

Tuesday – November 17, 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; Councilman Gordon D. Smith; Councilwoman Gwen C. Wisler; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer asked for a moment of silence for those affected by the terrorist attacks in Paris.

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. RESOLUTION NO. 15-215 - RESOLUTION OF APPRECIATION FOR JAN B. DAVIS

Mayor Manheimer read the resolution.

Resolution No. 15-215 was adopted by acclamation.

Mayor Manheimer thanked Councilman Davis for his service to Asheville and presented him with an appreciation resolution, a plaque, his name plates, a City pen, and other mementos of his service to the City of Asheville.

RESOLUTION BOOK NO. 37 - PAGE 327

B. RESOLUTION NO. 15-216 - RESOLUTION OF APPRECIATION FOR MARC W. HUNT

Mayor Manheimer read the resolution.

Resolution No. 15-216 was adopted by acclamation.

Mayor Manheimer thanked Vice-Mayor Hunt for his service to Asheville and presented him with an appreciation resolution, a plaque, his name plate, a City pen, and other mementos of his service to the City of Asheville.

RESOLUTION BOOK NO. 37 - PAGE 328

C. RESOLUTION NO. 15-217 - RESOLUTION OF APPRECIATION FOR CHRISTOPHER A. PELLY

Mayor Manheimer read the resolution.

Resolution No. 15-217 was adopted by acclamation.

Mayor Manheimer thanked Councilman Davis for his service to Asheville and presented him with an appreciation resolution, a plaque, his name plates, a City pen, and other mementos of his service to the City of Asheville.

RESOLUTION BOOK NO. 37 - PAGE 329

II. CONSENT AGENDA:

At the request of Councilman Smith, Consent Agenda Item "J" was removed from the Consent Agenda for discussion and/or an individual vote.

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 10, 2015**

- B. RESOLUTION NO. 15-214 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH H&M CONSTRUCTORS FOR THE 200 BINGHAM ROAD UPFIT AND RENOVATION PROJECT**

ORDINANCE NO. 4461 - BUDGET AMENDMENT FOR THE 200 BINGHAM ROAD UPFIT AND RENOVATION PROJECT

Summary: The consideration of the following items relative to the 200 Bingham Road Up-fit and Renovation Project ('Project'): (1) a resolution authorizing the City Manager to enter into a construction agreement with H&M Constructors for the bid amount of \$2,658,417, with (a) an additional \$43,890 for bid alternate #E-2 for installation of a security camera system; and (b) a contingency amount of \$270,231 for a total project budget in the amount of \$2,972,538; and (2) a budget amendment in the amount of \$1,972,538.

On February 19, 2015, the Water Resources Department (WRD) purchased the property located at 200 Bingham Road to relocate its Water Maintenance and Meter Services Divisions and the Finance Department's Central Stores Division to the site. This Project consists of the construction and installation of all materials, labor, incidentals, and equipment necessary to: (1) remodel and renovate approximately 37,000 Square Feet of existing structure at 200 Bingham Road; (2) replace 35% of the existing roof; (3) install new HVAC systems; (4) install environmental mitigation systems; (5) construct a new covered stone shed; (6) install a new camera security system; and (7) relocate and replace the existing entrance gates.

In response to an Advertisement for Bids for the construction project on October 7, 2015, the WRD received four bids. Companies responding were:

1. American South General Contractors, Inc. – Asheville, NC
2. Cooper Construction Company, Inc. – Hendersonville, NC
3. H&M Constructors, a Division of MB Haynes Corporation – Asheville, NC
4. SIMCON Company, LLC – Mount Airy, NC

American South General Contractors, Inc., was identified as the initial apparent low bidder. On October 7, 2015, American South General Contractors, Inc., pursuant to G.S 143-129.1, requested to withdraw its bid due to a calculation error in the submitted bid. Following review of the request to withdraw the bid by City Staff and Project Architect, Clark Nexen, American South was notified that its bid withdraw would be allowed on October 14, 2015.

Following a review of the remaining three bids by City Staff and the Project Architects, Clark Nexen, the second lowest bidder, H&M Constructors was selected as the lowest responsible, responsive bidder for the bid amount of \$2,658,417. It is recommended that alternate #E-2 for installation of a security camera system be included for the amount of \$43,890.

A contingency amount of \$270,231 has been added for a total project budget in the amount of \$2,972,538.

Pros:

- This project will allow the WRD Divisions of Water Maintenance and Meter Services to relocate from the existing facility at 174 South Charlotte Street, which has existing building safety issues.
- This project will allow the Finance Department's Central Stores Division to relocate from the existing facility at 2 Hunt Hill Place to provide them with more adequate spacing needs.
- This project supports the City of Asheville's economic development goal to relocate and expand business.

Con:

- Failure to award a construction contract would prevent the completion of this project, which is required to relocate all divisions involved and could defer the option to market properties.

Approximately \$1 million of the funding needed for the construction agreement is currently allocated within the 200 Bingham Road Up-fit and Renovation Project in the Water Resources Capital Improvement Projects fund. The remaining funds of \$1,972,538 needed for the construction agreement will be transferred from the General Projects Capital Project, which accrues funds from completed, closed capital projects. In order to transfer the funds, a budget amendment is necessary.

Amount Available for Construction Agreement	\$1,000,000
<u>Additional Amount Needed</u>	<u>\$1,972,538</u>
Total Amount Needed for Construction Project Budget	\$2,972,538

The transfer of \$1,972,538 is necessary to compensate for a low budget estimate which was established upon preliminary evaluation of the renovation project. An amount of \$1,100,000 was included in the Fiscal Year 2015/2016 capital budget to fund this project. While the estimate was meant to be comprehensive and reflect the entire cost of the renovation, several factors have contributed to the higher project costs. Changes which have impacted this estimate are detailed below:

- Addition of 6,500 SF of programmed space including (2) mud/locker rooms with associated showers, sinks and ceramic tile finishes; lab classroom, testing wet lab, storage room, conference room, exercise room, media room, inventory staff toilet rooms, backflow lab toilet rooms and (3) additional staff offices.
- Addition of 6,500 SF section of roof has also been identified as needing replacement after roof cores were evaluated by the design team.
- Site investigation revealed a need for a more extensive underground soil gas abatement which required a more elaborate gas extraction system.
- Miscellaneous site and building improvements also include fence relocation and new motorized gates, guard shed relocation, roof drain replacement and (1) additional roof-top unit replacement.

Water Resources staff have met with the contractor and the architect to investigate cost savings for the project, however, the changes to the project will need to be minor in order to avoid a significant change in the scope of the project. It is anticipated that the savings from these modifications will be less than \$100,000.

City staff recommends City Council authorize the following relative to the 200 Bingham Road Up-fit and Renovation Project: (1) the City Manager to enter into a construction agreement with H&M Constructors for the bid amount of \$2,658,417, with (a) an additional \$43,890 for bid alternate #E-2 for installation of a security camera system; and (b) a contingency amount of

\$270,231 for a total project budget in the amount of \$2,972,538; and (2) a budget amendment in the amount of \$1,972,538.

**RESOLUTION BOOK NO. 37 - PAGE 325
ORDINANCE BOOK NO. 30 - PAGE 173**

C. ORDINANCE NO. 4462 - FIRST READING OF ORDINANCE GRANTING A FRANCHISE TO OPERATE A LOW SPEED VEHICLE SHUTTLE SERVICE WITHIN THE CITY OF ASHEVILLE

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

City staff has been working with an individual that is interested in starting a low speed vehicle shuttle service within the City of Asheville under the business name of Land of Sky Shuttle. The service would operate in the downtown Central Business District (CBD) on city-maintained and state-maintained streets that have a posted speed limit less than 35 mph.

By definition (NCGS # 20-4.01(27)h), a low speed vehicle is a four-wheeled electric vehicle whose top speed is greater than 20 mph but less than 25 mph. It is not a golf cart! The vehicle(s) must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, windshield wipers, speedometer, seat belts, and a vehicle identification number. In addition, the vehicle(s) must be insured, registered and licensed in North Carolina.

The shuttle service will operate between the hours of 9:00 am and 3:00 am Monday through Friday and between the hours of 7:00 am and 3:00 am on Saturday and Sunday. The City reserves the right to change the hours of operation at its sole discretion with a 30-day notice. The shuttle service will provide alternative transportation services to and from the various downtown hotels to various points of interest in the downtown central business district in an effort to minimize traffic congestion and the need for parking.

The individual has worked closely with the Transportation Department, the Legal Department, and the Asheville Police Department and at this time, all concerns have been addressed. The individual is very committed for the shuttle service to be successful and he intends to work closely with staff to make any necessary tweaks if needed.

This item has been reviewed by the Council's Public Safety Committee and it received the Committee's endorsement on October 26, 2015.

Pros:

- Supports diversified job growth and business development.
- Minimizes vehicular traffic congestion and the need for parking.
- Enhances the visitor experience to downtown Asheville.
- No direct fiscal impact to the City.

Con:

- Could impact vehicular traffic flow.

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

Staff recommends that City Council approve an ordinance granting a franchise agreement to Land of Sky Shuttle for the operation of a low speed vehicle shuttle service within the City of Asheville.

Councilman Bothwell felt that this kind of shuttle vehicle has the potential to reduce parking downtown.

In response to Councilman Pelly, Mr. Putnam said that there is only one vehicle at this time that will probably carry 4-6 people.

ORDINANCE BOOK NO. 30 - PAGE 175

D. ORDINANCE NO. 4463 - BUDGET AMENDMENT FOR THE FISCAL YEAR 2015-16 SENIOR CENTER GENERAL PURPOSE FUNDING FOR THE SENIOR OPPORTUNITY CENTER AND HARVEST HOUSE

Summary: The consideration of a budget amendment in the amount of \$3,800 for Senior Opportunity Center and \$3,800 for Harvest House for an appropriation from the State of North Carolina, Department of Health and Human Services, Division on Aging and the Land of Sky Regional Council/Area Agency on Aging through the Senior Center General Purpose Funding.

Funds will be used at the Senior Opportunity Center to 1) Purchase program supplies and equipment for new classes, and 2) purchase furniture for main lobby area. The allocation requires a 25% local match which will be provided via in-kind services of staff time to manage the project.

Funds will be used at Harvest House to purchase supplies and furniture for classrooms. This allocation also requires a 25% local match which will be provided via in-kind services of staff time to manage the project.

Pro:

- Equipment purchases will enhance the customer experience and expand programming opportunities provided

Con:

- None

The allocation will increase the City's General Fund budget by \$7,600 in special project accounts designated for the Senior Opportunity Center and Harvest House. The 25% local match will be provided through in-kind services of staff time to manage the projects.

Staff recommends City Council approval of the budget amendment authorizing the City Manager to establish a budget in the amount of 1) \$3,800 for Senior Opportunity Center, and 2) \$3,800 for Harvest House for facility improvements and equipment.

ORDINANCE BOOK NO. 30 - PAGE 179

E. 2015 NEIGHBORHOOD ENHANCEMENT ENGINEERING DESIGN SERVICES

RESOLUTION NO. 15-218 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT WITH MCGILL ASSOCIATES, FOR THE 2015 NEIGHBORHOOD ENHANCEMENT AREA 1 PROJECT

ORDINANCE NO. 4464 - BUDGET AMENDMENT FOR THE 2015 NEIGHBORHOOD ENHANCEMENT AREA 1 PROJECT

Summary: The consideration of the following items relative to the 2015 Neighborhood Enhancement Area 1 Project ('Project'): (1) a resolution authorizing the City Manager to execute a Professional Engineering Services Supplemental Agreement with McGill Associates, PA, for the

not-to-exceed amount of \$698,780; and (2) a budget amendment in the amount of \$2,674,500 to combine four capital projects into one in order to save time and money in the bidding and contract administration process.

The Water Resources Department (WRD) has prioritized this Neighborhood Waterline Replacement Project for the current fiscal year and is seeking engineering design and project management assistance for this project. This project will replace existing substandard and failing waterlines in favor of new waterlines, designed and constructed in accordance with the City of Asheville (City) standards. Area 1 projects include approximately 29,220 Linear Feet of predominately 6-inch, 8-inch and 12-inch water main and appurtenances along various streets within the Enka Lake Road, Lindsey Road, Starnes Cove Road, and Emma Road communities.

Through a Request for Qualifications (RFQ) process for engineering services, the City selected four engineering firms to provide on-call professional services for Water Distribution and Storage Projects. As one of the selected firms, the City executed a Master Agreement for On-Call Professional Services for Water Distribution and Storage Projects with McGill Associates, PA, on April 28, 2015. The Master Service Agreement process was conducted to prequalify firms for future projects. Future projects are to be awarded to selected firms through Supplemental Agreement to the executed Master Agreement. No work was awarded to any firm as part of the Master Service Agreement.

If approved, the proposed engineering services described herein will be developed into a Supplemental Agreement under the terms and conditions of the executed Master Agreement. Water Resources staff met with McGill Associates, PA, and negotiated an engineering services agreement for the not-to-exceed amount of \$698,780.

Pros:

- McGill Associates, PA, has provided engineering services on City water system improvement projects. Their experience and knowledge of water systems will minimize staff support and input during the design process.
- This project will provide citizens with a more reliable drinking water source and much improved fire protection.

Con:

- Failure to award an engineering services agreement would prevent the WRD from completing this Neighborhood Enhancement Project in a timely manner and delay replacement of the aging existing water system.

This project will include several locations in order to save time and money when bidding the construction portion of the project. The budget amendment will combine four existing capital projects, which will fund the entire amount needed for the engineering agreement and a majority of the estimated amount for the construction portion of the project.

Lindsey Road Current Budget	\$ 140,000
Starnes Cove Road Current Budget	\$ 242,000
Enka Lake Road Current Budget	\$ 172,500
Gormon Bridge Road Current Budget	<u>\$2,260,000</u>
Subtotal	\$2,814,500
Amount Needed For Engineer	<u>(\$ 698,780)</u>
Amount Remaining for Construction	\$2,115,720

All of the projects shown above were listed separately in the City's CIP budget. The projects are being consolidated so that they are efficiently and cost effectively designed and constructed. The budget amendment associated with this report consolidates the project under one project budget. Additional funds have been submitted on the Water Resources FY 16/17 CIP for the construction portion of the project.

City staff recommends City Council authorize the following relative to the 2015 Neighborhood Enhancement Area 1 Project: (1) the City Manager to execute a Professional Engineering Services Supplemental Agreement with McGill Associates, PA, for the not-to-exceed amount of \$698,780; and (2) a budget amendment in the amount of \$2,674,500 to combine four capital projects into one in order to save time and money in the bidding and contract administration process.

**RESOLUTION BOOK NO. 37 - PAGE 330
ORDINANCE BOOK NO. 30 - PAGE 181**

**RESOLUTION NO. 15-219- RESOLUTION AUTHORIZING THE CITY
MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES
SUPPLEMENTAL AGREEMENT WITH W.K. DICKSON & CO., FOR THE
NEIGHBORHOOD ENHANCEMENT AREA 2 PROJECT**

**ORDINANCE NO. 4465 - BUDGET AMENDMENT FOR THE 2015
NEIGHBORHOOD ENHANCEMENT AREA 2 PROJECT**

Summary: The consideration of the following items relative to the 2015 Neighborhood Enhancement Area 2 Project ('Project'): (1) a resolution authorizing the City Manager to execute a Professional Engineering Services Supplemental Agreement with W.K. Dickson & Co., Inc., for the not-to-exceed amount of \$567,100; and (2) a budget amendment in the amount of \$1,650,000 to combine two capital projects into one in order to save time and money in the bidding and contract administration process.

The Water Resources Department (WRD) has prioritized this Neighborhood Waterline Replacement Project for the current fiscal year and is seeking engineering design and project management assistance for this project. This project will replace existing substandard and failing waterlines in favor of new waterlines, designed and constructed in accordance with the City of Asheville standards. Area 2 project includes approximately 12,900 Linear Feet of predominately 6-inch water line and appurtenances along various streets within the Tiny Farms Subdivision and approximately 13,800 LF of predominately 6-inch water line and appurtenances along various streets within the Mount Carmel Acres Subdivision.

Through a Request for Qualifications (RFQ) process for engineering services, the City of Asheville (City) selected four engineering firms to provide on-call professional services for Water Distribution and Storage Projects. As one of the selected on-call firms, a Master Agreement for On-Call Professional Services for Water Distribution and Storage Projects was executed with W. K. Dickson & Co., Inc. on May 11, 2015. The Master Service Agreement process was conducted to prequalify firms for future projects. Future projects are to be awarded to selected firms through Supplemental Agreement to the executed Master Agreement. No work was awarded to any firm as part of the Master Service Agreement.

If approved, the proposed engineering services described herein will be developed into a Supplemental Agreement under the terms and conditions of the executed Master Agreement. Water Resources staff met with W.K. Dickson & Co., Inc., and negotiated an engineering services agreement for the not-to-exceed amount of \$567,100.

Pros:

- W.K. Dickson & Co., Inc., has provided engineering services on City water system improvement projects. Their experience and knowledge of water systems will minimize staff support and input during the design process.
- This project will provide citizens with a more reliable drinking water source and much improved fire protection.

Con:

- Failure to award an engineering services agreement would prevent the WRD from completing this Neighborhood Enhancement Project in a timely manner and delay replacement of the aging existing water system.

This project will include two large subdivisions in order to save time and money when bidding the construction portion of the project. The budget amendment will combine two existing capital projects, which will fund the entire amount needed for the engineering agreement and a majority of the estimated amount for the construction portion of the project.

Tiny Farms Current Budget	\$ 750,000
Mount Carmel Current Budget	\$1,650,000
Subtotal	\$2,400,000
Amount Needed For Engineer	(\$ 567,100)
Amount Remaining for Construction	\$1,832,900

All of the projects shown above were listed separately in the City's CIP budget. The projects are being consolidated so that they are efficiently and cost effectively designed and constructed. The budget amendment associated with this report consolidates these projects under one project budget. Additional funds have been submitted on the Water Resources FY 16/17 CIP for the construction portion of the project.

City staff recommends City Council authorize the following relative to the 2015 Neighborhood Enhancement Area 2 Project: (1) the City Manager to execute a Professional Engineering Services Supplemental Agreement with W.K. Dickson & Co., Inc., for the not-to-exceed amount of \$567,100; and (2) a budget amendment in the amount of \$1,650,000 to combine two capital projects into one in order to save time and money in the bidding and contract administration process.

**RESOLUTION BOOK NO. 37 - PAGE 331
ORDINANCE BOOK NO. 30 - PAGE 183**

**RESOLUTION NO. 15-220 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES
SUPPLEMENTAL AGREEMENT WITH CDM SMITH, INC. FOR THE
NEIGHBORHOOD ENHANCEMENT AREA 3 PROJECT**

**ORDINANCE NO. 4466 - BUDGET AMENDMENT FOR THE 2015
NEIGHBORHOOD ENHANCEMENT AREA 3 PROJECT**

Summary: The consideration of the following items relative to the 2015 Neighborhood Enhancement Area 3 Project ('Project'): (1) a resolution authorizing the City Manager to execute a Professional Engineering Services Supplemental Agreement with CDM Smith, Inc., for the not-to-exceed amount of \$672,572; and (2) a budget amendment in the amount of \$792,500 to combine three capital projects into one in order to save time and money in the bidding and contract administration process.

The Water Resources Department (WRD) has prioritized this Neighborhood Waterline Replacement Project for the current fiscal year and is seeking engineering design and project management assistance for this project. This project will replace existing substandard and failing waterlines in favor of new waterlines, designed and constructed in accordance with the City of Asheville (City) standards. Area 3 project includes approximately 26,500 Linear Feet of predominately 6-inch water main and appurtenances along various streets within the Kenilworth

and Malvern Hills neighborhoods. Additionally, the project will include approximately 1,000 LF of new 30-inch water main along Tunnel Rd near the Kenilworth neighborhood.

Through a Request for Qualifications (RFQ) process for engineering services, the City selected four engineering firms to provide on-call professional services for Water Distribution and Storage Projects. As one of the selected firms, a Master Agreement for On-Call Professional Services for Water Distribution and Storage Projects was executed with CDM Smith, Inc., on May 27, 2015. The Master Service Agreement process was conducted to prequalify firms for future projects. Future projects are to be awarded to selected firms through Supplemental Agreement to the executed Master Agreement. No work was awarded to any firm as part of the Master Service Agreement.

If approved, the proposed engineering services described herein will be developed into a Supplemental Agreement under the terms and conditions of the executed Master Agreement. Water Resources staff met with CDM Smith, Inc., and negotiated an engineering services agreement for the not-to-exceed amount of \$672,572.

Pros:

- CDM Smith, Inc., has provided engineering services on City water system improvement projects. Their experience and knowledge of water systems will minimize staff support and input during the design process.
- This project will provide citizens with a more reliable drinking water source and much improved fire protection.

Con:

- Failure to award an engineering services agreement would prevent the WRD from completing this Neighborhood Enhancement Project in a timely manner and delay replacement of the aging existing water system.

This project will include several locations in order to save time and money when bidding the construction portion of the project. The budget amendment will combine three existing capital projects, which will fund the entire amount needed for the engineering agreement and part of the estimated amount for the construction portion of the project.

Kenilworth Road Current Budget	\$ 542,000
Malvern Hills Current Budget	\$ 650,000
Beaucatcher Road Current Budget	\$ 142,500
Subtotal	\$1,334,500
Amount Needed For Engineer	(\$ 672,572)
Amount Remaining for Construction	\$ 661,928

All of the projects shown above were listed separately in the City's CIP budget. The projects are being consolidated so that they are efficiently and cost effectively designed and constructed. The budget amendment associated with this report consolidates these projects under one project budget. Additional funds have been submitted on the Water Resources FY 16/17 and FY 17/18 CIP for the construction portion of the project. Water Resource engineering staff estimate that the total construction cost of this project will be \$ 3,376,425.

City staff recommends City Council authorize the following relative to the 2015 Neighborhood Enhancement Area 3 Project: (1) the City Manager to execute a Professional Engineering Services Supplemental Agreement with CDM Smith, Inc., for the not-to-exceed amount of \$672,572; and (2) a budget amendment in the amount of \$792,500 to combine three capital projects into one in order to save time and money in the bidding and contract administration process.

ORDINANCE BOOK NO. 30 - PAGE 185

**RESOLUTION NO. 15-221- RESOLUTION AUTHORIZING THE CITY
MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES
SUPPLEMENTAL AGREEMENT WITH KIMLEY-HORN & ASSOCIATES FOR
THE NEIGHBORHOOD ENHANCEMENT AREA 4 PROJECT**

**ORDINANCE NO. 4467 - BUDGET AMENDMENT FOR THE 2015
NEIGHBORHOOD ENHANCEMENT AREA 4 PROJECT**

Summary: The consideration of the following items relative to the 2015 Neighborhood Enhancement Area 4 Project ('Project'): (1) a resolution authorizing the City Manager to execute a Professional Engineering Services Supplemental Agreement with Kimley-Horn & Associates for the not-to-exceed amount of \$581,900; and (2) a budget amendment in the amount of \$2,521,000 to combine eight capital projects into one in order to save time and money in the bidding and contract administration process.

The Water Resources Department (WRD) has prioritized this Neighborhood Waterline Replacement Project for the current fiscal year and is seeking engineering design and project management assistance for this project. This project will replace existing substandard and failing waterlines in favor of new waterlines, designed and constructed in accordance with the City of Asheville standards. Area 4 project includes approximately 25,600 Linear Feet of predominately 6-inch and 8- inch water main and appurtenances within various neighborhoods along Warren Wilson Road, Dogwood Court, Piney Mountain Road, Conestee Street, Waynesville Avenue, Willis Way Alley, North Street, and Hanover Street.

Through a Request for Qualifications (RFQ) process for engineering services, the City of Asheville (City) selected four engineering firms to provide on-call professional services for Water Distribution and Storage Projects. As one of the selected on-call firms, a Master Agreement for On-Call Professional Services for Water Distribution and Storage Projects was executed with Kimley-Horn & Associates on May 11, 2015. The Master Service Agreement process was conducted to prequalify firms for future projects. Future projects are to be awarded to selected firms through Supplemental Agreement to the executed Master Agreement. No work was awarded to any firm as part of the Master Service Agreement.

If approved, the proposed engineering services described herein will be developed into a Supplemental Agreement under the terms and conditions of the executed Master Agreement. Water Resources staff met with Kimley-Horn & Associates and negotiated an engineering services agreement for the not-to-exceed amount of \$581,900.

Pros:

- Kimley-Horn & Associates has provided engineering services on City water system improvement projects. Their experience and knowledge of water systems will minimize staff support and input during the design process.
- This project will provide citizens with a more reliable drinking water source and much improved fire protection.

Con:

- Failure to award an engineering services agreement would prevent the WRD from completing this Neighborhood Enhancement Project in a timely manner and delay replacement of the aging existing water system.

This project will include several locations in order to save time and money when bidding the construction portion of the project. The budget amendment will combine eight existing capital

projects, which will fund the entire amount needed for the engineering agreement and is also expected to fund the estimated amount for the construction portion of the project.

Conestee Street Current Budget	\$ 121,000
Waynesville Avenue Current Budget	\$ 536,000
Hanover Street Current Budget	\$ 625,000
North Street Current Budget	\$ 360,000
Willis Way Current Budget	\$ 150,000
College Street Current Budget	\$1,000,000
Dogwood Court (East) Current Budget	\$ 105,000
<u>Piney Mountain Church Road Current Budget</u>	<u>\$ 160,000</u>
Subtotal	\$3,057,000
<u>Amount Needed For Engineer</u>	<u>(\$ 581,900)</u>
Amount Remaining for Construction	\$2,475,100

All of the projects shown above were listed separately in the City's CIP budget. The projects are being consolidated so that they are efficiently and cost effectively designed and constructed. The budget amendment associated with this report consolidates these projects under one project budget.

City staff recommends City Council authorize the following relative to the 2015 Neighborhood Enhancement Area 4 Project: (1) the City Manager to execute a Professional Engineering Services Supplemental Agreement with Kimley-Horn & Associates for the not-to-exceed amount of \$581,900; and (2) a budget amendment in the amount of \$2,521,000 to combine eight capital projects into one in order to save time and money in the bidding and contract administration process.

**RESOLUTION BOOK NO. 37 - PAGE 333
ORDINANCE BOOK NO. 30 - PAGE 187**

F. RESOLUTION NO. 15-222 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO INCREASE THE ENGINEERING DESIGN SERVICES CONTRACT FO SCHNABEL ENGINEERING SOUTH, PC. FOR THE NORTH FORK DAM INTAKE TOWER AND CONDUIT REPAIRS PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a change order in the amount of \$175,000 to increase the engineering design services contract for Schnabel Engineering South, PC, (Schnabel) from a total in the amount of \$302,400 to \$477,400 for the North Fork Dam Intake Tower and Conduit Repairs Project (North Fork Dam Project).

On August 26, 2014, City Council (Council) authorized the City Manager to execute a professional engineering services agreement with Schnabel, for the proposed amount of \$302,400 for bidding and construction oversight services for the North Fork Dam Project. The original contract included one bidding phase and a construction period lasting 150 calendar days from notice-to-proceed to substantial completion. Schnabel is requesting a time extension and increase in the contract amount for construction oversight services associated with the rehabilitation of the interior of the intake tower, concrete infilling of the outlet works conduit, and repairs to the tower bridge.

Schnabel was contracted to perform services for one bidding process. The project had to be bid three times before it was successfully awarded. The first bid only had one bidder and the second bid was contested by Haren Construction (Haren). As a result of this protest, the City decided to re-bid a third time rather than encounter potential legal challenges and schedule delays. Haren was awarded the contract as the successful low bidder on the third bid.

Based on requests from bidders, the construction contract time was extended by a total of 50 calendar days which requires Schnabel to reciprocate by also extending its contract time. Also, Schnabel anticipates that the project will not be completed until almost three months after Haren's current schedule. In order to continue its construction services to complete the construction oversight of Haren's work, a change order is needed to increase the contract amount by an additional \$175,000.

Pro:

- Approval of the change order will allow the city to complete the engineering services for the project.

Con:

- If the change order is not approved, construction administration services will need to be performed through other means. This would require a contract with another consulting firm or internal performance of these services which are outside of the City scope of knowledge.

The funding needed for this change order is currently allocated within the North Fork Dam Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends Council adopt a resolution authorizing the City Manager to execute a change order in the amount of \$175,000 to increase the engineering design services contract for Schnabel Engineering South, PC, from a total in the amount of \$302,400 to \$477,400 for the North Fork Dam Intake Tower and Conduit Repairs Project.

RESOLUTION BOOK NO. 37 - PAGE 334

G. ORDINANCE NO. 4468 - BUDGET AMENDMENT TO ALLOCATE COLLECTED AND ANTICIPATED REVENUE TO TOWER MAINTENANCE CAPITAL PROJECT

Summary: The consideration of a budget amendment in the amount of \$167,000 to allocate collected and anticipated Fiscal Year 2015/2016 revenue from tenant leases to continue to fund the Tower Maintenance Capital Project.

This Tower Maintenance Capital Project, established in 2008 underwrite a cost savings plan for the City's own telecommunication operations, is funded by revenue from a limited number of telecommunication tower leases. This budget adjustment will continue to allocate that revenue as well as the anticipated revenue for Fiscal Year 2015/16 to the capital project.

These funds will be used to perform continuing maintenance on City-owned telecommunications towers as well as to fund a needed lifecycle tower replacement.

Pros:

- Continues specific revenue stream to support telecommunications tower maintenance.
- Reduces the impact on the city's general fund.
- Helps support public safety communications operations.

Con:

- None noted

Continuing to allocate these funds allows staff to better provide the necessary infrastructure to maintain and improve the City's public safety radio system. There is no impact to the General Fund budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to adopt a budget amendment in the amount of \$167,000 to continue to allocate revenue to the Tower Maintenance Capital Project.

ORDINANCE BOOK NO. 30 - PAGE 189

H. ORDINANCE NO. 4469 - BUDGET AMENDMENT TO ALLOCATE FUNDING TO THE DEVELOPMENT SERVICES TECHNOLOGY CAPITAL PROJECT

Summary: The consideration of a budget amendment in the amount of \$320,000 to allocate funding to the Development Services Technology capital project.

Through fees associated with the development review process, the City receives Capital Improvement Program (CIP) funding for technology improvements that serve Development Services.

Examples of those improvements include:

- Fund ongoing software maintenance
- Replace/upgrade staff computers
- Electronic Plans review software and services
- Consulting services to further enhance the Accela software.
- Upgrade connection speed to City Hall
- Procure dedicated hardware to run Accela to increase performance.
- Document Management integration

This budget amendment will appropriate \$320,000 in revenue that has already been collected and allocate it to the Development Services Technology capital project.

Pros:

- User fees are dedicated to funding technology improvements that will benefit them.
- Reduces demand on city's general fund.

Con:

- None noted

Allocating these funds allows us to made needed technology upgrades to the Development Services Function. There is no impact to the General Fund budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to adopt a budget amendment in the amount of \$320,000 to allocated collected revenue to the Development Services Technology capital project.

ORDINANCE BOOK NO. 30 - PAGE 191

I. RESOLUTION NO. 15-223 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO CONSTRUCT SIDEWALK ALONG NEW LEICESTER HIGHWAY FROM PATTON AVENUE TO THE CITY LIMITS

Summary: The consideration of a resolution authorizing the City Manager to sign and execute a locally administered project agreement with the N.C. Dept. of Transportation (NCDOT) for a project (identified as U-5190) to construct a sidewalk along US 63 (New Leicester Highway) from Patton Avenue to the city limits of Asheville.

This agreement will allow for the construction of sidewalk alongside New Leicester Highway. Currently, very little sidewalk exists on this road. The need for a sidewalk on this road is demonstrated by the “goat paths” that can be found on the shoulders of the road. Also, existing ART bus stops are not currently served by sidewalk.

Pros:

- Will lead to the installation of a badly needed sidewalk on New Leicester Highway.
- Will provide sidewalk access to existing ART bus stops.

Con:

- Project management and contract administration will consume staff time.

The City will be required to provide the non-federal match of up to \$726,000 and cover all costs that exceed the total estimated cost. This project is already budgeted in the adopted Capital Improvement Program.

City staff recommends City Council adopt the attached resolution authorizing the City Manager to sign and execute a locally administered project agreement with the NCDOT to construct a sidewalk along US 63 (New Leicester Highway) from Patton Avenue to the city limits of Asheville.

RESOLUTION BOOK NO. 37 - PAGE 335

J. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION WITH FIRST TRANSIT FOR THE OPERATION OF THE ASHEVILLE TRANSIT SYSTEM

This item was removed from the Consent Agenda for discussion and/or an individual vote.

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

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

Councilman Smith moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda Item J. This motion was seconded by Councilman Bothwell and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

J. RESOLUTION NO. 15-224 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION WITH FIRST TRANSIT FOR THE OPERATION OF THE ASHEVILLE TRANSIT SYSTEM

Summary: The consideration of a resolution authorizing the City Manager to extend the mass transit management agreement with First Transit, Inc. (First Transit) until June 30, 2016, to continue managing the daily operation of Asheville Redefines Transit (ART) System.

First Transit has managed the transit system since July 1, 2008, through two separate management agreements, the first one from July 1, 2008 to December 31, 2011, and the second one from January 1, 2012, to date. The current contract with First Transit expires on December 31, 2015, and the City decided not to exercise the option to renew the agreement but requested

an extension until June 30, 2016, so that First Transit could negotiate the collective bargaining agreement which expires on January 31, 2016.

At the same time, the City will seek proposals from transit management providers to operate the City's transit system. The extension will allow staff to go through the procurement process and have a new contract in place once the collective bargaining agreement has been negotiated by the beginning of Fiscal Year 2017.

During this period First Transit will continue furnishing all management and supervisory services required and necessary for the efficient and economical operation of transit services under the policies, standards and procedures established by the City of Asheville until a new contract is in place, by July 1, 2016.

The Transit Committee reviewed this item but did not have quorum to vote at the time it was brought to them. The Multimodal Transportation Commission voted to exercise the option to renew for one more year and to have a new contract by January 1st, 2017.

Pros:

- The transit system will continue to operate in a safe and efficient manner.
- First Transit will negotiate a new collective bargaining agreement.

Con:

- Total cost of \$141,552.54 (\$23,592.09/month) as established in the compensation schedule for year 5 of the contract and agreed with First Transit.

The total project cost until June 30, 2016 is \$141,552.54. These funds are budgeted in the current Fiscal Year in the Transit Services Fund.

City staff recommends that City Council adopt a resolution authorizing the City Manager to extend the mass transit management agreement with First Transit until June 30, 2016, to continue managing the operation of the City of Asheville Transit System and to negotiate a new collective bargaining agreement.

Ms. Sabrah n'haRaven, Ms. Diane Allen and a bus driver felt that a 6-month extension is too long as there are serious safety concerns now regarding the operation of the system.

In response to Councilman Bothwell, Mr. Putnam explained the reason for the 6-month extension and the Request for Proposals process. Primarily, staff wants to make sure that we have enough time to solicit all available contractor that want to be involved and vet the project as thoroughly as we can.

Councilman Smith hoped that staff will try to shorten the 6-month extension if possible.

In response to Councilman Bothwell, Mr. Putnam said that staff will re-double their efforts to insist on performance under the contract.

Councilman Smith moved for the adoption of Resolution No. 15-224. This motion was seconded by Vice-Mayor Hunt and carried unanimously.

RESOLUTION BOOK NO. 37 - PAGE 336

III. PRESENTATIONS & REPORTS: None.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE ESTABLISHING REQUIREMENTS FOR UTILITY SUBSTATIONS

Mayor Manheimer said that she has received a letter from Mr. Robert Sipes, General Manager of the Western Zone of Duke Energy, which stated in part that "At your request to keep looking for another location for the substation along Hill Street, next to the Isaac Dickson Elementary School, the company will agree to hold off submitting permits for these three substations until Jan. 2017. With this delay, we respectfully request that you wait and consider the ordinance after we can work with city leadership to attempt to locate another suitable site."

Councilman Davis moved to continue this public hearing until August 23, 2016. This motion was seconded by Councilman Pelly and carried unanimously.

B. PUBLIC HEARING CONSIDER AMENDING SECTIONS 7-2-5, 7-8-1, 7-16-1(C)(9) AND 7-18-2(B) OF THE UNIFIED DEVELOPMENT ORDINANCE RELATING TO THE DEFINITION OF "HOMESTAY" AND THE DISTRICTS IN WHICH HOMESTAYS ARE PERMITTED IN THE TABLE OF PERMITTED USES; THE STANDARDS REQUIRED FOR HOMESTAYS WHICH ARE DESIGNATED AS A USE BY RIGHT SUBJECT TO SPECIAL STANDARDS

ORDINANCE NO. 4470 - ORDINANCE AMENDING SECTIONS 7-2-5, 7-8-1, 7-16-1(C)(9) AND 7-18-2(B) OF THE UNIFIED DEVELOPMENT ORDINANCE RELATING TO THE DEFINITION OF "HOMESTAY" AND THE DISTRICTS IN WHICH HOMESTAYS ARE PERMITTED IN THE TABLE OF PERMITTED USES; THE STANDARDS REQUIRED FOR HOMESTAYS WHICH ARE DESIGNATED AS A USE BY RIGHT SUBJECT TO SPECIAL STANDARDS

Mayor Manheimer said that this is a continuation of the August 25, 2015, public hearing. A homestay is where you rent out some portion of your home for a short period of time. Homestays have been legal in Asheville since 2006. The short term rental issue is not before City Council at this time. A short term rental is the renting of a stand alone home for overnight stays less than 30 days and those have been illegal in residential districts for many years. She reiterated that the City of Asheville does not receive the room tax and City doesn't get any more sales tax.

Principal Planner Shannon Tuch said that this public hearing was held on August 25, 2015, at which time Council deferred consideration. On September 8, 2015, City Council referred the amendment to the City Council Planning & Economic Development Committee.

Ms. Tuch said that the City of Asheville has been engaged in a long and public conversation over the proliferation of short term rentals in the city's jurisdiction over the last two years. Most recently, the Asheville City Council reviewed an ordinance amending standards for *Homestays* on August 25, 2015. Significant public comment, both for and against, homestay operations was received at the hearing and Council delayed the vote to allow for additional research and input before a final decision is made. Specific concerns voiced by the Council during the public hearing included:

- (1) Ensuring that homestay operations preserve the health and safety of both residents and visitors;
- (2) Protecting the community's general welfare by preserving much needed housing and promoting housing security; and
- (3) Minimizing impacts on the residential neighborhoods by integrating these non-residential uses in a manner that would preserve the harmony and character of the neighborhoods within which the homestay operations were located.

In discussing these concerns, several specific points related to the regulation of homestays were identified and Council directed staff to explore these points further with the Planning & Economic Development Committee. As a result of this research, analysis and committee discussion, staff is proposing a revised Ordinance for the Council's consideration. Also represented in the revised Ordinance is a recommendation to add language that would allow non-conforming properties that were legally established (but which subsequently became non-conforming due to changes to the UDO) to be eligible to apply for a homestay application, unlike other Uses-by-right, Subject-to-Special-Requirements (USSR's). While this is currently the standard and was not originally included in the changes, it is now better understood that without this addition as much as 30% of all residential properties would be ineligible for a homestay application. This is contrary to the goal of expanding the economic opportunity to more citizens in a way that could also improve housing security. No other USSR is thought to achieve the same opportunity nor are they controlled and regulated to the same extent that mitigates potential nuisance, harmony or welfare concerns.

This proposal is consistent with goals outlined in the Comprehensive Plan and City Council Strategic Plan, and because allowing and regulating homestays is a reasonable response to a social and economic phenomenon that effectively seeks to balance a variety of city adopted goals, staff recommends approval of the revised wording amendment modifying the city's *Homestay* standards.

There was considerable discussion amongst the Council while Ms. Tuch reviewed a comparison table of what the standard is, the current UDO requirement, the Planning & Zoning Commission recommendation, and alternative standards.

Mayor Manheimer opened the public hearing at 6:31 p.m.

Leaving out comments regarding short term rentals, the following individuals expressed concern about the proposed homestay regulations as follows: homestays should be self-regulated; don't require off-street parking for a homestay; allow accessory structures or accessory dwelling units to be used for any part of the homestay operation; there is no criteria for inspections and they place an unnecessary burden on City staff; request to postpone action until the new seated City Council takes office; free issuance of violations; allow non-conforming properties to be eligible for a homestay permit; and this ordinance is being amended based on only a few complaints received:

Lisa Shoemaker, representative of the Asheville Home Sharing Network
Jackson Tierney, resident on Magnolia Avenue
Kama Ward
John Farquhar
Helen Powell-Busch, Five Points neighborhood resident
Rita Hayes
A resident
Tom Gallo
A north Asheville resident
Eric Shank
Lonnie Blakeslee
Patrick Lockett
Charlie Soderquist
Matt Levitt
Laurie Fisher

The following individuals spoke in support of the proposed ordinance for several reasons, some being, but are not limited to: need actual proof of residency; there should be no commercial lodging in neighborhoods; suggest a cap on the number of homestays per

neighborhood; potential loss of housing units; neighbors don't want to live adjacent to non-transient tourists; and suggest a 500 foot separation requirement for each homestay:

Stuart Alford
Jane Mathews
David Rodgers

Mayor Manheimer closed the public hearing at 7:36 p.m.

Mayor Manheimer explained that in order for City Council to consider allowing accessory structures or accessory dwelling units to be used for any part of the homestay operation would require an ordinance amendment which would need to be reviewed by the Planning & Zoning Commission. Personally, she felt we need to look at expanding the definition of homestay to include accessory dwelling units.

The majority of the discussion surrounded (1) the 25% maximum floor area dedicated to homestay standard vs. the number of bedrooms allowed; (2) number of documents required to establish proof of residency from the full-time resident of the property; (3) off-street parking not being required for a homestay; (4) non-conforming properties being eligible for a homestay permit; (5) allowing concurrent home occupations (which home occupation is defined in the UDO) in a residence with an active homestay use; (6) the process a person would have to go through to get a permit for a homestay; (7) one homestay permit for person; and (8) the insurance requirement.

After hearing that there is only a very small percentage of complaints regarding homestays, Councilman Bothwell questioned how much does City Council want to regulate something that hasn't been causing a problem.

Mayor Manheimer was concerned about the integrity of the neighborhood - balancing what makes Asheville special, but allowing people to make their living experience more affordable. She hoped by expanding homestay usage to be as user friendly as possible, while still prohibiting whole house short-term rentals, we will try to find that balance.

Councilman Bothwell supported striking the 25% maximum floor area dedicated to homestay and instead allow up to three bedrooms; and strike the off-street parking requirement.

Councilwoman Wisler suggested not counting the number of bedrooms, but rather limit a total percent to the house - maybe 40%.

Councilman Smith felt that this issue is property rights vs. residential zoning and individual need vs. community needs. It's important that Council try to strike a balance. Our existing ordinance is too restrictive. What Council is considering is creating a fundamental change in our neighborhoods. He supported striking the 25% maximum floor area dedicated to homestay and instead allow up to two bedrooms. He did note that the Affordable Housing Advisory Committee does advise against short term rentals and accessory dwelling units but supports the homestay use. We do need to strike a balance and allow owners seeking to make it affordable for them to have that opportunity.

Councilman Pelly and Councilman Davis felt that home occupations should be permitted concurrently in a residence with an active homestay use. He felt the standard is too vague right now and there are many people who work at home that have a very low impact on the community.

Vice-Mayor Hunt felt the big question is whether we want to allow commercial enterprises into residential neighborhoods. He felt we need to be careful in crafting standards that would allow de facto short term rentals to occur under our ordinance. He didn't believe our inability to

limit multiple property ownership by one financial interest. The integrity of community life in our neighborhoods is important. He could not support ordinance changes that do not include either a two bedroom maximum, and either a 500 foot separation or a maximum of 100 nights per year. He felt if we go beyond that level we are inviting the clever investors to come in and start taking up housing stock and hollowing out our neighborhoods.

Councilman Bothwell noted the demand for this is not infinite. He felt we need to move forward with this amendment because of the enforcement piece, or if this is postponed, he would want to see a stay on all enforcement.

With all the discussion on these standards, Councilman Smith suggested Council move forward with as close to consensus on the standards as they can, with a provision that certain provisions be reviewed in 4, 8 and 12 months. During these reviews, Council will be looking for the number of complaints received, number of permits issued, and then staff concerns that have arisen since adoption.

In response to Councilman Davis, Ms. Tuch said that if nuisance complaints are filed, the City has the option to withdraw their homestay permit.

Councilwoman Wisler wanted the public to be aware that this ordinance may change after hearing the staff updates.

Councilman Smith moved to amend the definition of homestay as follows: "Homestay means a private, resident occupied dwelling, with up to two guest rooms where overnight lodging accommodations are provided to transients for compensation and where the use is subordinate and incidental to the main residential use of the building. A homestay is considered a 'Lodging' use under this UDO.", and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans by expanding an existing economic opportunity to more residents of Asheville. This motion was seconded by Councilman Bothwell and carried unanimously.

Councilman Smith moved to approve the Planning & Zoning Commission recommendations with the following amendments: (1) subsection (c) be amended that two or more documents establishing residency shall be supplied from an approved list of documents and language defining "present and residing,"; (2) subsection (d) be stricken entirely to delete the 25% maximum floor area dedicated to homestay; (3) no change to subsection (f) as the current ordinance states that no additional off-street parking is required for a homestay; (4) delete reference to accessory structures or accessory dwelling units; (5) addition to restrict one permit per parcel/lot; (6) subsection (j) be stricken to delete the provision that home occupations shall not be permitted concurrently in a residence with an active homestay use; (7) addition to restrict one permit per owner; (8) addition to that non-conforming properties be eligible for a permit; and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans by expanding an existing economic opportunity to more residents of Asheville. This motion was seconded by Councilman Bothwell.

When Vice-Mayor Hunt clarified that there must be a full-time resident of the property must be present and residing in the home when lodgers are present, he stated that he could not support the motion.

The motion made by Councilman Smith and seconded by Councilman Bothwell regarding amendments to the current ordinance carried on a 6-1 vote, with Vice-Mayor Hunt voting "no."

Councilman Smith moved to receive a staff report on the ordinance in 4, 8 and 12 months as it relates to number of permits issued, complaints received and other staff concerns that have arisen over the course of the process. This motion was seconded by Councilman Bothwell and carried unanimously.

Councilman Smith moved to approve the Table of Permitted Uses with respect to the homestay use and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans by expanding an existing economic opportunity to more residents of Asheville. This motion was seconded by Councilman Bothwell and carried unanimously.

ORDINANCE BOOK NO. 30 - PAGE 193

V. UNFINISHED BUSINESS: None

VI. NEW BUSINESS:

A. MOTION TO APPROVE AN ADDITIONAL FULL-TIME EQUIVALENT POSITION FOR A DOWNTOWN/CENTRAL BUSINESS DISTRICT COORDINATOR

Community and Economic Development Director Sam Power said that action is being requested on an additional FTE for fiscal year 2015-16 for a Downtown/Central Business District coordinator, to be funded from Parking Fund and 50% from the Public Works Department within the General Fund.

The position will be funded from the Parking Fund and the Public Works Department of the General Fund; therefore, no budget amendment is being brought forth as the total impact is anticipated to be less than \$50,000 to fund the salary, benefits and other miscellaneous expenses associated with the for the remainder of FY 2015-16. This ongoing position will be responsible for coordinating City initiatives in downtown and the south slope, establishing and maintaining relationships with the multiple stakeholder groups involved in downtown Asheville, and be available to work directly with stakeholders and citizens regarding downtown issues.

Downtown Asheville - Downtown Asheville is important to a number of stakeholder groups, including residents, property and business owners, hoteliers and restaurateurs, as well as visitors to the City. Staff recognizes that it is extremely important to coordinate City infrastructure and operational investment in downtown with the needs of residents, public safety, development activity, tourism interests and the business community. In order to accomplish this end, staff has identified that a full-time equivalent position should be added to as the point person to ensure that the City is addressing the needs of the different groups.

Because one of the key issues facing downtown is parking, 50% funding for the position from the Parking Fund, an enterprise fund of the City, is appropriate. This position will be responsible for continued tracking and analysis of parking in the downtown and south slope area in the interests of the stakeholder groups discussed above.

Parking Fund Revenue Growth - The Parking revenue performance is excellent. The newest parking deck, at 51 Biltmore (Aloft Hotel) downtown, is outperforming the pro forma estimates and is expected to continue to do so. While this deck is not self-supporting because of outstanding construction debt, the other parking decks belonging to the City of Asheville are also high performing and have no remaining outstanding debt associated with them. Below is a summary of the expected performance as of the Parking Fund for FY 2015-16.

Parking Fund

	Adopted Budget	Year End Estimate	Pos. (Neg.) Budget Variance
Revenue	4,625,144	5,000,000	374,856

Expenditure	4,625,144	4,486,390	138,754
Rev. Over/(Under) Exp.	0	513,610	--

All categories of parking revenues are exceeding projections for the first quarter, especially transient, after hours and monthly parking. Monthly parking demand has exceeded our capacity in all surface lots and in three of the four garages. Biltmore Avenue Garage still has a few monthly spaces available but is experiencing huge demand for transient (hourly) parking. Expenditures are expected to rise due to unforeseen roof repairs at Civic Center and Wall Street garages. In addition, new informational signage will be ordered for Rankin Avenue and Civic Center garages. These signs will provide needed information about the existing capacity of said garages; especially important at the intersection of Vanderbilt Place and Haywood Street.

The following is recommended for Council consideration and action:

- Authorize the addition of one full-time equivalent (FTE) position to be funded 50/50 General Fund and Parking Fund.

This action allows staff to move forward with plans to coordinate City initiatives in the downtown and south slope areas with stakeholder groups.

Pro:

- Increased expertise specific to the downtown and south slope areas
- Staff visibility and better coordination between City departments and stakeholder groups

Con:

- None.

The \$50,000 additional expense will have minimal impact on the performance of the Parking and General Funds. As of the end of Quarter 1, Fiscal Year 2015-16 the Parking Fund is performing above expectations. The Public Works Department will fund the General Fund portion from existing budget intended for contract work.

City staff recommends City Council approve the addition of one full-time equivalent position for a downtown coordinator (title to be determined).

Councilman Davis said that the Downtown Commission does support this position but he felt they envisioned a stronger downtown manager position.

When Councilman Bothwell asked how this position fits in with actions already being tackled by the Transportation Department, Mr. Powers said that as with all other issues, having additional staff capacity has been identified as being helpful to those issues.

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

Councilman Davis moved to approve the addition of one full-time equivalent position for a downtown coordinator. This motion was seconded by Councilwoman Wisler and carried unanimously.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Regarding the homestay ordinance, Ms. Jane Mathews asked that during the 4, 8 and 12 month review that staff also look at the statistic regarding the loss of housing.

Councilman Smith updated the Council on the Housing Summit held on November 16, 2015, noting that a second one will be held in the spring.

**PRIMARY ELECTION RESULTS – CITY OF ASHEVILLE – OCTOBER, 6, 2015;
GENERAL ELECTION RESULTS – CITY OF ASHEVILLE – NOVEMBER 3, 2015**

Attached hereto as Exhibit “A” is the abstract containing the number of legal votes in the Primary Election, City of Asheville, held on October 6, 2015. Also attached as Exhibit “B” is the abstract containing the number of legal votes cast in the General Election, City of Asheville, held on November 3, 2015.

CLOSED SESSION

At 8:41 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(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the following parties: Rebecca Robertson, Wann Near, Christal Weatherly and the City of Asheville. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3); and (3) To discuss matters relating to the location or expansion of industries. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(4). This motion was seconded by Councilman Pelly and carried unanimously.

At 9:22 p.m., Councilman Davis moved to come out of closed session. This motion was seconded by Councilman Pelly and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:22 p.m.

CITY CLERK

MAYOR