

Tuesday – November 8, 2016 - 5:00 p.m.

Regular Meeting

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; Acting City Manager Paul Fetherston; 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:

II. CONSENT AGENDA:

Mayor Manheimer announced that Consent M (Resolution authorizing the City Manager to enter into a contract for the Cedar Street Bridge Repair Project) has been withdrawn from consideration.

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 25, 2016**
- B. RESOLUTION NO. 16-238 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH LAUGHLIN-SUTTON CONSTRUCTION COMPANY FOR THE MILLS RIVER WATER TREATMENT PLANT MEDIA REPLACEMENT AND RELATED UPGRADES PROJECT**

Summary: The consideration of a resolution authorizing the City Manager to execute a construction agreement with Laughlin-Sutton Construction Company for the Mills River Water Treatment Plant Filter Media Replacement and Related Upgrades Project for the bid amount of \$308,400 plus a 10% contingency in the amount of \$30,840 for a total project budget in the amount of \$339,240.

On September 20, 2016, the Water Resources Department issued an Advertisement for Bids for the Mills River Water Treatment Plant Filter Media Replacement and Related Upgrades Project. The scope of work for this project includes all labor, materials, equipment, and incidentals required to remove the existing filter media and install new filter media for three filters.

In response to the informal construction bid, the department received three bids on October 14, 2016. Companies responding were:

- 1. Laughlin-Sutton Construction Company, Browns Summit NC – bid \$308,400
- 2. JS Haren Company, Athens TN – bid \$415,000
- 3. Gilbert Engineering Company, Statesville NC – bid \$457,000

The bids were reviewed by City Staff and the project engineers, CDM Smith, with Laughlin-Sutton selected as the lowest responsible, responsive bidder in the amount of \$308,400. A contingency amount of \$30,840 has been added for a total project budget in the amount of \$339,240.

Pros:

- Replacement of the filter media will continue to ensure clean, potable water and aid in particulate filtration.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- Without routine investment in upgrading and replacing water treatment infrastructure, there are greater risks of potential negative impacts on water quality.

The funding needed for the construction agreement is currently allocated within the Water Treatment Plant Improvements project in the Water Resources Capital Improvement Projects fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a construction agreement with Laughlin-Sutton Construction Company for the Mills River Water Treatment Plant Filter Media Replacement and Related Upgrades Project for the bid amount of \$308,400 plus a 10% contingency in the amount of \$30,840 for a total project budget in the amount of \$339,240.

RESOLUTION BOOK NO. 38 -PAGE 233

C. RESOLUTION NO. 16-239 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION (MPO) FOR GRANTS OF FEDERAL TRANSPORTATION FUNDS, AND IF THE APPLICATIONS ARE SUCCESSFUL, TO ACCEPT GRANTS AND SIGN NECESSARY AGREEMENTS WITH THE MPO, OR STATE OR FEDERAL AGENCIES TO RECEIVE THE FUNDS

Summary: The consideration of a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization (MPO) for grants of Federal Transportation Funds.

The MPO has opened a call for projects to use Federal Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities (5310) funds with an application deadline of November 23, 2016. The application requires City Council's approval. If the applications are successful, this resolution is to accept the grants and sign the necessary agreements with the MPO and/or Federal and State agencies to receive the funds.

The MPO expects to have approximately \$325,000 available in 5310 funds for 2017 and these funds are expected to be distributed via this competitive call for projects.

Staff is pursuing funding for the following projects:

- Paratransit service for \$112,500; with 80% funded by the grant. This funding helps leverage funds to pay for the current city wide ADA service which is outside of the federal mandate of $\frac{3}{4}$ of a mile from a transit route.
- Installation of accessible pedestrian signal features at six intersections for \$62,500, with 80% funded by the grant. This equipment allows people with low or no vision to use existing pedestrian signals.

If received, these funds would help funding an annual operating expense, ADA service, and a capital project, accessible signals, and both projects would be programmed in the FY 2018 budget; in each case, these funds would help offset costs of normal operations.

Each of these projects is ready to move forward as the funding becomes available.

The Transit Committee and Multimodal Transportation Commission endorsed this application.

Pros:

- Allows the City of Asheville access to up to \$140,000 in federal funds for necessary services.
- Allows the City of Asheville to offset existing costs.

Con:

- Commits the city to funding to the match, at least for the time the applications are pending.

If successful, the grant applications will involve the spending of city funds to leverage between 80% grant funding for these projects, up to a grant value of \$175,000. Matching funds would need to come from the Fiscal Year 2018 Transportation Department Budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization for grants of federal transportation funds, and if the applications are successful, to accept grants and sign necessary agreements with the MPO, or state or federal agencies to receive the funds.

RESOLUTION BOOK NO. 38- PAGE 235

D. RESOLUTION NO. 16-240 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE UNITED STATES GEOLOGICAL SURVEY APPLICATION TO NAME A CREEK IN THE KENILWORTH NEIGHBORHOOD AS "LOUISE GIBSON CREEK"

Summary: The consideration of a resolution authorizing the City Manager to sign the United States Geological Survey (USGS) application to name a creek in the Kenilworth Neighborhood.

As a part of its "Name that Creek" program, RiverLink recently worked with city staff to perform a community engagement process to gather nominations and identify a preferred name for the creek that flows southward along Norfolk Street and under Wyoming Road and Kenilworth Park to the Swannanoa River. The Kenilworth Residents Association identified the creek and the need to maintain and name it as a part of their organization's mission to enhance the quality, safety, and beauty of their neighborhood.

The Kenilworth neighborhood proposed three names and the community-based engagement process initiated by RiverLink and supported by the City of Asheville (City) resulted in the selection of the name "Louise Gibson Creek" to honor the accomplishments of a long-time resident of the area who died in 2009.

In order to complete the application to the United States Geological Naming Convention form to name this water body "Louise Gibson Creek", a local government official must sign the form to demonstrate support and to certify that the naming process followed USGS guidelines.

Because the request came from a Neighborhood Association and the creek is contained within a neighborhood, the request was referred to the City's Neighborhood Advisory Committee (NAC). On October 24, 2016, the NAC reviewed and unanimously approved the following motion:

We advise Council to support the proposed name of "Louise Gibson Creek" for the creek in the Kenilworth Neighborhood that flows through the neighborhood into the Swannanoa River.

Pros:

- Naming of a creek or stream can bring attention to its existence, help identify it as a part of neighborhoods ecosystem, and encourage environmental stewardship that enhances quality of life.
- Supporting this community-driven effort further develops partnerships between groups like RiverLink, the Kenilworth neighborhood and the City.

Con:

- None identified.

There is no fiscal impact related to this item.

Staff recommends City Council authorize the City Manager to sign the USGS form to name the creek in Kenilworth "Louise Gibson Creek".

RESOLUTION BOOK NO. 38 - PAGE 236

E. RESOLUTION NO. 16-241 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN CONTRACT WITH THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR A GRANT TO FUND YEAR FOUR OF THE MULTI-JURISDICTIONAL DWI TASK FORCE INVOLVING THE POLICE DEPARTMENT AND THE BUNCOMBE COUNTY SHERIFF'S OFFICE

ORDINANCE NO. 4531 - BUDGET AMENDMENT TO FUND YEAR FOUR OF THE MULTI-JURISDICTIONAL DWI TASK FORCE

Summary: The consideration of (1) a resolution authorizing the City Manager to enter into a contract with the North Carolina Governor's Highway Safety Program (NCGHSP) for a grant to fund year four of the multi-jurisdictional DWI Task Force involving the City of Asheville Police Department (Police Department) and Buncombe County Sheriff's Office (Sheriff's Office); and (2) a budget amendment in the amount of \$411,311 to establish a budget for the fourth year of the grant in the City of Asheville's (City) Fiscal Year (FY) 2017.

In the City of Asheville and Buncombe County, the number of impaired drivers has been a serious concern to citizens and law enforcement for many years. Since 2010, there have been 4,434 DWI arrests by Buncombe County law enforcement agencies, more than 1,024 traffic collisions that have involved impaired drivers and 18 fatal collisions as a result of an .08 Blood Alcohol Content (BAC) or higher. This grant is based on the Federal Fiscal Year of October 2017 through November 2018.

In reviewing these statistics, the NCGHSP contacted the Police Department and suggested a DWI Task Force with the goal of (a) reducing the number of DWI-related collisions, injuries and deaths in Asheville and Buncombe County, and (b) educating the public on impaired driving and its effects. This request would continue the last year of a four year grant in the amount of \$411,311 in FY 2017 to cover the cost to pay for six officers for DWI enforcement and training (one sergeant and three officers from the Police Department and two officers from the Sheriff's Office). These six officers would conduct a number of important functions including the following:

- targeted DWI enforcement throughout Asheville and Buncombe County,
- DWI, seat-belt and night-time traffic safety checking stations throughout the County, and

- educational events at local high schools that would focus on teen driving safety, impaired driving, distracted driving, and seat-belt compliance.

The City of Asheville and Buncombe County are responsible for a total grant match of 50% or \$205,655.50. The City's share of this match in FY 2017 is \$133,676.

During its October 25 meeting, the Finance Committee unanimously approved moving the item to the City Council for its consideration and action during its November 8 meeting.

Pros:

- NCGHSP grant funds used to pay for training and pay 50% of the costs of salary and benefits to officers participating in the DWI Task Force.
- Potential reduction in impaired driving collisions, injuries and deaths throughout Asheville and Buncombe County.

Cons:

- Funding from NCGHSP is evaluated annually and not fully guaranteed beyond the first year.
- In year four, the City of Asheville will be required to match 50% of the personnel costs. The grant funding will incrementally decrease each year and after the four-year funding period, 100% of the personnel costs will be the City of Asheville's responsibility.

The FY 2017 general fund impact is \$133,676 which is included in the Police Department's adopted FY 2017 budget. If the City chooses to maintain the DWI Task Force at the end of the four year grant, the City's FY 2018 general fund impact would be approximately \$267,352 annually to permanently add one sergeant and three officers to the Police Department. The chart below outlines the general fund impact over the remainder of the grant.

Year 4	Fiscal Year 2017	\$133,676
Year 5	Fiscal Year 2018	\$267,352

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to enter into a contract and accept grant funds through the North Carolina Governor's Highway Safety Program; and (2) a budget amendment in the amount of \$411,311 to establish a budget for the fourth year of the grant.

**RESOLUTION BOOK NO. 38 - PAGE 237
ORDINANCE BOOK NO. 31 - PAGE 1**

F. RESOLUTION NO. 16-242 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR FISCAL YEAR 2016-17 EMERGENCY SOLUTIONS GRANT FUNDS AND PROVIDE FUNDING TO SELECTED AGENCIES

Summary: The consideration of a resolution authorizing the City Manager to apply for Fiscal Year 2016-17 Emergency Solutions Grant (ESG) funds and provide funding to selected agencies.

The City of Asheville has been the fiscal sponsor for Emergency Solutions Grant funding since the 2012 ESG grant cycle. Through the State of North Carolina Division of Aging and Adult Services (DAAS), Housing and Homeless Unit these funds are made available to a regional fiscal sponsor to fund local agencies with capacity to provide emergency shelter and rapid rehousing services for individuals and families. For the FY 2016-17 ESG Grant cycle, the City of Asheville is eligible to apply for \$121,992 on behalf of the Asheville-Buncombe Continuum of Care.

Funding recommendations are made to the Housing and Community Development Committee by the Homeless Initiative Advisory Committee. These recommendations follow a process that includes review and preliminary selection by the ESG Subcommittee of the Advisory Committee and joint endorsement by the Asheville Homeless Coalition and the Homeless Initiative Advisory Committee.

The following projects have been recommended for the 2016-17 ESG Grant Application:

2016-2017 ESG Funding Competition	Requests	Recommendations
Emergency Shelter		
Asheville Buncombe Community Christian Ministries	\$ 17,930	\$ -
Helpmate	\$ 33,000	\$ 28,671
Salvation Army	\$ 20,125	\$ 20,125
Rapid Re-Housing		
Helpmate	\$ 28,000	\$ 28,000
Homeward Bound	\$ 63,196	\$ 43,196
Homeless Management Information System		
City of Asheville	\$ 10,000	\$ 2,000
TOTALS	\$ 172,251	\$ 121,992

This distribution maintains level funding for existing ESG shelter programs, includes a new rapid re-housing program and continues to support the City's administration of the Homeless Information Management System (HMIS) database.

In the FY 2015-16 cycle, the City of Asheville initially received \$118,965. An additional allocation of \$28,372 was granted to further expand Rapid Re-housing services and \$2,000 was designated for grant administration. Staff anticipates that an unknown amount of similar funds will be available for this cycle in Spring 2017.

Award of funds is conditional on the application being approved by the State. These conditions will include, but are not limited, to adequate documentation of required matching funds. Matching funds have been committed by the individual agencies, as well as, through the City's Community Development Block Grant (CDBG) and HOME Investment Partnership Program contracts.

Pro:

- The Emergency Solutions Grant program is a key funding resource for emergency shelter and for rapid rehousing of persons experiencing homelessness.

Con:

- None noted.

Program funding is entirely from the US Department of Housing and Urban Development, through the State of North Carolina. Existing Community Development Division staff will administer the program. No general funds are requested to support this program.

Staff recommends that Council approve the Housing and Community Development Committee's recommendation to make application on behalf of the Continuum of Care for \$121,992 in FY 2016-17 Emergency Solutions Grant funds to the State Division of Aging and Adult Services (DAAS) and accept funds awarded, including any additional allocations.

RESOLUTION BOOK NO. 38 - PAGE 238

G. RESOLUTION NO. 16-243 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM TO PURCHASE EQUIPMENT FOR THE TRAFFIC SAFETY UNIT AND COVER THE COSTS ASSOCIATED WITH THE REGIONAL LIAISON DUTIES

ORDINANCE NO. 4532 - BUDGET AMENDMENT TO PURCHASE EQUIPMENT FOR THE TRAFFIC SAFETY UNIT AND COVER THE COSTS ASSOCIATED WITH THE REGIONAL LIAISON DUTIES

Summary: The consideration of (1) a resolution authorizing the City Manager to accept awarded funds by the North Carolina Governor's Highway Safety Program (GHSP/ program) for the Traffic Safety Unit and cover the costs associated with training for officers and cover travel expenses for the Regional Liaison duties; and (2) an associated Special Revenue Fund budget amendment in the amount of \$20,000.

The funds allocated through this program are designed to purchase equipment for the Traffic Safety Unit and cover the costs associated with training for officers and cover travel expenses for the Regional Liaison duties. The expenses created by the purchase of the equipment and the duty related travel are reimbursed through the National Highway Traffic Safety Administration. There is no local match of funds required for this grant.

The Police Department currently participates in the North Carolina Governor's Highway Safety Program Highway Safety campaigns. In order to facilitate better participation and efficiency of highway safety initiatives, a regional law enforcement network was created to enhance communication and effectiveness. The Police Department promotes highway safety statewide by designating a member of the department to serve as the regional liaison for GHSP Region 10 covering Buncombe, Henderson, Madison, Mitchell, Polk, Rutherford, and Yancey counties.

During its October 25 meeting, the Finance Committee unanimously approved moving the item to the full City Council for its consideration and action during its November 8 meeting.

Pros:

- Reimbursement revenue to cover the cost of (a) obtaining the needed equipment including Radars, CDR Software subscription, and laptop computers; and (b) necessary training and travel related to highway safety duties and operations.

Con:

- Dedicate the staff hours for the officer charged with the liaison duties to accomplish the goals stated in the grant contract.

This budget amendment is fully funded with grant revenue with no impact to the General Fund budget.

City staff recommends City Council adopt (1) the resolution authorizing the City Manager to accept funds and enter an agreement with N.C. Governor's Highway Safety Program to provide an officer to act as the Regional Law Enforcement Liaison; and (2) a budget amendment in the amount of \$20,000 to establish the project budget for the North Carolina Governor's Highway Safety Program Regional Liaison.

**RESOLUTION BOOK NO. 38 - PAGE 239
ORDINANCE BOOK NO. 31 - PAGE 3**

H. RESOLUTION NO. 16-244 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC/PRIVATE PARTNERSHIP

STORMWATER AGREEMENT WITH THE DEVELOPER/OWNER OF RAD LOFTS, LLC, TO CONSTRUCT A NEW STORM DRAINAGE SYSTEM WITHIN THE PUBLIC RIGHT-OF-WAY ALONG ROBERTS STREET WHERE IT WILL END AT THE CONNECTION WITH AN EXISTING STORM DRAINAGE SYSTEM LOCATED ON ROBERTS STREET

ORDINANCE NO. 4533 - BUDGET AMENDMENT FOR PUBLIC/PRIVATE PARTNERSHIP STORMWATER AGREEMENT WITH RAD LOFTS LLC

Summary: The consideration of (1) a resolution authorizing the City Manager to execute a public/private partnership stormwater agreement with the developer/owner of RAD Lofts, LLC, to construct a new storm drainage system within the public right of way along Roberts Street; and (2) a budget amendment in the amount of \$250,000 from Stormwater fund balance to provide budget authorization for the City of Asheville's (City) cost share amount.

RAD Lofts, a mixed use project including approximately 240 residential units and commercial space located at 146 Roberts St. in the River Arts District, received a Conditional Zoning approval on October 22, 2013 (Ordinance No. 4241) and an amended CZ approval on May 26, 2015 (Ordinance 4414). During the investigation of the future development for the Roberts Street Property, the, RAD Lofts development team approached the City concerning a potential partnership for new infrastructure located within the public right of way. A Land Use Incentive Grant ("LUIG") between the City and RAD Lofts, LLC was approved by Council on August 26, 2014.

As part of the presentation to City Council (Council) regarding the LUIG in August 2014, city staff discussed the stormwater partnership option. The proposed partnership with RAD Lofts would allow the developer to design and construct a new stormwater system by utilizing the property and relocating an existing box culvert currently running under its property to a better suited location on its property and connecting back to the city's right of way where the developer would install a new concrete box culvert. Once construction is complete, the City would reimburse the developer up to \$250,000 for the work within the City's right of way. The cost estimate was developed by City staff in conjunction with the project designers for the work in the right-of-way.

Pursuant to North Carolina General Statutes §160A-320, the City may partner and contract with a developer/owner for public enterprise improvements that are adjacent or ancillary to a private land development project to reimburse the developer/owner for costs associated with the design and construction of such improvements in the public right of way. Such a contract is not subject to public bidding requirements if the public cost will not exceed \$250,000 and the City determines that the public cost will not exceed the estimated cost for providing such improvements itself or that the coordination of separately constructed improvements would be impracticable.

City staff has determined that (1) the cost of constructing these improvements is \$434,809 which exceeds the reimbursement costs (\$250,000) for this proposed partnership; (2) the City does not currently have the staff capacity to complete this project within the time needed to meet the developer's schedule; and (3) as a result, this partnership is a benefit to the public.

Pros:

- Provides for the installation of new drainage infrastructure to be located within the public right of way

Cons:

- Requires City funding for a portion of the project cost
- The City will be responsible for the ongoing maintenance of this system

The total construction cost estimate for the portion of the project in the City's right-of-way is \$434,809. A maximum of \$250,000 for the portion of the project located in the public right of way is proposed to be funded by the Stormwater Utility Enterprise Fund using fund balance. The remaining cost of design and construction is proposed to be paid by the private property owners. The project will be completed by the developer's construction team.

By City policy, the Stormwater Fund must maintain a fund balance equal to 8% of annual expenses. Preliminary year-end estimates for FY 2015-16 indicate that Stormwater Fund balance will exceed the policy target by approximately \$1.4 million. The \$250,000 appropriation associated with this project will lower the estimated available amount to \$1.1 million.

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to execute a public/private partnership stormwater agreement with the developer/owner of RAD Lofts, LLC, to construct a new storm drainage system within the public right of way along Roberts Street; and (2) a budget amendment in the amount of \$250,000 from Stormwater fund balance to provide budget authorization for the City's cost share amount.

**RESOLUTION BOOK NO. 38 - PAGE 240
ORDINANCE BOOK NO. 31 - PAGE 5**

I. RESOLUTION NO. 16-245 - RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOTIATIONS AND SIGN A CONTRACT WITH HAZEN AND SAWYER ENGINEERING FOR THE PROFESSIONAL SERVICES NEEDED FOR THE STORMWATER IMPROVEMENT PROJECT LOCATED IN THE EDWIN/CELIA/CANTERBURY ROAD AREA

Summary: The consideration of a resolution authorizing the City Manager to (a) complete negotiations and sign a contract with Hazen and Sawyer Engineering for the professional services needed for the design of a stormwater improvement project located in the Edwin/Celia/Canterbury Road Area; and (b) execute any easement documents necessary for the construction of the project and to petition for any stormwater grant opportunities associated with the construction of the project.

During heavy rainfall events, the Edwin/Celia/Canterbury neighborhood area experiences flooding issues as summarized below which has resulted in residents requesting flood mitigation improvements by the City of Asheville (City) within the area:

- The intersection of Edwin Place and Celia Place is flooded and impassable during intense rain events.
- The Canterbury Road area experiences high velocity waters which clog public drains and surface flow over the roadway.

In an effort to evaluate the City's infrastructure and provide a 10 year Capital Improvement Project (CIP) list for stormwater, the Public Works Department's Stormwater Division recently hired the professional team of Brown and Caldwell to develop a 10 year CIP list of projects. Through that process, the Edwin/ Celia/ Canterbury drainage improvement project was identified. This project combines the design of the Edwin and Celia Place drainage improvements, which was identified for year 1 of the CIP, with the Canterbury Road Drainage Improvement, identified for year 2 CIP, for an optimized stormwater quality and flood mitigation project approach. Both components will be designed with a focus on localized flood reduction and to provide additional water quality benefits. Upon completion of the design, staff will seek project funding opportunities such as Clean Water Management Trust Fund.

The City solicited Requests for Qualifications for professional services for the design of this drainage improvement project. Thirteen proposals were submitted which were reviewed and screened. Through that process, the top three proposals were selected for interviews. Following

the interview process, Hazen and Sawyer was identified and recommended for selection as the most qualified team.

The top three proposals were submitted by the following:

Hazen and Sawyer	Charlotte Office, NC
Mattern and Craig	Asheville, NC
WK Dickson	Raleigh Office, NC

Guided by a goal to serve as stewards of the environment, the City will maximize opportunities to implement green infrastructure practices and localized flood mitigation projects, as well as public private partnership funding opportunities.

Pros:

- Reduce flooding along Edwin/Celia/Canterbury.
- The project will provide green infrastructure and will look to provide localized flood mitigation.
- Provide public educational opportunities to promote stormwater quality and flood mitigation measures
- Utilize the stormwater utility fee for construction related projects

Con:

- The project will require partnerships to obtain stormwater easements for the improvements.
- Since this contract is for the design of the stormwater improvement project, the construction of the project will require additional funds.

The City's Stormwater Utility will be responsible for the cost for the professional services contract which will not exceed \$692,300. Funding for this contract is included in the adopted Fiscal Year 2016-17 Stormwater Fund budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to (1) complete negotiations and execute a contract with Hazen and Sawyer for the professional services associated with the design of a Edwin/Celia/Canterbury Road Stormwater Improvements Project in the amount of \$602,000; (2) execute any change orders to this contract not to exceed 15% of the original contract amount (\$90,300) for a total amount up to \$692,300; and (3) execute any easements documents necessary for construction of the project and to petition for stormwater grant opportunities associated with the construction of this project.

RESOLUTION BOOK NO. 36 - PAGE 241

J. RESOLUTION NO. 16-246 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SANITARY SEWER EASEMENT TO DDG REAL ESTATE LLC, FOR THE CONSTRUCTION OF TWO SINGLE-FAMILY HOMES ON DUNDEE STREET

Summary: The consideration of a resolution authorizing the City Manager to convey a sanitary sewer easement to DDG Real Estate LLC, for the construction of two single-family homes on Dundee Street.

Dandridge Giltz of DDG Real Estate LLC owns two vacant lots on Dundee Street and wishes to construct two single family homes on the lots. He approached the Metropolitan Sewer District (MSD) for the approvals needed to connect to the sewer system. He was informed that no sewer line currently exists on Dundee Street and the closest connection to an existing sewer line would cross adjacent city property located on Martin Luther King Jr. Drive. The developer then approached the City's Real Estate Division about the possibility of a sewer easement.

The total square footage of permanent easement being requested is 324 square feet, approximately 54 linear feet by 6 feet wide. The developer plans to build a single family home on each affected lot. This development conforms to the current zoning and existing single-family neighborhood land use.

City staff including staff from the Parks Department and Economic Development Department were consulted concerning this easement request and found no conflicts with the granting of this easement. The City property being impacted is already encumbered with service lines that cross city property to the nearest MSD line. A sizable unencumbered footprint still exists on this city property that could be programmed for other city uses, such as park space or affordable housing. The property has frontage on Martin Luther King Jr. Drive and ready access to city utilities.

To develop fair market value for the easement, staff in the City's Real Estate Division used six comparable sales to determine an average price per square foot for land. To reflect the easement value, a percentage of 50% was applied to the amount for a total of \$1,113.00. The City also charges a standard real estate transaction fee of \$280.00 for a final price of \$1,393.00 for the easement, if granted.

Pro:

- The installation of this private sewer service line will allow the developer to build infill homes on Dundee Street and to connect to existing MSD infrastructure. The City of Asheville will have no maintenance responsibility on this sewer line.

Con:

- Granting an easement forfeits the development rights to that limited easement area, but there does not appear to be another feasible way for the developer to access sewer services.

The fiscal impact is unbudgeted revenue of \$1,113.00 plus fee of \$280.00 to benefit the General Fund.

City staff recommends that the City Council approve a resolution authorizing the City Manager to convey this easement.

RESOLUTION BOOK NO. 38 - PAGE 242

K. RESOLUTION NO. 16-247 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DR. PAUL MARTIN, MD, D/B/A ASHEVILLE ADDICTION CONSULTANTS, PA, FOR PHYSICIAN SERVICES AT THE CITY OF ASHEVILLE EMPLOYEE HEALTH CENTER

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with J. Paul Martin, MD, DBA Asheville Addiction Consultants, PA for physician services at the City of Asheville Employee Health Center (Employee Health Center).

In July of 2015, Council authorized a twelve-month contract with Dr. Martin for physician services at the Employee Health Center for a maximum annual contract value of \$120,000. In July of 2016, Council authorized a six-month extension to this contract at a value of \$60,000 to allow for the solicitation of proposals from physicians or practices to provide professional services.

A Request for Proposals (RFP) solicited offerings from physicians or physician practices to provide professional services at the Employee Health Center. Proposals were received from Dr. Martin (Martin) and Mission Health System, Inc (Mission). Two review panels were convened

to assess the offerings and receive presentations, and these panels included internal and external stakeholders including a community health expert, multiple union representatives, members of the Employee Advisory Committee (EAC), department representatives, senior management, and others.

In the assessment phase, the panels assessed the offerings based on the review criteria stipulated in the RFP, and recommended that both proposals move forward for further consideration. Reference checks were performed for both offerors, and both Mission and Martin passed this step successfully. Finally, there was an analysis of estimated costs. Based on Mission's proposed rate structure which adds variable costs for items identified in the RFP as part of the base scope of work, it has been determined that the total contract costs would be higher for Mission than Martin.

Dr. Martin's offering demonstrated the experience, qualifications, and understanding of the current program, and his rate-based cost proposal devoid of variable cost "extras" will provide the assurance that professional services can be delivered in a predictable and fiscally prudent manner.

For the purpose of delivering physician services at the existing Employee Health Center location, staff recommends the negotiation and execution of a contract with Dr. Martin to provide such professional services at the current service level. Although the proposed contract amount is within the value established in the existing appropriated budget, the contract value is at a level requiring the approval of City Council. Therefore, the recommendation shown below and the accompanying resolution require the consideration of Council.

Mission's proposal features qualified staff and innovative service delivery ideas, including approaches such as telemedicine and expanded service delivery via expanded office hours and geographically dispersed clinics. Mission is already working with the City on key activities such as the on-site delivery of nicotine cessation services. Human Resources (HR) staff is working on the preliminary scope of work for a study of the Employee Health Center, the Asheville Project, and the Wellness Program with a focus on health care outcomes, direct/indirect costs, and delivery mechanisms. The study, led by the HR Manager, will include key input from the new HR Director.

In conjunction with the above-referenced study, staff will explore the innovative ideas offered by Mission by the HR Department as part of a pilot program for expanded service delivery, especially in the areas of after-hours access to health care and geographic expansion of clinic availability. In the current fiscal year, any such pilot program would be paid within the existing departmental budget and within departmental contract approval limits.

The contract with Dr. Martin would support Council's strategic vision in two ways: First, the Thriving Local Economy section indicates "the City values its workers by paying living wages and offering benefits," and the Employee Health Center is a key benefit to staff. Second, the Smart City section indicates "we strive to control our costs and still provide the highest possible level of service," and this contract helps the cost containment effort for our health care program.

Pros:

- Maintains the current service level at the current hourly rate for the current fiscal year (with a COLA in future years), thus containing costs for this key contracted service; and
- Provides time for the proposed assessment of health care outcomes via the existing Employee Health Center & the Asheville Project (including existing program costs), plus an analysis of alternative employee health care delivery options.

Con:

- Postpones expanded service levels, locations, or delivery models.

Funding for physician services is included in the approved FY17 Health Insurance Fund budget, and the proposed expenditures are within the existing budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to negotiate and execute a contract (and any amendments thereto) with J. Paul Martin, MD, DBA Asheville Addiction Consultants, PA for physician services for an initial period of one year with up to two one-year extensions. The contract value should not exceed \$60,000 for the half-year period from 01/01/17 to 06/30/17 with subsequent fiscal years having a base value of \$120,000 plus an annual cost of living adjustment (COLA).

RESOLUTION BOOK NO. 38 - PAGE 243

L. RESOLUTION NO. 16-248 - RESOLUTION DONATING MICROFILM OF CITY COUNCIL MEETING MINUTES FROM 1849 TO JUNE 24, 2008, TO PACK LIBRARY FOR THE NORTH CAROLINA COLLECTION

Summary: The consideration of a resolution donating microfilm of City Council meeting minutes from 1849 to June 24, 2008, to Pack Library.

The City Clerk's Office has obtained DVD's of all City Council minutes to save the wear and tear of the old minute books. In order to obtain the DVD's the N.C. Dept. of Cultural Resources required the purchase of microfilm before the City of Asheville (City) could purchase DVD's of the City Council meeting minutes from 1849 - June 24, 2008. The City Clerk's Office has DVD's of City Council meeting minutes from June 24, 2008, to present and had purchased same when this option became available.

Because the City does not have a microfilm machine within which to review the microfilm, the City Clerk's Office staff recommends that it is in the City's best interests to donate the microfilm to Pack Library for its North Carolina Collection.

Pros:

- Microfilm would be available for anyone to view.
- Further strengthens the partnership with Buncombe County.

Con:

- None noted.

The approximate value of the donated items is \$364.

Staff recommends City Council donate the microfilm of City Council meeting minutes from 1849 to June 24, 2008, to Pack Library for the North Carolina Collection.

RESOLUTION BOOK NO. 38 - PAGE 245

M. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CEDAR STREET BRIDGE REPAIR PROJECT

This item has been withdrawn from consideration.

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

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

Councilman Smith moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda "M". This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Asheville-Buncombe Historic Resources Commission, the following individuals applied for a vacancy: Helen Glenn Court, Christopher Brian Cobb, Leslie Humphrey and Kevin Saum. It was the consensus of City Council that this seat be re-advertised in hopes of achieving a more diverse pool of candidates.

Regarding the Homeless Initiative Advisory Committee, the following individuals applied for a vacancy: Dale Davidson, Sarah Lancaster, Emily Whitmire, John Sterling, John Klockner, R. Scott Owen, Kari Korp, Derek Towle, John Rakes, Gene Bell, Jill Moffitt, Beth Russo, Kevin Forner, Kerry Keihn, Gerry Leonard and Val Ball. It was the consensus of City Council that these vacancies be postponed until after the Homeless Initiative Advisory Committee has had an opportunity to make their recommendations.

Regarding the Soil Erosion/Stormwater Review Committee, the following individual applied for a vacancy: Jim Torpey. It was the consensus of City Council to reappoint Pete Hildebrand and re-advertise for the other seat. City Attorney Currin noted that the City Attorney's Office is researching the scope of the Committee and will present any findings to the Boards & Commissions Committee.

RESOLUTION NO. 16-249 – RESOLUTION APPOINTING A MEMBER AND CHAIR TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the term of Bill Lack as a member and Chair on the ABC Board expires on November 13, 2016. It is the responsibility of City Council to appoint the Chair.

The following individuals applied for a vacancy: Jan Davis, Beau Dean, Tod Leaven, James Ellis, Kevin Saum and Matt Massarelli.

It was the consensus of the Boards & Commissions Committee to appoint Jan Davis as a member and Lewis Isaac as Chair.

Councilwoman Mayfield moved to appoint Jan Davis as a member of the ABC Board to serve a three-year term, term to expire November 13, 2019, or until his successor has been appointed. This motion was seconded by Councilman Smith and carried unanimously.

Councilman Bothwell moved to appoint Lewis Isaac as Chair of the ABC Board to serve at the pleasure of City Council. This motion was seconded by Councilman Smith and carried unanimously.

RESOLUTION BOOK NO. 38- PAGE 245

RESOLUTION NO. 16-250 – RESOLUTION APPOINTING A MEMBER TO THE HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said there currently exists a vacancy on the HUB Community Economic Development Alliance Board left by Mr. Jerome Jones, until August 22, 2018.

The following individuals applied for a vacancy: Kendra Sherrod, Rita Yerby, Mark Collins, Nick Hinton, Keaton Edwards, Zephyr Jost, Travis Smith, Hunter Goosmann and Tommy Dennison.

It was the consensus of the Boards & Commissions Committee to appoint Mark Collins.

Councilman Smith moved to appoint Mark Collins to serve the unexpired term of Mr. Jones, term to expire August 22, 2018, or until his successor has been appointed. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 38- PAGE 246

RESOLUTION NO. 16-251 – RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the term of DeWayne Barton (representing 28806 or 28728 zip code); expired on July 1, 2016.

The following individuals applied for a vacancy: Carter Webb, Ken Miller and Fred Fisher Caudle.

It was the consensus of the Boards & Commissions Committee, and recommendation from the Neighborhood Advisory Commission, to appoint Ken Miller.

Vice-Mayor Wisler moved to appoint Ken Miller (representing 28806 or 28728 zip code); to serve a three-year term, term to expire July 1, 2019, or until his successor has been appointed. This motion was seconded by Councilman Smith and carried unanimously.

RESOLUTION BOOK NO. 38- PAGE 247

RESOLUTION NO. 16-252 – RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said there currently exists a vacancy on the Public Art & Cultural Commission left by Ms. Alyssa Dreyfus, until June 30, 2018.

The following individuals applied for a vacancy: Matthew Lands, Travis Smith, Shelley Schenker, Susan Dunlap, Chris Patton, Michael Carlebach, Laura Sellers, Emma Hutchens and Micah Mackenzie.

At the recommendation of the Public Art & Cultural Commission, it was the consensus of the Boards & Commissions Committee to appoint Micah Mackenzie.

Vice-Mayor Wisler moved to appoint Micah Mackenzie to serve the unexpired term of Ms. Dreyfus, term to expire June 30, 2018, or until his successor has been appointed. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 38- PAGE 248

RESOLUTION NO. 16-253 – RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said there currently exists a vacancy on the Recreation Board left by Ms. Kimberly Reed, until June 30, 2017.

The following individuals applied for a vacancy: Ken Miller, Tiffany DE'Bellott, Ali Mangkang, Beau Dean, Taylon Breeden and Lauren Weldishofer.

At the recommendation of the Recreation Board, it was the consensus of the Boards & Commissions Committee to appoint Tiffany DE'Bellott.

Vice-Mayor Wisler moved to appoint Tiffany DE'Bellott to serve the unexpired term of Ms. Reed, term to expire June 30, 2017, or until her successor has been appointed. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 38- PAGE 249

Closed Session

At 5:10 p.m., Councilman Young moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10 (a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilman Bothwell and carried unanimously.

At 5:31 p.m., Councilwoman Mayfield moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 5:31 p.m.

CITY CLERK

MAYOR