars of revenue for the City each year. The garages range from 42 years old for the Civic Center Garage to six years old for the Biltmore Avenue Garage. Wall Street and Rankin Avenue

garages are 30 years old. Like any building, they age, and must be periodically evaluated, and if necessary, repaired, to ensure the safety of the building and the users thereof.

Parking Services Division systemically contracts with structural engineers, specializing in parking garages, to evaluate the garages and to propose needed repairs or upgrades. The cycle starts with the largest garage, Civic Center, then on to the smaller garages Rankin Avenue and Wall Street. By stretching them out, we ensure the maximum number of parking spaces remain available to the public. The last cycle ended in 2010. The current cycle started in 2017.

In late 2016 the City entered into a contract with the engineering firm Walter P. Moore to evaluate the Civic Center Garage and prepare a detailed report on the condition of the facility. And, to propose a plan to keep the facility in good operating condition for up to the next 30 years. In late summer of 2017 they presented their recommended 30 maintenance year plan to keep this facility operational. The plan identified and recommended High Priority, Medium Priority, Low Priority, and Enhancements. City staff identified the needed repairs and directed the engineering firm to prepare the specifications, drawings, and request for bids documents.

In early March 2018, the City published a Request for Bids to complete the necessary repairs in the garage. Since only one bid was submitted, staff had to republish the request which was accomplished in late April 2018. Two bids were received with RESTOCON Corporation submitting the lowest bid of \$274K. Repairs will include stairwell repair/replacement, door frame repair/replacement, concrete deck repairs, post tension anchor repair/replacement, column repairs, light pole replacement, and painting of surfaces.

Pros:

- Updates and improves a 42-year old structure ensuring continued safe use of the facility.
- Improves lighting on the top of the structure.
- Enhancement efforts will improve the aesthetics of the interior and exterior of the facility.

Cons:

- Customer disruption and inconvenience during the work period.
- Will cost \$274K plus possible contingencies.

The budget for this project is already included in the Parking Services' Capital Fund.

City staff recommends that City Council adopt a resolution authorizing the City Manager to enter in a contract with RESTOCON Corporation in an amount not to exceed \$300,000.00 (bid amount plus contingency) for restoration and repairs of the Civic Center Garage.

RESOLUTION BOOK NO. 40 - PAGE 102

E. RESOLUTION NO. 18-233 - RESOLUTION AUTHORIZING THE CITY MANAGER EXECUTE A CONTRACT WITH AZTECA SYSTEMS, LLC FOR A CONTRACT FOR ENTERPRISE ASSET MANAGEMENT SOFTWARE LICENSE, MAINTENANCE AND SUPPORT

Summary: The consideration of a resolution authorizing the City Manager to execute an agreement with Azteca Systems, LLC for an upgraded asset management software license, maintenance and support, with the understanding that funding is project specific and subject to the annual appropriation of funds.

The City is seeking to upgrade the current license agreement for the estimated total amount of \$60,000 annually. The City currently has a utility-based license agreement with Azteca Systems, LLC for enterprise asset management software license, maintenance, and support for

use by the Water Resources Department in the amount of \$20,000 annually. Staff recommends upgrading to an enterprise-wide agreement in order to expand the use of this software to allow for collaboration with the Public Works Department and any additional departments in the future. The additional cost for this expansion is \$40,000 annually. Asset management software typically has a lifespan of ten or more years. During this time period, annual maintenance renewals will be needed for software maintenance and support, software enhancements on ongoing fixes. The Public Works Department is entering into a separate contract with Timmons Group for implementation of this software.

Pros:

- The City has been using Azteca/Cityworks since March of 2018 and staff is familiar with its strengths, limitations, and support process.
- Allows for increased collaboration among WRD and PWD initially, and among additional departments when ready, streamlining inter-department workflows and sharing costs.
- Continues software license, maintenance and support services including software enhancements and ongoing fixes.

Con:

- Staff time and financial support will be needed for success.

The software license upgrade is funded by the Public Works Department, and funding is currently allocated within the Public Works General Fund, Stormwater Enterprise Fund, and Street Cut Enterprise Fund. The funding needed for the annual agreement is shared by user departments, and is currently allocated within the Water Resources Department Enterprise Fund, Public Works General Fund, Stormwater Enterprise Fund, and Street Cut Enterprise Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into an enterprise-wide agreement with Azteca Systems, LLC on behalf of the City of Asheville for the purpose of providing an enterprise license agreement contract for asset management software, maintenance and support in the amount of \$60,000 per year for City-wide use. Further, the City Manager is authorized to execute annual maintenance renewals as needed by City departments for an amount not to exceed the City's approved budget, for those departments, for each applicable fiscal year period.

RESOLUTION BOOK NO. 40 - PAGE 103

F. RESOLUTION NO. 18-234 - RESOLUTION AUTHORIZING THE CITY MANAGER EXECUTE A GENERAL SERVICES AGREEMENT WITH TIMMONS GROUP FOR THE PUBLIC WORKS ASSET MANAGEMENT PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a general services agreement with Timmons Group for the Public Works Asset Management Project for the proposal amount of \$199,100 plus a 15.5% contingency of \$30,900 for a total project budget of \$230,000.

The scope of work for this Project includes, but is not limited to: consultation, data conversion, customization, licensing, training, integrations, and software support required for the expanded use of Cityworks-Azteca Server Asset Management System (AMS). This software will replace the Public Works Department's (PWD) existing, outdated Munis Work Order System, expand mobile system use, and allow for better system integration with the department's Geographic Information System (GIS) database and software. The new Cityworks-Azteca AMS will provide a powerful tool for asset management, customer service, and work order management, as well as increase accuracy and efficiency, and improve our ability to better communicate across the organization and with the public regarding our infrastructure assets.

On July 1, 2016, the Water Resources Department (WRD) issued a Request for Proposals (RFP) for the WRD's Enterprise Asset Management Project, which included City-wide asset management needs. In response to the RFP, eight proposals were received on August 1, 2016, followed by an extensive review of the proposals by City Staff of various departments, including reference checks and on-site demonstrations. After this extensive review, Timmons Group was selected. WRD was the first to engage with specific services for their department under a general services agreement with Timmons Group which was approved by City Council on February 14, 2017 in Resolution No. 17-31. The PWD desires to execute an agreement to expand the City-wide Project scope in order to include similar services for Public Works. The contract allows the PWD to partner with the WRD in sharing costs and increasing collaboration as PWD seeks to emulate WRD's success in using asset management technology to modernize business operations. Future contracting phases may be needed to support additional departments, groups or tasks, to continue to expand the use of asset management technology. The City is entering into a separate contract with Azteca for the software.

Pros:

- This Project will replace the existing, outdated work order system, expand mobile system use, and allow other systems (i.e. GIS) to interface more easily with the software.
- This Project will improve communication across the organization and with the public.
- This Project will increase accuracy and efficiency in asset management, customer service, and work order management.

Con:

- Staff time and financial support will be needed for Project success.

All of the funding needed for the Public Works Asset Management Project is currently allocated within the Public Works General Fund, Stormwater Enterprise Fund, and Street Cut Enterprise Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a general services agreement with Timmons Group for the Public Works Asset Management Project for the amount of \$199,100 and to enter into change orders or contract amendments to their agreement for an additional 15.5% (contingency) of the agreement amount or \$30,900, for a total project budget of \$230,000.

RESOLUTION BOOK NO. 40 - PAGE 104

G. RESOLUTION NO. 18-235 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ADW ARCHITECTS FOR THE ARCHITECTURAL AND ENGINEERING SERVICES TO CONSTRUCT FIRE STATION #13

Summary: The consideration of a resolution authorizing the City Manager to enter into a professional services contract with ADW Architects for the architectural and engineering services necessary to plan, design, and construct Fire Station #13.

Fire Station #13, which was authorized in the Capital Improvement Program (CIP), will be located on land that was purchased on Broadway in 2014. During its December 13, 2016 meeting the Finance Committee received a briefing on the project which included project status, timeline, and future station staffing and operational needs. In response to the Request for Qualifications, the following six firms submitted packages:

Zapata (Charlotte, NC)	Stewart-Cooper-Newell (Gastonia, NC)
ADW Architects (Charlotte, NC)	Mathews Architecture (Asheville, NC)
DP3 Architects (Greenville, SC)	CBSA Architects (Hickory, NC)

In reviewing submittals, an inter-departmental team utilized a scoring matrix to assess the qualifications. Three firms scored high enough to be short-listed for on-site interviews, including Zapata, ADW Architects, and Stewart-Cooper-Newell. The professional team led by ADW Architects is well-qualified in all required disciplines, with specific experience in fire station design. Scoring by the review team indicated ADW Architects as the highest-rated offeror.

Contract negotiations were undertaken with ADW, and the proposed contract is being structured so that the City must issue a Notice to Proceed (NTP) through each phase of the project before the Architect can proceed from one phase to the next. Cost estimates will be provided at each design phase so the City can assess the overall project budget before moving to the next step.

The value of the primary architectural & engineering service work is \$366,801. In addition, there is a cost of \$89,782 for the specialized design & related tasks needed to achieve LEED Gold Certification as required by Council Resolution 07-91. Therefore, the total proposed contract value is \$456,583.

Pros:

- Allows design work to proceed on the Fire Station #13 project authorized in the CIP;
- Multi-disciplinary team includes architecture, engineering, interior design, LEED, and other professional disciplines needed to take this project from start to finish; and
- Flexible delivery of services that will allow the City to authorize work on a phase-by-phase basis that provides cost estimates and decision support at each step.

Con:

- None identified.

Project funding was approved by City Council in the Capital Improvement Program (CIP Project F1401), and the proposed expenditures are within the existing budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to enter into a professional services contract with ADW Architects for the architectural & engineering services needed to design and support construction of Fire Station #13.

RESOLUTION BOOK NO. 40 - PAGE 105

H. RESOLUTION NO. 18-236 - RESOLUTION ACCEPTING MCKINLEY AVENUE AS A CITY STREET

Summary: The consideration of a resolution to accept McKinley Avenue as a City street.

Asheville Area Habitat for Humanity has recently completed a 10-unit single-family residential community that is served by McKinley Avenue in the Shiloh Community and is offering this street for dedication to the City for public use.

McKinley Avenue from Taft Avenue to its dead-end is a developer-constructed street that has an average width of 20 feet with valley curb, a length of 0.09 mile, and a variable right-of-way width of 30 to 40 feet. In addition, street lights are in place along the entire length of the street.

Transportation Department staff, Fire Department staff, Planning Department staff, and Public Works Department staff inspected the subject street and determined that it was constructed according to current standards as indicated in the City of Asheville’s Standard Specifications and Details Manual.

Following City Council’s approval of this resolution, the subject street will be added to the official Powell Bill List.

Pros:

- The City of Asheville will receive Powell Bill Funds from the North Carolina Department of Transportation (NCDOT) to help maintain the street.
- The street provides access to residential properties.

Con:

- Powell Bill Funds will not cover 100% of the total cost to maintain the street.

There will be no initial financial impact to the City, although the responsibility of maintenance will belong to the Public Works Department. The City will receive Powell Bill Funds in the future to help maintain the street.

Staff recommends that City Council accept McKinley Avenue as a City street.

RESOLUTION BOOK NO. 40 - PAGE 106

I. RESOLUTION NO. 18-237 - RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE EXCESS LIABILITY AND WORKERS’ COMPENSATION AND DAM INSURANCE POLICIES FOR SEPTEMBER 1, 2018, THROUGH AUGUST 31, 2019

Summary: The consideration of a resolution authorizing the City Manager to purchase excess Liability and Workers’ Compensation and Dam insurance policies for September 1, 2018 through August 31, 2019.

Since 1993, the City of Asheville (City) has administered a self-funded insurance claims program. The self-funded program has provided significant savings in the overall cost of risk management for the City. The City Risk Management Division ensures provision of insurance and funding reserves to resolve liability and workers’ compensation claims. The following proposed excess insurance policies protect the City from liability claims exceeding \$500,000 and workers’ compensation claims exceeding \$600,000. The policies provide a stop-loss value for the City should compensable claims exceed the aforementioned amounts.

Line of Insurance	Coverage Limit	Deductible	Premium
Excess Liability (Primary)	\$5,000,000	\$500,000	\$314,795
Excess Liability (Umbrella)	\$10,000,000	Primary Deductible	\$134,567
Dams	\$15,000,000	\$500,000	\$190,890
Workers’ Compensation	Statutory (No Limit)	\$600,000	\$234,681

Pro:

- Procuring insurance financially protects the City from losses exceeding \$500,000 for liability claims and \$600,000 for workers' compensation claims.

Con:

- None. The City's self-insured claims programs and excess insurance policies are sound financial and strategic risk management techniques.

The excess liability layered premium costs are \$314,795 and \$134,567. The dam insurance premium costs \$190,890. The excess workers' compensation premium cost is \$234,681. All premiums are included in the adopted FY19 budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to purchase excess liability and workers' compensation and dam insurance policies.

RESOLUTION BOOK NO. 40 - PAGE 108

J. RESOLUTION NO. 18-238 - RESOLUTION RESCINDING APPOINTMENT TO CIVIL SERVICE BOARD AND AUTHORIZING THE POSTING OF NOTICE SOLICITING NEW APPLICANTS

Summary: The City Council has authority to appoint two members of the five members of the Civil Service Board pursuant to 2009 N.C. Sess. Laws ch. 401, § 2(a) ("the Civil Service Act"). The Civil Service Act provides that such appointees "shall serve at the pleasure of the Council." On June 28, 2017, the City Council approved Resolution No. 17-90 appointing Mr. Alan Escovitz to the Civil Service Board until May 21, 2019. The City Council wishes to appoint a new member to the Civil Service Board in lieu of Mr. Escovitz. Therefore, (1) Resolution No. 17-90, appointing Mr. Alan Escovitz, 102 Macon Avenue, Asheville, NC, to the Civil Service Board, is hereby rescinded; and (2) the City Clerk is hereby authorized to post notice soliciting applications for appointment to the Civil Service Board to fill the remainder of Mr. Escovitz' term.

RESOLUTION BOOK NO. 40 - PAGE 109

K. RESOLUTION NO. 18-243 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MCGUIRE, WOOD & BISSETTE FOR LEGAL SERVICES AT AN HOURLY RATE, WITH CONTRACT NOT TO EXCEED 200,000

T Summary: The consideration of a resolution authorizing the City Manager to sign a contract with McGuire Wood & Bissette for legal services at an hourly rate, with contract not to exceed \$200,000.

With the resignation on the City Attorney, Deputy City Attorney and Assistant City Attorney, the City is in need of general legal services until these positions are filled. Sabrina Rockoff, with McGuire Wood & Bissette has been working with the City on legal matters for the past several years.

Sabrina Rockoff has agreed to maintain office hours in City Hall and service as the Interim City Attorney until a new City Attorney is hired. Peter Kanipe, in addition to other staff with McGuire, Wood & Bissette will be assisting as needed. In no case will any attorney with McGuire Wood & Bissette advise staff on matters where there is a potential for a conflict of interest.

Pros:

- Provides much needed resources to the City during this interim period.
- Ms. Rockoff has been working for the City for several years and is representing the City in current matters.

Con:

- None identified.

The funding for these services will be realized from salary savings from vacant positions.

City staff recommends that City Council adopt a resolution authorizing the City Manager to sign a contract with McGuire Wood & Bisette for legal services at an hourly rate, with contract not to exceed \$200,000.

RESOLUTION BOOK NO. 40 - PAGE 135

L. RESOLUTION NO. 18-244 - RESOLUTION APPOINTING SABRINA ROCKOFF AS INTERIM CITY ATTORNEY

Summary: Pursuant to N. C. Gen. Stat. sec. 160A-173, the City is required to have a city attorney to serve as legal adviser. Current City Attorney Robin Currin has resigned, effective September 27, 2018. With the resignation of Ms. Currin, the City is in need of an interim City Attorney until her position is filled. Sabrina Rockoff, with McGuire, Wood & Bisette, has agreed to maintain office hours in City Hall and serve as the Interim City Attorney until a new City Attorney is hired. Now, therefore, Ms. Sabrina Rockoff be and she is hereby appointed to the position as Interim City Attorney for the City of Asheville, effective 5:00 p.m. on September 27, 2018, until such time as the new City Attorney has been appointed; said appointment to be at the pleasure of the City Council and subject to all applicable law.

RESOLUTION BOOK NO. 40 - PAGE 136

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

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

Councilman Young moved for the adoption of the Consent Agenda, with the addition of Consent Agenda L. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. HURRICANE FLORENCE UPDATE

Interim Fire Chief Chris Budzinski provided a brief update to City Council on how the City of Asheville is preparing, and how the public should be preparing, for the upcoming anticipated Hurricane Florence. Key information includes (1) Hurricane Florence has strengthened and is a major hurricane; (2) indications that the storm may linger over the southeast through next weekend; (3) the forecast is subject to change; (4) impacts could be more significant if the track storm moves more westward; (5) greater impacts could be increased winds and especially heavy rain and flooding; and (6) we are expecting an increase in traffic and visitors due to coastal evacuations. He said the City of Asheville department status includes (1) departments are coordinating planning internally and with Buncombe County/NC Emergency Management to insure operational readiness; (2) staying connected and informed with local, state and federal partners; (3) working with the Community & Public Engagement Division for messaging; (4)

documenting all storm related activities (Hurricane Florence 2018); (5) preparing our workforce; and (6) currently, the Asheville Fire Department has been requested by NC Emergency Management to deploy or make preparations to deploy several resources to assist. He then reviewed with Council the City's Comprehensive Emergency Management Plan. Suggestions for resident preparations include (1) prepare their homes and family; (2) sign up for AVLAlerts; (3) download Ready NC app; and (4) follow City of Asheville and Asheville Fire Department on Twitter and other social media. Public Works Director Greg Shuler and Water Resources Director David Melton also explained how their respective departments are preparing.

B. UPDATE ON THE ASHEVILLE POLICE DEPARTMENT OPEN DATA

Assistant to the City Manager Jaime Matthews updated City Council on the Asheville Police Department (APD) Open Data requests. She said that three community meetings have been held, they have released traffic stop data and crime data; and the APD has created an Open Data web page. Datasets upgrades include (1) Citizen Complaint Data - final review by APD; (2) Use of Force Data - based on feedback from the community group, we are working on making the data more clear; (3) Emergency Calls - resolving issues to filter out records that have investigative holds; (4) Citation and Arrest Data - estimated release in mid-November; and (5) Demographics Information on all City Employees - working with Human Resources to determine how to release. Next steps include a follow-up meeting with community partners; continued work with APD and Information Technology Department to release remaining data; and continued work to validate and improve data sets that have been released.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER RENAMING A 500' PORTION OF RIVERSIDE DRIVE TO RIVER ARTS PLACE

RESOLUTION NO. 18-239 - RESOLUTION RENAMING A 500' PORTION OF RIVERSIDE DRIVE TO RIVER ARTS PLACE

E911 Addressing Coordinator Stuart Rohrbaugh said that this is the consideration of a resolution to rename a 500' portion of Riverside Drive to River Arts Place. This public hearing was advertised on August 31, 2018.

A portion of Riverside Drive is slated for realignment with major enhancements detailed in the River Arts District Transportation Improvement Plan (RADTIP). The realignment of streets and the construction of a new roundabout at the Lyman St intersection will reroute a newly constructed section of Riverside Drive to the west. It is the approximate 500' section remnant of existing Riverside Drive proposed to be renamed as River Arts Place. The street is currently a City maintained street. Changes to existing public street names shall be approved through a resolution of the City Council following a public hearing. Notice of the public hearing has been posted prominently on each end of the street, published at least once in a newspaper and mailed to all property owners adjoining the affected right-of-way. Several community groups and organizations located in and around this neighborhood have been involved and support the proposed renaming.

Buncombe County Emergency Services Department, Buncombe County Planning Department, City of Asheville Traffic Engineering Division, Asheville Police and Fire Departments have confirmed that River Arts Place will not duplicate another street name elsewhere in Buncombe County in away that would impair the delivery of municipal or emergency services. The Public Safety Committee reviewed the request at their July 2, 2018, meeting and recommended to change the name of a section of Riverside Drive to River Arts Place.

Pro:

- Potential emergency response enhanced with a specific unique street name.

Con:

- Cost and labor of replacing two street name signs.

Material, fabrication and installation costs of the new street signs is included in the Transportation Department annual operating budget.

City staff recommends City Council change the name of a section of Riverside Drive to River Arts Place.

Mayor Manheimer opened the public hearing at 5:29 p.m.

Ms. Pattiy Torno spoke in support of the renaming, stating that there is overwhelming support from of the other associations in the River Arts District as well. She asked for help from City staff when the transition occurs for the public to be able to locate the artists.

Mayor Manheimer closed the public hearing at 5:32 p.m.

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

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-239. This motion was seconded by Councilman Hayes and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 110

B. PUBLIC HEARING TO CONSIDER THE REZONING OF PROPERTY LOCATED AT 643 AND 99999 (FORMERLY 647) BREVARD ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO HIGHWAY BUSINESS DISTRICT (CHANGED OFFICIALLY TO COMMUNITY BUSINESS II DISTRICT)

ORDINANCE NO. 4699 - ORDINANCE TO REZONE PROPERTY LOCATED AT 643 AND 99999 (FORMERLY 647) BREVARD ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO COMMUNITY BUSINESS II DISTRICT

Mr. Robert W. Oast Jr., attorney for the applicant, said that the applicant has officially requested the rezoning be changed from Highway Business District to Community Business II District. .

Urban Designer David Hazzard said that this is the consideration of an ordinance to rezone 643 and 99999 (formerly 647) Brevard Road from RS-8 Residential Single-Family High Density District to Highway Business District (which applicant has requested it be changed to Community Business II District). This public hearing was advertised on August 17 and 24, 2018. On August 28, 2018, this public hearing was continued to this date at the request of the applicant.

Mr. Hazzard said that the applicant is requesting to rezone properties from Residential Single Family High Density District (RS8) to Community Business II District located at 643 and 99999 (formerly 647) Brevard Road. The properties are identified as PINS 9627-92-4999 and 9627-93-8189. Note that on 8-9-2018 these two parcels were recombined as per a condition of

the Planning and Zoning Commission approval. This recombination is recorded in Deed Book 5691, Page 858; however, as of the time of this report Buncombe County GIS has not been updated and so two property identification numbers (PIN) are referenced.

The parcel identified in Deed Book 5691, page 858 is zoned RS8, is approximately 5.23 acres, and currently has an existing structure that is vacant as per the applicant.

To the east is Brevard Road with adjacent parcels that are zoned RS8 and Office; some of these parcels are vacant, others contain residential single family structures and one appears to contain a dental office. Parcels to the north are zoned RS8 and some appear to contain residential single family structures while others are vacant. Parcels to the south are zoned RS8 and Commercial Industrial (CI) and some appear to contain residential single family structures while others are vacant. To the west is Hominy Creek and across the creek is a parcel zoned CI that contains Southern Concrete Materials.

The subject parcel is also located within a Manufactured Housing Community Overlay (MH-CO) and Manufactured Housing Overlay (MH-O) districts.

The city's Greenways Master Plan proposes the Hominy Creek Greenway to the west of the subject site and the Bent Creek Greenway to the east.

The applicant originally requested a standard rezoning of the two parcels to Commercial Industrial (CI); however, the request was amended to Highway Business (HB) at the Planning and Zoning Commission meeting on June 6, 2018. No specific development plans are proposed with this request. The applicant has now officially requested the rezoning be Community Business II District.

Two parcels located at 655 Brevard Rd. were rezoned from Office CZ to Office and RS8 on January 23, 2018, and the large 191 acre parcel of land located at 1568 Brevard Road (south of this site) was rezoned from CI to RM16 on November 28, 2017.

The Brevard Road corridor has been transitioning faster than zoning has kept up with. The subject parcels along with a number of the adjacent parcels are zoned RS8, which staff feels is no longer appropriate for this area. It is staff's opinion that the lots fronting on Brevard Road should be developed in a more mixed-use, higher density, pedestrian-friendly fashion as supported by City Council's goals and adopted plans.

Rezoning applications are reviewed by the Planning and Zoning Commission with final consideration by City Council. The Planning and Zoning Commission meeting was held on June 6, 2018, and the Commission voted 5-0 in favor of the rezoning. One resident spoke against the proposed rezoning. He had concerns about the compatibility with the existing single family residences adjacent to this parcel.

Living Asheville: A Comprehensive Plan for our Future, identifies this area as an Urban Corridor which are workhorse streets for transportation and commercial activity in Asheville and recommends redevelopment over time in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and access. The application was submitted when the Asheville Development Plan 2025 was in effect and similar goals were expressed with the redevelopment of corridors in a more mixed-use format over time.

This action does align with the 2036 Council Vision in the following areas (1) *A Well-Planned and Livable Community* - The proposed rezoning would allow for mixed-use developments; and (2) *Quality Affordable Housing* - The proposed rezoning would allow for

higher density residential which normally is associated with affordable housing.

Considerations:

- The CB II zoning district allows for a mix of uses that are consistent with existing city goals and plans for this area.
- The CB II zoning allows for use that are appropriate for this corridor.
- The CB II zoning requires a vegetated buffer when adjacent to residentially zoned properties.

Based on the above findings and the analysis provided in the report, staff recommends approval of the proposed rezoning to Community Business II District, finding that the request is reasonable and consistent with City-adopted plans and strategic goals for development in this area.

The Planning and Zoning Commission reviewed this request at their meeting on June 6, 2018, and voted 5-0 in support of the project.

Mr. Oast explained how the area is transitional and is close to Council's goals for this area. He asked for Council's support for the Community Business II District zoning.

Mayor Manheimer opened the public hearing at 5:42 p.m., and when no one spoke, she closed the public hearing at 5:42 p.m.

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

Vice-Mayor Wisler moved to approve the zoning map amendment from Residential Single Family High Density District (RS8) to Community Business II (CBII) and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in that: (1) The CBII district allows for use that are appropriate for this corridor, (2) The CBII district allows for higher density residential, and 3) Is compatible with current land uses and desired goals and future land uses as indicated in the new Comprehensive Plan. This motion was seconded by Councilman Haynes and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 210

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 18-240 - RESOLUTION APPROVING REVISIONS TO THE LAND USE INCENTIVE GRANT POLICY

Interim Community Development Director Jeff Staudinger said that this is the consideration of changes to the Land Use Incentive Grant Policy (LUIG), as recommended by the Housing and Community Development Committee. .

Upon review of changes recommended by the Affordable Housing Advisory Committee, and the results of staff polling of local developers, the HCD Committee is recommending the following amendments to the current LUIG:

1. Change language to emphasize "grant;"
2. Amend the current minimum period of affordable housing from 15 years to 20 years;

3. Adding a new section with a a 10 or 20 point incentive for units serving low-income households (60% AMI or less);
4. Allowing 5 points for projects on transit routes served by one hour frequency with plans for expanded services via Transit Master Plan, maintaining 10 points for those on twice-hourly frequency;
5. Expanding the definition of designated "Job Centers" to include Urban Centers as defined by the comprehensive plan and/or applicant making a case for large concentrations of employment within 1 mile radius - job calculations demonstrated by the applicant (a minimum threshold was not designated);
6. Including 20 points for permanent affordability (50 years or more);
7. Add 10 points for Brownfield Developments;
8. Give 20 points for downtown development; and,
9. Point system adjustment based on the changes above to a 200 point maximum (previously 140);
10. Require that applicant submit maps and documentation to demonstrate the location efficiency.

Pros:

- The proposed amendments will extend the period of affordability for a minimum of 20 years (as opposed to current policy minimum of 15 years).
- The proposed amendments recognize the benefit to the community of providing housing for those with low incomes, and creating significantly longer periods of affordability than the minimum requirements;
- The proposed amendments clarify and enhance the definition of locational efficiency;
- The proposed amendments extend the maximum term of the grant to 20 years.

Con:

- Some developers may feel that the minimum period of affordability is too long. However, staff notes that developers consulted about this did not generally object.

The proposed increase in the term of the grant could defer the net increase of City of Asheville property taxes for affordable housing developments for as much as 20 years.

Staff recommends that Council approve the proposed changes in the Land Use Incentive Grant Policy, as recommended by the Housing and Community Development Committee.

Mr. Staudinger said that he would bring Councilman Kapoor's recommendation (that overall net affordable housing units be more than they are the beginning) and Councilwoman Mayfield's recommendation (to use same language in the Housing Trust Fund regarding criteria and points around energy efficiency) to the Affordable Housing Advisory Committee for their thoughts.

Ms. Sabrah n'haRaven supported most of the revisions; however, she explained why she felt Council should reject the language awarding developers points for building within a ½ mile of a bus stop that only gets hourly service.

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. 18-240. This motion was seconded by Councilman Kapoor and carried unanimously.

B. RESOLUTION NO. 18-241 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE MOUNTAIN COMMUNITY CAPITAL FUND AND MANAGEMENT & TECHNICAL ASSISTANCE PROGRAM ALLOCATION OF SERVICES AND DUTIES AGREEMENT FOR THE ASSOCIATED DEPOSIT NOTE

Community & Economic Development Director Sam Powers said that this is the consideration of a resolution authorizing the City Manager to (1) execute the Mountain Community Capital Fund and Technical Assistance Program Allocation of Services and Duties Agreement (“Agreement”); (2) to release funds for the Deposit Note described in the agreement; and (3) to formalize an interim Steering Committee to launch implementation of the fund.

As part of Asheville City Council’s Strategic Operating Plan/Vision 2036 in the Thriving Local Economy focus area, City Council adopted a goal to develop and implement a Buncombe Community Capital loan program with an emphasis on minority business. The plan states, “A variety of economic tools is critical in building the ladder of social and economic mobility and sustainability of our community. There is a perceived gap in the existing business and service provider network regarding access to capital for small and minority business. The City can support a strong public-private partnership to help diversify our business ownership by participating in this initiative.”

Since the adoption of City Council’s Strategic Operating Plan, City staff has been working with three lending agencies — Mountain BizWorks, Self Help and the Carolina Small Business Development Center — and Buncombe County to design a program to help minority businesses gain access to funds to start or grow a business. The City and its partners worked with Trade Street Advisors, LLC, a financial services advisory group, to design the Mountain Community Capital Fund and Technical Assistance Program. Through this process, the City and its partners have designed the program’s governance and reporting requirements, legal documents, roles and responsibilities, and key services. These components are summarized in the Allocation of Services and Duties Agreement.

MCCF partners are now processing the agreement through their respective internal channels to gain final approval so that program implementation can begin. Once the agreement has been executed by all parties, partners will begin to market the fund and process loan applications.

As part of the MCCF partnership, each lender will provide quarterly reports with financial performance and data about their borrowers - including demographic, business and jobs information - to the City of Asheville Program Metrics Data Manager (Rosanna Mulcahy). Staff will provide a summary of these reports to the Finance Committee each quarter. The MCCF Operating Committee will make a report about overall performance to the Finance Committee on an annual basis.

The City Council Finance Committee approved this item at its meeting on August 28, 2018.

Pros:

- Provides the opportunity for the City to work with lenders that have experience in providing financing to small businesses in underserved areas and markets, and are committed to assisting the growth and development of small business enterprises, especially minority-owned enterprises
- Creates a partnership with Buncombe County to provide access to capital for small businesses by pooling funds to serve as collateral for loans

Con:

- This is a new program for the City of Asheville that will require ongoing staff support and coordination.

The City will make a 0% forgivable loan to Self-Help in the amount of \$250,000 to provide additional collateral for loans to small businesses as part of the program, which will enable the participating lenders to make loans that they would otherwise not have made. The funds for this loan were included in the City's adopted FY 2016-17 General Fund budget and have been carried forward since then as part of the City's Assigned Fund Balance. Buncombe County is considering making a similar loan to the program in the amount of \$200,000.

Staff recommends the City Council (1) authorize the City Manager to execute the Allocation of Services and Duties Agreement; (2) authorize the City Manager to release the funds for the Deposit Note as described in the agreement; and (3) formalize an interim Steering Committee made up of non-voting representatives from Mountain BizWorks, Self Help, the Carolina Small Business Development Center and two voting members from Buncombe County and the City of Asheville to launch the fund. After 180 days, City staff will seek a City Council's appointment of a permanent Operating Committee pursuant to the terms of the Agreement, including three community stakeholders.

Vice-Mayor Wisler said that if Buncombe County isn't able to participate with this program that she hoped the committee would focus on giving businesses within the City of Asheville priority.

Vice-Mayor Wisler and Councilman Young both thanked former Councilman Gordon Smith for his vision on this program several years ago.

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.

Councilman Young moved for the adoption of Resolution No. 18-241. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 121

C. RESOLUTION NO. 18-242 - RESOLUTION UPDATING CITY COUNCIL'S 2036 VISION AND ADOPTING CITY COUNCIL'S 2018-19 STRATEGIC PRIORITIES

Acting City Manager Cathy Ball said that this is the consideration of a resolution updating City Council's 2036 Vision and adopting City Council's Strategic Priorities for Fiscal Year 2018-2019.

In February 2018, Asheville City Council met at their annual retreat to reaffirm the 2036 Vision, and to update the strategic priorities for Fiscal Year 2018-2019. At that retreat, Council determined the need to amend the language of the vision categories. The amended language is as follows:

- An Equitable and Diverse Community
- A Well-Planned and Livable Community
- A Clean and Healthy Environment
- Quality Affordable Housing

- Transportation and Accessibility
- Thriving Local Economy
- Connected and Engaged Community
- A Financially Resilient City

Additionally, Council updated the strategic priorities from Fiscal Year 2017-2018 to develop the Fiscal Year 2018-2019 Strategic Priorities.

Pros:

- Provides Council and City staff with an overall direction and goals of the organization.
- Provides Council and City staff with a measure of success.

Con:

- None.

The updated 2036 Vision and Fiscal Year 2018-2019 Strategic Priorities will provide direction for Council and the Executive Management Team throughout the budgeting process.

City staff recommends that City Council adopt the resolution adopting the updates to Council's 2036 Vision and Fiscal Year 2018-2019 Strategic Priorities.

Acting City Manager Ball said that this is typically something Council would have been in March or April after their retreat; however, at this time we wanted to bring this forward to Council for their approval. She pointed out some major topic changes. She said that after Council approves these items, staff develops action actions. Staff will update those action items and bring back a report to Council.

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. 18-242. This motion was seconded by Councilman Kapoor and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 122

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Richard Fireman spoke to Council about the City Manager criteria and urged them to make sure that the new manager has experience in all aspects of sustainability.

Closed Session

At 6:13 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, or potential lawsuit involving the following parties: City of Asheville vs. Parkway Court LLC. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (3) To consider the qualifications of appointment of an individual public

officer or employee. The statutory authorization is contained in N.C.G.S. 154-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C.G.S. 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 7:27 p.m., Councilman Young moved 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 7:27 p.m.

CITY CLERK

MAYOR