

Tuesday – August 27, 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; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION IN RECOGNITION OF THE SERVICE OF THE WESTERN NORTH CAROLINA CHAPTER OF PHYSICIANS FOR SOCIAL RESPONSIBILITY

Councilwoman Mayfield read the proclamation in recognition of the Service of the Western North Carolina Chapter of Physicians for Social Responsibility. She presented the proclamation to Terry Clark, and others, who briefed City Council on the proclamation.

B. PROCLAMATION IN SUPPORT OF THE MEDICARE FOR ALL ACT OF 2019

Councilwoman Smith read the proclamation in support of the Medicare for All Act of 2019. She presented the proclamation to Dr. Ellen Kaczmarek, a retired Geriatric Medical Doctor, and others, who briefed City Council on the proclamation.

C. PROCLAMATION PROCLAIMING AUGUST 11, 2019, AS “KIWANIS CLUB OF ASHEVILLE DAY”

Mayor Manheimer read the proclamation proclaiming August 11, 2019, as Kiwanis Club of Asheville Day”. She presented the proclamation to Windell Camanse, President, Kiwanis Club of Asheville, and others, who briefed City Council on some activities taking place through the month.

D. PROCLAMATION PROCLAIMING SEPTEMBER 2-8, 2019, AS “ASHEVILLE ENTREPRENEURSHIP WEEK”

Vice-Mayor Wisler read the proclamation proclaiming September 2-8, 2019, as "Asheville Entrepreneurship Week " in the City of Asheville. She presented the proclamation to Jeffrey Kaplan, Director of Entrepreneurship, Venture Asheville, and others, who briefed City Council on some activities taking place through the week.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 23, 2019

B. RESOLUTION NO. 19-190 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN EXISTING WORKERS' COMPENSATION CLAIMS SERVICES AGREEMENT WITH PMA MANAGEMENT CORPORATION FOR A PERIOD OF ONE YEAR AND AUTHORIZE PROVIDING THE SERVICES FOR THREE ADDITIONAL CONSECUTIVE YEARS

Action Requested: Adoption of a resolution authorizing the City Manager to renew an existing workers' compensation claims services agreement with PMA Management Corporation (PMA) for a period of one year and authorize providing the services for three additional consecutive years.

Background:

- The City of Asheville (City) Risk Management Division (Risk) administers the City workers' compensation program and contracts with PMA for workers' compensation claims handling services (Services), including: claims adjusting, record keeping and check issuance.
- Since 2012, PMA has provided Services to support the City workers' compensation program.
- In 2018, Services were sought via a Request for Proposals and PMA was the best proposer.
- In 2018, a contract was entered into with PMA to provide Services for three years, with the option for the City to renew two additional years.
- Historically, services total approximately \$36,000 annually but the contract is encumbered for \$70,000 annually. Charges are incurred per claim handling service, which varies annually.
- As a result of multiple years of PMA Service provision, the aggregate value of PMA's Service contract will exceed \$90,000 in Fiscal Year 2020, necessitating City Council authorization for Services to continue in Fiscal Year 2020 and subsequent years.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Ensures Service continuity to support the City workers' compensation program.

Con(s):

- None.

Fiscal Impact:

- Contract expenses for Services are budgeted within the Workers' Compensation Fund and adopted with the Fiscal Year 2020 budget. The contract is contingent on budget appropriations in future fiscal years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to renew an existing workers' compensation claims services agreement with PMA for one year and authorize PMA to provide the services for three additional consecutive years.

RESOLUTION BOOK NO. 41 - PAGE 52

C. REQUEST TO NAME TENNIS COURT 1 AT THE ASTON PARK TENNIS CENTER IN MEMORY OF LEWIS ISAAC

Action Requested: Request for City Council to adopt a resolution naming Court 1 at Aston Park Tennis Center located at 336 Hilliard Ave. in memory of Lewis Isaac.

Background:

- Pursuant to the City's public property naming policy, Parks & Recreation staff requests the naming of a tennis court 1 at Aston Park Tennis Center in memory of Lewis Isaac.
- Lewis Isaac was a retired City of Asheville employee in the Human Resources Dept. (7 years) and the Parks & Recreation Department (3 years).
- Lewis Isaac served on the Recreation Advisory Board.
- Lewis Isaac was an avid tennis player and supporter of Aston Park Tennis Center
- Lewis lived a life of service to his community in both his professional life and personal life. He served on numerous boards and commissions.
- Supported by Asheville Tennis Association

Council Goal(s):

- Well-Planned and Livable Community
- Diverse Community

Committee(s):

- Recreation Advisory Board - 7/8/19

Pro(s):

- Recognize a dedicated public servant.
- Honor a volunteer and tennis player at a location that he dedicated time, energy and resources.

Con(s):

- None

Fiscal Impact:

- It is estimated that the plaque and installation may cost up to \$2,000. These funds are available in the Parks & Recreation operating budget.

Motion:

- Move to request naming Court 1 at Aston Park Tennis Center located at 336 Hilliard Ave. in memory of Lewis Isaac.

D. RESOLUTION NO. 19-191 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING TRANSIT AND OPERATIONS AND MAINTENANCE CONTRACT WITH ASHEVILLE TRANSIT MANAGEMENT, LLC (RATPDev USA)

Action Requested: Adopt a resolution authorizing the City Manager to execute an amendment to the existing Transit Operations and Maintenance Contract between the City of Asheville and Asheville Transit Management, LLC (RATPDev USA).

Background:

- The City of Asheville contracts out the operations and maintenance of the Asheville Redefines Transit (ART) fixed-route transit system.
- In 2017, the City of Asheville issued a request for proposals (RFP) for the operations and maintenance of ART and RATPDev USA was selected to be the contractor.
- The current contract is a four year contract with two optional two-year extensions. The third year of the current contract began July 1, 2019.

- In July 2018, the City of Asheville adopted the Transit Master Plan (TMP), which recommends a series of improvements over the next 10 years, including route changes, additional services, and extended hours of operations, as well as improvements to facilities.
- In the adopted FY 2020 budget, the City Council allocated an additional \$1.2 million in transit funds to support implementation of the TMP. Approximately \$1.0 million of this funding is intended to focus on improvements to on-time performance, customer service, and fleet maintenance, including 20,400 new service hours (to start in January 2020), representing a 25% increase in service.
- The existing contract with RATPDev USA requires that a service increase over 20% trigger a renegotiation of the contract. Staff and transit consultant, Carolyn Flowers, worked with RATPDev to renegotiate the contract to include the additional 20,400 service hours, as well as additional RATPDev staffing resources dedicated to improving customer service, maintenance and cleanliness of facilities, and additional dispatch operators and supervisors to improve operational performance.
- Additional and more stringent performance measures were also agreed to in order to reflect higher levels of accountability.
- Amendment 1 reflects the agreed-upon contract changes regarding additional service hours, staffing, and performance measures.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- Transit Committee, August 20, 2019; Finance/Human Resources Committee, August 27, 2019.

Pro(s):

- This action will support implementation of the 2018 Transit Master Plan (a portion of Year 1).
- This action will provide improved customer service, maintenance, and on-time performance of the transit system.

Con(s):

- This action will result in increased transit operational costs, but is currently budgeted in the FY 2020 budget.

Fiscal Impact:

- Amendment 1 includes increases to both the monthly fixed-fee, from \$268,377 to \$356,676, and the revenue hour rate, from \$41.89 to \$42.69. These increases will go into effect when the additional transit service and staffing increases are implemented in January 2020.
- In FY 2020, this increase is expected to total approximately \$1,003,000, which is included in the FY 2020 City budget and accounts for half a year of increases.
- Staff is committed to reviewing and assessing implementation of the scheduled enhancements and will report back to Council on our progress and proposed budgetary changes, if any, that may be needed to accelerate implementation of extension of hours that was discussed during the budget process.
- To maintain the same level of service in FY 2021, it will be necessary to allocate a minimum of \$2,006,000 for the full year. Additional service improvements will require additional funding.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the existing contract Transit Operations and Maintenance Contract between the City of Asheville and RATPDev USA.

RESOLUTION BOOK NO. 41 - PAGE 53

E. RESOLUTION NO. 19-192 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REIMBURSEMENT AGREEMENT WITH DUKE ENERGY FOR ELECTRIC BUS CHARGING INFRASTRUCTURE FOR THE PROTERRA ELECTRIC BUSES

ORDINANCE NO. 4755 - BUDGET AMENDMENT FROM DUKE ENERGY TO PURCHASE AUTOMATIC PASSENGER COUNTERS FOR THE ELECTRIC BUSES

Action Requested: Adopt a resolution authorizing the City Manager to execute a Reimbursement Agreement between the City of Asheville and Duke Energy to reimburse the City of Asheville \$200,000 for Electric Bus Charging Infrastructure for the Proterra electric buses; and approve a budget amendment in the amount of \$23,620 to utilize a portion of the reimbursement funds to purchase automatic passenger counters for the electric buses.

Background:

- Duke Energy is required to spend \$3,000,000 to implement environmental mitigation projects in the State of North Carolina to reduce air emissions, either by reducing vehicle emissions or by reducing fossil-fueled electricity generation.
- This Electric Bus Charging Infrastructure Reimbursement Project is designed to enable Duke Energy to provide support to transit agencies that wish to acquire electric buses and require assistance funding the associated charging infrastructure necessary to support operations of such electric charging infrastructure.
- The City of Asheville purchased five electric charging units as part of the procurement of electric buses and requested that Duke Energy reimburse the City for the costs to procure, construct and install the electric charging infrastructure.
- Duke Energy has agreed to reimburse the City for the costs associated with procuring, constructing, and installing the electric charging infrastructure for the amount of \$200,000.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- Finance and Human Resources Committee, July 23, 2019, unanimous approval.

Pro(s):

- Reimburses the City for \$200,000 in expenses related to the electric bus project.

Con(s):

- None

Fiscal Impact:

- Reimburses the City for \$200,000 in expenses related to the electric bus project. Staff will utilize a portion of the Duke reimbursement to purchase automatic passenger counters

for the electric buses, and the remainder will go towards reducing the City's match for the Proterra bus purchases and the charging units.

Motion:

- Motion to authorize the City Manager to execute a Reimbursement Agreement between the City of Asheville and Duke Energy to reimburse the City of Asheville \$200,000 for Electric Bus Charging Infrastructure for the Proterra electric buses; and motion to approve a budget amendment in the amount of \$23,620 to utilize a portion of the reimbursement funds to purchase automatic passenger counters for the electric buses.

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ORDINANCE BOOK NO. 32 - PAGE 408**

F. ORDINANCE NO. 4756 - BUDGET AMENDMENT TO MOVE THE FISCAL YEAR 2019-20 ELECTRIC BUS BATTERY ANNUAL LEASE PAYMENT FROM THE TRANSIT OPERATING FUND TO THE TRANSIT CAPITAL FUND

Action Requested: Adoption of a technical budget amendment in the amount of \$100,000 to move the Fiscal Year (FY) 2019-20 electric bus battery annual lease payment from the Transit Operating Fund to the Transit Capital Fund.

Background:

- In FY 2018-19 the City purchased five Proterra electric buses and entered into a sole source lease agreement with Proterra for the bus batteries.
- The battery lease agreement included an upfront prepayment of \$118,000 per battery and annual payments of \$20,000 per battery.
- The bus procurement and the battery lease agreement are funded with a mix of federal, state, and City matching dollars.
- The initial pre-payment was made in FY 2018-19 from the Transit Capital Fund, and the FY 2019-20 annual payment of \$100,000 was budgeted in the Transit Operating Fund.
- Staff has determined that in order to better align expenses with grant revenues and City matching dollars, the annual lease payments should be budgeted in the Transit Capital Fund instead of the Transit Operating Fund.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Improves accounting and reporting by aligning expenses in the same fund as the grant revenue and the City grant match.

Con(s):

- None.

Fiscal Impact:

- There is no net fiscal impact with this technical budget amendment; budget is simply being moved from one fund to another.

Motion:

- Motion to adopt a budget amendment in the amount of \$100,000 to move the FY 2019-20 electric bus battery annual lease payment from the Transit Operating Fund to the Transit Capital Fund.

ORDINANCE BOOK NO. 32 - PAGE 409

G. ORDINANCE NO. 4757 - BUDGET AMENDMENT FROM TWO GRANTS TO ADVANCE EQUITY AND INCLUSION THROUGH PROGRAMMING

Action Requested: Budget Amendment, in the amount of \$33,500, from two Government Alliance on Race and Equity (GARE)/Race Forward grants to advance equity and inclusion through programming.

Background:

- Received GARE/Race Forward NC Implementation & Innovation Grants to address structural racism through centering those most impacted by structural racism.
- NC Implementation & Innovation Grant #1 - In partnership with Artists Design EVOLution - The ade' Project add capacity and create entrepreneurship pathways to Racial Equity Facilitators.
- NC Implementation & Innovation Grant #2 - Asheville Healing will use a Truth, Healing & Transformation framework to engage communities most impacted by historic and contemporary traumas of structural racism in developing an Equity Vision for Asheville

Council Goal(s):

- An Equitable & Diverse City

Committee(s):

- None

Pro(s):

- Increases ability to engage traditionally underrepresented community members in building trust and improving relationships with city government.

Con(s):

- None

Fiscal Impact:

- The grants increase the Office of Equity & Inclusion's Contracting budget.

Motion:

- Motion to approve a budget amendment to increase the Office of Equity & Inclusion's budget in the amount of \$33,500.

Jonathan Wainscott spoke in support of the budget amendment and hoped that some of the money funding the Office of Equity & Inclusion will be used for data analysis of the voter registration.

ORDINANCE BOOK NO. 32 - PAGE 410

H. RESOLUTION NO. 19-193 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE PURCHASE OF SEVEN TRANSIT BUSES

Action Requested: Adoption of a resolution authorizing the City Manager to purchase a total of seven (7) new buses for the Asheville Redefines Transit System totaling \$3,798,538. This includes authorization to:

1. Execute purchase orders in the amount of \$2,107,458 for three (3) 30-foot diesel electric hybrid Gillig buses utilizing the existing Rocky Mount, North Carolina Consortium Contract No. CRM 76164 in which the City of Asheville is a part; and
2. Waive the bidding requirements per NCGS 143-129(g) allowing the City of Asheville to utilize the existing City of Oxford, Mississippi Contract No. 500350 with Alliance Bus Group, Inc. to purchase four (4) Grande West Vicinity diesel buses, assigned by Mississippi State University to the City of Asheville; and
3. Execute a purchase order in the amount of \$1,451,956 to purchase four (4) Grande West Vicinity diesel buses at the base bid price in the City of Oxford, Mississippi Contract No. 500350; and
4. Execute a change order, not to exceed \$239,208, to the four (4) Grande West Vicinity buses in order to outfit them with the equipment necessary for the Asheville Redefines Transit System.
5. Execute a lease agreement with Alliance bus Group, Inc. for the lease of up to five (5) Grande West Vicinity diesel buses between January 2020 and the arrival of the new buses.

Background:

- The City of Asheville strives to maintain a healthy transit fleet in order to provide reliable transit service to the community.
- In 2018, The City received \$5.7 million in federal grant funds from the French Broad River Metropolitan Planning Organization for the purpose of procuring new transit buses. The City match for the grant funds was \$1.4 million, providing a total budget of \$7.1 million for bus procurement.
- The City plans to utilize these funds over the next 3 years to purchase a number of buses consistent with the City's rolling stock replacement schedule, which considers the life cycle of each bus and when it will likely need to be replaced, the appropriate number of spare vehicles necessary, and upcoming and anticipated service expansions as outlined in the 2018 Transit Master Plan.
- The City wishes to purchase a total of 7 buses at this time, including four (4) 30-ft. Grande West Vicinity diesel buses and three (3) 30-ft. Gillig diesel electric hybrid buses.
- The City of Asheville is currently a part of a consortium (consolidated purchasing) contract with Rocky Mount, NC (Contract No. CRM 76164) for the purchase of buses from Gillig. The city expects to receive these buses in 12-18 months.
- The City of Asheville plans to purchase four 30-foot diesel Vicinity buses from Contract No. 500350 between the City of Oxford, Mississippi and Alliance Bus Group. It is expected that the City will receive these buses in Spring 2020. Alliance bus group has agreed to let the City lease for \$1, up to five Vicinity buses between January 2020 and the arrival of the new buses. This will provide the necessary vehicles for the increase in service in January 2020.
- The City of Oxford, Mississippi has approved the assignment of four Vicinity buses from the fifteen buses awarded to Mississippi State University on October 1, 2018 via Contract No. 500350 between the City of Oxford and Alliance Bus Group.

Vendor Outreach Efforts:

- Staff researched and evaluated a number of existing transit bus contracts from different jurisdictions to determine the most appropriate fleet additions, meeting existing financial, operational, and time constraints.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- Finance and Human Resources Committee, August 27, 2019

Pro(s):

- This action will enable staff to purchase additional buses needed to meet the schedule for timely implementation of the Transit Master Plan.
- The purchase of additional hybrids and diesel vehicles will provide the needed fleet flexibility to meet system and on-time-performance needs. Staff continues to evaluate the electric buses currently in service and to monitor the electric bus market for future fleet purchases.
- This action ensures compliance with the Federal Transit Administration and the City of Asheville's procurement policy.

Con(s):

- Approximately \$759,708 in City capital funds will be used to provide the required 20% match.

Fiscal Impact:

- As noted above, the purchases will be made using a portion of the \$5.7 million in grant funds awarded in 2018 by the French Broad River Metropolitan Planning Organization. The City will provide the required 20% matching funds. The grant and the City match are already budgeted in the approved Capital Improvement Program (CIP) and the City's match is included in the cash flow for the CIP/debt model.

Motion:

- Move to adopt a resolution authorizing the City Manager to purchase a total of seven (7) new buses for the Asheville Redefines Transit System totaling \$3,798,538. This includes authorization to:
 1. Execute purchase orders in the amount of \$2,107,374 for three (3) 30-foot diesel electric hybrid Gillig buses utilizing the existing Rocky Mount, North Carolina Consortium Contract No. CRM 76164 in which the City of Asheville is a part; and
 2. Waive the bidding requirements per NCGS 143-129(g) allowing the City of Asheville to utilize the existing City of Oxford, Mississippi Contract No. 500350 with Alliance Bus Group, Inc. to purchase four (4) Grande West Vicinity clean diesel buses, assigned by Mississippi State University to the City of Asheville; and
 3. Execute a purchase order in the amount of \$1,451,956 to purchase four (4) Grande West Vicinity diesel buses at the base bid price in the City of Oxford, Mississippi Contract No. 500350; and
 4. Execute a change order, not to exceed \$239,208, to the four (4) Grande West Vicinity buses in order to outfit them with the equipment necessary for the Asheville Redefines Transit System; and
 5. Execute a lease agreement with Alliance bus Group, Inc. for the lease of up to five (5) Grande West Vicinity diesel buses between January 2020 and the arrival of the new buses.

I. ORDINANCE NO. 4758 - BUDGET AMENDMENT TO ALLOCATE INSURANCE RECOVERY FUNDS FOR A TOTALLED CITY BUS

Action Requested: Adoption of a budget amendment in both the Transit Capital Projects Fund and the Property and Liability Fund in the amount of \$359,706 from insurance funds received in consideration for a totalled City of Asheville (City) bus to apply towards the purchase of a new bus.

Background:

- On October 28, 2018, a 2006 Orion City bus was totalled as a result of an engine fire.
- The City filed an insurance claim with the City's property insurance carrier seeking compensation for the totalled bus and received \$359,706 in consideration for the claim.
- The City seeks to allocate the insurance proceeds to the Transportation Department to apply towards the purchase of a new bus.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Allocate property insurance proceeds received for the Transportation Department to utilize.

Con(s):

- None

Fiscal Impact:

- The revenue will be received in the Property & Liability Fund and transferred to the Transit Capital Projects Fund, which necessitates a budget amendment in both funds.

Motion:

- Move to adopt a budget amendment in both the Transit Capital Projects Fund and the Property and Liability Fund in the amount of \$359,706 from property insurance proceeds to apply towards the purchase of a new bus.

ORDINANCE BOOK NO. 32 - PAGE 411

J. RESOLUTION NO. 19-194 - RESOLUTION AMENDING THE 2019 CITY COUNCIL MEETING SCHEDULE TO (1) ADD AN AFFORDABLE HOUSING WORKSHOP ON SEPTEMBER 6, 2019, AT 8:15 A.M. IN THE BANQUET HALL OF THE U.S. CELLULAR CENTER; AND (2) CANCEL THE CITY COUNCIL REGULAR MEETING ON OCTOBER 8, 2019

RESOLUTION BOOK NO. 41 - PAGE 57

K. RESOLUTION NO. 19-195 - RESOLUTION AMENDING RESOLUTION NO. 19-142 TO REPLACE THE PROGRAM NAME OF "SERVICE COORDINATOR FOR THE CITY OF ASHEVILLE" WITH "BENEFITS ASSISTANCE PROGRAM" FOR THE 2019-20 STRATEGIC PARTNERSHIP FUND GRANT

Action Requested: Adoption of amended resolution to replace program name of "Service Coordinator for the City of Asheville" with "Benefits Assistance"

Background:

- On June 11, 2019, City Council approved Strategic Partnership Funding for the 2019-2020 Fiscal Year, based on funding recommendations made by the Housing & Community Development Committee on March 29, 2019 .
- An administrative error was made in Resolution 19-142, listing the incorrect program name for The Council on Aging of Buncombe County's Strategic Partnership Fund program as "Council on Aging Buncombe County-Service Coordinator for the City of Asheville". The correct program name is "Council on Aging Buncombe County-Benefits Assistance". No programmatic or funding changes are being requested.
- This correction is necessary to move forward with contracting the grant and making the funds available to the agency.

Council Goal(s):

- Thriving Local Economy

Committee(s):

- None

Pro(s):

- This will correct an administrative error made in the original resolution.
- This correction will allow the City to move forward with a contract for the Strategic Partnership Fund grant allocated to The Council on Aging of Buncombe County

Con(s):

- None

Fiscal Impact:

- No fiscal impact is associated with this administrative correction.

Motion:

- Motion to correct an administrative error on resolution 19-142 which replaces the program name of "Service Coordinator for the City of Asheville " with "Benefits Assistance" for The Council on Aging of Buncombe County's Strategic Partnership award.

RESOLUTION BOOK NO. 41 - PAGE 58

- L. RESOLUTION NO. 19-196 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN EXISTING LIABILITY CLAIMS SERVICES AGREEMENT WITH PMA MANAGEMENT CORPORATION FOR A PERIOD OF ONE YEAR AND AUTHORIZE PROVIDING THE SERVICES FOR THREE ADDITIONAL CONSECUTIVE YEARS**

Action Requested: Adoption of a resolution authorizing the City Manager to renew an existing liability claims services agreement with PMA Management Corporation (PMA) for a period of one year and authorize providing the services for three additional consecutive years.

Background:

- The City of Asheville (City) Risk Management Division (Risk) administers the City liability program and contracts with PMA for liability claims handling services (Services), including: claims record keeping and check issuance.
- Since 2010, PMA has provided Services to support the City liability program.

- In 2018, Services were sought via a Request for Proposals and PMA was the best proposer.
- In 2018, a contract was entered into with PMA to provide Services for three years, with the option for the City to renew two additional years.
- Historically, services total approximately \$25,000 annually but the contract is encumbered for \$70,000 annually. Charges are incurred per claim handling service, which varies annually.
- As a result of multiple years of PMA Service provision, the aggregate value of PMA's Service contract will exceed \$90,000 in Fiscal Year 2020, necessitating City Council authorization for Services to continue in Fiscal Year 2020 and subsequent years.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Ensures Service continuity to support the City liability program.

Con(s):

- None.

Fiscal Impact:

- Contract expenses for Services are budgeted within the Property & Liability Fund and adopted with the Fiscal Year 2020 budget. The contract is contingent on budget appropriations in future fiscal years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to renew an existing liability claims services agreement with PMA for one year and authorize PMA to provide the services for three additional consecutive years.

RESOLUTION BOOK NO. 41 - PAGE 59

M. RESOLUTION NO. 19-197 - RESOLUTION RATIFYING THE RENEWAL OF AN EXISTING SECURITY CONTRACT WITH ALLIED UNIVERSAL SECURITY FOR SERVICES PROVIDED AT PARKS AND RECREATION FACILITIES

Action Requested: Ratification of contract renewal and close out of contract with Allied Universal Security for security services at Parks and Recreation properties.

Background:

- In May, 2016, the City entered into a renewable contract with Allied Universal Security Company (previously US Securities) for the provision of security at parks and recreation properties, including but not limited to closing and securing properties.
- The contract was renewed on April 17, 2017, for Fiscal Year (FY) 2017-18.
- During the transition from US Securities to Allied Universal, the vendor did not bill the City for services rendered in FY 2018-19.
- Ratification of the contract allows the department to pay the outstanding balance and close-out the contract effective July 31, 2019.
- As of August 1, 2019, the Parks and Recreation department in-sourced the service.
- In-sourcing the service saves the City approximately \$35,000 annually.

Council Goal(s):

- H.1 Invest needed financial and staff resources to address maintenance, new construction and operational needs.
- F.3 Identify opportunities to in-source existing contractual services.

Committee(s):

- None

Pro(s):

- Completion and close-out of existing contract and in-sourcing of labor at living wage.

Con(s):

- None

Fiscal Impact:

- Total cost of \$70,000, funding split across FY 2018-19 (\$65,000) and FY 2019-20 (\$5,000).

Motion:

- Motion to adopt resolution ratifying the renewal, payment and close-out of the contract with Allied Universal Security for parks facilities security.

RESOLUTION BOOK NO. 41 - PAGE 60

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. MANAGER'S REPORT

City Manager Campbell was pleased to introduce the City's new Assistant City Manager Richard White. She also was happy welcome Police Chief Chris Bailey, who was unable to attend this meeting.

Development Services Department Process & Permitting Initiatives

Development Services Director (DSD) Ben Woody provided Council with an overview of the DSD process and permitting initiatives (1) digital residential permitting; (2) development notification tool; and (3) expedited review process update.

"Big Picture" external changes include (1) No longer accept *incomplete residential applications*; (2) DSD will convert applications and revisions into *digital format*, no matter how they come in; (3) *Formal communications* to customers will go through Accela Citizen Access (ACA); (4) *Electronic document retention* in Accela is sufficient; there is no need to hold onto paper documents; and (5) Improved *customer resources*.

Internal changes include: (1) Develop a new **workflow process** for residential Electronic Document Review (EDR) that can scale up to other permit types; (2) Coordinate with **partner organizations** on going digital - Tax office, MSD, NCDEQ, NCDOT, Water; (3) Create a **residential team** and develop standard operating procedures; and (4) Coordinate with IT on **technology implementation** - Residential development portal, Accela improvements, electronic document review software.

Digital permitting conclusions are (1) The residential digital process has improved review accuracy and turn-around times; (2) The internal review procedure and technology improvements are replicable for other permit types; (3) The digital process provides a highly desirable service, but does not exclude customers from traditional paper submittals; (4) There is still a learning curve for one-time or infrequent applicants; and (5) Additional staff depth is needed.

Development notification tool (1) Part of the Technical Review Committee Process Improvement; (2) Provide timely information and clarity to residents regarding development; (3) Educate residents and promote a more effective communication process; and (4) **Desired outcome**: better development, better communication, less frustration on both sides,

Regarding the major development public survey, over 200 survey responses were received: (1) Who is building what? Residents are not sure who is responsible for building a project. (2) Where do regulations and rules come from? Some residents think rules are made up on the fly. (3) Who to talk to and when to talk to them. Residents are frustrated because they don't know this.

Top requested features are notifications, livestream, and granularity control (by route, whole city, specific neighborhoods, etc.) You can opt-in; choose your notifications; email delivery; digital access to application information; and/or process education.

Notification tool conclusions include (1) The beta tool is a work in progress. Additional usability testing and feedback is needed (waterfall model); (2) The beta tool is soft-launched. The project team is working with CAPE for additional outreach to potential users; (3) The project team plans to continue adding educational resources and more granular notification types to the tool; (4) The notification tool is replicable for other permit types; and (5) To opt-in please visit: <https://notifications.ashevillenc.gov/>.

He updated Council on the expedited review process: (1) Establish an expedited review process that aligns with Council priorities; (2) Provide a higher level of service to qualifying projects; (3) Concept is being piloted with affordable housing developments and bond funded capital projects; and (4) **Desired outcome**: reduce overall review process time; plans are approved with no more than one revision cycle.

Downtown Public Safety and Street Outreach

Assistant City Manager Cathy Ball reviewed with Council the current initiatives and investments in Downtown.

She provided Council with an overview (1) Addressing needs & responding to recent concerns; and (2) Update on current resources, initiatives and investments (a) Central Police District; (b) Street Outreach Program; (c) Harm Reduction Task Force with Buncombe County; (d) Asheville Fire Department; (e) Downtown Liaison; (f) Downtown Cleaning; (g) Haywood/Page; and (h) Communications.

Central Police District - (1) City Council approved funding for a new central police district; (2) Anticipated date of implementation January 2020; (3) The new district will support: (a)

Improved response times; (b) Increased community policing; and (c) Improved relationships with area stakeholders.

Community Goal is to end homelessness by making it: Rare, Brief and Non-recurring.

Regarding the street outreach program, (1) City Council allocated \$150,000 for homeless street outreach; (2) The City will contract with Homeward Bound to provide street outreach services to persons experiencing chronic homelessness; (3) Will work collaboratively with APD and AFD; (4) Objectives will be to reduce the number of people experiencing homelessness and increase housing placements; and (5) Program will launch by late fall.

Regarding the City/County Harm Reduction Task Force, (1) The City and Buncombe County are collaborating on tools and strategies for improving the health and wellbeing of individuals in need; (2) Working to find ways to mitigate public health and safety issues that correlate with a growing number of people experiencing homelessness and Substance Use Disorders (SUDs); and (3) In-progress to rollout syringe disposal units in high need locations as a pilot program.

The Fire Department has 14 firefighters on duty 24 hours a day at the downtown station. All firefighters are trained EMTs, carry medication to reverse overdoses, and carry resource cards to distribute to those in need.

Dana Frankel is the City's dedicated staff person who serves as a liaison for downtown. Role includes coordination to prioritize and address issues, collaborate on solutions.

Regarding Downtown cleaning services, (1) The City's PW Department oversees a cleaning contract for downtown that includes litter pick-up, pressure washing, weed control, and cleaning of the trash/recycling bins. New contract increases frequency in the core; (2) PW staff removes graffiti, collects litter, waters the hanging baskets regularly; and (3) Street cleaning takes place 5 nights/week.

Regarding 68 Haywood Street, (1) Community recommendations being implemented; (2) Hours of the property are 7 am - 10 pm; (3) Beginning in January 2020, use of 68 Haywood Street will transition to support construction and communication for the Haywood Streetscape Improvement project; and (4) Next steps for long-term use are in-progress (for consideration later on agenda).

Communications/Information - Staff will develop communications and information leaflets to be distributed at downtown businesses and other key locations to help direct (and address) concerns as well as to provide information and resources to those in need.

Next steps include (1) This presentation includes some current programs the City and partners are implementing - progress updates will be provided; (2) City continues to meet regularly with downtown groups and organizations (Asheville Downtown Association, Downtown Asheville Residential Neighbors, South Slope Neighborhood Association, homeless service providers) and seeks opportunities for coordinated efforts; and (3) Prioritization and guidance will continue to come from City and County, and community advisory groups.

Community call to action includes (1) Public safety and homelessness are **BIG** issues to address and require community partnerships and a multi-faceted approach; (2) We ask and encourage community members and organizations to consider their roles and resources - the City and existing partners cannot do this alone; and (3) In addition to partnering with Buncombe

County and local service providers, we welcome input, ideas and collaboration on tools for addressing these complex challenges.

In response to Councilman Kapoor regarding concerns expressed about harassment in the downtown area, Ms. Ball said that the City is continuing to work on that issue.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 1 SOUTH TUNNEL ROAD FROM REGIONAL BUSINESS DISTRICT TO MIXED USE EXPANSION/CONDITIONAL ZONE TO ALLOW A MIXED-USE DEVELOPMENT THAT INCLUDES RESIDENTIAL, RETAIL, SERVICE AND ENTERTAINMENT USES

On August 27, 2019, Mr. Robert W. Oast Jr., the applicant's attorney requested this public hearing be continued to October 22, 2019. Therefore, Councilwoman Mayfield moved to continue this public hearing until October 22, 2019. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

B. PUBLIC HEARING TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE RELATED TO THE DEFINITION OF KITCHEN AND HOMESTAY STANDARDS

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to amend the Unified Development Ordinance related to the definition of kitchen and homestay standards. . This public hearing was advertised on August 16 and 23, 2019.

Background:

- At two separate meetings in the summer of 2018, the Planning and Economic Development (PED) Committee heard from members of the Homestay Network (a community based organization of homestay permit holders) and city staff regarding regulation and enforcement of homestay standards. The city's new definition of "kitchen", adopted January 2018, was at the center of the discussions.
- City staff met with representatives from the Homestay Network several more times to review potential changes to homestay standards that included the kitchen definition and other changes meant to clarify the standards and assist with current enforcement practices.
- On June 10, 2019, the Planning and Economic Development Committee provided policy direction to staff to move forward with a change to the "kitchen" definition, and to clarify in the Unified Development Ordinance (UDO) the minimum homestay host age and proof of residency requirements.
- A homestay is not allowed to have a "kitchen" and the new definition of "kitchen" included a space that had any one of the following: a stove, a full-sized refrigerator, or a kitchen sink.
- The outcome of the PED Committee meeting was direction to amend the recently adopted definition of "kitchen" to be more consistent with a former staff interpretation that only included a stove.
- The kitchen definition and other changes agreed to by the Homestay Network are included in the draft ordinance. Other changes designed to clarify homestay standards and support more effective enforcement were suspended to provide an opportunity to explore other alternatives, including direct outreach to the major on-line rental platforms. This effort, however, did not prove effective.
- To date, no further direction regarding the other changes designed to support enforcement proposed by staff has been provided.
- The Planning & Zoning Commission reviewed the proposed changes at their August 7,

2019, regular meeting and recommended approval (7:0).

Comprehensive Plan Consistency:

- This proposal best aligns with the *Living Asheville Comprehensive Plan* theme of a Resilient Economy by tackling the city's, "*housing affordability challenges from a number of different angles, which include . . . creating more economic opportunities for wage growth and upward mobility*". Also, under strategies to increase and diversify the housing supply, the *Plan* also describes the need to, "*Develop a comprehensive study of all lodging types and their impact on the community in order to evaluate policy options related to these different uses. In the interim, continue enforcement of illegal short-term vacation rentals*".

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Planning and Economic Development Committee (July 23, 2018, August 13, 2018 and June 10, 2019)

Pro(s):

- The change in the definition of "kitchen" will allow for living spaces to move between long-term and short-term more easily, while clarifying language that has been communicated to staff to be confusing.
- Allows for homestay and other lodging units to have more full-service amenities for out of town guests.
- Simplifies the application process by not requiring documents establishing proof of residency, while still requiring affirmation of residency.
- Clarifies that a homestay operator must be a minimum of 18 years of age, which is consistent with the on-line rental companies' policies.

Con(s):

- The change in the definition of "kitchen" will allow Accessory Dwelling Units and other separate living spaces, to be used for short-term lodging by simply removing a stove.
- Identifying noncompliance by the re-installation of a stove is very difficult and there is potential for abuse.
- Falsifying residency on homestay applications continues to be one of the more significant enforcement challenges.

Fiscal Impact:

- Homestay and Short-term Vacation Rental enforcement remains the single largest focus area within zoning enforcement and includes contracting with a third party software vendor to adequately monitor rental activity.
- No additional resources are being requested so no additional fiscal impact is anticipated; however, keeping up with the regulation of home-based lodging activities continues to evolve and can be unpredictable.

Ms. Tuch further explained that in January 2018, the Asheville City Council adopted Ordinance No. 4637. This ordinance fell in the middle of an ongoing community discussion about lodging and how best to regulate it. Prior to 2018 several lodging types were lumped together under one general category of "Lodging Facilities". So, among other things, the Ordinance sought to establish several new definitions distinguishing between the different forms of lodging, and this, in turn, allowed for more individualized regulation of those different forms of lodging. One of the new definitions adopted was a definition for "kitchen" which had become an

increasingly important and necessary term to define because it was one of the key features used to distinguish between different forms of lodging.

The definition of kitchen that was adopted in 2018 basically said that a kitchen was an area in a structure for the preparation and cooking of food, and which included any one of the following: a stove, a sink, a full-sized Refrigerator. If you have the sink, refrigerator and cabinetry, that by itself doesn't constitute a kitchen. It's the stove that becomes that defining element - the cooking appliance that requires a 240 volt outlet or gas connection. The new definition in the proposed ordinance reads "Kitchen means an area within a structure that is used for the preparation and cooking of food and that contains one or more cooking appliances requiring a 240 volt outlet or gas connection."

In the months following the adoption of the new ordinance and kitchen definition, folks who had an interest in homestays (either because they already had a homestay permit or were looking to acquire one) expressed concern over the limits of the new definition (particularly the inability to have a sink) and asked Council to reconsider.

The Planning & Economic Development (PED) Committee heard from the community and staff at two separate meetings in the summer of 2018 and after some consideration and exploration of other related matters, directed staff to redraft the definition to be more consistent with an earlier interpretation that a "kitchen" need only include a stove.

That is the main element of this amendment. There have been some questions raised about whether this allows both a homestay and an Accessory Dwelling Unit (ADU) on a single property, or allows rooms to be rented in separate structures, or allows multiple accessory structures. But, all of these things are already allowed and this amendment doesn't change any of that. It also doesn't change the rule that prohibits an ADU from being used as a Homestay but this has been a source of some confusion. Fundamentally, this amendment does two things:

- 1) It relaxes the definition of kitchen to allow more kitchen related amenities (full sized refrigerator, a sink, plug-in cooking appliances like a microwave, toaster oven, hot plate) not previously allowed in a Homestay, and
- 2) Because a stove is now the defining feature of a kitchen, it makes it easier to move between housing and lodging by simply adding or removing a stove. If you have an ADU and you remove a stove, you no longer have a kitchen - if you don't have a kitchen - you don't have a Dwelling Unit. So, if you start with an ADU, and you remove the stove, then the ADU is not longer an ADU and it becomes accessory living space, which is then eligible to be used as a Homestay.

Also included in the current text amendment are a couple relatively minor changes to the special standards for Homestays including: (1) Adding that the resident/manager be a minimum of 18 years old; and (2) The elimination of the need to supply proof of residency documents where, instead, staff is proposing to require an affirmation of residency and the need to submit documents, only if deemed necessary (probably, most commonly, when we have an enforcement case).

Mayor Manheimer opened the public hearing at 6:14 p.m.

Casey Campfield felt that enforcement of short term rentals has been insufficient and fines imposed are far too low to act as a deterrent. He was concerned that the City will not require documents establishing residency but only require affirmation of residency. He urged Council to fight the expansion of short-term rentals. He asked Council to not vote to relax restrictions on short-term rentals.

Bob Michel, homestay host, said they have been diligently working on this since January of 2018, and in the last six months they have come up with a better kitchen definition. He urged Council to support this amendment.

Jackson Tierney, with the Asheville Homestay Network, said some issues affecting cities include affordable housing, neighborhood integrity and property rights. In his opinion, the sweet spot is homestays. Homestays allow people to participate in the tourist economy, to make things more affordable for them or a renter, and it also requires that hosts spend every night in the home that they host guests. The move in January to remove by-right whole house rentals, was a good move to staunch the flow of investors and buying up properties. There are between 150-300 illegal short-term rentals in the City. They felt that fining the platforms \$500/per day for each illegal listing is a step in the right direction. They also look forward to working with the City on the current violations across the City by using their business skills and their knowledge to improve it. He asked that Council support the ordinance amendment.

Mayor Manheimer asked for clarity in the con “The change in the definition of ‘kitchen’ will allow Accessory Dwelling Units and other separate living spaces, to be used for short-term lodging by simply removing a stove.” In 2018, a detached structure could not be used as a homestay. She assumed with this definition of “kitchen”, an ADU, whether detached ADU or an attached ADU, you can convert it to a homestay by removing the stove, with this change. Ms. Tuch said that is correct. Ms. Tuch clarified that happens today - people are converting detached and attached ADUs into homestays. What this proposed change does is makes it easier - that is the flexibility going back and forth between long-term and short-term.

Vice-Mayor Wisler said that about three years ago Council loosened up the rules for allowing people to have detached dwelling units. Council allowed people to build closer to the sidewalks, etc., but as part of that we said that this was to build living units, not homestays or short-term rentals.

Mayor Manheimer said Council loosened up the regulations around the construction of ADUs to make infill dwelling units easier to build in the City. The concern here is that we have this problem already, but this change may further exacerbate the issue of allowing more ADUs to be used as short-term rentals or homestays under this definition.

Mayor Manheimer said that under the State Building Code, when you build an ADU, the City will inspect and permit it. It assumes you have a kitchen and the issue here is that people will build these, or already have there, and in order to convert them into a homestay, they will just pull out the stove. Whereas, the current definition we have now is pretty convoluted, but if we really want to honor the intent that Council was headed when we start this with the crafting of the ADU ordinance, we would really only allow some kind of convenience kitchen - like in a hotel room (small sink, maybe a microwave and a dorm-size refrigerator). But we haven't gone in that direction. It's important to understand and have clarity around which track we are taking.

Vice-Mayor Wisler said that she was opposed to allowing detached ADUs to more easily be converted to homestays. She always felt that detached ADUs should be dwelling units - no matter what.

Councilwoman Mayfield said the policy track that we have been used with ADUs is that they should be used for long-term renters. She felt that is still the right strategy. What we are seeing; however, is that people were not actually building ADUs - they were just building accessory structures that didn't have the kitchen. That means that those structures can't ever be long-term.

Devinceo Priester urged Council to invest money into public housing projects.

Eliva Diaz spoke for the need to take care of renters by making sure landlords keep the structure safe.

Mayor Manheimer closed the public hearing at 6:43 p.m.

Vice-Mayor Wisler understood the idea of making the definition of kitchen easier and that a stove is the way to define a kitchen, but she suggested an amendment to include a standard that prohibits a detached structure from becoming a homestay. She felt that when we loosened up the rules for detached dwelling units, that the whole point of it was to create long-term rentals. If this allows short-term rentals, then she felt we have let the neighborhoods down and she would not support the amendment.

Mayor Manheimer said that Vice-Mayor Wisler's amendment may be significant enough to have to go back to the Planning & Zoning Commission.

Councilwoman Mayfield said that in October there were 11 recommendations that staff brought forward and this was one of them, which was to clearly state that ADUs could not be used as homestays. That did not represent a change in the law. It represented a clear statement of the staff's interpretation of existing law. That is still the law. It was always true you could build an ADU meant for long-term rental, take out the stove, and get a homestay permit. That has always been the case. If Council wants to explore that, she suggested sending this back to PED because there are more homestay regulations and issues that need to be addressed, including how we hold the platforms accountable for listing illegal short-term rentals, etc.

Councilman Kapoor said the goal is that we do want more long-term rentals. He felt that being able to have a detached structure that has the ability to move back and forth from short-term to long-term would encourage that. He feels that if we have people doing this illegally, then we need to come down on them hard. He was supportive of the proposed amendment. When we first did this in January 2018, he thought we would be voting on simply prohibiting whole house short-term rentals in the downtown. If Council wants to go back and revisit the question of what we do with detached structures, he felt we could send that through PED.

Mayor Manheimer said she has never been supportive of these changes. She doesn't favor the direction we are moving in. She would rather see an amendment not to allow any kind of homestay in any ADU and for that matter, not make it easy to simply modify a kitchen by pulling out the stove. She'd like to see us go back to the purity of the homestay definition - which is in your home, whether you are a long-term renter or a homeowner, you can rent up to 2 bedrooms in your home. If people want to put in a convenience kitchen that has a small sink, a microwave and a small refrigerator to accommodate their temporary guests, she felt we should move the ordinance in that direction. She was alarmed by what we are seeing in Asheville with the number of AirBnB units in Asheville - that is no small impact on rental housing available to people. We are hearing more and more rumors in Raleigh that there is a push from the Air BnB industry to pre-empt all cities in North Carolina from regulating Air BnB's at all. We have been dealing with this threat all summer. There is not a bill now, but there are committee substitute bills that have been drafted and floating around the legislature. She understands that the risk is that the real estate people who have lobbied the legislature, coupled with the AirBnB lobbyists, will try to make an end run around us. She doesn't want that. We have worked really hard for a really long time to come up with a compromise that works for our community and she is concerned this will move us in a direction that is not healthy for our community and not healthy for the people that live in our community. She appreciated Asheville Homestay Network taking it

upon themselves to do all this work and engage with staff and come up with all these points, but she does not endorse it. She thinks it is the wrong direction to be going in.

City Attorney Branham said that Council can move to defer consideration of this item. Council has the authority under the rules to defer consideration for up to 100 days. That can be revived by separate motion within that period at a later meeting.

Councilwoman Mayfield moved to defer consideration to a later time period and that we send this issue, and the others that have been raised here tonight, back to PED for consideration. This motion was seconded by Vice-Mayor Wisler and carried on a 5-2 vote, with Councilman Kapoor and Councilman Young voting “no.”

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 19-198 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH NELSON BYRD WOLTZ TO CREATE A CONCEPT PLAN FOR THE REDEVELOPMENT OF CITY OWNED PROPERTIES AT HAYWOOD STREET AND PAGE AVENUE

Director of Planning & Urban Design Todd Okolichany said that this is the consideration of a resolution to authorize the City Manager to execute a contract for the amount of 292,000 with Nelson Byrd Woltz to create a concept plan for the redevelopment of City owned properties at Haywood Street and Page Avenue.

Background:

- Council hired the Asheville Design Center to engage the community in a visioning process for the use of the City-owned Haywood and Page properties in late 2016. The [Haywood Street Visioning Project report](#), which focused on building community consensus on uses for the site but not a design, was delivered to Council in 2017.
- In the fall of 2017, Council authorized staff to seek a team that could create a redevelopment concept, design, and other plan implementation materials that would build on and implement the community's vision for the site.
- Nelson Byrd Woltz led the the top-ranked team in that competitive request for qualifications (RFQ) process. The original proposed fee was \$324,000.
- Negotiations were put on hold when it was determined by the City that funding was not available for the project in fiscal year (FY) 18-19. Staff maintained communications with the Nelson Byrd Woltz team during the next year. Informal conversations about re-negotiating the scope and fee began in January 2019, after the Planning and Economic Development (PED) Committee of Council made a motion to recommend to the full City Council that this project be funded as part of the upcoming budget year.
- Funding for the project was approved as part of the FY 19-20 budget process. The new proposed fee is \$292,000.
- The scope of work includes: preliminary site due diligence; regular meetings with the client team and the community; technical planning and design activities; an analysis of social, environmental and economic returns possible; cost estimates; and the preparation and delivery of project reports and public presentations to City Council and their committees.
- The primary deliverable to the City will be a concept/master plan for the site and up to three draft concepts based on recommendations in the Vision Report (from 2017); followed by, a preferred and refined concept design with up to two plan alternatives (based on the same general concept plan).

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses including posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.

Council Goal(s):

- Develop a plan for Haywood Street land use and implement as appropriate.

Committee(s):

- PED committee recommendation on funding in December 2018
- Regular project updates provided to Downtown Commission

Pro(s):

- Use of contracted services allows the City to deliver on a Council Strategic Goal while allowing staff to provide essential services and continue work on existing projects.
- City will be one step closer towards implementing the community's long term vision for the site.

Con(s):

- None

Fiscal Impact:

- The total impact to the general fund is \$292,000. Funding for this contract was included as part of the adoption of the FY 2019-2020 budget.

In response to Councilwoman Mayfield, Mr. Okolichany said that he has reached out to the original Vision Implementation Committee to ask for their assistance.

Elvia Diaz urged Council to make sure that any work goes to local people.

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 to adopt a resolution to authorize the City Manager to enter into a contract with Nelson Byrd Woltz in an amount not to exceed \$292,000 and endorse the Vision Implementation Committee which includes original Vision Committee members as the stakeholder group for the process. This motion was seconded by Councilman and carried unanimously.

RESOLUTION BOOK NO. 41 - PAGE 61

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Buncombe County Tourism Development Authority, the following individuals applied for the vacancy: Pratik Bhakta and James Poole. It was the consensus of Council to interview Mr. Bhakta and Mr. Poole.

RESOLUTION NO. 19-199 - RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

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

The terms of Barber Melton, Andy Barnett, Sage Turner and Joe Ikelheimer expire on September 1, 2019. And, pursuant to Resolution No. 19-63, two additional seats were added to the Affordable Housing Advisory Committee, one of which is a banker/lender with loan and/or commercial experience.

The following individuals applied for these vacancies: Grace Barron-Martinez, JV Farr, Margie Bukowski, Amber Banks, Paul Holstein, Brian Methvin, Shannon Watkins, Paul Heathman, Michael Figura, T. Cory Lewis, Tyson Bowman, Thomas Christ and Drew Crawford.

The Boards & Commissions Committee recommended (at the suggestion of the Affordable Housing Advisory Committee) reappointing Andy Barnett, Sage Turner and Joe Ikelheimer; and appoint Paul Heathman, Amber Banks and Margie Bukowski.

Vice-Mayor Wisler moved to reappoint (1) Andy Barnett, Sage Turner and Joe Ikelheimer to each serve an additional three-year term, terms to expire September 1, 2022, or until their successors have been appointed; (2) appoint Paul Heathman (banker/lender with loan and/or commercial experience) to serve a three-year term, term to expire September 1, 2022, or until his successor has been appointed; and (3) appoint Amber Banks and Margie Bukowski to each serve a three-year term respectively, terms to expire September 1, 2022, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 62

RESOLUTION NO. 19-200 - RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

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

Gretchen Gudites has resigned from the Citizen-Police Advisory Committee, thus leaving an unexpired term until June 30, 2022.

The following individuals applied for these vacancies: Robert Woolley, Tracey DeBruhl, Jacob Haug, Shannon Watkins, Cathy Banks and Jeremy Spielman.

The Boards & Commissions Committee recommended appointing Jeremy Spielman.

Vice-Mayor Wisler moved to appoint Jeremy Spielman to the Citizens-Police Advisory Committee, to serve the unexpired term of Ms. Gudites, term to expire June 30, 2022, or until his has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 63

RESOLUTION NO. 19-201 - 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.

Joe Minicozzi and Tai Djani have resigned from the I-26 Connector Project Aesthetics Committee.

The following individuals applied for these vacancies: Larry McDevitt, Forster de la Houssaye and Lynn Raker.

The Boards & Commissions Committee recommended (at the recommendation of the I-26 Connector Project Aesthetics Committee) appointing Forster de la Houssaye and Lynn Raker.

Vice-Mayor Wisler moved to appoint Forster de la Houssaye and Lynn Raker to each serve approximately one year or until their tasks are complete before the Environmental Impact Statement is released. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 64

RESOLUTION NO. 19-202 - RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

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

The terms of Bruce Emory (representing transit interests), David Nutter (representing greenway interests), and Terry March (representing bike and pedestrian interests) will expire on July 1, 2019. In addition, Rachelle Cox (representing bike/ped interests) and Mary Weber (representing greenway interests) resigned thus leaving two unexpired terms until July 1, 2021.

The following individuals applied for the vacancy: Ritchie Rozzelle, Pat Katz, Dennis Wencel, Michael Stratton, Kenneth Armstrong, Sandy Aldridge, Lisabeth Medlock, Shannon Watkins and Amy Jones.

It was the consensus of the Boards & Commissions Committee (at the recommendation from the Multimodal Transportation Commission) to reappoint David Nutter (representing greenway interests), appoint Lisabeth Medlock (representing transit interests), Randy Warren (representing bike/ped interests, PatKatz (at-large representative), Michael Stratton (representing bid/ped interests) and Kenneth Armstrong (representing greenway interests).

Vice-Mayor Wisler moved to (1) reappoint David Nutter (representing greenway interests) to serve an additional three-year term, term to expire July 1, 2022; (2) appoint Lisabeth Medlock (representing transit interests); (3) appoint Randy Warren (who is currently serving as an at-large representative) to now represent bike and pedestrian interests, to serve a three-year term , term to expire July 1, 2022; (4) appoint Pat Katz (at-large representative) to serve the unexpired at-large term of Mr. Warren, term to expire July 1, 2010; (5) appoint Michael Stratton (representing bike/ped interests) to fill the unexpired term of Rachelle Cox, term to expire July 1, 2021; and (6) appoint Kenneth Armstrong (representing greenway interests) to fill the unexpired term of Mary Weber, term to expire July 1, 2021. All appointments are until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 - PAGE 65

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Brynn Estelle spoke to Council about various issues, including opposition to redistricting.

Sarah Benoit urged Council to oppose redistricting.

Shane McCarthy urged City Council to declare a climate emergency and make a 100% renewable Asheville a guiding principle for our City.

Elvia Diaz hoped City Council will make changes to tenant rights and landlord relations.

Nina Tovish urged City Council to move forward with action to fight redistricting, and to not allow any more hotels.

Mayor Manheimer said that at the September 10, 2019, City Council meeting, City Council will set a public hearing on a hotel moratorium. At the September 24, 2019, public hearing, the City Manager will talk about what to expect during the moratorium period. Also, the Planning & Economic Development Committee will be meeting on Thursday, August 28, 2019, at 4:00 p.m. regarding a moratorium. In addition, City Council will be holding an affordable housing workshop on Friday, September 6, 2019, at 8:45 a.m. in the U.S. Cellular Center Banquet Hall.

Diane Allen urged Council to enforce and/or enact laws that prohibit weapons on buses, noting that service animals on buses are a concern as all animals should have rabies vaccination tags.

Joe Minicozzi provided Council with his experience on the I-26 Connector Aesthetics Committee and why he resigned. He felt the City should not do anything until a final Environmental Impact Statement is received. Councilwoman Mayfield said that the final Environmental Impact Statement is due out next month, and thought the full report will come to City Council by the end of the year.

Peter Landis spoke about redistricting and urged Council to consider Councilman Kapoor's suggestion of 9 Council seats, which would give all voters the opportunity to vote for five candidates.

Scott Owen urged Council to fight redistricting; and also to keep the costs of the Haywood/Page site down.

Michelle Myers and Kim Roney provided comments to Council about the draft 100% Renewable Energy Initiative.

Closed Session

At 7:53 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(e). 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, an administrative procedure and a potential lawsuit concerning City Council election districts, as well as potential settlements of claims including, but not limited to the following: City of Asheville v. Charles Soderquist and Stephanie B. Soderquist 18-CVS3772. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Councilman Kapoor and carried unanimously.

At 8:36 p.m., Vice-Mayor Wisler moved to come out of closed session. This motion was seconded by Councilman Haynes and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:36 p.m.

CITY CLERK

MAYOR