

Tuesday – April 12, 2016 - 3:00 p.m.

Budget Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman Gordon D. Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

Director of Finance and Management Services Barbara Whitehorn used a PowerPoint to provided Council with information that the base budget is balanced.

She explained the restructuring the plan for employee compensation and health care (1) 3.5% pool allocated; (2) market adjustments and other changes - \$500,000; and (3) healthcare changes (a) additional tier - employee plus children; and (b) premium increases across the board.

She expanded the operating budget (on-going) investments which included: (1) a Diverse Community (a) Equity Program Manager; (2) Transportation & Accessibility (a) transit improvement of funding of Multimodal Transportation Commission No. 1 priority for S3 - more flexibility of bus service to Airport; (3) A Clean & Healthy Environment (a) Solid Waste Service Improvements - Sanitation Equipment Operator; (b) Food (a) Add \$85,000 for Strategic Partnerships (\$40,000 for LEAF Programming and \$45,000 for IRL Programming); and (5) A Smart City (a) Project Manager in Information Technology to address increased work order volume; (b) Planner/Urban Designer for the Downtown Master Plan and other projects; and (c) Crime Prevention Analyst. She then reviewed the Fiscal Year 2017-18 Public Safety planning.

One-time strategic goal investments include (1) South Slope/Downtown Visioning (\$150,000); (2) Real Estate & Facilities Diagnostics (\$357,000); (3) Deferred Maintenance Fund (\$200,000); (4) Parks & Recreation Services & Facilities Assessment (\$60,000); (5) Staff Created Solutions Fund (\$100,000); (6) Program and Process Improvements (a) actuarial analysis of OPEB (\$25,000); (b) Health Fund and Health Care Actuarial Study (\$150,000); (c) Payroll & Benefits Audit (\$90,000); and (d) Organizational Development & Performance Management (\$100,000); and (7) Proposed Buncombe Community Capital Fund - \$250,000 Seed Capital for a \$1 Million Small Business Loan Program.

Using charts, Ms. Whitehorn then reviewed the Fund Balance Analysis. Her recommended fund balance recommendations included (1) allocate \$850,000 to one-time investments in strategic goal areas; (2) reserve \$1 Million for Lee Walker Heights; (3) reserve \$1.3 Million in infrastructure capital reserve; and (4) allocate \$1.75 Million to unrestricted, unassigned fund balance - 16.9%.

Issues and discussion included (1) goal area recommendations; (2) unrestricted fund balance, general fund; and (3) employee compensation & benefits.

Throughout Ms. Whitehorn's presentation, she and other staff members responded to various questions/comments from Council, and those which could not be readily responded to would be provided to Council in a memorandum format. Some questions raised included whether it would be better to wait until the disparity study has occurred before hiring an Equity Program Manager in order to better understand the skill-set needed; approximately when will the Equity Program Manager be hired; City Manager Jackson to route initial Equity Program and objectives through the Governance Committee and then develop the job description; what costs are associated with the Backyard Composting Program; will we work with other partners for waste reduction efforts; what is involved with the Food Action Plan coordination; explanation of the costs associated with LEAF Programming; request for complete list of formalized relationships with all

non-profits to include process on how funds are awarded (application process; agreement, etc.), total amounts to include any in-kind donations, grants, etc., and whether they are one-time allocations or on-going; what is the Downtown Association's partnership regarding the July 4 celebration; how will the Small Business Loan Program be different from other loan programs; what outcomes are anticipated from the Crime Prevention Analyst; request for information on the Downtown District, understanding it is not being proposed for funding in Fiscal Year 2016-17; more information relative to the need for Fire Station 14; need for ultimate Council decision on vacant Fire Station on Merrimon Avenue; explanation of federal requirement to have 4 firefighters per truck; request for additional information concerning the need for \$150,000 for the South Slope/Downtown Visioning; request to have a good understanding of the City's real estate assets, with maintenance status on each, how they were purchased and if there are any restrictions; is the actuarial analysis of OPEd and the Health Fund and Health Care Actuarial Study needed at this time; consensus to rename the South Slope/Downtown Visioning to include a range of services around growth and development city-wide; what does the 3.5% salary increase to City employ come to in dollars; and, consensus to see less in the Section 108 Fund for Lee Walker Heights Project.

Direction was given to Ms. Whitehorn to not only add the additional bus on S3 to the Airport at \$384,000, but to also add the extended hours (8 additional) for buses at a cost of \$250,000 and to add the City Transportation Planner Positions at a cost of \$73,000.

Direction given to Ms. Whitehorn to continue with the direction of funding in Fiscal Year 2017-18 the Fire Station #14 (with request to see if the \$750,000 price could be reduced and if there are any other ways to address the coverage issue), along with the Asheville Police Department Downtown District.

Direction given to Ms. Whitehorn to look at a range of 16.4 to 16.5 unrestricted, unassigned fund balance.

Ms. Whitehorn then reviewed the upcoming dates associated with adoption of the budget.

At 4:45 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – April 12, 2016 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding (recused from meeting at 7:18 p.m.); Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman Gordon D. Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. EMPLOYEE RECOGNITION

City Manager Jackson recognized chief codes official Mark Matheny for receiving an award from the International Code Council (ICC) as Code Official of the Year for Region VIII. Region VIII includes Georgia, Tennessee, South and North Carolina.

Mayor Manheimer thanked Mr. Matheny and all employees on what they do on behalf of the City of Asheville and City Council. She was proud of City staff and looked forward to highlighting more accomplishments.

B. SIGNING OF 2X4 FOR THE FIRST WALL FOR THE ASHEVILLE AREA HABITAT FOR HUMANITY HOUSE BUILT IN RECOGNITION OF GENEROUS SUPPORT FROM THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY

Mayor Manheimer recognized Mr. Andy Barnett, Executive Director of the Asheville Area Habitat for Humanity, who then recognized Ms. Tera Jabs.

He said that next week Asheville Area Habitat for Humanity will be celebrating its relationship with the City of Asheville and the County of Buncombe by beginning to build a new house. This affordable, Green Built NC house is named in honor of the public funds that helped create the infrastructure for the West Asheville subdivision, where it will be the last and 25th house constructed.

The house is located on Soulshine Court, a new street built off Johnston Boulevard and named for a Warren Haynes song, in honor of the musician's years of commitment to Asheville Area Habitat. The street was created with a combination of funds from Housing and Urban Development's HOME program through the City of Asheville and grants and loans from Buncombe County's Affordable Housing Services Program. This creative collaboration between the County, the City, a private foundation and a nonprofit demonstrate the commitment needed from many sources to address the affordable housing crisis faced by so many Buncombe County residents.

The energy-efficient 3-bedroom house will be purchased by a Tera Jabs, a single mother with two children, who works for another nonprofit performing intake services for veterans. Like so many others in our County, she works hard on behalf of others but falls short in her ability to purchase a safe, affordable home for her family without a hand up. After completing 200 hours of sweat equity – or volunteer labor helping to build her house – she will close on the home and begin paying a zero-percent interest mortgage.

House construction begins on April 12 and will be completed by mid-October.

Mayor Manheimer was pleased to note that when completed, the City/County House will be the 293rd house built by Asheville Area Habitat for Humanity in Buncombe County.

C. PROCLAMATION PROCLAIMING APRIL AS "PARKINSON'S DISEASE AWARENESS MONTH"

Councilman Bothwell read the proclamation proclaiming April, 2016, as "Parkinson's Disease Awareness Month" in the City of Asheville. He presented the proclamation to Nancy and Jim Hall, and others, who briefed City Council on some activities taking place during the month.

D. PROCLAMATION PROCLAIMING APRIL, 2016, AS "CHILD ABUSE PREVENTION MONTH"

Councilman Smith read the proclamation proclaiming April, 2016, as "Child Abuse Prevention Month" in the City of Asheville. He presented the proclamation to Mr. Geoff Sidoli and Ms. Jennifer Nehlsen who briefed City Council on some activities taking place during the month.

E. PROCLAMATION PROCLAIMING APRIL 18, 2016, AS "LINEMAN APPRECIATION DAY"

Vice-Mayor Wisler read the proclamation proclaiming April 18, 2016, as "Lineman Appreciation Day" in the City of Asheville. She presented the proclamation to Mr. Jason Walls, representing Duke Energy Progress, and linemen 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 MARCH 22, 2016**

- B. RESOLUTION NO. 16-68 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE RACE TO THE TAP CATAWBA**

RESOLUTION NO. 16-69 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE INTERLUDE CLOSING PARTY

RESOLUTION NO. 16-70 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT EARTH FARE 5K

RESOLUTION NO. 16-71 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL

RESOLUTION NO. 16-72 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGANFEST

RESOLUTION NO. 16-73 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE CLIPS BEER & FILM TOUR

RESOLUTION NO. 16-74 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP

RESOLUTION NO. 16-75 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLUE RIDGE PRIDE FESTIVAL

RESOLUTION NO. 16-76 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE HOWL-O-WEEN WALKATHON

RESOLUTION NO. 16-77 - RESOLUTION AUTHORIZING THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE ZERO-PROSTATE CANCER RUN/WALK

Summary: The consideration of resolutions making provisions for the possession and consumption of malt beverages and/or unfortified wine at Race to the Taps Catawba, Interlude Closing Party, Earth Fare 5K, Beer City Festival, Asheville VeganFest, Clips Beer & Film Tour, Beer City Cup, Blue Ridge Pride Festival, Howl-o-Ween Walkathon, and Zero-Prostate Cancer Run/Walk.

- Asheville Humane Society has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Race to the Taps Catawba and allow for consumption at this event.

Race to the Taps Catawba will be held on Saturday, April 23, 2016 from 12:00 p.m. to 4:00 p.m. within the boundaries of Banks Avenue as per the area limits referenced on the accompanying site map.

- Black Mountain College Museum + Arts 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 Interlude Closing Party and allow for consumption at this event.

Interlude Closing Party will be held on Friday, April 29, 2016 from 6:00 p.m. to 10:00 p.m. within the boundaries of Walnut Street as per the area limits referenced on the accompanying site map.

- Asheville Track Club has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Earth Fare 5K and allow for consumption at this event.

Earth Fare 5K will be held on Saturday, May 14, 2016 from 6:30 a.m. to 11:30 a.m. within the boundaries of Carrier Park as per the area limits referenced on the accompanying site map.

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

Beer City Festival will be held on Saturday, May 28, 2016 from 1:00 p.m. to 7:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- Brother Wolf Animal Rescue has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Asheville VeganFest and allow for consumption at this event.

Asheville VeganFest will be held on Sunday, June 12, 2016 from 11:00 a.m. to 5:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- Asheville on Bikes has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Clips Beer & Film Tour and allow for consumption at this event.

Clips Beer & Film Tour will be held on Friday, August 26, 2016 from 6:30 p.m. to 10:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- WNC Soccer Foundation has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Beer City Cup and allow for consumption at this event.

Beer City Cup will be held on Sunday, September 4, 2016 from 8:00 a.m. to 10:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on the accompanying site map.

- Blue Ridge Pride 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 Blue Ridge Pride Festival and allow for consumption at this event.

Blue Ridge Pride Festival will be held on Saturday, October 1, 2016 from 11:30 a.m. to 7:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- Brother Wolf Animal Rescue has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Howl-o-Ween Walkathon and allow for consumption at this event.

Howl-o-Ween Walkathon will be held on Saturday, October 29, 2016 from 11:30 a.m. to 3:00 p.m. within the boundaries of Carrier Park as per the area limits referenced on the accompanying site map.

- Zero-The End to Prostate Cancer has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Zero-Prostate Cancer Run/Walk and allow for consumption at this event.

Zero-Prostate Cancer Run/Walk will be held on Saturday, November 5, 2016 from 8:00 a.m. to 1:00 p.m. within the boundaries of Carrier Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for Asheville Humane Society, Black Mountain College Museum + Arts Center, Asheville Track Club, Asheville Brewers Alliance, Brother Wolf Animal Rescue, Asheville on Bikes, WNC Soccer Foundation, Blue Ridge Pride Center, and Zero-The End to Prostate Cancer

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 Race to the Taps Catawba, Interlude Closing Party, Earth Fare 5K, Beer City Festival, Asheville VeganFest, Clips Beer & Film Tour, Beer City Cup, Blue Ridge Pride Festival, Howl-o-Ween Walkathon, and Zero-Prostate Cancer Run/Walk.

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C. RESOLUTION NO. 16-78 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND AN EXISTING CONTRACT WITH APPALACHIAN PAVING AND CONCRETE INC. FOR THE PROJECT KNOWN AS CONCRETE REPAIR - UTILITY CUTS

Summary: The consideration of a resolution authorizing the City Manager to amend an existing concrete repair contract in the amount of \$50,000 with Appalachian Paving and Concrete, Inc., for the project known as Concrete Repair – Utility Cuts.

City Council initially adopted a resolution authorizing the City Manager to enter into a contract with Appalachian Paving and Concrete, Inc. in October, 2014, (resolution #14-238), in the amount of \$257,183.75 plus a contingency of \$42,816.25 (17%), for the repair of concrete infrastructure that has been damaged by the installation of utilities. Due to the volume of utility cuts that have been repaired by the contractor, the previously approved funding has been nearly exhausted.

The City is in the process of executing a new contract to perform these services (which is also on this agenda). This increase in funding is being requested to ensure that repair work can continue until the replacement contract, Concrete Repair – Utility Cuts FY15-16 (on this agenda), can be approved and fully implemented.

Pro:

- Provides for the timely repair on concrete infrastructure that has been damaged by the installation of utilities.

Con:

- Project management and contract administration will consume staff time.

The Street Cut Utility Program is an enterprise fund that is funded by fees paid by the four partners participating in the program. The partners will be billed 100% of the repair cost meaning that the City realizes full cost recovery.

City staff recommends City Council adopt a resolution authorizing the City Manager to amend the current contract with Appalachian Paving and Concrete to repair concrete infrastructure damage by utility installation for an amount not to exceed \$50,000.

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D. RESOLUTION NO. 16-79 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NELSON/NYGAARD CONSULTING ASSOCIATES INC. TO PREPARE A COMPREHENSIVE PARKING STUDY

ORDINANCE NO. 4490 - BUDGET AMENDMENT TO FUND COMPREHENSIVE PARKING STUDY

Summary: The consideration of (1) a resolution authorizing the City Manager to enter into a general services contract in the amount of \$120,000 including contingencies (the contract amount is \$109,433) with Nelson \ Nygaard Consulting Associates, Inc. to prepare a comprehensive parking study; and (2) a budget amendment in the amount of \$45,000 from current year parking services revenue to provide sufficient budget authorization to fully encumber the contract.

Although the Parking Enterprises Fund has been and continues to be very healthy, staff continues to receive requests regarding parking needs on a regular basis. In order to address these needs and to make the most efficient use of the overall limited funds, staff is moving

forward with plans to develop a long-term parking program including a 10-year capital improvements program.

As a first step, the comprehensive parking study when completed will serve as a guide to help City staff and City Council formulate policy direction to address parking needs during the next 10 to 15 years. The study will include a background section listing general statutes and City ordinances related to parking functions, a benchmarking section providing information on public on-street and off-street parking facilities for 50 peer cities, a section on various parking strategies used throughout the United States that are thoroughly researched and described including pros and cons and probable costs for each strategy, a detailed analysis regarding a downtown shuttle to include two phases; specifically, the first phase would only include the downtown central business district and the second phase would include the downtown central business district, Biltmore Village, the River Arts District, and Haywood Road in West Asheville, and a section on various funding strategies used throughout the United States that are thoroughly researched and described including pros and cons for each strategy. In addition, a 10-year financial model will be prepared that will help staff determine when additional debt could be incurred including any fee and rate increases that would be needed to meet the anticipated capital needs (The 10-year financial model will be completed and submitted to the City by June 1, 2016 so that it can be tested and tweaked if necessary to enable staff to proceed with the appropriate analyses for a possible parking rate increase that might go into effect on January 1, 2017).

Five proposals were received and after a thorough review, the Selection Committee decided that Nelson \ Nygaard Consulting Associates, Inc. would be able to provide the best final product to the City. The Selection Committee included staff from the Transportation Department, the Planning Department, and the Finance Department. A member of the Multi-Modal Transportation Commission was also part of the Selection Committee but was unable to participate.

Pros:

- Reference guide to help set policy direction to address parking needs.
- Balance parking supply and demand throughout the City of Asheville.
- Provides a 10-year financial model to help staff make recommendations regarding possible rate increases.

Con:

- More potential projects for the capital improvement program.

The amount of the contract is \$120,000 including contingencies (the contract amount is \$109,433). Transportation Department staff has identified \$75,000 in the existing Parking Enterprise Fund operating budget for the contract. In order to have sufficient budget authorization to encumber the full contract amount of \$120,000, staff is recommending a budget amendment in the amount of \$45,000. Funding for the budget amendment will come from Parking Services revenues that are performing better than budget in the current fiscal year. Through nine months of FY 2015-16, revenues in the Parking Enterprise Fund operating budget have been trending 9% higher than the budgeted amount.

City staff recommends that City Council approve a resolution authorizing the City Manager to enter into a general services contract in the amount of \$120,000 including contingencies (the contract amount is \$109,433) with Nelson \ Nygaard Consulting Associates, Inc. to prepare a comprehensive parking study, and a budget amendment in the amount of \$45,000 from current year parking services revenue to provide sufficient budget authorization to fully encumber the contract.

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E. RESOLUTION NO. 16-80 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH APPALACHIAN PAVING & CONCRETE INC. FOR THE CONCRETE REPAIR CONTRACT - UTILITY CUTS

Summary: The consideration of a resolution authorizing the City Manager to execute a contract in the amount of \$253,654.83 plus a contingency of \$46,345 (18%) for a total of \$300,000.00 with Appalachian Paving and Concrete, Inc. for the project known as Concrete Repair – Utility Cuts, City of Asheville Project # SP 15-16-001.

As part of the Street Cut Utility Program, utilities that damage public concrete infrastructure during the installation or maintenance of their underground infrastructure do not perform repairs to the concrete. This is the third year that a private contractor has performed this service. The project was advertised on January 28, 2016 and bids were opened on February 25, 2016 with the following results:

Appalachian Paving and Concrete, Inc., Swannanoa, NC	\$253,654.83
Patton Construction Group, Arden, NC	\$274,420.00
Armen Construction Group, Charlotte, NC	\$368,895.00

Pro:

- Provides for the timely repair on concrete infrastructure that has been damaged by the installation of utilities.

Con:

- Project management and contract administration will consume staff time.

The Street Cut Utility Program is an enterprise fund that is funded by fees paid by the four partners participating in the program. The partners will be billed 100% of the repair cost meaning that the City realizes full cost recovery.

City staff recommends City Council adopt the resolution awarding the contract to Appalachian Paving and Concrete, Inc. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of \$253,654.83 plus a contingency of \$46,345 (18%) with Appalachian Paving and Concrete, Inc. for the project known as Concrete Repair – Utility Cuts, City of Asheville Project # SP-15-16-001.

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F. RESOLUTION NO. 16-81 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NOVUS ARCHITECTS TO DEVELOP FACILITY ASSESSMENT AND ARCHITECTURAL CONCEPT DESIGN SERVICES FOR MCCORMICK FIELD

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Novus Architects to develop facility assessment and architectural concept design services for McCormick Field for an amount not to exceed \$180,000.

The City of Asheville (City) issued a Request for Qualifications (RFQ) for architectural services for the facility assessment and conceptual design improvements to McCormick Field. The primary goal of the project is to provide the City and its partner, the Asheville Tourists, a comprehensive understanding of the current conditions of the facility, existing maintenance concerns, and what future capital improvement opportunities are possible for the facility in order to maximize investments in the property for its highest and best use.

In response to the RFQ, the City received eight Statements of Qualifications.

1. CHA, Raleigh, NC
2. Clark Nexen, Asheville, NC
3. Clark Patterson Lee, Asheville, NC
4. LS3P/AECOM, Greenville, NC
5. Mathews Architecture, Asheville, NC
6. Novus Architects/Ewing Cole, Asheville, NC
7. Odell, Charlotte, NC
8. Padgett Freeman Architects, Asheville, NC

After thorough review and evaluation, staff recommended Novus Architects, 24 South Pack Square; Suite 400, Asheville, North Carolina as the most qualified to perform the architectural services for the McCormick Field assessment and concept studies.

Pros:

- Novus Architects has provided architectural services on previous renovations to McCormick Field when doing business as Bowers, Ellis, & Watson Architects. Novus will partner with Ewing Cole, a leading firm with extensive experience in sport stadium design and engineering.
- This project will allow the City to identify deferred maintenance and possible capital improvement projects for McCormick Field.

Con:

- None

The \$180,000 to support the Novus Architects contract to develop facility assessment and architectural services for McCormick Field is budgeted in the capital improvement budget in the Parks and Recreation Department.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into a contract with Novus Architects to develop facility assessment and architectural services for McCormick Field for an amount not to exceed \$180,000.

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G. RESOLUTION NO. 16-82 - RESOLUTION AMENDING THE 2016 CITY COUNCIL MEETING SCHEDULE

Summary: The consideration of amending the 2016 City Council meeting schedule as follows: (1) addition of formal meeting on Tuesday, May 17, 2016, at 5:00 p.m. in the Council Chamber, 2nd Floor of City Hall; (2) reschedule Fiscal Year 2016-17 Annual Operating Budget public hearing from May 24, 2016, to May 17, 2016; and (3) cancel the May 24, 2016, formal meeting.

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H. ORDINANCE NO. 4491 - BUDGET AMENDMENT TO FUND THE INSTALLATION OF A CROSSWALK ALONG AMBOY ROAD

Summary: The consideration of a budget amendment in the City's General Capital Projects Fund in the amount of \$25,000 from Tourism Product Development Funds (TPDF) from the Buncombe County Tourism Development Authority (BCTDA) to fund the installation of a crosswalk along Amboy Road.

At its January 12, 2016, meeting, City Council approved a resolution authorizing the City Manager to sign a grant agreement with Buncombe County Tourism Development Authority

(BCTDA) for \$1 million in Tourism Product Development Funds (TPDF). A portion of that funding (\$25,000) was designated for the installation of a crosswalk along Amboy Road to support safe pedestrian access to the French Broad River at Amboy River Park. Work began on that project last month. In order to accurately account for the use of the funds, staff is recommending the establishment of a project in the City's General Capital Projects Fund, and a budget amendment to appropriate the revenue and provide authorization for the expenses in that fund.

Pro:

- Provides budget authorization for expenditure of TPDF grant funds previously accepted by City Council.

Con:

- None

The grant from the TPDF was for two projects, the Beaucatcher Greenway and the Amboy Road Crosswalk & River Access. The grant includes a 50% City match. The match requirement is met through the City's contribution to the Beaucatcher Greenway project and \$25,000 in grant funding provided by RiverLink.

Staff recommends that the City Council adopt a budget amendment in the City's General Capital Projects Fund in the amount of \$25,000 from Tourism Product Development Funds (TPDF) from the Buncombe County Tourism Development Authority (BCTDA) to fund the installation of a crosswalk along Amboy Road.

ORDINANCE BOOK NO. 30 - PAGE 261

I. RESOLUTION NO. 16-83 - RESOLUTION AFFIRMING THE DIGNITY OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PEOPLE AND CALLING FOR THE REPEAL OF SESSION LAW 2016-3/HOUSE BILL 2

Mayor Manheimer said that Council has worked on a more enhanced resolution that was originally posted. She noted that several other cities have passed resolutions opposing House Bill 2. She said that Governor Pat McCrory said that he will ask the General Assembly to reinstate people's right to sue in state court for discrimination - undoing a portion of House Bill 2 law.

Said resolution reads: "WHEREAS, on February 22, 2016, the Charlotte City Council demonstrated admirable leadership by approving a local ordinance that adds marital status, familial status, sexual orientation, gender identity, and gender expression to its list of categories protected from discrimination in city contracting and public accommodations; and WHEREAS, on March 23, 2016, in response to the Charlotte ordinance, the North Carolina General Assembly in special session ratified, and Governor Pat McCrory signed, House Bill 2 (Session Law 2016-3), the Public Facilities Privacy & Security Act; and WHEREAS, House Bill 2 appears to repeal the Charlotte ordinance by establishing new statewide standards for what constitutes discriminatory practice in employment and public accommodations; and by establishing new statewide requirements for bathrooms and changing facilities in all public agencies, including schools; and WHEREAS, the omission of sexual orientation, gender identity, gender expression, and other categories from the statewide list of categories protected from discrimination means that not only do protections on these bases appear to be unavailable under state law, but further, that local governments appear to be preempted from offering these protections to their residents; and WHEREAS, the legislation also appears to eliminate the right of any person to bring a civil action in a North Carolina court for a claim of discrimination in employment or public accommodations on account of race, religion, color, national origin, age, or biological sex (as well as handicap for employment only); and WHEREAS, by enacting House Bill 2, our state's political leaders have once again taken extreme measures to attempt to diminish the legislative authority of local governments, and have once again used the laws of the State of North Carolina to codify

discrimination and division rather than to advance the rights and dignity of North Carolinians; and WHEREAS, the legislation, its brief twelve-hour legislative history, and lawmakers' public statements clearly demonstrate a discriminatory intent; a lack of knowledge and understanding of the experiences of transgender people; and a lack of respect for the dignity of lesbian, gay, bisexual, and transgender (LGBT) people on the part of the General Assembly and Governor McCrory; and WHEREAS, the legislation is inconsistent with the Equal Protection Clause of the United States Constitution, which provides that no state shall deny to any person within its jurisdiction "the equal protection of the laws" (US Const amend XIV, § 1); and the legislation is mean-spirited and "born of animosity toward the class of persons affected" (*Romer v Evans*, 517 US 620 [1996]); and WHEREAS, the General Assembly expended an estimated \$42,000 to hold an urgent special session to enact House Bill 2, meanwhile neglecting to act with urgency to address real challenges facing the people of North Carolina: the state's 18% poverty rate (including 25% of children and 27% of African Americans); expansion of the Medicaid program and access to high-quality health care for all; funding for public education, including historically black colleges and universities; protection of the natural environment; mitigation of and adaptation to the effects of global climate change; and job opportunities and fair and living wages for all workers; and WHEREAS, Asheville is a community dedicated to the principles of equality, nondiscrimination, and full inclusion and engagement by any resident in the civil rights, benefits, and privileges of all residents; and WHEREAS, Asheville has a proud history of advancing the rights of LGBT North Carolinians, including creating a domestic partner registry and extending eligibility for employment benefits to same-sex partners of City employees; and among the first to support civil marriage for same-sex couples. NOW, THEREFORE, BE IT RESOLVED: SECTION 1. The Asheville City Council reaffirms its support for protecting and advancing the constitutional rights and equitable treatment of all residents and its opposition to discrimination, prejudice, homophobia, and transphobia. SECTION 2. The Asheville City Council applauds the people of Charlotte and the members of the Charlotte City Council for their historic achievement, and particularly for their courageous leadership in standing for dignity and equality in North Carolina's largest city. SECTION 3. The Asheville City Council extends gratitude to the Buncombe County Board of Commissioners, which approved a resolution regarding House Bill 2 on April 5, 2016. SECTION 4. The Asheville City Council urges the North Carolina General Assembly to repeal House Bill 2 at the earliest opportunity. Meanwhile, Council will look to the court system for remedy, seeking opportunities to partner with other local jurisdictions and advocacy organizations in taking appropriate legal action against this unconstitutional legislation; to adopt appropriate local ordinances to advance the cause of equal protection; and to encourage other local governments to exercise their legislative authority to promote equal protection and nondiscrimination. SECTION 5. The Asheville City Council encourages all businesses providing public accommodations in Asheville and throughout North Carolina to demonstrate their support for the dignity of all people by openly welcoming LGBT people to their places of business, and by providing gender-nonspecific bathroom facilities for their customers and employees wherever practicable. SECTION 6. The Asheville City Council encourages all municipalities, counties, and boards of education in North Carolina to adopt similar resolutions at a special meeting or at their next regular meeting calling for the repeal of House Bill 2. SECTION 7. The Asheville City Council asks the city clerk to send copies of this resolution to the members of the Buncombe County delegation to the General Assembly, the chair of the Buncombe County Board of Commissioners, and the mayor of the City of Charlotte."

Councilman Bothwell was appalled that our General Assembly adopted House Bill 2. He was not surprised that businesses have pulled out of North Carolina and are refusing to come to Buncombe County. He was pleased that Asheville will join the voices pointing out that many parts of House Bill 2 are unconstitutional and is entirely wrong.

Councilman Haynes said that with tonight's resolution we show our strong support for Charlotte's ordinance and the brave Council members who backed it. We also show our disdain for the highly discriminatory bill passed by the North Carolina legislature and immediately signed into law by Governor Pat McCrory. In addition, there was fear based propaganda spread that Charlotte's ordinance would both cause and allow predatory behavior. This could not have been

further from the truth. What this ordinance would have done is prohibit discrimination against LGBT people while allowing transgenders to use the restroom of the gender with which they identify. So, he would ask that those folks who felt that Raleigh acted properly with their reaction to Charlotte's ordinance, re-examine this through a lens of love and tolerance. These resolutions which are being passed across this great state should not be feared but instead celebrated. Since the time that Republicans gained control of both the legislature and the Governor's Mansion, they have forced their will on local governments. They have labeled our great city the cesspool of sin. Like a school bully they have taken away control of both our water and our Airport leaving us with little recourse. We have seemingly been forbidden to set our own minimum wage, to require contractors to pay a living wage, to pass inclusionary zoning, and to require developers to meet environmental standards. All in an attempt to prevent us from being the forward thinking progressive city we envision, a visionary place that strives for social equity while battling income equity. The Reverend Dr. William Barber challenged local governments to unite in a form of Political Civil Disobedience. To pass their own minimum wage ordinances and force Raleigh to react. It has long been said that the only way to stop a bully is to stand up to them. He was proudly supporting tonight's resolution calling for repeal of House Bill 2.

Fifteen individuals spoke in support of Asheville's resolution and in opposition of House Bill 2. One individual spoke in opposition of the ordinance.

Mayor Manheimer said that for her six years on City Council, the Council has done a number of things to try to reinforce that Asheville is a city that is a welcoming community and it strives to be a safe community for all of our citizens and residents. We have tried to do that through domestic partner registry and through offering same sex benefits to our employees. If there is one silver lining to this - it provides us with an opportunity to reiterate to our community that we stand together and that we see all of citizens as equals and that we won't tolerate, in her opinion, a fairly juvenile act on the part of the legislature. She assumes it is due in part to our political season. We are better than that and we will continue to be a strong community together here in Asheville and that will take constant work.

Councilman Young said that in the aftermath of what the North Carolina General Assembly adopted on March 23, he immediately sent the following message to his fellow Council members to let them know where he stood: "All, in light of the regressive legislation that has been passed by our state government, he has come to the personal conclusion that this egregious act requires condemnation. It erodes local government, it tramples decades of non-discrimination policies, and portions of the bill can even be determined to open up almost all forms of discrimination including those by the color of your skin. To believe these policies do not affect people in Asheville or others across the state are foolish. Despite anyone's personal reserves I will not stand idle while hatred looms under the blanket of religion or a straw argument about safety. These same arguments were made to continue despicable policies that enslaved millions and discriminated against blacks throughout our country's history. As the only minority member of Council I see this as a blatant act of discrimination. For those who stand idle and watch the horrors of our government in action, you are but equals and might as well have stood on the floor of the state house and championed this bill yourself. To take this lightly is to be complacent of our nations history. History that is less than 60 years old. This bill steps on the poor and brushes inclusiveness aside. I urge you to not fear retribution from the state or reelection because those that support this bill would not vote for us anyway. I believe you have to wrestle with your own consciousness to decide where you stand. I believe we all share the same heartfelt thoughts, but heartfelt action in defense of equality is the concrete that binds us together. It binds us with people who face discrimination everyday, including me. I stand firmly in my conviction that last night the state of North Carolina set out to firmly and definitely pass legislation weighted in discrimination. Our fight is not a fight for just LGBT or blacks or Hispanics or women. In my mind this is a fight for everyone who is not a white male. Discrimination in any form is deplorable. I don't stand by quietly. I will make a personal choice to speak out, and will attend today the Campaign for Southern Equality's rally at 5:00 p.m. My formal request now is to anyone on this Council who is not scared, embarrassed, or feels awkward about the optics to

stand up against all forms of discrimination and racism to join me today. I stand to be dinged up the most by speaking out, possibly based on my religious views. However, my Christianity teaches me love and acceptance. What others may choose to practice and justify within my faith is something foreign to me. Something I have never agreed with. You don't have to be of any faith to practice love and acceptance - just be a decent human being. Also, I request to immediately at the next Council meeting to have prepared resolution that is the embodiment of what I have said in this email. That we believe the bill opens up the doors for discrimination of all sorts and as a community we do not accept discrimination. To be fearful of retribution when standing on the side of an unpopular cause against those with all the power is the embodiment of "The Struggle." The embodiment of the civil rights movement! The courage of Dr. King! The fearlessness of Rosa Parks and many other historical figures. A righteous cause deserves a righteous defender. Evil sometimes hides in plain sight. It hides under the cover of religion. It hides under the cover of an argument of safety. It hides under the cover of the color of your skin. Truth be told, right now it is not hiding. And if you cannot see it, right now, at this very moment, we are in bad shape. If we choose to sit back for any reason, we give strength to another struggle and we will soon, very soon 'Make American Great Again!'"

Vice-Mayor Wisler urged supporters of the resolution to reach out to legislators and let your voice be heard.

Councilwoman Mayfield was interested in exploring other ways to guard against discrimination.

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J. RESOLUTION NO. 16-84 - RESOLUTION WAIVING PERMIT FEES ASSOCIATED WITH THE CONSTRUCTION/RENOVATION OF THE ASHEVILLE ART MUSEUM AT 2 SOUTH PACK SQUARE

Summary: The consideration of a resolution granting a permit fee waiver to the Asheville Art Museum (AAM) associated with construction at 2 South Pack Square (City-owned facility).

The AAM, which incorporated in 1948, has occupied an important place in the City's visual arts community in various locations – Charlotte Street, BB&T Building on Biltmore, Montford, and the Civic Center. In 1992, the AAM moved into its current location on South Pack Square – supplemented by an expansion in 1999 that now occupies approximately 24,000 square feet. In early 2016, the AAM culminated over ten years of planning and a capital campaign by starting the renovation and construction of the existing facility. When complete, the renovation and construction will result in a 55,000 square foot museum. With construction anticipated to be completed in early 2018, major demolition and reconstruction is anticipated to start in July 2016.

AAM, which is a tenant in the City-owned facility under a lease approved in 2014, has requested a waiver of permit fees. Based on a construction cost estimate of \$18 million provided by AAM, staff estimates the value of the permit fee waiver to be approximately \$90,000.

The City's policy limits the waiver of permit fees to property owned, operated, and occupied by the City. In the instance where a property is owned, operated and occupied by the City, permits for work conducted on such properties must be obtained but no permit fees paid. In this instance, while the building at 2 South Pack Square is owned by the City, it is neither occupied nor operated by City.

Pros:

- Supports local non-profit reinvestment of funds into public infrastructure improvement
- Enhances the improvement of a publicly-owned facility

Cons:

- Removes up to \$90,000 from City's revenue stream collectible as a permit fee.
- Provides a permit fee waiver for a property that is owned by but not operated or occupied by the City as indicated in the permit fee waiver policy.

If approved, is the removal of up to \$90,000 in permit fees from the City's revenue stream.

City staff requests City Council direction on a resolution granting a permit fee waiver for an amount up to \$90,000 to the Asheville Art Museum associated with construction and renovation at 2 South Pack Square (City-owned facility).

Upon inquiry of Vice-Mayor Wisler, City Manager Jackson said that there is a precedent for waiving fees for the Art Museum.

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

Vice-Mayor Wisler moved for the adoption of the Consent Agenda, with the revised Resolution No. 16-83. This motion was seconded by Councilman Bothwell and carried unanimously.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE FOR THE PURPOSE OF UPDATING AND COORDINATING STANDARDS AFFECTING THE REVIEW AND RECORDATION OF SUBDIVISIONS

ORDINANCE NO. 4492 - ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO AMEND THE STANDARDS REGULATING SUBDIVISIONS AND THE SUBDIVISION REVIEW PROCESS

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to amend the Unified Development Ordinance for the purpose of revising and clarifying existing regulations affecting the review and administration of the City's subdivision standards. This public hearing was advertised on April 1 and 8, 2016.

At least since 1960, the City of Asheville has had standards regulating divisions of land. When a division of land is for the purpose of sale or development then it is referred to as a "subdivision". Prior to 1997 when the current ordinance was adopted, subdivision standards were codified and maintained as a separate land development ordinance. In 1997, all land development ordinances were compiled into one chapter, Chapter 7, and comprises what we now call the Unified Development Ordinance, commonly referred to as the UDO.

Since its adoption, the sections of the UDO that regulate subdivisions have been revised and updated several times in an effort to stay consistent with the North Carolina General Statutes and with city policies and goals. Standards affecting subdivisions are found primarily in Articles XV (Subdivision Standards) and V (Development Review Procedures) and collectively address, among other things:

- The purpose of having subdivision standards,
- What constitutes a subdivision as opposed to other exempt divisions of land,

- The plan submittal and plat recordation process,
- Infrastructure requirements; and,
- Subdivision parcel requirements and the coordination of these standards with other land development standards.

Over the last 18+ years, amendments to the subdivision standards, as well as other general amendments to the UDO and related documents, have resulted in a lack of cohesiveness in the subdivision provisions. In an effort to address this and to update and clarify the standards, this amendment proposes to re-draft and replace the existing code related to subdivisions. The basic development standards that control lot dimensions, access and infrastructure; however, would remain the same and are not proposed to change.

A similar update to the City of Asheville Standard Specifications and Details Manual has also been performed and was recently revised and updated on June 9, 2015.

Pursuant to North Carolina General Statutes § 160A-371 through 377, a division of land that is for the purpose of sale or development, and is found to meet other local standards for infrastructure, lot dimensions and access is reviewed and permitted as a “subdivision”. These same statutes authorize cities to establish standards and review procedures for subdivisions designed to provide for the “orderly growth and development of the city”, including standards for public infrastructure and community facilities.

Subdivisions are regulated by three sections of the UDO - Section 7-2-5 (Definitions); Section 7-5-8 (Subdivision Plat Approvals); and Section 7-15-1 (Subdivision Regulations). The City of Asheville differentiates two types of subdivisions: minor subdivisions and major subdivisions. A minor subdivision includes the division of land where the road infrastructure already exists. A major subdivision is the division of land where the extension or creation of new road infrastructure is required to provide access and frontage to the newly created lots. The dimensional requirements for new parcels vary depending on the zoning district while the infrastructure requirements are the same, regardless of the zoning.

While infrastructure standards strive for consistency, it is not uncommon to find that legitimate site constraints prevent full compliance with the city’s preferred standard. In these instances, the city’s Engineer, or his or her designee, may consider alternatives that are found to provide a comparable or appropriate level of service, provided they do not negatively impact on-going city maintenance. This process is specified in the City of Asheville Standard Specifications and Details Manual and is different and separate from an appeal of a subdivision approval, which is addressed in the UDO.

The review of all subdivisions is ministerial in nature and does not require City Council approval until 50 or more lots are created. For these larger subdivisions, as with other larger multi-family developments of 50 units or more, a Level III/CUP review is also required and can be processed concurrently with the major subdivision review. Once approved, the applicant/developer may submit the applicable site permits for the public infrastructure, which typically includes roads, sidewalks, street lights, water lines and sewer lines. Only when this infrastructure has passed all inspections, or a financial surety in lieu of this infrastructure is provided, may the final subdivision plat that legally creates the lots be recorded. After the plat is recorded, the owner/developer is free to sell or develop the lots and may also pursue a request to have the city take over maintenance of the infrastructure.

Much of the recommended changes in the proposed subdivision amendment are designed to clarify and update the language. There are, however, some more substantive changes, the most significant of which is the proposal to remove the final review and approval of a major subdivision from the Planning and Zoning Commission and return it to the Technical Review Committee (TRC).

For many years after the UDO was adopted, the TRC was the final review and approving body for major subdivisions. This was changed in 2011 and final review and approval was shifted to the Planning and Zoning Commission to explore whether there was a community benefit to holding a public hearing and providing the opportunity for public input. This change has had a mixed response and questionable success.

Section 7-2-5 removes language regarding exempt subdivisions.

In Section 7-5-8, the proposed amendment recommends moving the final review and approval from the Planning and Zoning Commission back to the TRC. This change is in alignment with the Planning & Zoning Commission's established priorities for 2016 where the Commission has cited concerns over having limited understanding of the technical standards and limited authority on ministerial reviews, impacting their ability to respond to community concerns. Moving the final review and approval back to the TRC focuses the conversation on the subdivision's ability to comply with the technical standards and places the approval responsibility on the technical experts. It also proposes enhanced notification.

Other substantive changes are grouped and summarized as follows:

Sec. 7-5-8. Subdivision Plat Approvals

(a) Major Subdivisions

1. Substitute "designated staff" for "planning and development director". Application processing and review responsibilities are shared between the Planning and Urban Design and Development Services departments, and are coordinated with other technical city departments. To keep the code language more flexible, this change is recommended and repeated throughout the applicable code sections.
2. Revise public notification requirements. Pursuant to North Carolina General Statutes, public notification for subdivisions is not required. However, providing public notification helps the community to be informed and is therefore proposed to be retained in the amendment, but with changes. Similar to the current public notification requirements for major subdivisions, the proposed amendment requires a posted sign on the subject property, and it is also highly recommended that the developer meet with neighborhood representatives. The amendment proposes that the TRC's decision on the major subdivision application be mailed to property owners within 200 feet of the subject property, which would replace the current standard of a mail notification prior to the Planning and Zoning Commission meeting. This change would continue to go above the State's public notification standard by keeping property owners informed, while providing notice.
3. Remove opportunity to revise a denied preliminary plat. The TRC may make one of three decisions when reviewing the proposed preliminary plat. They may approve, approve with conditions or deny. These reviews are ministerial so if a preliminary plat is disapproved, then there is always the option to revise and resubmit under a new application and it is unnecessary to attempt to codify this process.
4. Amend and relocate language related to appeals of subdivision decisions. Remove reference to the Planning and Zoning Commission's decision and relocate the appeal process to the end of the article where it can address both major and minor subdivisions.
5. Clarify that preliminary plat approval may be extended for up to one year. Duplicated language from elsewhere in the subsection to be repeated under the *Approvals* heading.
6. Remove duplicative language regarding guarantees. Remove duplicative language and refer to Sec. 7-15-1 detailing the steps needed to supply a guarantee in lieu of construction improvements.
7. Remove appeal to Asheville City Council. Appeals of subdivision plat approvals, by statute, must go to the Buncombe County Superior Court.

Ms. Tuch said that Councilwoman Mayfield suggested the following amendment for enhanced notification requirement to Section 7-5-8 (major subdivisions). This has been reviewed by Planning and Legal staff and both felt the suggestion was a good one. "Neighborhood Meeting. The developer is required to meet with representatives of the neighborhood in which the proposed project is located. This meeting is to allow the developer to explain the proposed project, be informed about neighborhood concerns, and explore opportunities to address those concerns in cooperation with the neighborhood. The meeting must be held in the pre-application stage no more than four months prior to the submittal date and must be at a location and time designed to allow interested neighbors to attend. It is recommended, but not required, that the developer retain a neutral third party to facilitate the meeting. The developer shall provide notice of the meeting by first class mail to all property owners within 200 feet at least ten days before the meeting. A written report of the meeting must be submitted with the major subdivision application."

(b) Minor Subdivisions

1. Substitute "designated staff" for "planning and development director". Same as above.
2. Amend and relocate language regarding appeals and violations to the end of the section. Appeals and violations of any subdivision, minor or major, follow the same process and by placing this language at the end of the subsection, keeps it from being repeated unnecessarily.
3. Remove language regarding modifications. Requests for modifications to infrastructure standards must follow the process included in the City of Asheville Standard Specifications and Details Manual.

Sec. 7-15-1. Subdivision Plat Approvals

1. Substitute "designated staff" for "planning and development director". Same as above.
2. Clarify subdivisions from other exempt divisions of land. Add statutory language defining subdivision to be followed by exemptions.
3. Remove limits on exempt divisions of land. Generally found not to be necessary. Other development standards require the extension of infrastructure in order to obtain permits so cumulative exempt divisions of land do not negatively affect the built environment.
4. Remove planned communities language. The Planned Community Act addresses property ownership and management and is unrelated to subdivision standards.
5. Remove Designation of approval agency. The statutes describe who is authorized to be the approving body on subdivision matters but it is not necessary to designate in the UDO and, given the shared responsibilities between Planning and Urban Design and the Development Services departments, it is best not to designate.
6. Update language on the option to provide a guarantee in lieu of construction improvements & remove language allowing an agreement in lieu of a performance guarantee. Update language to be simpler, more clear and consistent with statutes and remove the language that allowed an agreement in lieu of a performance guarantee. The agreement option was added during the recession and is no longer applicable.
7. Remove language on modifications. Same as above.
8. Amend and relocate language on phased development. Phased development is not a subdivision standard so it is recommended that it be relocated to the end of the article and that minor revisions are also made.
9. Remove two definitions. These are repeated in Article II – Definitions along with other definitions related to subdivisions. These are duplicative and should be removed.

Staff recommends approval of the wording amendment text modifying subdivision standards and review process as the amendment would revise and clarify existing regulations and is consistent with the Comprehensive Plan and other adopted plans in that it promotes infill development, updates development standards for orderly growth and development, and assists with the coordination of property development for access and transportation needs.

Councilwoman Mayfield suggested the enhanced notification requirement because people want an opportunity to be heard. This will allow an opportunity for the neighbors to have early interaction with the developer about what is going to happen in their neighborhood. It is critical that we allow neighbors an opportunity to speak and create a forum for real improvements to the development.

Mayor Manheimer opened the public hearing at 6:48 p.m.

When Mr. Timothy Sadler suggested that notices be mailed not only to property owners but residents of the properties, City Attorney Currin said the only way to track property owners is to use the County's tax records. He also requested the developer be required to send out a press release of the proposed project.

Mayor Manheimer closed the public hearing at 6:53 p.m.

There was a brief discussion, initiated by Councilwoman Mayfield, about requiring the developer to post a sign on the property announcing the neighborhood meeting. Ms. Tuch said that there may be a way to do that but it would be very difficult to enforce.

Mayor Manheimer suggested this be brought back in one year for an update the enhanced neighborhood meeting with developers.

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

Vice-Mayor Wisler moved to approve the revised wording amendments to UDO Sections 7-2-5, 7-5-8 and 7-15-1, which modify the subdivision standards and review process, as amended by adding the new enhanced notification requirement, and find that the requests are reasonable, are in the public interest, and are consistent with the Comprehensive Plan and other adopted plans in the following ways: the amendments (1) promote infill development; (2) update development standards for orderly growth and development; and, (3) assist in coordinating the development of property for access and transportation needs. This motion was seconded by Councilman Bothwell and carried unanimously.

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At 6:53 p.m., Mayor Manheimer announced a short recess.

BEGINNING OF CHANGE IN AGENDA:

NEW BUSINESS A:

A. RESOLUTION NO. 16-85 - RESOLUTION ADOPTING THE LEGISLATIVE AGENDA FOR THE SHORT SESSION

Mayor Manheimer said that this is the consideration of the Legislative Agenda for the 2016 Session of the North Carolina General Assembly.

Councilwoman Mayfield explained a deletion in what was sent out to the Council: The following statement under Environmental Stewardship has been removed: "Support legislation that strengthens the requirements for the clean up and disposal of coal ash in coal ash ponds along the French Broad River in a manner that is equitable to rate payers."

The agenda is below:

Municipal Authority

Like all municipalities in North Carolina, Asheville has unique economic, environmental, and cultural interests. Maintaining municipal authority to promote, regulate, and celebrate these interests is essential to enable local officials to best address local needs.

- Support legislation which preserves and/or enhances municipal authority, specifically:
 - Support legislation which enables municipalities' authority to opt in to regulating digital dispatching ("car sharing") services.
 - Continue municipal authority to establish and maintain Municipal Service Districts (MSD).

Municipal Revenue

The fiscal health and responsibility of municipalities require stable revenue sources that are proportionate to the need for local services. Responsible fiscal management requires the protection of revenue sources both under, and outside of, municipal control.

- Support legislation that enhances municipal fiscal sustainability, including:
 - Support legislation which restores lost revenue due to the repeal of Privilege License Tax authority.
 - Seek legislation to give municipalities the option to use electronic legal public notices in lieu of newspaper publication.
 - Oppose sales tax distribution reform that would decrease sales tax revenue to Asheville.

Mandates

Unfunded and burdensome legislative and regulatory mandates undermine the efficiency, effectiveness and success of municipal programs and services.

- Support legislation which enhances revenue for public education and transportation infrastructure without negatively impacting existing municipal revenues.

City Services

The City of Asheville, which provides high quality services to meet the dynamic needs of its residents, requires adequate authority and flexibility to finance, operate, and manage these services.

- Oppose legislation that limits or removes local control over public utility systems.
- Oppose legislation that limits municipal control of enterprise funds.
- Oppose legislation that removes or limits the authority of municipal building code enforcement officers. Proposals to remove building code enforcement officers' authority to order corrections during construction compromises public safety by limiting when corrections may occur solely to the design and review phase.

Transportation

A core responsibility of North Carolina's cities and towns is to provide for the safety and well-being of all transportation users while maximizing the gains to commercial and economic activity, arts, culture and entertainment, and quality of life for our residents, visitors and businesses.

- Maintain Powell Bill funding for municipal transportation infrastructure.
- Increase state funding for and preserve municipal authority to regulate, fund, and build multi-modal projects, including bike lanes, sidewalks, and traditional transit apparatuses. Preserve bicycle safety regulatory authority at the local level.
- Continue regional collaboration through active Municipal Planning Organizations (MPO) empowered to address region-specific transportation issues.
- Continue intergovernmental partnerships to plan, design, and build the I-26 connector.
- Maintain the independence of state transportation funding priorities through the data-driven Strategic Mobility Formula established by the Strategic Transportation Investments law (STI).

Economic Vitality

An economically vital community enables Asheville to provide for opportunity, mobility, and a high quality of life for its residents.

- Restore funding of the state's Housing Trust Fund.
- Increase funding of the Workforce Housing Loan Program.
- Restore the State Affordable Housing Tax Credit.

Community Standards

Asheville, the largest city in Western North Carolina, is nationally known for its natural beauty, rich architectural legacy, and entrepreneurial energy. In order to promote economic vitality in a manner that maintains the unique features that make our community a desirable place to live, work, and play, municipalities and local officials need to be enabled with the tools and authority to make local decisions.

- Oppose legislation that removes or limits local control of the regulation of trees.
- Oppose legislation that preempts municipal authority to regulate design and aesthetic controls in historic districts.

Environmental Stewardship

As a community committed to sustainability and environmental stewardship, Asheville needs adequate regulatory authority in order to maximize its partnership in environmental protection with state and federal agencies. As a city with a proud mountain heritage and identified as a destination for ecotourism and "green" industry, the Blue Ridge mountain region's natural beauty is recognized as a great benefit to the community. Environmental protection is essential to a high quality of life, cultural heritage, and economic development.

- Oppose legislation that would limit municipal authority to regulate environmental standards such as erosion control or stormwater quality.
- Continue to support the effective clean up and disposal of coal ash across the state.
- Increase funding to the state's natural resource focused trust funds.

Councilman Bothwell suggested (and it was agreed to by Council) that under Economic Vitality, repeal of Session Law 2016-3/House Bill 2 should be added.

When Mayor Manheimer asked for public comments, none were received.

Councilman Bothwell moved for the adoption of Resolution No. 16-85, with the addition to Economic Vitality as outlined above. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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END OF CHANGE TO AGENDA

V. UNFINISHED BUSINESS:

A. CONSIDERATION OF BEAUCATCHER GREENWAY PLANS

Councilman Bothwell moved to recuse Mayor Manheimer from participating in this matter due to a conflict of interest. She explained that one of her law partners represents someone who owns land affected by the Beaucatcher Greenway. This motion was seconded by Councilman Young and carried unanimously.

At 7:18 p.m., Mayor Manheimer left the dais and was not present for the remainder of the meeting.

City Greenway Coordinator Lucy Crown said that this is a review of the Beaucatcher Greenway section of the River-to-Ridge Greenway and Trail Network before proceeding to construction.

The City of Asheville (City) is in the formative state of developing a comprehensive greenway system that meets the needs and desires of the community. Greenways connect people to the places they live, work and play as well as preserve open space to promote air and water quality. Greenways consistently rank high on the community's list of infrastructure priorities and the city has been working diligently since the 1980's to advance the community's greenways goals.

Director of Parks & Recreation Roderick Simmons said that in 1920, City planner John Nolen started to author the first city plan (Nolen Plan) that delineated a circle of parks surrounding Asheville and major city parks in neighborhoods. The key component of the park system was an expansive overlook park along Beaucatcher Mountain, and open space connecting it to downtown Asheville and the surrounding neighborhoods.

The Nolen Plan, completed in 1922, identified a linear park along the Beaucatcher ridgeline overlooking downtown Asheville. Nolen's plan led to important land conservation by the City in 2008, without which today's Beaucatcher Greenway would not be possible. This action, along with a number of other key steps taken to implement concepts outlined in the Nolen Plan particular to the Beaucatcher Greenway, is highlighted below.

2008

- A key component of the implementation of the concepts outlined in the Nolen Plan occurred in 2008 with the acquisition of thirty acres of woodland covering the slope of Beaucatcher Mountain. The \$2.6 million acquisition was the result of a successful funding partnership that included The Trust for Public Land, Buncombe County, City of Asheville, private donors and the State of North Carolina Parks & Recreation Trust Fund (PRTF). Asheville City Council (City Council) directed staff to apply for the PRTF grant for the land acquisition that would facilitate the development of Beaucatcher Greenway.

The grant funds were awarded with the following conditions:

“The site plan as submitted with this application is to be completed over a five year period. The first and second year will entail securing funds to survey, plan and design the park. The second and third year will involve fundraising to construct the project as well as developing construction drawings. The fourth and fifth year will entail project construction.”

2009

- The Parks, Recreation Cultural Arts, and Greenways Master Plan, which supports the development of the Beaucatcher Greenway, was adopted by City Council.
- The Asheville Downtown Master Plan, which supports the development of vista parks to provide permanent public views of the downtown via the Beaucatcher Greenway, was adopted by City Council.
- A land exchange between the City and with owners of Festiva was approved by the City Council to enhance and extend the Beaucatcher Greenway experience.

2012

- \$1.2 million was appropriated by City Council in the City's Capital Improvement Program (CIP) for pre-development cost such as acquiring easements, land surveys, conceptual design and construction drawings for the development of the Beaucatcher Greenway as

required by the land acquisition PRTF grant. Construction costs were expected to be added to the remaining budget when estimates became available.

2013

- City Council authorized a contract in the amount of \$310,000 with Stewart Engineering, Inc. (project engineers) for Architectural and Engineering Services related to the design and development of construction documents for the Beaucatcher Greenway as an urban forest greenway.

The project engineer has a proven track record for land design that limits environmental impacts, provides innovative stormwater management, reduces negative impact on water quality, reuses existing infrastructure, protecting green space and natural areas has help establish a reputation for being the best greenway designer in the state. In addition, the project engineer balances technical expertise with a commitment to safety, community health, aesthetic beauty and environmental stewardship.

In recognition of its efforts in the field, Stewart Engineering was awarded the 2015 Landscape Architecture Firm of the Year by the NC State University faculty in Landscape Architecture.

The River to Ridge Greenway Network

The River to Ridge Greenway Network, which is intended to establish Asheville's first set of connected greenways, consists of the following: The Beaucatcher Greenway, French Broad River Greenways on the east and west banks, Town Branch Greenway; and Clingman Forest Greenway.

When necessary and appropriate, portions of these greenways will be connected by on-road facilities referred to as 'Greenway Connectors' that will provide improved pedestrian and bike facilities and wayfinding. When build out is completed (anticipated by 2020), the River to Ridge Greenway Network will be 10.25 miles of connected greenways.

The Beaucatcher Greenway

The Experience - The Beaucatcher Greenway provides a true mountain terrain experience with stunning views of downtown and the western mountains. As the City's population grows, public access to this type of urban outdoor experience will become more important.

Based on (i) a projected population increase of 14% by 2020; and (ii) plans to increase density through new zoning laws that will allow infill development and housing on smaller lots, access to quick and free open space and recreation opportunities will be a highly desirable and important amenity for maintaining the sense of place for which Asheville is recognized.

The Beaucatcher Greenway, which has been included in several planning efforts that received broad public participation and support including the 2008 Asheville Greenway Master Plan and 2012 Update, has been identified as a high priority project.

The Route and Design - The proposed Beaucatcher Greenway, a 1.25 mile route along a wooded corridor with commanding views of downtown Asheville, will connect the old White Fawn Reservoir (future park) and the old Beaucatcher Reservoir (future park) and is intended to serve as a major connection to Memorial Stadium, Mountainside Park, McCormick Field and the Town Branch Greenway corridor.

Traveling from McCormick Field parking lot to Helen's Bridge along the side of Beaucatcher Mountain, the completed trail will consist of a 10-foot wide asphalt trail that is accessible for trail users of all ages, abilities, and socio-economic demographics. Equitable access will be provided to incredible vistas of downtown Asheville nestled in the surrounding Blue Ridge Mountains.

As the City develops its young greenway system into a mature connected network, design efforts are focused on assets that are in harmony with the environment and infrastructure. The Beaucatcher Greenway is being designed with the guiding principles that impacts will be (a) minimal on the existing natural green space, private property, and (b) safe for pedestrians, hikers, bikers, and drivers. The community's strong value for and commitment to the environment has been communicated to the project engineers in order to ensure a design that minimizes impact on trees, stormwater system, and environment. Staff recognizes these are vital, functioning parts of the city's infrastructure and ecosystem.

Materials used along the greenway for walls, signs, seating and other amenities will complement the area's natural environment, cultural history, architectural influences and adjacent landforms. The selected materials will create a consistent feel along the greenway and trailheads that results in an identity for the Beaucatcher Greenway and connecting parks.

The Alignment - The first section of the Beaucatcher Greenway focuses on the following:

- off-road connection to Memorial Stadium,
- an on-road section along White Fawn Dr, and
- an off-road section beginning at the existing terminus of White Fawn Drive that ultimately connects to Ardmion Park.

Because of the steep grades along the route from Memorial Stadium, switchbacks will 1) be necessary to achieve accessible grades for all trail users and 2) minimize runoff.

The second section of the Beaucatcher Greenway focuses on the off-and on-road segments along Ardmion Park. Due to limited width, the on-road section design includes sidewalk and 'sharrows.' Sharrows are pavement markings that alert drivers that cyclist will likely be present on the road. Sharrows do not create a separate bike lane but rather signal that the road is to be shared.

Lastly, the third final section continues to focus on the off-road greenway segment which follows the right of way along Ardmion Park to its connection with Beaumont Street. The on-road portion trail along the Beaumont Street and College Street is a combination of sidewalk and sharrows leading up to the Helen's Bridge access.

Environmental Assessment - A formal environmental assessment as outlined in National Environmental Protection Act (NEPA) was not required for the Beaucatcher Greenway for the following reasons:

1. The funding sources secured to complete this project do not require the completion of an environmental assessment; and
2. Since 98% of the Beaucatcher Greenway corridor is located within or adjacent to a disturbed right-of-way (previously graded and sometimes in the form of paved streets) or disturbed drives (previously graded), an informal environmental assessment is considered reasonable in terms of best practices and cost. The project engineer was directed to locate the greenway within the existing rights-of-ways to minimize environmental impacts.

In order to ensure that the greenway construction would have minimal environmental impact, the project engineer was directed to assess the siting of the greenway in terms of various

important environmental conditions. Assessments included but were not limited to forest ecology survey, tree survey, soils analysis, stream analysis, important cultural features, and stormwater impacts

Comprehensive Tree Survey - A comprehensive tree survey was conducted with the the goal of providing useful information on the trees in order to help the project engineers make informed decisions about the greenway alignment. Based on the information received from the survey, the project engineers were able to decide what to do with the trees as it pertains to the greenway alignment. This information allowed the project engineers to determine which trees needed to be retained, and which trees could be removed.

The survey revealed information such as:

- Species of the tree based on scientific name.
- Physical measurements of the tree such as height and diameter.
- Age of the tree.
- Overall health of the tree.
- Life expectancy.

The comprehensive tree survey gave a good sense of what is on the particular pieces of land surround this greenway alignment. A summary of the results follows:

Summary	<i>Total</i>	<i>To Remain</i>	<i>To Be Removed</i>
Trees within Greenway Alignment	408	301	104

***Breakdown by
Greenway Map Section***

DESCRIPTION SECTION 1	Total Trees	To Remain	To be Removed
Total Trees 1" to 10"	41	34	7
Total Trees 11" to 23"	87	76	11
Total Trees 24" or larger	33	25	8
	161	135	26

DESCRIPTION SECTION 2	Total Trees	To Remain	To be Removed
Total Trees 1" to 10"	49	25	24
Total Trees 11" to 23"	63	36	27
Total Trees 24" or larger	6	6	0
	118	67	51

DESCRIPTION SECTION 3	Total Trees	To Remain	To be Removed
Total Trees 1" to 10"	48	33	15
Total Trees 11" to 23"	60	48	12
Total Trees 24" or larger	21	18	3
	129	99	30

Greenway Design Alternatives - The current alignment was developed following the exploration of various alternatives. Factors considered in determining alignment alternatives included but were not limited to construction costs, Americans with Disabilities Act (ADA) compliance, environmental impacts, neighborhood input, and constructability. As the project engineers developed the greenway design, the existing conditions of the forest were assessed for environmental sensitivity. The Beaucatcher Greenway has been designed and will be constructed in a manner that minimizes impact on the existing natural green space, private property, and is safe for pedestrians, bikers, and drivers.

Community Input - During March 2016, the City actively sought community input about the Beaucatcher Greenway. The opportunities for input included (a) a public informational open house on March 16; (b) a Beaucatcher Greenway website offered through the project engineer with a function for feedback; and (c) an 'Open City Hall' on-line engagement tool available for public comment from March 22 to April 3.

In the Open City Hall forum, there were 332 attendees who contributed 5.6 hours of public comments. There were 92 on-forum statements and 20 off-forum (unverified) statements.

The information through these various avenues was compiled and categorized into five groups:

- **Yes!:** Absolute support of the greenway plan;
- **Yes, but...:** General support of the greenway and its progress with constructive criticism such as a preference to not using asphalt;
- **No because:** Unsatisfied with the greenway for a particular reason but would like the greenway if that issue were fixed;
- **No! :** Absolutely not in favor of the greenway; and
- **? :** Input is unclear or does not give enough information to be categorized (e.g., "Trees are good.").

The following table summarizes the results of the March 2016 community input efforts. All comments are available on the [Project Page](#):

Response	Paper surveys	Online survey	Open City Hall	Total
Yes!	61	13	89	163
Yes, but...	14	4	7	2
No because	4	12	8	24
No!	7	5	7	19
?	1	4	1	6

Beaucatcher Greenway Project Funding and Budget - The Beaucatcher Greenway budget, which is part of the City's Capital Improvement Program (CIP), is comprised of funds from 2012 limited obligation bonds (LOBs) and a Tourism Product Development Fund (TPDF) grant awarded in 2015. It is important to note that the City is not eligible to receive the TPDF grant funding until the project is completed as specified in the grant award. To date, \$331,811 of the City's contribution has been spent. With the additional funding from TPDF, the available project budget is \$1,854,970. Stormwater staff reviewed the preliminary plans and do not anticipate a

need to allocate stormwater funds towards the project in order to address stormwater or erosion control issues.

The following is the budget to-date revenues and expenditures:

Beaucatcher Overlook 29.62 Acres	\$575,000.00
Land Acq and Surveying for Greenway	\$17,346.50
Cost in Design YTD	\$294,132.87
Remaining Encumbrance	\$37,678.31
Total Cost to Date	\$349,157.68
Remaining City dedicated funds	\$929,969.00
TPDF Grant	\$925,000.00
Total dedicated funding remaining	\$1,854,969.00
Total invested in the project	\$2,779,126.68

The project engineer, which completed approximately 95% of the construction drawings and specifications, has provided preliminary cost estimates for the Beaucatcher Greenway. Based on the preliminary estimates detailed below, the completion of the Beaucatcher Greenway needs an additional appropriation of \$972,137 for a total investment of \$3,751,264.

In order to meet the financial needs of this project, funds previously planned for the John B. Lewis soccer field turf replacement will be reallocated to the Beaucatcher project. Turf replacement will proceed; the TPDF awarded grant funds speeding up the timeline of the turf project and allowing the reallocation of funds.

The reallocation of funds does not affect the cash flows or debt model. Unless otherwise directed, staff will proceed with the reallocation of funds from turf replacement to Beaucatcher Greenway.

Component	Base bid cost	% of base bid
L3 White Fawn Drive to Ardmion off road section	600,304	23.4
L4 Ardmion Park Road on Road Section <ul style="list-style-type: none"> • Has value engineering options that the project engineer is evaluating 	269,094	10.5
L5 Alexander Drive to Skyclub/ Petersons <ul style="list-style-type: none"> • Has value engineering options that the project engineer is evaluating 	758,399	29.5
L6 Skyclub on Road Section	268,174	10.4
L7 South Beaumont/ College Drive One Way Option on road section Skyclub Roadway to Lower Helen’s Bridge <ul style="list-style-type: none"> • This is a value engineered component 	283,639	11.0

L8REV - White Fawn Drive on Road Section	188,011	7.3
L9 Memorial Stadium to White Fawn Drive Off Road Section <ul style="list-style-type: none"> Has value engineering options that the project engineer is evaluating 	202,474	7.9
Total Probable Base Bid	2,570,096	100
Construction Phase Contingency	257,010	10%
Total Construction Cost (TCC)	2,827,106	110%

The table below outlines the estimated cost per mile for the project and how it compares with other completed or designed greenway projects.

Designs not completed -In Progress (Cost of the project unknown)			
Name	Length in Miles	Targeted Start of Construction	Estimated assumption of unknown cost
Greenway Connectors	1.09	FY 17	\$120,000
French Broad River Greenway West- Progress Energy	1.2	FY 17	\$2,809,262
French Broad River Greenway - East	2.2	FY 17	\$2,500,000
Beaucatcher Overlook Greenway	1.25	FY 16	\$2,827,106
Total	5.74		
Design and Cost Estimations Completed			
Name	Length in Miles	Targeted Start of Construction	Completed Cost Estimates (Projected budget)
Town Branch Greenway	0.72	FY 17	\$2,465,930
Clingman Forest Greenway	0.45	FY 17	\$2,761,563
Total	1.17		
Miles of Greenways under Construction			
Name	Length in Miles	Construction Started	Approved budget for project

French Broad River West- New Belgium (Craven)	0.45	FY 15-16	\$2,913,090
Total	0.45		

White Fawn Reservoir connector - Upon completion of the Beaucatcher Greenway, a connection to the future park will need to be built at the greenway terminus. This connector is not designed and cost estimates are not available at this time.

As outlined in this report, the Beaucatcher Greenway has been a project in development for some time. City Council has taken actions over the past several years to (i) adopt plans that support the construction of the Beaucatcher Greenway; and (ii) allocate funding through the City's CIP and TPDF grant funding. The design phase of the Greenway is nearing completion as anticipated in the Architectural and Engineering Services contract approved by City Council in 2013. In accordance with that policy direction, unless otherwise directed, staff is prepared to

- (a) complete the design phase;
- (b) move into the competitive bid process for construction of the Greenway; and
- (c) include the reallocation of capital funds for the John B. Lewis soccer field turf replacement project to the completion of the Beaucatcher Greenway in the Recommended FY 2016-2017 to FY 2020/2021 Capital Improvement Program. The soccer field turf replacement project is funded through the Asheville Buncombe Youth Soccer Association and TPDF grant funding.

Once the bid process is complete, a bid award and contract for construction would proceed to the City Council for approval.

Ms. Iona L. Thomas, Bicycle & Pedestrian Practice Manager for Stewart Engineering Inc., reviewed with Council the current design, alternative design options, and addressed questions about potential design alternatives. With the three alternate design options (Beaumont Street; Ardmon Park Driveway; and Memorial to White Fawn) explained earlier, will result in roughly ½ Million in savings to the project.

Vice-Mayor Wisler opened for public comment at 8:05 p.m. explaining that unless directed by Council, staff will proceed with the RFP process (to include alternative design options). Once the bid process is complete, a bid award and contract for construction would proceed to City Council for approval.

The following individuals noted that even though most are not opposed to greenways, they do have concerns, some being, but are not limited to: maximum grade is too high; too many high retaining walls; views from homes will be views of retaining walls; tree removals; safety of people using the greenway and also those who live next to it; vehicular vs. greenway traffic conflicts; need for bear-proof fencing and warning signs; Sky Club is not a park and owners should not have strangers walking by their property; people already ask to get through Sky Club gates; historic ambiance will be adversely affected; materials are not consistent with the Sky Club; concern of extent of asphalt paving; erosion should be a priority; progressive landscapers should donate or bid on sections to show how it should be built; concern about crime in the area of the greenway; and rock erosion should be addressed:

- Mr. Geoff Kimmish
- Ms. Nancy Brown, President of the Skyclub Association
- Mr. Steve Rasmussen
- Previous resident of the Skyclub
- Ms. Jan Kubiniec

The following individuals spoke in support of the Beaucatcher Greenway (and encouraged City staff and consultants to continue to seek ways to minimize impacts and address concerns of the community) for several reasons, some being, but are not limited to: dual greenway-sidewalk design which will combine a traditional greenway path through wooded areas and will transition to an urban pathway and sidewalk when the route approaches residential areas; greenway will provide both transportation and recreation benefits; greenway is just steps from downtown and will connect two future privately-funded mountain parks at either end enabling people to see great views without having to drive far or own a house on the mountain; studies show that being in nature positively impacts physical and mental health; greenway will enable people of all ages and abilities to easily access the 30-acre wooded property; the greenway will be well-used since over 5,000 people live within ¼ mile of the greenway; the diverse surrounding neighborhood has a median household income of approximately \$31,000 and some of the most affordable housing is adjacent to the greenway; the greenway will serve as an important transportation connector to the Kenilworth neighborhood providing an alternative route for those residents to access downtown; greenway will also connect to downtown residents and workers of Mission Hospital and adjacent medical offices; centrally located greenway will be an asset to central and east Asheville neighborhoods which are currently underserved as most of the greenways are in north and west Asheville and the River Arts District; construction of the trailhead at Memorial Stadium since it has ample parking and restrooms and will alleviate the problem of visitors parking on or near White Fawn Drive; the trail embodies equity and access; if the project is stalled, it will have a rippling effect in the donors of the community; 1,038 people have signed a petition in support of the greenway; greenway will help reduce cars on the road resulting in a reduction of automobile and pedestrian traffic accidents; support for modifications described by consultant that will reduce costs and environmental impacts; greenways are essential to the quality of life; and more people on the greenway will make it safer for everyone:

Mr. Bruce Emory, Chair of the Multimodal Transportation Commission
Ms. Mary Weber, member of the Multimodal Transportation Commission and Chair of the Greenway Committee
Ms. Suzanne Molloy, President of Friends of Connect Buncombe
Ms. Dana Davis, Board member on the Board of Asheville Parks and Greenways Foundation
Ms. Linda Giltz, former Chair and member of the Greenway Committee
Ms. Terri March
Ms. Sharron Trammell, resident on Beaucatcher Mountain
Ms. Kim Roney, member of the Multimodal Transportation Commission
Mr. Mike Soule, Director of Asheville on Bikes
Ms. Claudia Nix, Kenilworth resident
Mr. Bob Roepnack, representing Friends of the Beaucatcher Overlook Park and Asheville Greenworks
Mr. Tom Sawyer, real estate investor

Vice-Mayor Wisler closed public comments at 9:07 p.m.

In response to Councilman Bothwell, Ms. Thomas said that the greenway follows the existing roadway grade.

Councilman Bothwell was pleased with some of the alternatives will save money in addition to eliminating some of the massive retaining walls, possibility of not removing the gate, cutting fewer trees, and saving the red oak tree. He believes we would be better off to do flat stretches of the greenway first because it should be cheaper, but would favor moving forward with the RFP.

Councilman Smith said it was time to get this greenway completed since we have the money, support and expertise.

City Manager Jackson said that at this time staff will go out for bid with the design (and alternates) and it will come back to Council for action on a contract with the lowest responsible bidder(s) with costs associated, with a budget amendment, if necessary.

VI. NEW BUSINESS:

B. BOARDS & COMMISSIONS

Regarding the Haywood Street Advisory Team, the following individuals applied for this vacancy: Grant Millin, Byron Greiner, Rob Carroll, Leslie LeBlanc, Gary Anderson, Susan Jones, Richard Fort and John Tyler Barnes. It was the consensus of Council to re-advertise to ensure that the applicant pool represents a broad cross section of the community.

RESOLUTION NO. 16-86 - RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Public Art & Cultural Commission.

Ms. Jenny Bowen has resigned as a member, thus leaving an unexpired term until June 30, 2017.

The following individuals applied for this vacancy: Monika Gross, Audra Gaiziunas, Ron Laboray, Matthew Lands and Alyssa Dryfus.

On April 12, 2016, the Boards & Commissions Committee recommended appointing Ron Laboray.

Vice-Mayor Wisler moved to appoint Ron Laboray as a member to the Public Art & Cultural Commission to serve the unexpired term of Ms. Bowen, term to expire June 30, 2017, or until his has been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

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RESOLUTION NO. 16-87 - RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

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

Ms. Laura Carlson has resigned as a member, thus leaving an unexpired term until June 30, 2017. In addition, Mr. Forrest Merithew has resigned, thus leaving an unexpired term until June 30, 2018.

The following individuals applied for this vacancy: Megan Archer, Zachary Eden, Ken Miller, Sheneika Smith and Tiffany DE'Bellott.

On April 12, 2016, the Boards & Commissions Committee recommended appointing Megan Archer and Sheneika Smith.

Vice-Mayor Wisler moved to (1) appoint Sheneika Smith as a member to the Recreation Board to serve the unexpired term of Ms. Carlson, term to expire June 30, 2017, or until her has been appointed; and (2) appoint Megan Archer as a member to the Recreation Board to serve the unexpired term of Mr. Merithew, term to expire June 30, 2018, or until her successor has been appointed. This motion was seconded by Councilman Smith and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

VIII. ADJOURNMENT:

Vice-Mayor Wisler adjourned the meeting at 9:21 p.m.

CITY CLERK

MAYOR