

Tuesday – July 28, 2015 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Marc W. Hunt; Councilman Cecil Bothwell; Councilman Jan B. Davis; Councilman Christopher A. Pelly; Councilwoman Gwen C. Wisler; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: Councilman Gordon D. Smith

**PLEDGE OF ALLEGIANCE**

Mayor Manheimer led City Council in the Pledge of Allegiance.

**ADDITION TO AGENDA**

At Mayor Manheimer's request, a LEAF Community Art's request was added to New Business.

**I. PROCLAMATIONS:**

**A. INTRODUCTION OF NEW CITY COUNCIL DEPARTMENT DIRECTORS**

City Manager Jackson was pleased to introduce Water Resources Director Jade Dundas and Chief of Police Tammy Hooper.

**B. PROCLAMATION PROCLAIMING JULY 30, 2015, AS "ELVIS IN ASHEVILLE DAY"**

Mayor Manheimer read the proclamation proclaiming July 30, 2015, as "Elvis in Asheville Day" which is keyed around the 40th anniversary of Elvis' landmark shows in Asheville. She presented the proclamation to Mr. Jon Elliston, Chairman of the Board of the Grateful Steps Foundation, and Mr. Jason Sandford, Founder and Editor of Ashvegas.com, who briefed City Council on some activities taking place during the day.

**II. CONSENT AGENDA:**

**A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 23, 2015**

**B. SECOND READING OF ORDINANCE NO. 4427 - ORDINANCE TO ADOPT A FRANCHISE AGREEMENT WITH EXTENET SYSTEMS**

Summary: First reading of Ordinance No. 4427 was adopted on June 23, 2015.

**ORDINANCE BOOK NO. 30 - PAGE 30**

**C. RESOLUTION NO. 15-141 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO FUND THE APPRENTICE/INTERN PROGRAM FOR FISCAL YEAR 2015-16**

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the N.C. Dept. of Transportation (NCDOT) to fund the Apprentice/Intern Program for FY 2015-16.

The NCDOT Public Transportation Apprenticeship Program gives current college seniors the opportunity to work in the field of public transportation management upon receiving their undergraduate degree. The 12-month program, which starts July 1<sup>st</sup>, provides exposure to all aspects of a transit system and allows apprentices to gain experience in managing public transportation operations.

The City applied for this program and was granted funding. After a selection program was conducted by the NCDOT the City is in the process to hire the apprentice to work in the Transportation Planning Division, Transportation Department. The apprentice will assist with route planning, analysis of transit related surveys and procurement processes and special projects.

FY 2015-16 funding totals \$37,748. The NCDOT will provide 90% of the anticipated funding (\$33,748), and the City will provide the remaining 10% (\$3,750). The grant funding and the City's local match in the amount of \$3,750 are currently budgeted in the Transportation Department's approved budget for the current fiscal year.

The Transit Committee supports the subject action.

Pros:

- The subject grant supplements funding for an apprentice position for FY 2015-16.
- The subject grant enables the City of Asheville to use \$33,748 in State funds for transit planning activities.

Con:

- A 10% local match in the amount of \$3,750 is required.

The total grant funding for Fiscal Year 2015-16 is \$37,748. The City is required to provide a 10% local match in the amount of \$3,750. The anticipated grant funding and the City's local match in the amount of \$3,750 are currently budgeted in the Transit Services fund.

City staff recommends that City Council adopt a resolution authorizing the City Manager to enter into an agreement with the NCDOT to fund the Apprentice/Intern program for FY 2015-16.

#### **RESOLUTION BOOK NO. 37 - PAGE 207**

**D. RESOLUTION NO. 15-142 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE FIVE POINT FILM FESTIVAL KICKOFF PARTY ON AUGUST 14, 2015**

**RESOLUTION NO. 15-143 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL ON SEPTEMBER 11, 12 AND 13, 2015**

**RESOLUTION NO. 15-144 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE VENTURE LOCAL FAIR ON SEPTEMBER 26, 2015**

Summary: The consideration of resolutions making provisions for the possession and consumption of malt beverages and/or unfortified wine at the 5 Point Film Festival Kickoff Party

on August 14, 2015; the Goombay Festival on September 11, 12 and 13, 2015; and the Venture Local Fair on September 26, 2015.

- 5 Point Film Festival has requested through the City of Asheville Community & Economic Development Department that City Council permit the sale of beer and/or unfortified wine at the 5 Point Film Festival Kickoff Party and allow for consumption at this event.

The 5 Point Film Festival Kickoff Party will be held on Friday, August 14, 2015 from 4:00 p.m. – 7:00 p.m. within the boundaries of the City of Asheville Surface Parking Lot #18 located on the corner of Haywood Street & Page Avenue as per the event area limits referenced on the accompanying site map.

- The YMI Cultural Center has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Goombay Festival and allow for consumption at this event.

The Goombay Festival will be held on Friday, September 11, 2015 from 5:00 p.m. – 10:00 p.m., Saturday, September 12, 2015 from 10:00 a.m. – 10:00 p.m. and Sunday, September 13, 2015 from 1:00 p.m. – 6:00 p.m. within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot as per the area limits referenced on the accompanying site map.

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

The Venture Local Fair will be held on Saturday, September 26, 2015 from 12:00 p.m. – 6:00 p.m., within the boundaries of Banks Avenue between the intersections of Coxe Avenue and Church Street, Buxton Avenue between the intersections of Coxe Avenue and Millard Avenue, and Collier Avenue between the intersections of Buxton Avenue and Millard Avenue as per the event area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for 5 Point Film Festival, YMI Cultural Center, and Asheville Downtown Association

Con:

- Potential for public safety issues

There is no fiscal impact.

City staff recommends City Council adopt resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the 5 Points Film Festival Kickoff Party, the Goombay Festival, and the Venture Local Fair.

**RESOLUTION NO. 15-142 - RESOLUTION BOOK NO. 37 - PAGE 208  
RESOLUTION NO. 15-143 - RESOLUTION BOOK NO. 37 - PAGE 211  
RESOLUTION NO. 15-144 - RESOLUTION BOOK NO. 37 - PAGE 214**

- E. RESOLUTION NO. 15-145 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT COMMUNITY WASTE REDUCTION AND RECYCLING GRANT FUNDS FROM THE N.C. DEPT. OF ENVIRONMENT**

**AND NATURAL RESOURCES TO DEVELOP A PUBLIC HOUSING  
RECYCLING PILOT PROJECT**

**ORDINANCE NO. 4433 - BUDGET AMENDMENT TO DEVELOP A PUBLIC  
HOUSING RECYCLING PILOT PROJECT**

Summary: The consideration of a resolution authorizing the City Manager to accept Community Waste Reduction and Recycling (CWRAR) grant funds from the N.C. Dept. of Environment and Natural Resources (NCDENR); and a budget amendment in the amount of \$25,950 in the Special Revenue Fund to budget the grant and the City's match.

The City of Asheville has partnered with the Housing Authority of the City of Asheville (HACA) in order to develop a public housing recycling pilot project, to be implemented in the 280 units of the Erskine, Walton and Livingston Street communities. The residents of these communities will be able to utilize "Big Blue" recycling roll carts just like other Asheville residents, which will greatly enhance their ability to recycle and reduce waste. The pilot project will run from October 2015 through June 2016. The City has been awarded a CWRAR grant from NCDENR in order to help fund this pilot project.

The total cost for the pilot project is \$25,950. The CWRAR grant would require a 20% cash match from the City of Asheville. Thus \$4,325 would be contributed by the City, from the sustainability street light savings in the general fund, while the grant would cover the remaining \$21,625.

Pros:

- Provides more equitable access to recycling services for residents of public housing
- Helps to meet City's waste reduction goal while leveraging state funding

Con:

- None can be identified

As noted above the total cost of the project is \$25,950, with the grant covering \$21,625 or 80% of the cost. The 20% City match of \$4,325 will come from sustainability street light savings that have been designated for green projects.

City staff recommends City Council adopt a resolution authorizing the City Manager to accept \$21,625 in grant monies from NCDENR; and a budget amendment in the amount of \$25,950 in the Special Revenue Fund to budget the grant and the City's match.

**RESOLUTION BOOK NO. 37 - PAGE 217  
ORDINANCE BOOK NO. 30 - PAGE 80**

**F. RESOLUTION NO. 15-146 - RESOLUTION AUTHORIZING THE CITY  
MANAGER ENTER INTO A CONTRACT WITH KIMLEY-HORN AND  
ASSOCIATES INC. TO CONDUCT PHASE II OF A PARKING STUDY ALONG  
THE HAYWOOD ROAD CORRIDOR IN WEST ASHEVILLE**

Summary: The consideration of a resolution authorizing the City Manager to enter into a general services contract with Kimley-Horn and Associates, Inc. to conduct Phase II of a parking study along the Haywood Road corridor in West Asheville.

The Haywood Road Vision Plan, which was adopted by City Council via Resolution # 14-37 on February 25, 2014, recommended that a parking study be prepared along the Haywood Road corridor. Staff decided to accomplish the work in two distinct phases using two separate general services contracts. This decision was made so that we would be able to better define the scope of services for the Phase II contract. Phase I included collecting, summarizing, and

analyzing the existing data, meeting with the directly affected stakeholders, and documenting concerns and suggestions. The Phase I contract (contract # 91500124) was executed during September 2014 and completed during June 2015 at a total cost of \$53,400.

The Phase II contract includes collecting, summarizing, and analyzing the existing data along the neighborhood streets in the study area, meeting with the stakeholders who live along the neighborhood streets, developing and analyzing strategies to manage parking demand, developing recommendations, and preparing the final report which will include potential projects to be considered in the capital improvements process. The anticipated cost for the Phase II contract is \$48,800 and the anticipated completion date is December 2015.

The total cost of both contracts is \$102,200 which is over the \$90,000 threshold for City Manager execution without City Council approval. As a result, staff is asking City Council to consider approving the subject resolution so that this project can move forward.

This item was included in a memorandum regarding parking that was shared and reviewed by the Council's Planning and Economic Development Committee on April 21, 2015, and one council member attended one of the Phase I public meetings.

Pros:

- Identify and document parking supply and demand.
- Enhance vehicle, bicycle, and pedestrian mobility.
- Encourage additional economic development.

Con:

- More potential projects for the capital improvement program.

The Phase I contract at a total cost of \$53,400 was funded under the Parking Enterprises Fund FY 2014-15 operating budget and the Phase II contract, which is anticipated to cost \$48,800, is funded under the Parking Enterprises Fund FY 2015-16 operating budget. The total amount budgeted including contingencies is \$60,000.

City staff recommends that City Council approve a resolution authorizing the City Manager to enter into a general services contract with Kimley-Horn and Associates, Inc. to conduct Phase II of a parking study along the Haywood Road corridor in West Asheville.

#### **RESOLUTION BOOK NO. 37 - PAGE 218**

#### **G. RESOLUTION NO. 15-147 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH DR. PAUL MARTIN, MD, D/B/A ASHEVILLE ADDICTION CONSULTANTS, PA, TO CONTINUE TO PROVIDE PHYSICIAN SERVICES TO EMPLOYEES, RETIREES AND THEIR FAMILIES**

Summary: The consideration of a resolution authorizing the City Manager to sign an agreement for physician services provided through the City of Asheville Health Services Division of the Human Resource Department (City).

In January 1995, the City Council (Council) authorized the City Manager to enter into an agreement for part-time physician services provided through the Health Services division. Currently, Dr. Paul Martin provides episodic care on-site at the clinic for two days a week to City employees and their eligible dependents and retirees. He also provides administrative services as requested by the City.

In the coming year, the Human Resource Department will continue to analyze the Health Services Clinic to ensure the model and services maximize services to employees in a manner

that is sustainable. This analysis will include utilizing a Request for Proposal for physician services.

Pros:

- The Health Services Clinic provides on-site care for non-critical health needs.
- Onsite care and services for employees, retirees and dependents saves the City money in expenses that are not paid in unnecessary doctor, urgent care and emergency room visits
- The on-site employee health clinic is a valuable benefit for City employees, their dependents and retirees.
- 

Con:

- There are no foreseen cons for these services

This is a one year contract in the amount of \$120,000, and funds have been budgeted and will be encumbered from the Health Care Fund to cover the cost.

City staff recommends Council adopt a resolution authorizing the City Manager to sign an agreement for physician services with Dr. Paul Martin, MD, DBA Asheville Addiction Consultants, PA to continue to provide physician services to employees, retirees and their families.

#### **RESOLUTION BOOK NO. 37 - PAGE 219**

#### **H. RESOLUTION NO. 15-148 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS TO THE AGREEMENT WITH CDM SMITH FOR ENGINEERING AND DESIGN SERVICES FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT AND FIVE POINTS ROUNDABOUT**

Summary: The consideration of a resolution authorizing the City Manager to execute changes to a contract with CDM-Smith to perform additional engineering services for the RADTIP and Five Points Roundabout for \$560,452, plus a 20% contingency for an amount not to exceed \$672,542.

In January 2014 the City Council authorized approval of a contract with CDM Smith to provide 100% complete construction plans for the RADTIP.

In September 2014 the City received notice of a TIGER VI grant award from the Federal Highway Administration which put the RADTIP, the Five Points Roundabout, and several other projects on an accelerated construction schedule.

Since the time of the original approval, city staff and the consultants have identified changes that will improve the design of the RADTIP and the Five Points Roundabout.

Based on these factors, city staff and CDM Smith have identified additional engineering services that will be required in order to deliver plans on schedule that address the goals for the project. These additional engineering services will achieve the following objectives:

- The consultants will complete plans for the Five Points Roundabout to the 100% level and combine them with the RADTIP plans into one set of construction bid documents. In addition, the consultants will engineer several design changes and improvements to the roundabout.

- The consultants will accelerate the schedule for RADTIP plan review, permitting, and utility coordination to meet all of the milestones for the TIGER VI grant.
- The consultants will modify the RADTIP design to include a protected bicycle lane, also known as a two-way cycle track, for roughly half of the project. The protected bicycle lane will improve bicycle safety. The lane will be the first in the City of Asheville, and the change reflects the current best practices in bicycle planning.
- The consultants will design additional off-street parking under the Jeff Bowen Bridges at I-240, providing a significant number of new parking spaces for the River Arts District and the greenway system.

The City Council Planning & Economic Development Committee met on July 21, 2015, and recommended approval.

Pros:

City Council has identified implementation of the RADTIP and the Five Points Roundabout as a key strategic goal for the city. Continued development of construction designs for the RADTIP will advance this goal. The project is programmed and budgeted in the Capital Improvements Program.

The proposed changes will result in improved designs which include a protected two-way cycle track additional off-street parking, and improved operation of the Five Points Roundabout.

Cons:

The additional engineering costs require financial commitment, but are within budget for the projects.

These funds are budgeted in the Capital Improvements Program.

City staff recommends City Council adopt a resolution authorizing the City Manager to execute changes to the contract with CDM Smith to perform additional engineering services in the amount of \$560,452, and further authorizes the City Manager to execute change orders to the contract up to the amount of \$672,542.

**RESOLUTION BOOK NO. 37 - PAGE 220**

**I. RESOLUTION NO. 15-149 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GULF COAST LLC TO PROVIDE THE RIGHT-OF-WAY SERVICES FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT**

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Gulf Coast LLC to provide the right of way services that are needed for the River Arts District Transportation Improvement Project.

The City of Asheville was awarded Transportation Investment Generating Economic Recovery (TIGER) discretionary funding from the Federal Highway Administration (FHWA) in the fall of 2014 to fund the construction phase of the River Arts District Transportation Improvement Project. In order to accomplish the designated improvements of sidewalks, multiuse paths, road improvements, pedestrian amenities, dedicated bike paths and other improvements designed to improve safety for all riverfront users, additional right of way must be acquired from private property owners. Right of way acquisition activities must take place in compliance with the Federal Uniform Relocation Act because of the involvement of federal funds. Engaging a professional right of way acquisition firm will enable the City to access services such as

negotiation, claim calculation, appraisal, relocation, title and easement services that will be needed.

City staff has engaged in a procurement process that has been competitive, transparent and in compliance with federal, state and local rules and regulations for securing a qualified property acquisition firm. Six firms participated in the procurement process and the top three firms were interviewed. At this time, staff recommends Gulf Coast, LLC to provide turnkey acquisition services for the City at a total cost not to exceed \$240,000.

Pros:

- The selection of a property acquisition firm well versed in the Federal Uniform Relocation Act will enable the City to meet its FHWA deadline while protecting property owner rights.

Con:

- There is no negative impact.

The total cost of the contract is not to exceed \$240,000; this amount was budgeted in FY 2016 in the CIP allocation for the RADTIP project. This contract is funded through a grant from the French Broad River Metropolitan Planning Organization that passes through NCDOT. The grant is a 80/20 match with the City paying 20% (\$48,000) of the cost.

City staff recommends that the City Council direct the City Manager to enter into a contract with Gulf Coast LLC to provide these property acquisition services.

#### **RESOLUTION BOOK NO. 37 - PAGE 221**

#### **J. RESOLUTION NO. 15-150 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH BEAUCATCHER COMMONS, LLC FOR THE IMPROVEMENT OF NANCY STREET**

Summary: The consideration of a Memorandum of Agreement with Beaucatcher Commons, LLC for the improvement of a section of Nancy Street to City of Asheville specifications.

Beaucatcher Commons, LLC was approved in February 2015 for a Housing Trust Fund loan of \$120,000 to create 12 units of affordable housing on Hazel Mill Road and Nancy Street.

As Kirk Booth, the developer, sought subdivision permits for the project, he discovered that the section of Nancy Street proposed for the development of six of those units had never been accepted as a City street, though it was the site of other development and had been the subject of correspondence with the City dating back to 2008. The section in question runs from Townview Drive to a private Right of Way (ROW), and is approximately 225 feet in length. This length of roadway is used extensively by local residents, is paved, but does not meet City specification for width or condition.

In order for the development project to move ahead, the street must be brought to City standards and, at that time, accepted by City Council.

Staff has researched the current roadway condition and has estimated the cost of the improvement to be \$12,480. Staff, including the Directors of Public Works, Transportation and Development Services- have agreed to a draft agreement with the developer to make the needed improvements. The major elements of the draft agreement are:

- The City will provide the labor at its cost to make the needed improvements.



- The developer, as part of the Housing Trust Fund loan, agreed to provide the City with \$3,500 for sidewalk improvements to Hazel Mill Road. The City will agree to accept this \$3,500 toward the cost of the Nancy Street improvements.
- The City will match the \$3,500 with an equal amount from the CIP funds allocated to affordable housing.
- The developer will pay all other costs of materials, estimated to be \$5,480.
- The developer will also grant the City a voluntary easement for sidewalks on his lots on Hazel Mill Road.

Pros:

- Six units of housing affordable for thirty years will be created.
- Nancy Street will be improved to City specifications, and when accepted by Council, will be in excellent condition;
- Funds originally intended for the Hazel Mill Street sidewalk are not needed for that purpose;
- Current and future residents of Nancy Street will benefit from the improvements.

Cons:

- The City does not generally expend its own funds to improve a private right-of-way so that it can meet City standards and be accepted as a public street. However, since this work is being done to benefit an affordable housing development and Capital Improvement Plan (CIP) funds are budgeted for such improvements, the request is supported by staff as being in alignment with Council goals.

The labor to be done by the City is already a budgeted expense. CIP funds for affordable housing are also already budgeted.

Staff recommends that City Council approve the City Manager entering into a Memorandum of Agreement with Beucatcher Commons, LLC for the improvement of Nancy Street.

**RESOLUTION BOOK NO. 37 - PAGE 222**

**K. RESOLUTION NO. 15-151 - RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS FOR THE SALE OF 110 SQUARE FEET OF AIR RIGHTS AT 723 HAYWOOD ROAD TO DOUGLAS R. OSTER**

Summary: The consideration of a resolution directing the City Clerk to advertise for upset bids for the sale of 110 square feet of air rights at 723 Haywood Road to Douglas R. Oster.

The City of Asheville controls the sidewalk and street right-of-way located at 723 Haywood Road and in turn controls encroachments into the overhead airspace above the sidewalk. At this time, Douglas R. Oster is planning to renovate the current structure in order to convert it into a multi-use commercial building with an apartment on the second floor. The plans call for the apartment to have a balcony extending into the City controlled air space. Being that balconies are permanent, this encroachment into the public air space must be treated as a sale, and therefore the City requires that the sale of air rights follow certain disposition procedures; specifically the upset bid process.

On July 1, 2015, a qualifying bid was received from Douglas R. Oster in the amount of \$220 for the purchase of 110 square feet of air space for the purpose of constructing permanent balconies to a proposed building renovation at 723 Haywood Street. This bid was based on a 2015 Commercial Appraisal of the property and reflects fair market value for the air rights. If the City Council approves the following resolution, the City Clerk will be directed to publish an advertisement for upset bids for a period of 10 days, in which any interested party may upset the

current bid of \$220. The statutes require that a qualifying bid must increase the current offer by 10% of the first \$1,000 and 5% of the remainder (i.e. \$242 or higher). Since the function of the upset bid process is to confirm fair market value, this resolution provides that if no qualifying, competing bid is received, then the City Council agrees to convey this specified area of air rights to Douglas R. Oster for \$220.

Pro:

- The sale will be at fair market value.

Con:

- There is no negative impact.

Financial proceeds associated with this disposition are to benefit the Economic and Community Development Capital Improvement Project budget.

City staff recommends City Council adopt a resolution directing the City Clerk to advertise for upset bids for air rights located at 723 Haywood Road.

Councilwoman Wisler asked that when the new Planning Director is hired that they revisit selling air rights over public property.

#### **RESOLUTION BOOK NO. 37 - PAGE 223**

#### **L. RESOLUTION NO. 15-152 - RESOLUTION AUTHORIZING A LEASE AGREEMENT AGREEMENT WITH KEVIN T. AND LISA A FOX FOR THE HEALTH SERVICES OFFICE AT 155 BILTMORE AVENUE**

Summary: The consideration of a resolution authorizing the City Manager to execute a Lease Agreement between Kevin T. and Lisa A. Fox (Landlord) and the City of Asheville (City) for office and medical space located at 155 Biltmore Avenue for the Health Services Office.

In 2011, the City established a Health Services Office at 155 Biltmore Avenue (identified as PIN # 9648-48-2474-00000) to provide medical care to City employees and eligible dependents with the goal of providing quality health care to City employees and reduce overall medical care costs. The City leases the property at 155 Biltmore Avenue for this specific use and the lease is set to expire on December 31, 2015. At this time, the City is seeking to renew the terms of the lease.

The subject property at 155 Biltmore provides approximately 3,422 square feet of medical and office space in good condition. The property is easily accessible with ample parking. The space is ADA Accessible, and offers all the required needs of a medical office including a waiting/reception area, exam rooms, lab area, doctor's offices, etc.

The term for this proposed lease is three years, with mutual rights to terminate at six months notice. The base rental rate for the leased premises has increased from the current rate of \$4,188.50 per month to \$4,500 per month, effective January 1, 2016, with a 3% annual increase commencing each year thereafter. The City is responsible for paying related tenant expenses, including utilities, property tax, maintenance and insurance. The Landlord is responsible for major repairs to the roof and structure. Staff has performed analysis of area comparables for medical and office space, and found rental rate and terms to be consistent with fair market value.

Pros:

- The property is right-sized for the City's use and is provides the convenience of parking and proximate location for most users

- A fully operational Health Services Office reduces the City's overall burden of health care costs

Con:

- None noted.

For Fiscal Year 2015-16, the rental costs plus estimated annual costs of property taxes, maintenance, insurance and all utilities were budgeted in the operational budget of the Human Resources Department for the current fiscal year. Beyond Fiscal Year 2015-16, the base rental rate will increase by 3% per year.

City staff recommends City Council adopt a resolution authorizing the City Manager to execute the lease agreement for 155 Biltmore Avenue.

**RESOLUTION BOOK NO. 37 - PAGE 224**

**M. RESOLUTION NO. 15-153 - RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNNAMED ALLEY BETWEEN WYOMING ROAD AND KEEBLER ROAD AND SETTING A PUBLIC HEARING ON SEPTEMBER 8, 2015**

Summary: The consideration of a resolution of intent to permanently close an unnamed alley between Wyoming Road and Keebler Road and setting a public hearing on September 8, 2015.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owners, SABA Holding Group, LLC, Thomas Wolfe, Manager, owner of parcels 9648-64-5150 and 9648-64-6029, and Stephen Carr, owner of parcels 9648-64-5116 and 9648-64-5197, have requested the City of Asheville to permanently close the unnamed alley between Wyoming Road and Keebler Road. A copy of this resolution of intent shall be sent by registered or certified mail to all property owners abutting the unnamed alley, not joining in the petition to close.

The Multimodal Transportation Commission met on May 27, 2015, and approved the closure.

Pros:

- There will be no future compromise of ingress/egress to other property
- 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:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution of intent to permanently close an unnamed alley between Wyoming Road and Keebler Road, and set a public hearing on September 8, 2015.

**RESOLUTION BOOK NO. 37 - PAGE 225**

**N. RESOLUTION NO. 15-154 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BUNCOMBE**

## **COUNTY SHERIFF'S OFFICE CONCERNING DWI TASK FORCE OPERATIONS**

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the Buncombe County Sheriff's Office (BCSO) concerning operation of the Asheville/Buncombe DWI Task Force.

The number of impaired drivers on our roads has been a serious concern to citizens and law enforcement in Asheville and Buncombe County for many years. Following a review of statistics on arrests, collisions and fatalities in Buncombe County involving impaired drivers, the North Carolina Governor's Highway Safety Project contacted APD and suggested a special task force with a goal of reducing those numbers and educating the public on impaired driving and its effects. Now in its second year, the APD and BCSO have agreed to memorialize certain practices such as which agency's policies will govern task force operations, supervisory responsibilities over task force personnel and vehicle markings.

APD Interim Chief of Police Steve Belcher and Buncombe County Sheriff Van Duncan reached agreement on terms in June, and staff now seeks authorization from City Council to finalize the agreement as required by N.C. Gen. Stat. § 160A-461.

### Pros:

- Provides clarity about each agency's role and responsibilities as members of the DWI task force.

### Cons:

- None noted

There is no fiscal impact associated with this action.

Staff recommends City Council authorize the City Manager to enter into an agreement between the City and BCSO memorializing operational practices of the Asheville/Buncombe DWI Task Force.

## **RESOLUTION BOOK NO. 37 - PAGE 227**

### **O. ORDINANCE NO. 4434 - BUDGET AMENDMENT FOR THE REHABILITATION OF THE SMITH-MCDOWELL HOUSE**

Summary: The consideration of a budget amendment, in the amount of \$28,200, to accept a federal pass through grant in the amount of \$19,000 from the National Park Service Historic Preservation Fund via the North Carolina State Historic Preservation Office; and to dedicate local matching funds from Asheville-Buncombe Technical Community College in the amount of \$9,200 for the rehabilitation of the Smith-McDowell House.

Smith-McDowell House is the oldest surviving house in Asheville and the oldest brick structure in Buncombe County. Today Smith-McDowell House is a blend of architectural styles dating from its original 1840s construction and additions completed in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. It is a Local Historic Landmark and is listed in the National Register of Historic Places.

Smith-McDowell House currently functions as an historic house museum, and is leased by the Western North Carolina Historical Association (WNCHA) from Asheville-Buncombe Technical College for that purpose. WNCHA is seeking funding for rehabilitation of the house to repair sections of the slate roof and gutter system to prevent further water damage to the building's interior. Water damage causing the interior plaster and woodwork to be severely compromised is present in several locations throughout the house, including in the WNCHA special collections storage room that houses more than 4,000 objects and other culturally

significant archival materials. Additionally, funding is being sought to address drainage issues on the exterior of the property that could potentially impact the long-term viability of the organization's Olmsted Landscape rehabilitation project begun in 2014.

The scope of work included in the grant project includes the repair of sections of the slate roof and gutter system of the Smith-McDowell House. Drainage issues along the exterior of the house will also be addressed. In addition to the needed repairs, a conditions assessment of the roof will be conducted. All work will be accomplished according to the *Secretary of Interior's Standards for Treatment of Historic Properties* and under the supervision of staff of the North Carolina Historic Preservation Office.

Pros:

- Funding will be made available to rehabilitate the Smith-McDowell House.
- Local matching funds have been provided Asheville-Buncombe Technical Community College.

Con:

- None noted.

As noted above, this budget amendment is fully funded with grants and other non-General Fund revenue sources.

City staff recommends that City Council approve a budget amendment, in the amount of \$28,200, to accept a \$19,000 grant from the Historic Preservation fund, via the NC State Historic Preservation Office and dedicate \$9,200 in local matching funds from Asheville-Buncombe Technical Community College.

#### **ORDINANCE BOOK NO. 30 - PAGE 82**

#### **P. ORDINANCE NO. 4435 - BUDGET AMENDMENT TO BUDGET THE PURCHASE OF EQUIPMENT FUNDED THROUGH INSTALLMENT LOAN PROCEEDS FOR STORMWATER EQUIPMENT**

Summary: The consideration of a budget amendment in the Stormwater Fund in the amount of \$414,000 to budget the purchase of equipment funded through installment loan proceeds.

The adopted FY 2015-16 Stormwater Fund budget included funding to hire an additional crew to enhance the stormwater maintenance program. The crew will be utilized to perform additional preventative maintenance services including performing ditching activities and replacing failed drainage systems. Staff has evaluated the needs of the new crew to be hired and recommends that the new equipment be purchased out of the FY 2015-16 budget funded with installment loan proceeds. The Stormwater Fund has adequate fund balance to purchase the equipment; however, installment financing allows the City to match the debt service payments to the life of the equipment and to maintain cash reserves for planned projects in the future. The amendment will provide sufficient budget authorization to move forward with the purchase of the new equipment.

Pro:

- Provides budget authorization for the purchase equipment for the new Stormwater Fund maintenance crew.

Con:

- None.

This amendment will increase the FY 2015-16 revenue and expense budget in the Stormwater Fund by \$414,000. Debt service on the installment loan for the equipment purchases, which is estimated at \$125,000 over five years, will not begin until FY 2016-17. Available fund balance in the Stormwater Fund totaled approximately \$1.7 million at the end of FY 2013-14; staff is estimating for FY 2014-15, available fund balance will be \$2.1 million. This budget amendment will have no impact on available fund balance.

City staff recommends City Council adopt the budget amendment in the Stormwater Fund in the amount of \$414,000 to budget the purchase of equipment funded through installment loan proceeds.

### **ORDINANCE BOOK NO. 30 - PAGE 84**

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

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

Councilwoman Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Pelly and carried unanimously.

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

#### **A. LEGISLATIVE UPDATE**

Mayor Manheimer highlighted Council on some the following current bills with potential impact on the City of Asheville: sales tax redistribution proposal; municipal service districts; elimination of protest petitions; and state now regulating urbers.

### **IV. PUBLIC HEARINGS:**

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

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

#### **A. ORDINANCE NO. 4436 - ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCE REMOVING EXEMPTIONS FOR CIRCUSES AND ANIMAL EXHIBITIONS RELATED TO WILD ANIMALS AND OTHER CLARIFYING REVISIONS**

Assistant City Attorney Jannice Ashley said that this is the consideration of an amendment to the City Animal Ordinance removing exemptions for circuses and animal exhibitions related to wild animals and other clarifying revisions.

At its January 9, 2015, meeting, the Governance Committee confirmed support for a change in the U.S. Cellular booking policy to exclude events which include any performing wild or exotic animals. This change effectively acts to prohibit circuses with animal acts from appearing at the U.S. Cellular Center. A local animal advocacy interest group, Asheville Voice for Animals, had first come before City Council in April 2014 to request that city officials consider a ban of circuses that use wild or exotic animals from performing at the U.S. Cellular Center due to general concerns about treatment of animals in circuses across the country. In May of 2014, U.S. Cellular staff was asked to review and suggest revisions to its booking policy related to performances of wild or exotic animals. The review also considered the impact on entertainment programming of 'family-friendly' events and the fiscal impact on the U.S. Cellular Center. The results of this review were reported to the Governance Committee at the January 9<sup>th</sup> meeting and

it was decided that the U.S. Cellular Center's policy should be revised. The revision to booking policy reads as follows: "*Excluded Events: The U.S. Cellular Center elects to refrain from contracting with promoters producing events which include any performance of wild or exotic animals.*"

As part of the consideration of this matter, the Legal staff was asked to review the City's animal ordinance as it related to the keeping or performance of wild or exotic animals. The review of the animal ordinance revealed that several provisions regarding the performance and keeping of wild animals specifically exempted circuses and animal exhibitions (as well as zoological parks). Further legal analysis concluded that there was no legal reason why such exemptions must be granted (i.e. local governments are not pre-empted by State or Federal law from regulating circuses). In order to ensure consistency between the U.S. Cellular Center's new booking policy and the City's animal ordinance and prevent a situation in which circuses or other events involving wild or exotic animal performances are prohibited at the U.S. Cellular Center, but allowed at other locations within the City limits, several revisions to the animal ordinance are recommended.

Asheville's ordinance concerning the regulation and treatment of animals is found in Chapter 3 of the City Code. Generally, in terms of provisions which relate to wild or exotic animals, the keeping of wild animals within the city limits is prohibited (with the aforementioned exceptions) but exotic pets may be kept if a permit has been issued by the animal control administrator.

Section 3-4 of the animal ordinance, defines "**Wild animals**", as "*any animal which can normally be found in the wild state, particularly those feral, dangerous or non-domesticated animals which generally do not live in or about the habitation of humans, including, but not limited to, bears, deer, lions, monkeys, raccoons, skunks, squirrels, turkeys, tigers, venomous snakes and wolf hybrids.*" The City animal ordinance also defines, "**Exotic pet**" as "*any animal that is not classified as domesticated, livestock or a wild animal. This definition does not include feral animals.*"

As a result of public input at the Public Safety Committee, a slight change in the definition of "Wild Animals" is recommended. Unless otherwise directed by the City Council, changes in the definition of "Exotic Pet" or in the ordinance allowing exotic pets with a permit are not considered necessary or recommended at this time.

It is recommended that the definition of "Wild Animal" be revised as follows, with the elimination of deer, lions, monkeys, turkeys, tigers, and wolf hybrids:

### **Sec. 3-4- Definitions**

*Wild animal* means any animal which can normally be found in the wild state, particularly those feral, dangerous or non-domesticated animals which generally do not live in or about the habitation of humans, including, but not limited to: bears, non-human primates, all felines (other than the domestic house cat), raccoons, skunks, squirrels, venomous snakes, elephants, camels, coyotes, wolves, and any hybrid or crossbreed of such animals which have similar characteristics of the animals specified herein.

As later explained in this report, it is also recommended that the following definition for "Wildlife Sanctuary" be added to the City ordinance:

*Wildlife Sanctuary* means a charitable organization that is exempt from taxation under section 501(c)(3), Internal Revenue Code of 1986, that: a) Operates a place or refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced animals are provided care for the lifetime of the animal; b) Does not conduct any commercial activity with respect to wild animals, including but not limited to, (i) the sale, trade, auction, or lease of wild

animals or their parts or (ii) the use of wild animals in any manner in a for-profit business or operation; c) Does not use wild animals for entertainment purposes or in a traveling exhibit; d) Does not breed any wild animals.

There are two additional sections of the animal ordinance for which revisions are recommended in order to make it consistent with new U.S. Cellular booking policy and the intent of the Governance Committee in regard to the keeping or performance of wild or exotic animals.

First, Section 3-12 of the ordinance currently reads as follows:

**Sec. 3-12. - Animal care.**

(h) It shall be unlawful for any person to sponsor, promote, or train a wild or domesticated animal to participate in any unnatural behavior in which the animal is wrestled, fought, harassed or displayed in such a way that the animal is abused or harmed. This section shall in no way apply to zoological parks, animal exhibitions or circuses.

It is recommended that the underlined portion of this provision be deleted in its entirety, as there should be no exemption for any organization or entity which allow the abuse or harm of an animal. Additionally, a few other minor additions are recommended.

The revised provision would read as follows:

(h) It shall be unlawful for any person to sponsor, promote, exhibit or train a wild, exotic or domesticated animal to participate in any unnatural behavior in which the animal is wrestled, fought, made to perform, harassed or displayed in such a way that the animal is abused or harmed.

Secondly, Section 3-14 of the ordinance currently reads as follows:

**Sec. 3-14. - Wild animals.**

No person shall keep or permit to be kept on his/her premises a wild animal. This section shall not apply to zoological parks, animal exhibitions or circuses nor apply to the possession, exhibition or handling of reptiles by employees or agents of duly constituted museums, laboratories, educational or scientific institutions in the course of their educational or scientific work.

It is recommended that this provision be revised to pertain to both persons and entities within the city limits, to delete the exemption for allowing wild animals in animal exhibitions or circuses and to modify the exemption as it relates to zoological parks to apply only to zoological parks that are accredited by the Association of Zoos and Aquariums ("AZA") (this recommendation was made in consultation with Nature Center Director Chris Gentile. The AZA is a highly regarded national organization which has an Accreditation Commission consisting of experts who are leaders in their fields and have many years of experience and education in zoo and aquarium operations, animal management, and veterinary medicine. Once accredited, each zoo or aquarium must go through the entire accreditation process every five years to maintain this status. The City's Nature Center is AZA accredited, one of only 6 such organizations in the State of North Carolina, the others are the NC Zoo, the Greensboro Science Center and the three NC Aquariums).

Additionally, changes are recommended to the remainder of the underlined portion of the ordinance for clarification purposes. At Public Safety Committee, there was discussion of consideration to add an exception for wild animals that are used for "bona fide medical, scientific or educational purposes", which is language used in the ordinances of Chapel Hill and Charlotte. However, based on discussion and input from the public, it became clear that such a general



provision would be subject to varying interpretations. Therefore, the current proposed revision is more specific in this regard and clearly allows for “wildlife sanctuaries” or “wildlife rehab programs” as directed by members of the Public Safety Committee.

As noted above, it is recommended to add a definition of “Wildlife Sanctuary”. This definition comes from House Bill 554 which is currently under consideration in the 2015 legislature. Additionally, the NC Wildlife Resources Commission issues licenses for “wildlife rehabilitation” which is defined as the volunteer practice of providing care and treatment to injured or orphaned wild animals or birds until such time as those animals are at an adequate level of health to be successfully returned to their natural environment. Wildlife rehabilitators are not allowed to rehabilitate raccoons, skunks, foxes, bats, coyotes, bears, deer, wild turkeys, wild boar, or endangered, threatened or special concern species-many of the animals that fall under the City’s definition of “wild animal”.

The proposed revision to this Section would read as follows:

**Sec. 3-14. - Wild animals.**

No person or entity shall keep or exhibit, or permit to be kept or exhibited on his/her/its premises a wild animal within the City limits. This section shall not apply to:

- a) An exhibition or educational outreach program by a zoo or aquarium accredited by the Association of Aquariums and Zoos (“AZA”);
- b) A wildlife sanctuary or wildlife rehabilitator properly licensed and permitted by the NC Wildlife Resources Commission; or
- c) A university, college or laboratory, or other research facility registered under the Animal Welfare Act (7 U.S.C. sec. 2132(e)).

This matter was presented to the Public Safety Committee on May 25, 2015, which supported the proposed revisions, and directed that they be sent to Council for action.

Pro:

- The proposed ordinance revisions will ensure consistency between the U.S. Cellular Center’s new booking policy and the City’s animal ordinance and prevent a situation in which circuses or other events involving wild or exotic animal performances are prohibited at the U.S. Cellular Center but allowed at other locations with the City limits, consistent with the intent of the Governance Committee decision.

Con:

- Though no change to the definition of “wild animal” is being proposed, the revisions to these other sections of the animal ordinance may raise awareness of the existing regulation and may lead to some enforcement action against individuals who may not have realized they were keeping a prohibited “wild animal”, for example, a wolf-hybrid or venomous snake.

City staff recommends City Council revise City’s current animal ordinance provisions Sec. 3-4, Sec. 3-12 and Sec. 3-14 as described above to remove exemptions for circuses and animal exhibitions related to wild animals and to make other clarifying revisions as described.

When Councilman Bothwell questioned why we were eliminating deer in the wild animal definition, Ms. Ashley said that after reviewing the wildlife rehabilitation section of State Licensing, she removed deer and turkey from the definition. She would be happy to include deer and turkey back into the definition.

Mayor Manheimer opened the public hearing at 5:26 p.m.

Ms. Nancy Brown, President of Full Moon Farm, Inc. (Wolf-Dog Rescue & Sanctuary), felt that residents should be allowed to own wolf-hybrids. She said that such hybrids are usually many generations removed from full-blooded wild wolves and that the U.S. Dept. of Agriculture categories them as domestic. She provided information to Council to back-up her opinion that wolves and dogs are the same species.

The following individuals spoke in support of the amendment to the animal ordinance:

Ms. Robbie Coleman, member of Asheville Voice for Animals  
Ms. Dianne Prescott, member of Asheville Voice for Animals  
Mr. Lafayette Prescott, member of Asheville Voice for Animals  
Mr. Donald Kimbell

Mayor Manheimer closed the public hearing at 5:39 p.m.

In response to Councilman Bothwell, Ms. Ashley said that the Humane Society of the United States says that wolf-dogs are not domesticated.

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

Councilman Bothwell moved for the adoption of Ordinance No. 4436, with the amendment to include deer and turkeys in the wild animal definition. This motion was seconded by Councilwoman Wisler and carried unanimously.

#### **ORDINANCE BOOK NO. 30 – PAGE 86**

#### **B. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CHARTWELL STAFFING SOLUTIONS FOR TEMPORARY SERVICES IN THE PARKING GARAGES**

Transportation Director Ken Putnam reviewed with Council highlights of the current and future plans.

Short term steps for overall cleanness include (1) additional full-time position(s); and (2) contract options (a) power washing contract being processed; (b) pending temporary services contract includes general cleaning; (c) painting restrooms in Biltmore Avenue garage being considered; (d) steam cleaning restroom floors in Biltmore Avenue garage being explored; (e) paint/seal stairwells in three older garages being considered; and (3) extend restroom hours.

Mid-term steps for the operations include (1) elevator major overhaul in 3 older garages; and (2) heavy-duty structural maintenance at the Civic Center garage. A Comprehensive Parking Study to help guide policy direction is a mid-term step regarding policy. The contract will be in place by October 2015 and scheduled for completion by February 2016.

He then said that he is asking for consideration of a resolution authorizing the City Manager to enter in to a contract with Chartwell Staffing Solutions, Inc. for temporary services in the City's parking garages, surface parking lots, and other facilities during the period of August 1, 2015, through June 30, 2018.

The City of Asheville, through the Parking Services Division, currently operates four parking garages and several monthly parking and pay-by-space surface parking lots downtown. Parking Services Division uses a combination of City employees and contract temporary workers to provide service and customer assistance in these facilities and lots. Generally, City employees work during the business day and early evenings while contract temporary services are used for fill-ins, special events, and to extend garage and public restroom hours during late evenings,

weekends, and holidays. Use of temporary workers allows the greatest flexibility as needs vary greatly depending on time of year and events booked at the U.S. Cellular Center, outside special events, and other large venues downtown. On some days Parking Services may only need one temporary service employee to fill in for a City employee sick or on vacation. At other times, Parking Services may need six to 15 to support a major event downtown.

In late March 2015 Parking Services requested and received bids from interested vendors in providing temporary service employees. Eight vendors responded. Chartwell Staffing Solutions provided the lowest bid for the service. They are located in Charlotte, North Carolina with local recruiters in the Asheville area servicing their existing clients. The total cost of the three-year contract will be \$390,000 not to exceed \$130,000 per fiscal year.

Pros:

- Provides safe and convenient facilities for residents and visitors parking.
- Using temporary service employees is the most cost effective and flexible manner to augment the Parking Services Division's staffing requirements.
- Allows parking Services to capitalize on extended weekend/nights/holiday hours and special event parking to provide better customer service and to bring in additional revenue.

Con:

- Total cost of \$390,000.

The necessary funds for the first year of the contract are already budgeted in the Parking Services' Operating Budget for FY 2015-16.

City staff recommends that City Council adopt a resolution authorizing the City Manager to sign a contract with Chartwell Staffing to Solutions to provide temporary services in the City's parking garages and lots at a total cost of \$390,000 not to exceed \$130,000 per fiscal year.

Vice-Mayor Hunt suggested the current contract be extended on a month-to-month basis and that this item be postponed until a comprehensive cleaning plan is in place and possibly added in the the current agreement.

Councilman Davis asked that consideration be given to extend the restroom hours the 29 Haywood Street restroom hours to include afternoons on Sundays. He felt that we should try to garner tourism dollars to help with the maintenance of the restrooms.

Vice-Mayor Hunt felt that with all the activity in downtown Asheville after 5:00 p.m. that restroom hours be significantly more extended.

Mayor Manheimer said that the City needs to think innovatively about our transportation/transit/parking, noting that there is some underutilization of what we already have.

City Manager Jackson said that staff will provide Council with a comprehensive cleaning plan that might include investing additional resources for a higher level of citizen and customer service.

**C. RESOLUTION NO. 15-155 - RESOLUTION AUTHORIZING THE CITY MANAGER ENTER INTO A SERVICE CONTRACT WITH LEAF COMMUNITY ARTS TO EXPAND YOUTH SERVICES IN THE CITY OF ASHEVILLE**

City Manager Jackson said that LEAF Community Arts proposes to expand youth services in the City of Asheville under a one-year service agreement in the amount of \$15,000.

LEAF Community Arts is well-established as a partner with the City of Asheville, currently operating under a multi-year service agreement. Currently, LEAF Community Arts receives office space at the East Asheville Community Center in return for partnering on camps, events and educational/cultural programming.

This proposal is aligned with Council's strategic operating plan objective to create "a strong public/private partnership to provide cultural opportunities to the community." Staff believes that an agreement in the amount of \$15,000, if approved by City Council, may be absorbed within the existing Parks, Recreation and Cultural Department operating budget.

Ms. Jennifer Pickering, Executive Director of LEAF Community Arts, explained that they are dedicated to our local community youth with a focus on serving youth living in public housing communities or marginalized communities with limited resources. They have been an 11-year City of Asheville partner. They are requesting \$15,000 from the City to support LEAF's Art Education programs through LEAF Schools & Streets and The Easel Rider dedicated to the City of Asheville Youth Services for the operating budget year of 2015 (Jan-Dec). The proposed additional youth services above and beyond their current partnership with the City will be (1) \$2,500 - Burton Street One Mic Program; (2) \$10,000 - Easel Rider Programs Expanded; and (3) \$2,500 - Wesley Grant LEAF Southside Drummers Program Enriched and Expanded.

Ms. Schree Chavdarov, LEAF's Community Arts Coordinator, explained the Easel Rider Program. The LEAF agreement with the City Parks and Recreation Department allots up to 10 hours a week dedicated to Easel Rider. In our current operations we are dedicating 15-25 hours of combination events, preparation, teaching artists and coordination. Programs are planned to be expanded beyond their dedicated 48 per year to 80 this year. As of August 1, the U-LEAF Mobile Stage, designed by AVL Design Center Students, will become an additional community-building tool often used in conjunction with the Easel Rider Program.

Ms. Chavdarov also explained the Wesley Grant LEAF Southside Drummers Program. The Program was expanded from 1 week to 2 weeks for 3 months between August and November at a cost of \$1,250. Parent Community Coordinator, Shuvonda Harper, will be hired August 1 - December 31 at a cost of \$1,000. Uniforms will be purchased for all participating youth that have been in the program currently. Most have been participating for two or more years. Uniforms are their number 1 request for self-esteem and growth of program and recognition in community.

Ms. Jocelyn Reese, LEAF's Schools & Streets Director, explained the Burton Street One Mic Program. She said this program was launched in January as a pilot program. It has quickly grown, and is now a dedicated part of LEAF programming. With the support funds they are able to commit to expanding to three teaching artists three times weekly.

Councilwoman Wisler supported the LEAF programs, noting that their partnership with the City is important. However, she asked that any action be postponed for the following reasons: (1) request for what in the Parks & Recreation Department budget will be cut or reduced since this will be absorbed into their budget; (2) request that the Recreation Board review the request; and (3) place it on a formal agenda so the public will be aware that this item is being considered.

Vice-Mayor Hunt felt it was unfortunate that this request did not come to Council through the annual process, but thinks that it is worth supporting.

In response to Councilman Davis, Ms. Pickering apologized for not understanding the process; however, she said she has tried to understand that process since November 1. If the \$15,000 is not granted, it will be a cut in the number of children served and their programming.

Councilman Davis said that Council and staff has worked hard to streamline the strategic partnership grant funding and it is unfortunate that this request did not follow that process since one main goal was to help children.

Mayor Manheimer explained that she felt this request doesn't fit the mold of the strategic partnership grant funding process, but more of the City of Asheville Youth Leadership Academy.

When Mayor Manheimer asked for public comment, no one spoke.

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 Hunt moved for the adoption of Resolution No. 15-155, while respecting the need for process. This motion was seconded by Councilman Bothwell and carried on a 5-1 vote, with Councilwoman Wisler voting "no".

### **RESOLUTION BOOK NO. 37 - PAGE 228**

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

Mr. Rich Davis presented City Council with a petition to "request Asheville City Council to name an area of the US Cellular Center in honor of Councilman Jan Davis upon the completion of his third term. His role of leadership and his service to the community for over forty years has played a definitive part in the modernization and success of the US Cellular Center. His work as a volunteer with numerous civic groups such as Asheville Jaycees, Rotary West and Quality Forward and service areas such as Planning and Zoning, Civic Center Commission, Downtown Association and Asheville-Buncombe Sports Commission led ultimately to Asheville City Council. This placed him in a unique position to have helped facilitate the cooperation necessary to make a City-owned property successful and vital to our downtown. Councilman Davis has stayed true to his belief that all great cities have a great gathering place. Whether through sports, entertainment or cultural events, Councilman Davis has maintained the importance of having the Civic Center being more than an economic driver. Just as important, is the need for a gathering spot for Asheville citizens and a place to put our best face for our visitors. We hope you accept this request for consideration and feel this is an appropriate way to recognize a man of distinguished service. Because he holds the building and its people in such high regard we feel this naming as an expression of appreciation would be most heartfelt and deserving." Mr. Mike Burke, former Chair of the Civic Center Commission, Mr. Joel Storrow, Chair of the Civic Center Commission, Mr. Wes Wright, member of the Civic Center Commission, and Mr. Bill Jones, Vice-Chair of the Civic Center Commission, each endorsed Councilman Davis for this honor. Councilman Davis said this was a very humbling experience and that it is a great honor. Mayor Manheimer said that a resolution naming an area of the US Cellular Center in honor of Councilman Davis would be placed on the August 25, 2015, agenda for formal action.

Dr. Kae Livsey requested Council's assistance in addressing a concern related to what they believe is an administrative oversight in transferring ownership of Grandview Circle to the City, when their neighborhood was annexed into the City in 1994. City Manager Jackson said that he would have our Neighborhood Coordinator Marsha Stickford follow-up with Dr. Livsey on this concern.

Mr. Mike Soule appreciated the Transportation Department for the inclusion of the protected bike lane as part of the RADTIP, and also the implementation of the first on-street bicycle parking on Haywood Street.

Mr. Timothy Sadler suggested the City look at the implementation of the License Recognition System in the parking study to generate additional revenue for the City.

**Closed Session**

At 6:46 p.m., Councilwoman Wisler 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(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (3) To establish or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the terms of a contract for the acquisition of real property by purchase, option, exchange or lease. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(5). This motion was seconded by Councilman Pelly and carried unanimously.

At 7:21 p.m., Councilman Davis moved to come out of closed session. This motion was seconded by Councilwoman Wisler and carried unanimously.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 7:21 p.m.

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CITY CLERK

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MAYOR