

Tuesday – February 12, 2019 - 3:00 p.m.

Capital Improvement Program Budget Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; and City Clerk Magdalen Burleson

City Manager Campbell said that this will be an update on the Capital Improvement Program. She said that like most communities, Asheville has historically been challenged to fund capital needs. Recent investments have improved the overall quality of our capital assets. Continued investments are required to maintain our momentum.

Chief Financial Officer Barbara Whitehorn provided an overview of the capital planning and budgeting. A capital asset is land; buildings and improvements; infrastructure (streets, sidewalks); and equipment and machinery. Capital assets are separate from operating because of scale of investment, longer time horizon, use of debt, and project based not program based.

She then reviewed our history of capital investments. Our last GO Bond referendum was approved in 1986, and the last attempt unsuccessful was in 1999.

Ms. Whitehorn then reviewed the current status of projects (1) GO Bond Projects where the initial phase has been completed; (2) GO Bond Projects that are under construction; (3) GO Bond Projects that are in design; and (4) GO Bond Projects that are in planning. Using maps, she showed the geographic investments of Bond Projects and other CIP Projects. Using charts, she reviewed the projected capital spend. She explained the road resurfacing and condition impact; and playground improvements. She explained leveraging limited resources, such as FTA grants, MPO grants, MSD partnership; and others.

Ms. Whitehorn then reviewed future needs and costs, showing a citizen survey of investment priorities with public safety being 90% and recreation centers coming in last at 50%. She then talked about the community feedback that was sought.

The current CIP Total (FY 20-23) is \$60 Million; and the requested by Departments (FY 20-24) is \$330 Million. Existing CIP (ongoing allocations) include computer replacement; facility maintenance and roof replacement; fleet (General, Fire Department, Transit); park facilities and turf replacement; new sidewalk construction; and road resurfacing. Existing CIP (new projects) include public safety radio replacement; Chunn's Cove Bridge Rehabilitation; Hazel Mill Road sidewalk; I-26 Connector; and NC-191 sidewalk.

She then detailed the different types of department requests (1) planned projects with additional needs; (2) additional maintenance needs; and (3) unfunded projects. Unfunded projects include (1) Transit Master Plan recommendations (a) Facility replacement - \$50 Million; and (b) service expansion - \$12 Million; (2) Transit expansion - \$76 Million; (3) Thomas Wolfe Renovation - \$60 Million; (4) McCormick Field Infrastructure Upgrades - \$5 million; and Greenway System expansions - \$26 Million.

City Manager Campbell said that as we work on what Council's strategic priorities can be categorized as short, medium and long-term, we will have a better approach on how we can address these needs. These are our priorities and we will look at our financing toolbox so that we can hopefully reduce that gap between need and our ability to address those needs.

Ms. Whitehorn said that next steps include (1) provide information to Council about

requests and available resources (February); (2) staff continue to review and develop recommended CIP based on strategic priorities and financial capacity (February/March); (3) Council review draft of preliminary 5-year CIP (March/April); and (4) proposed CIP budget adoption (May/June).

Ms. Whitehorn responded to various questions/comments from Council and those which could not be readily answered would be sent to Council via a memorandum. Some questions/comments were: what is the plan to begin the maintenance facility replacement from the transit master plan recommendations; is there funding included for the facilities study included in the transportation budget; request to see list of projects that total the \$330 Million of unfunded projects, along with potential partnerships and grants and what kind of debt they would be eligible for; confirmation that the three high impact sites identified, along with oak hill and cedar hill affordable housing properties are not included in the unfunded projects.

At 3:46 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – February 12, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer, along with a member of the Boy Scouts, led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 22, 2019**
- B. ORDINANCE NO. 4726 - ORDINANCE TO CHANGE THE SPEED LIMIT ALONG SECTIONS OF LYMAN STREET AND RIVERSIDE DRIVE FROM 30 MPH TO 25 MPH**

Action Requested: Adoption of an ordinance changing the posted speed limit along sections of Lyman Street and Riverside Drive from 30 mph to 25 mph.

Background:

- N.C. Gen. Stat. § 20-141 gives the City the authority to regulate speed limits within its corporate limits.
- Posted speed limits are typically based on an engineering and traffic investigation.
- The River Arts District Transportation Improvement Project (RADTIP), currently under construction, has a design speed of 30 mph.
- During the design phase, the target speed was determined to be 25 mph and according

to the Policy on Geometric Design of Highways and Streets, 2018 7th Edition (The Green Book), the target speed is intended to be used as the posted speed limit.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- Meets the design criteria of an ongoing project.
- Complements the multi-modal aspects of an ongoing project.

Con(s):

- None

Fiscal Impact:

- Cost of installing and maintaining speed limit signs included in the current operating budget.

Motion:

- Motion to approve an ordinance enacting a 25 mph speed limit on Lyman Street from SR 3556 (Amboy Road) to Riverside Drive and on Riverside Drive from Lyman Street to Hill Street.

ORDINANCE BOOK NO. 32 - PAGE 293

C. RESOLUTION NO. 19-23 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH COOPER CONSTRUCTION COMPANY INC. FOR THE NORTH FORK BRIDGE TRANSMISSION LINE BYPASS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a construction agreement with Cooper Construction Company, Inc., for the North Fork Bridge Transmission Line Bypass Project.

Background:

- On January 7, 2019, the Water Resources Department (WRD) issued an Advertisement for Bids for the North Fork Bridge Transmission Line Bypass Project.
- The scope of work for this project includes the installation of approximately 1,700 Linear Feet (LF) of 36-inch transmission line and appurtenances along North Fork Road with tie-ins to the existing 36 and 24-inch transmission lines to the north and south of the bridge crossing the North Fork of the Swannanoa River.
- This proposed project has been determined to be a critical installation that will provide a redundant water transmission line bypass feed to a section of existing transmission mains, which are highly susceptible to failure during flooding events on the North Fork of the Swannanoa River.
- In response to the Advertisement for Bids, the WRD received three bids on January 29, 2019. Companies responding were:
 1. Cooper Construction Company, Inc.; Flat Rock, NC – Bid: \$1,850,740.00
 2. McClam & Associates, Inc.; Little Mountain, SC – Bid: \$2,629,021.25
 3. Piedmont Utility Group, Inc.; Mooresboro, NC – Bid: \$8,898,171.94

- Following a review of the bids by City Staff and the project engineers, McGill Associates, the firm Cooper Construction Company, Inc., was selected as the lowest responsible, responsive bidder.
- The WRD requests authorization to contract with Cooper Construction for the bid amount of \$1,850,740 plus a 15% contingency in the amount of \$277,611 for a total project budget in the amount of \$2,128,351.

Council Goal(s):

- A Financially Resilient City.

Committee(s):

- Not Applicable.

Pro(s):

- This project will add a redundant water transmission line in an area where the existing transmission lines are at high risk of failure due to flooding. By adding the redundant transmission line, our ability to continue to provide water service to our customers during flooding events along North Fork of the Swannanoa River are greatly enhanced.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con(s):

- None.

Fiscal Impact:

- The Water Resources Department currently has the funds needed for this construction agreement budgeted in the "Master Plan / Large Waterline Replacement" project in the Capital Improvement Program Fund.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a construction agreement with Cooper Construction Company, Inc., for the North Fork Bridge Transmission Line Bypass Project.

RESOLUTION BOOK NO. 40 - PAGE 238

D. RESOLUTION NO. 19-24 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDED GRANT AGREEMENT WITH THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY REDUCING A PREVIOUS AWARD OF \$1,000,000 TO \$25,000 IN TOURISM PRODUCT DEVELOPMENT FUNDS

Action Requested: Adoption of resolution authorizing the City Manager to sign an amended grant agreement with Buncombe County Tourism Development Authority reducing a previous award of \$1,000,000 to \$25,000 in Tourism Product Development Funds.

Background:

- Beaucatcher Greenway is an unbuilt segment of the proposed River to Ridge Greenway and Trail Network that is part of the Greenway Master Plan adopted in 2009 and updated in 2013. It was added to the Capital Improvement Plan (CIP) in 2012.
- The City was awarded \$1,000,000 from the Tourism Development Authority (TDA) through the Tourism Product Development Fund (TPDF) in 2015 - \$975,000 was for

construction of the original design of Beaucatcher Greenway, and \$25,000 was for a crossing and amenities on Amboy Road.

- The Amboy Road project was completed, but the Beaucatcher Greenway project was put on hold when bids came in over budget.
- The grant contract with TDA for \$975,000 for Beaucatcher Greenway has expired.
- Subsequent community input has shown support for a modified, more natural version of the greenway with some paved areas for parking and accessibility, which staff is now exploring and expects to complete by 2022.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- Greenways Committee was provided an update at their February 2019 meeting.

Pro(s):

- The City will continue to remain in good standing with the TDA by resolving this expired grant agreement.
- Once the modified grant is signed, the City can invoice for the Amboy Road project.
- The modified version of Beaucatcher Greenway is scheduled to be completed by 2022.

Con(s):

- The City's budget to build Beaucatcher Greenway will be reduced by \$975,000.

Fiscal Impact:

- This will reduce budget due to expired grant contract and change to Beaucatcher Greenway project scope.
- This adjustment will allow us to receive the \$25,000 grant for the completion of the Amboy Road project.

Motion:

- Motion to adopt a resolution authorizing the City Manager to sign an amended grant agreement with Buncombe County Tourism Development Authority reducing a previous award of \$1,000,000 to \$25,000 in Tourism Product Development Funds.

RESOLUTION BOOK NO. 40 - PAGE 239

E. RESOLUTION NO. 19-25 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH NHM CONSTRUCTORS OF ASHEVILLE FOR THE IMPROVEMENT TO THE STORM DRAINAGE, SIDEWALK AND BUS TRAVEL LANES AT THE ART BUS STATION ON COXE AVENUE

Action Requested: Adoption of resolution authorizing the City Manager to execute a contract for the improvement to the storm drainage, sidewalk and bus travel lanes at the ART Bus Station on Coxe Avenue.

Background

- The ART Bus Station has failing storm drainage infrastructure that is in need of repair.
- The failing drainage infrastructure has caused damage to the travel lanes for the buses and the building is subject to flooding during heavy rains. This project will help eliminate these problems.

- The sidewalks are not in compliance with ADA regulations. This project will also bring the ART Bus Station site back into compliance with ADA standards.
- The lowest responsible bidder was NHM Constructors, LLC of Asheville NC in the amount of \$271,301.00 plus a 10% contingency of \$27,130.00, for a total of \$298,431.
- The project was advertised on September 24, 2018, and bids were opened on October 23, 2018. The results were as follows:
 - Patton construction group. of Arden, NC \$580,600.00
 - Thomas construction, Inc. of Johnson City, TN \$398,310.00
 - NHM constructors, Inc. of Asheville, NC \$271,301.00

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- NA

Pro(s)

- Will add to pedestrian safety with improved sidewalks.
- Make an improved and durable travel lane for buses.
- Correct existing drainage problems.

Con(s):

- Work will cause minor inconvenience to ART users.
- Project costs exceeded the initial estimates requiring the use of \$195,000 from the CIP contingency budget.

Fiscal Impact:

- The initial budget for this project totaled \$170,000; funded with a mix of Federal Transit Administration grant funds and City funds. In order to fully execute the contract with NHM Constructors, LLC plus the contingency, the project requires additional funding of \$195,000 for a new total budget of \$365.035. The additional funding will come from the CIP contingency that was included in the Adopted FY 2019-20 Budget.

Motion:

- Motion to authorize the City Manager to execute a contract for the improvement to the storm drainage, sidewalk and bus travel lanes at the ART Bus Station on Coxe Avenue.

RESOLUTION BOOK NO. 40 - PAGE 240

F. RESOLUTION NO. 19-26 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, GRANT FUNDING FROM THE N.C. DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE PURPOSE OF REDUCING CONTAMINATION IN THE RECYCLING STREAM AND IMPROVE MATERIAL QUALITY

Action Requested: Adoption of a resolution authorizing the City Manager to apply for, and accept funding if awarded, from the NCDEQ for the CWRAR Grant.

Background:

- Apply for grant funds, in the amount of \$30,000, for outreach efforts to reduce contamination in the recycling stream and improve material quality.
- Outreach efforts will include:
 - Radio and newspaper ads,

- Annual mailers, brochures, magnets and posters,
- In-home recycling bins, and
- Indoor standing banner displays.
- CWRAR Grant recipients are required to provide a cash match equal to or exceeding 20% of the requested grant funds.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- Finance Committee - January 22, 2019 - approved

Pro(s):

- Helps support City's waste reduction goal while leveraging state funding

Con(s):

- None

Fiscal Impact:

- If awarded, the City will be required to provide a cash match of \$6,000, or 20% of the requested grant funds of \$30,000, totaling \$36,000 for the project.

Motion:

- Motion to approve a resolution authorizing the City Manager to apply for and accept funding if awarded from NCDEQ.

Councilman Haynes outlined some of the outreach efforts. He then read the following statement from Asheville Greenworks "With a mission to *inspire, equip and mobilize individuals and communities to take care of the places we love to live*, Asheville GreenWorks prioritizes waste reduction and litter prevention in the City of Asheville and throughout Buncombe County. From our on-the-ground experience, we witness firsthand the obstacles to waste reduction in our community, such as misconceptions about what can and cannot be recycled. When items that cannot be recycled, such as plastic shopping bags, paper towels, aluminum foil and hard plastics, wind up in residential recycling bins, they can contaminate the whole load. Contamination of plastic recycling is a major issue facing recyclers across the country, as China -- a country that once accepted 30 to 40 percent of U.S. paper, plastic and metal recyclables -- banned many types of plastics it would accept and made the standards for plastic cleanliness impossibly high. As a result of these rule changes, local recyclers are unable to sell their recyclables and the U.S. recycling industry is at risk. GreenWorks recognizes education as an essential component of reducing plastic contamination at the curb. We are working with the City of Asheville, Curbside Recycling and Land of Sky Regional Council to conduct recycling outreach and education aimed at reducing confusion and contamination throughout the city. Funding from NC DEQ for the City to carry out more education on plastic recycling is timely and imperative to address the issue at its roots."

RESOLUTION BOOK NO. 40 - PAGE 241

G. RESOLUTION NO. 19-27 - RESOLUTION OF INTENT TO SET A PUBLIC HEARING TO CLOSE AN UNOPENED RIGHT-OF-WAY OFF FAIRFAX AVENUE

Action Requested: Adoption of a resolution to set a public hearing for March 12, 2019, for the closure of unopened right of way off Fairfax Ave.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Christopher D. Meyer has petitioned the closure and owns both adjacent properties, 700 Haywood Rd. (PIN # 9638-24-3333) and 12 Fairfax Ave. (PIN # 9638-24-3235)
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - November 28, 2018 - Recommendation to move it forward with no vote.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con(s):

- There are property owners who are concerned about accessing the property. However, the access is not via the right of way being considered to be closed but rather along the property line between the two properties.

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Motion:

- Motion to adopt resolution of intent to set a public hearing, March 12, 2019.

RESOLUTION BOOK NO. 40 - PAGE 242

H. RESOLUTION NO. 19-28 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENT AGREEMENT WITH GHD FOR PROFESSIONAL ENGINEERING SERVICES FOR WATER RESOURCES DEPARTMENT TREATMENT IMPROVEMENTS & RESIDUALS DISPOSAL OPTIONS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a Supplemental Agreement with GHD Consulting, Inc., for professional engineering services for the Treatment Improvements and Residuals Disposal Options Project.

Background:

- The Water Resources Department (WRD) has a current Master Agreement with GHD Consulting Services, Inc., for on-call professional engineering services for water treatment plant (WTP) projects. GHD was selected in response to City RFQ No. 298-WTPOnCallEng for On-Call Engineering Services issued on August 11, 2014. Specific projects are authorized under a separate Supplemental Agreement.
- The WRD desires to enter into a Supplemental Agreement with GHD for the subject project.

- For many years, the WRD has taken the water treatment residuals, also known as “sludge”, from all three water treatment plants to the Metropolitan Sewerage District (MSD) to be treated.
- MSD can no longer accept residuals from water treatment facilities due to their new Air Quality Title V permit and renewed National Pollutant Discharge Elimination System (NPDES) permit.
- Buncombe County landfill has agreed to take the residuals for a period of two years while we analyze other treatment and/or disposal option.
- The WRD requests authorization to contract with GHD for the proposed amount of \$218,500 plus a 15% contingency in the amount of \$32,775 for a total project budget in the amount of \$251,275.
- The scope of services to be performed by GHD include: project meetings, data collection, full scope residuals analysis that contains bench scale testing, regulatory review, and a climate study.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- N/A

Pro(s):

- This project will develop an alternative solution for disposal of water treatment plant residuals.

Con(s):

- None

Fiscal Impact:

- The Water Resources Department currently has the funds needed for this consulting agreement budgeted in the “Water Treatment Plant Project” in the CIP Fund.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with GHD Consulting, Inc., for professional engineering services for the Treatment Improvements and Residuals Disposal Options Project.

RESOLUTION BOOK NO. 40 – PAGE 244

I. RESOLUTION NO. 19-29 - RESOLUTION AUTHORIZING THE CITY MANAGER ENTER INTO A CONTRACT WITH PATTON CONSTRUCTION GROUP INC. FOR THE HILL STREET AND BINGHAM ROAD SIDEWALK PROJECT

Action Requested: Adoption of resolution authorizing the City Manager to execute a contract with Patton Construction Group Inc. for the construction of one sidewalk on Hill Street and the other sidewalk on Bingham Road in the amount of \$260,667 plus a 10% contingency of \$26,066.75.

Background:

- The City of Asheville passed a General Obligation Bond in 2016 and within this Bond money was budgeted to construct new sidewalks.

- Hill Street was identified as one of the sidewalks for construction as part of the bond referendum.
- This new construction will complete the sidewalk connection from Courtland Avenue to Riverside Drive.
- Bingham Road sidewalk is part of the neighborhood sidewalk program.
- The neighborhood sidewalk program identifies sidewalk connectivity opportunities throughout the city and is funded through the capital budget.
- The section bid with this project will make the connection along Bingham Road and fill the gaps that currently exist near Pearson Bridge Road
- Both of these sidewalks improve connectivity and improve pedestrian safety in their respective areas.

Council Goal(s):

A Well-Planned and Livable Community

Committee(s):

- NA

Pro(s)

- Will fill in sections of missing sidewalk that add to pedestrian safety.
- Project works towards fulfillment of the General Obligation Bond.

Con(s):

- Work will cause some traffic delays during construction.

Fiscal Impact:

- The project is funded by a combination of the General Obligation Bond from 2016 and the Neighborhood Sidewalks Program, with the breakdown of Hill Street being 100% bond funded and Bingham Road being 100% General Fund.

Motion:

- Motion to authorize the City Manager to execute a contract with Patton Construction Group Inc. for the construction of one sidewalk on Hill Street and the other sidewalk on Bingham Road in the amount of \$260,667 plus a 10% contingency of \$26,066.75.

RESOLUTION BOOK NO. 40 - PAGE 245

J. ORDINANCE NO. 4727 - BUDGET AMENDMENT FOR THE SCOPE OF WORK AMENDMENT TO THE BIKE SHARE FEASIBILITY STUDY

Action Requested: Adoption of a budget amendment in the amount of \$14,500 to move funds from the General Fund to the Special Revenue Fund to allow addition of e-scooters to the existing consultant contract for the Bike Share Feasibility Study.

Background:

- City of Asheville and it's consultant, Alta Planning + Design, have been working on a feasibility study for bike share potential and direction.
- As reported to Council late last year, based on the emergence of e-scooters as another form of shared mobility devices, Transportation staff proposed to expand the scope of the study to add e-scooters and potentially other shared micro-mobility devices, and add a proposed request for proposals (RFP) for an initial pilot share program and suggested regulations for e-scooters.

- The initial project was funded in part with a grant, so the project has its own budget in the special revenue fund, which must be amended in order to amend the study scope.
- The amendment would allow an addition of up to \$14,500 to the initial \$49,949 contract amount.
- This amendment moves funding from one budget to another, it does not seek new city funding.

Council Goal(s):

- Equitable and Diverse Community
- Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Addresses emerging issue of e-scooters

Con(s):

- Expands study budget and extends timeline

Fiscal Impact:

- Redirects up to \$14,500 funding in the Transportation Planning General Fund budget to the expanded study scope.

Motion:

- Motion to adopt the budget amendment to increase funding for the Bike Share Feasibility Study.

ORDINANCE BOOK NO. 32 - PAGE 294

K. RESOLUTION NO. 19-30 - RESOLUTION AUTHORIZING THE CITY MANAGER TO UTILIZE EXCESS LIABILITY INSURANCE RECOVERY FUNDS FOR PROPERTY AND LIABILITY CLAIMS

ORDINANCE NO. 4728 - BUDGET AMENDMENT OF INSURANCE RECOVERY FUNDS RECEIVED TO BE UTILIZED TOWARDS PROPERTY AND LIABILITY CLAIMS

Action Requested: Adoption of a budget amendment and resolution authorizing reimbursed Insurance Recovery funds to be utilized for Property and Liability claim expenses.

Background:

- This fiscal year, City of Asheville (City) excess liability carriers reimbursed \$301,592.38 for two (2) liability claims that exceeded the City's self-insured retention limit.
- One claim was an automobile liability claim involving a Parks & Recreation vehicle; and the other was for a law enforcement liability claim.
- The City's Property and Liability Fund incurred the claims expenses to resolve the claims.
- City staff requests Council authorization to budget the reimbursed funds for property and liability claims expenses.

Council Goal(s):

- Vision - Smart City; striving to control City costs and provide the highest possible level of service.

Committee(s):

- N/A

Pro(s):

- Reimburses the City Property & Liability Fund for expenses incurred above the retention limit.
- Provides budget authorization to resolve liability claims.

Con(s):

- None.

Fiscal Impact:

- The \$301,592.38 in Insurance Recovery Revenue was received and recorded in the City's Property and Liability Fund. Budgeting this revenue will reimburse funding to pay claims expenses.

Motion:

- Motion to adopt a budget amendment and resolution authorizing \$301,592.38 of Insurance Recovery funds be utilized for property and liability claim expenses.

RESOLUTION BOOK NO. 40 - PAGE 246

ORDINANCE BOOK NO. 32 - PAGE 296

L. RESOLUTION NO. 19-31 - RESOLUTION IN SUPPORT OF A STATEWIDE INITIATIVE FOR LEGISLATIVE FUNDING TO RE-ESTABLISH A PASSENGER RAIL CONNECTION FOR WESTERN NORTH CAROLINA

Summary: Through the adoption of this resolution, the City of Asheville fully supports the creation of a comprehensive bus-rail system to serve Western North Carolina, that includes sufficient funding by the North Carolina General Assembly to the North Carolina Department of Transportation Rail Division for the proposed Amtrak Thruway bus service between Asheville and Salisbury. This service will be evaluated after two years by Amtrak, the North Carolina Department of Transportation Rail Division, the Western North Carolina Rail Committee Inc and the communities served by the Salisbury-Asheville bus-rail connection.

Former Representative Ray Rapp said this is an opportunity to re-establish the passenger rail service connection from Asheville to Salisbury. He then gave a brief history of the project and hoped Council will endorse this unique opportunity for Asheville.

RESOLUTION BOOK NO. 40 - PAGE 247

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

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

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

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONS OF ORDINANCE NO. 4722 FOR THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 275 AND 281 HAZEL MILL ROAD

ORDINANCE NO. 4729 - ORDINANCE AMENDING ORDINANCE NO. 4722 TO AMEND THE CONDITIONS FOR THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 275 AND 281 HAZEL MILL ROAD

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to amend the conditions of Ordinance No. 4722 for the conditionally zoning of property located at 274 and 281 Hazel Mill Road. This public hearing was advertised on February 1 and 8, 2019.

Action Requested: Wording correction on the amendment to a previously approved conditional zoning at 275 and 281 Hazel Mill Road.

Background:

- The amendment to the conditional zoning was approved by City Council on January 8, 2019; however the condition regarding the sidewalk along Hazel Mill Road was not adopted with the correct wording.
- Pursuant to the intent of both the developer and City Council as discussed at that public hearing, and as illustrated on the site plan, the condition (number 10) should be amended as follows:
 - “The sidewalk along Hazel Mill Road will be eight feet in width and setback up to 35 feet from the edge of the road as shown on the attached site plan. An easement will be granted by the developer/property owner for public use of the sidewalk but the sidewalk will be privately maintained.”

Council Goal(s):

- A Well-Planned and Livable Community
- Quality Affordable Housing
- Transportation and Accessibility

Committee(s):

- Technical Review Committee - November 5, 2018 - approved with conditions
- Planning & Zoning Commission - December 5, 2018 - recommended approval (7-0)

Pro(s):

- The project was approved by City Council with the intention for the sidewalk as proposed by the applicant, and as shown on the site plan map.

Con(s):

- None noted

Fiscal Impact:

- If constructed, the project would have a positive fiscal impact on tax revenues received by the city.

Mayor Manheimer opened the public hearing at 5:22 p.m.; and when no one spoke, she closed the public hearing at 5:22 p.m.

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

Councilman Kapoor moved to approve the conditional zoning amendment to ordinance 4722 for White Oak Grove Apartments at 275 and 281 Hazel Mill Road from Residential Multi-Family High Density District Conditional Zone to Residential Multi-Family High Density Conditional Zone with the corrected condition regarding the sidewalk (Condition #10) , 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 amendment does not substantially deviate from the project details previously approved other than the changes to the site plan; (2) the development is located with close access to commercial uses, transit and employment opportunities; (3) the project includes dedicated affordable residential units; and (4) the proposal is aligned with the Future Land Use map in the Living Asheville Comprehensive Plan. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 298

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION ADOPTING THE DOWN PAYMENT ASSISTANCE POLICY

Mayor Manheimer announced that this will be considered at the February 26, 2019, meeting. Staff is making technical adjustments to the language in the proposed policy to make it as easy to understand as possible. The intent and substance of the proposed policy will remain the same.

B. BOARDS AND COMMISSIONS

Regarding the Board of Electrical Examiners, no one applied for the layman seat; therefore, City Council instructed the City Clerk to continue advertising.

RESOLUTION NO. 19-32 - 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.

There is currently an unexpired term left by Sir Charles Gardner (resident of property owned by the Housing Authority) until June 30, 2019. In addition, there is an unexpired term left by Mr. Cliff Joslin (South Asheville representative) until June 30, 2020.

The following individuals applied for the vacancy for the South representative: Robert Woolley, Kaaren McNulty and Tracey DeBruhl.

It was the consensus of the Boards & Commissions Committee to readvertise for the resident of the Housing Authority property seat since no one applied; and to appoint Kaaren McNulty as the South Asheville representative.

Vice-Mayor Wisler moved to appoint Karen McNulty (South Asheville representative) to fill the unexpired term of Mr. Joslin, term to expire June 30, 2020, or until her successor has been appointed. This motion was seconded by Councilman Kapoor and carried unanimously.

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RESOLUTION NO. 19-33 - RESOLUTION APPOINTING A MEMBER TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Sustainability Advisory Committee on Energy & the Environment (SACEE).

The term of Josh O'Connor expired on December 31, 2018.

The following individuals applied for the vacancy: Susan Bean, Michelle Myers, Dave Penrose, Carol Ann Lydon, Greg Jennings, Steve Linton, Lynn Pace, Ashley Ray Edwards, Ron Edgerton, Chris Pelrine, Daniel Falkenstein, Paul Schulman, Andrea Baty and Patricia Williams.

At the recommendation of SACEE, it was the consensus of the Boards & Commissions Committee to appoint Chris Pelrine.

Vice-Mayor Wisler moved to appoint Chris Pelrine to serve a three-year term, term to expire December 31, 2021, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mayor Manheimer gave a brief update of the Vance Elementary softball field noting that one of our Parks Bond would help co-fund the softball improvements at Vance Elementary. This is a project in partnership with the Asheville school system. She used a drawing to show where the current outfield fence is located, where the proposed outfield fence is located, and the proposed baseline fences. On February 18, 2019, the School Board will hold their regular meeting and they will invite members of the Vance community to speak at the meeting. We will have our Parks & Recreation Director at that meeting to answer questions and provide information. The school will also host an evening meeting at Vance Elementary about the proposal. The project has not been finalized. The City committed to a community-oriented process for all our bond funded projects, but this was unusual because of the partnership process with the school system and it's being built on school grounds.

Ms. Tracey Wold spoke about transit system and the need to ensure the Transit Master Plan is funded, implemented and monitored.

Mr. Timothy Poulton, parent of child in Vance Elementary School, explained why the Vance Elementary softball field project relates closely to the City's desire to partner with the schools to close our achievement gap. He was concerned about seeing a pattern of approach to communication in trying to close those gaps. He hoped that we would encourage collaboration and communication with everyone.

Ms. Leigh Coward urged City Council to take action against districts.

Mr. Devinceo Priester felt we need to build up the Housing Authority and work together as a team to fight crime and homelessness.

Ms. Sara Munro was concerned about policing in schools.

Closed Session

At 5:45 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit, or potential lawsuit. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3); and (3) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 7:02 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilman Young and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:02 p.m.

CITY CLERK

MAYOR