

Tuesday – June 27, 2017 - 3:00 p.m.

Worksession - Draft Living Asheville Comprehensive Plan

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman W. Keith Young; Acting City Manager Cathy Ball; and City Clerk Magdalen Burleson

Absent: Councilman Gordon D. Smith

Director of Planning & Urban Design Todd Okolichany said that the purpose of this work session and presentation is for informal purposes and is to share the Draft Comprehensive Plan with City Council.

He said that the Comprehensive Plan is a tool that the City uses to establish a high-level vision to guide city policy decisions over a 10-15 year period. The update to the Comprehensive Plan, titled, *Living Asheville: a Comprehensive Plan for our Future*, will provide a visionary framework to help guide Asheville's long term development and provide an essential tool that will be used across the City's many departments to guide future decision making. It presents a vision for the future, with long-range goals and objectives for all activities that affect the local government. Asheville's first Comprehensive Plan was the City Development Plan 2025, which was completed in 2003.

He explained staff would appreciate Council input on the Comprehensive Plan "Big Ideas," the Principles, the Growth Strategies, and potential neighborhood planning strategies. He then highlighted the various methods of community engagement.

Mr. Roger Weber, representing Skidmore Owens and Merrill, talked about what is in the plan. The following 12 ideas reflect the boldest concepts heard throughout the planning process, and have been used as a framework for informing the plan's themes, principles, goals, and strategies: (1) strengthen urban transit corridors; (2) integrate a car-free green network; (3) connect our urban centers; (4) make housing accessible and affordable; (5) support placemaking by artists; (6) innovate beyond conservation; (7) beautify our City; (8) grow a thriving urban environment; (9) foster resilient neighborhoods; (9) design with nature in mind; (10) expand equitable, upward mobility; and (12) invest in the future of Asheville. From those 12 ideas, the following six themes were identified: (1) livable built environment; (2) resilient economy; (3) harmony with natural environment; (4) interwoven equity; (5) health community; and (6) responsible regionalism. Out of those six themes, goals were established.

Mr. Okolichany said five growth areas were identified, along with objectives: (1) downtown; (2) transit-supportive corridors; (3) community places; (4) form-based code districts; and (5) innovation districts.

Staff would also like to hear Councils' thoughts on the following Plan implementation (1) Plan will be updated once every five years; (2) an annual report on progress to City Council; and (3) a dashboard will be created to monitor one outcome and performance measure per goal.

Mr. Weber provided Council with a summary of public comments received to date. Plan strengths include (1) most respondents from the public feel the Plan does accurately incorporate their input; (2) most respondents feel the Plan is clear and easy to read; and (3) most respondents feel the Plan's strategies are feasible. Outstanding concerns include (1) ensuring the Plan is a resource for both policymakers and the public; and (2) ensuring progress on the Plan is measurable and verifiable.

The Draft Plan will be open for comment on Open City Hall through July 6<sup>th</sup>, but there will be additional opportunity to collect Council comments through July 21<sup>st</sup> before Skidmore Owings and Merrill begins compiling all the comments in preparation for development of the Final Draft of the Plan.

Mr. Okolichany then provided Council with the Living Asheville Comprehensive Plan Schedule as follows:

June 6 -July 6	Draft Plan posted for public review
June 27	Council work session (overview and discussion)
June 28	Public workshop with the consultant team led by Skidmore Owings Merrill
June 29	Meetings w/ Advisory and Technical Committees
July/August	Planning and Zoning Commission review and comment
September/October	Final presentation to Planning and Zoning Commission for recommendation
October	Final presentation to City Council/anticipated adoption

Mr. Weber, along with Mr. Okolichany and Mr. Don Bryson, responded to various questions/comments from Council, some being, but are not limited to: has this Plan taking into account the expected drop of the number of vehicles by 2030; City Council will eventually need to adopt the different strategies in the Plan because financial resources are unknown at this time and there might be agencies that the City can partner with to achieve the strategy; how will this Plan going to inform Council's decisions differently that the current Plan informs Council now; when will the outcomes be prioritized in the Plan; and was there any discussion or support on a prepared food beverage tax.

Councilwoman Mayfield asked if there was anything specific in the Plan education. Mr. Okolichany said that they struggled with that; however, they tried to think about what the City has control over. They looked at it from an institutions approach, along with a multimodal approach, e.g., sidewalks.

Vice-Mayor Wisler suggested the Plan be reviewed to see where our boards and commissions fit in. They can really help us advance and prioritize some of the goals.

Vice-Mayor Wisler adjourned the worksession at 4:03 p.m.

Tuesday – June 27, 2017 - 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 W. Keith Young; Acting City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burlison

Absent: Councilman Gordon D. Smith

#### **PLEDGE OF ALLEGIANCE**

Mayor Manheimer led City Council in the Pledge of Allegiance.

#### **I. PROCLAMATIONS:**

#### **II. CONSENT AGENDA:**

Mayor Manheimer said that City Manager Gary Jackson provided the following written statement to City Clerk Burleson on June 23, 2017: "I will be out of the office from June 24, 2017 until June 30, 2017. By this email, for the time that I am absent, I am designating Assistant City Manager, Cathy Ball, to serve as Acting City Manager, and during that time, Cathy Ball is authorized by me to exercise my powers, and to perform any and all of my duties as City Manager, and I hereby delegate the same to her. This designation will terminate upon my return on July 1, 2017. Gary" Pursuant to N. C. Gen. Stat. sec. 160A-149, " By letter filed with the city clerk, the manager may designate, subject to the approval of the council, a qualified person to exercise the powers and perform the duties of manager during his temporary absence or disability. During this absence or disability, the council may revoke that designation at any time and appoint another to serve until the manager returns or his disability ceases." She said that City Council will need to approve this designation, and asked that this be considered as Consent Agenda Item "O".

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 13, 2017**
- B. RESOLUTION NO. 17-126 - RESOLUTION AUTHORIZING THE PARKS AND RECREATION DIRECTOR AND CHIEF FINANCIAL OFFICER TO SIGN A PARTNERSHIP AGREEMENT WITH JUST FOLKS FOR TRIANGLE PARK FOR FISCAL YEAR 2017-18**

Summary: The consideration of a resolution authorizing the Parks and Recreation Director and the Chief Financial Officer to sign a partnership agreement with Just Folks for Triangle Park for Fiscal Year 2017-2018.

Just Folks is a local non-profit organization whose primary purpose is to support community-building activities in the Eagle/Market Street area known as "The Block". Beginning in 2012, City Council has annually approved a resolution authorizing the partnership agreement with Just Folks that includes a waiver of permit fees at the reduced rate provided for local non-profits.

The waiver makes it possible for Just Folks to produce events that utilize Triangle Park by providing a variety of positive activities including music festivals, community cookouts and other community-building events in the park. These events contribute to more positive use of the area and result in the park being used by a more diverse group of city residents and visitors.

Just Folks is requesting renewal of its partnership agreement with the City for FY 2017-2018 with a waiver of fees in the amount of \$3,321 for building, operational and inspection permits.

In return for the fee waiver, Just Folks commits to daily litter collection in Triangle Park valued at \$6,276. The value is calculated at 260 volunteer hours per year at \$24.14 per hour. The volunteer hourly rate is set each year by Independent Sector, the leading professional in industry standards in the non-profit, charitable and volunteer sector in the United States.

Pros:

- Strategic partnerships allow the City to leverage programming and events to reach a wider and more diverse audience.
- Provides additional quality cultural programming and diversity in a park that is generally not used for this type of event.
- Reduces staff time in processing fee and permitting waiver requests related to this group's events.
- Consistent with other partnerships for park programming in key community development areas.
- Creates a sense of place in an historic area of the city.

Con:

- The waiver of permit fees result in lost revenue for the City; however, the City has not budgeted for this revenue.

The value of the waived permit fees is \$3,321. This revenue is not included in the City's FY 2017-2018 General Fund budget.

Staff recommends City Council adopt a resolution authorizing the Parks and Recreation Director and the Chief Financial Officer to sign the partnership agreement with Just Folks including a permit fee waiver of \$3,321 associated with programming in Triangle Park.

When Councilwoman Mayfield asked if the City owns Triangle Park, Real Estate Manager Nikki Reid said that the City leases it from Asheville Oil Company. She said the City has leased the property over 30 years and they will begin the process of renewing the lease well ahead of the termination date so they can continue that relationship.

#### **RESOLUTION BOOK NO. 39 - PAGE 1**

#### **C. RESOLUTION NO. 17-127 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE SECOND-YEAR OPTION TO RENEW THE CONTRACT WITH US SECURITY FOR SECURITY SERVICES IN VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE CITY'S PARK SYSTEM; AND RENEW THE CONTRACT FOR ONE ADDITIONAL YEAR**

Summary: The consideration of a resolution authorizing the City Manager to: (1) Exercise the second-year option to renew the contract with US Security in the amount of \$59,576.65 for security services in various parks, greenways and facilities in the City's parks system in the cumulative amount of \$110,333.65; and (2) Exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

The Parks and Recreation Department (Department) contracts for security services to secure park gates and restrooms on a daily basis in various parks, greenways and facilities. The City entered into a one-year contract with US Security in FY 2016-2017 in the amount of \$50,757.00 for security services in various parks, greenways and facilities in the City's park system with the option to renew for two twelve-month periods based on contractor performance. By electing to exercise the second year in the amount of \$59,576.65 increases the cumulative amount of the contract to \$110,333.65, an amount which requires City Council consideration and approval.

Pro: • Supports the efficient delivery of core park maintenance services.

Con: • None

The \$59,576.65 funding required to support this security services contract is budgeted in the FY 2017-2018 Department operating budget as part of the Parks Maintenance division budget.

Staff recommends City Council to adopt a resolution authorizing the City Manager to: (1) Exercise the second-year option to renew the contract with US Security in the amount of \$59,576.65 for security services in various parks, greenways and facilities in the City's park system in the cumulative amount of \$110,333.65; and (2) Exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

**RESOLUTION BOOK NO. 39 - PAGE 2**

**D. RESOLUTION NO. 17-128 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE SECOND-YEAR OPTION TO RENEW THE CONTRACT WITH LANDMARK CAROLINA, INC. FOR GROUNDS MAINTENANCE SERVICES IN VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE CENTRAL AND WEST ONE DISTRICTS; AND REVENUE THE CONTRACT FOR ONE ADDITIONAL YEAR**

Summary: The consideration of a resolution authorizing the City Manager to: (1) Exercise the second-year option to renew the contract with Landmark Carolina, Inc. in the amount of \$89,070.00 for grounds maintenance services in various parks, greenways and facilities in the central and west one districts in Asheville in the cumulative amount of \$178,140.00; and (2) Exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

The Parks and Recreation Department (Department) contracts for ground maintenance services in various parks, greenways and facilities in the City's park system. The City entered into a one-year contract with Landmark Carolina, Inc. in FY 2016-17 in the amount of \$89,070.00 for ground maintenance service in the central and west one districts with the option to renew for two twelve-month periods based on contractor performance. By electing to exercise the second year in the amount of \$89,070.00 increases the cumulative amount of the contract to \$178,140.00, an amount which requires City Council consideration and approval.

Pro: • Supports the efficient delivery of core park maintenance services.

Con: • None

The \$89,070.00 funding required to support this ground maintenance contract is budgeted in the FY 2017-2018 Department operating budget as part of the Parks Maintenance division budget.

Staff recommends City Council to adopt a resolution authorizing the City Manager to: (1) Exercise the second-year option to renew the contract with Landmark Carolina, Inc. in the amount of \$89,070.00 for grounds maintenance services in various parks, greenways and facilities in the central and west one districts in Asheville in the cumulative amount of \$178,140.00; and (2) Exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

**RESOLUTION BOOK NO. 39 - PAGE 3**

**E. RESOLUTION NO. 17-129 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT TO DUKE ENERGY PROGRESS INC. OVER A PORTION OF CITY-OWNED PROPERTY ON HIAWASSEE STREET**

Summary: The consideration of a resolution authorizing the City Manager to convey an easement to Duke Energy Progress, Inc. over a portion of City-owned property on Hiwassee Street.

The City of Asheville owns real property at PIN # 9649312536 and it is a small vacant parcel consisting of .03 acres, located between Hiwassee Street and Interstate 240. There are no improvements on the site. It is adjacent to a small condominium complex and is across from the side entrance of the U.S. Cellular Center. The manager of the U.S. Cellular Center has been consulted and he has no plans to use this small parcel and does not object to the easement.

Duke Energy is replacing transmission lines between the West Asheville and the Vanderbilt Substation. At this location, the work involves moving an existing pole approximately 8 feet in a westerly direction. Since Duke is relocating an existing pole, no compensation is being offered for this request. These upgrades are being done in order to improve reliability to the Downtown Asheville community.

The easement area being requested covers an area around the new pole for a total square footage of 0.024 acres. This represents a total of 1,045.44 square feet of permanent easement being requested.

Pros:

- Granting of the easement will allow Duke Energy to upgrade power infrastructure to provide improved service to the Downtown Asheville neighborhood.
- Granting of the easement in no way affects existing operations or parking at the US Cellular Center.

Con:

- None Noted.

Duke Energy Progress is offering no compensation for this easement because they are moving an existing power pole less than 10 feet.

City staff recommends City Council approve a resolution authorizing the City Manager to convey a 1,045.44 square foot easement over a portion of City-owned property at Hiwassee Street to Duke Energy Progress, Inc.

#### **RESOLUTION BOOK NO. 39 - PAGE 4**

#### **F. RESOLUTION NO. 17-130 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE TERMS OF THE CURRENT AGREEMENT WITH PARK RIDGE HEALTH TO PROVIDE ANNUAL PHYSICAL EXAMINATIONS FOR FIREFIGHTERS IN FISCAL YEAR 2017-18**

Summary: The consideration of a resolution authorizing the City Manager to amend the terms of the current agreement with Park Ridge Health to provide annual physical examinations for firefighters in FY 2017 – 2018 in the amount of \$77,125.

This agreement allows firefighters to receive required annual physical examinations in accordance with standards set forth by the National Fire Protection Association. The current agreement, executed and amended in FY 2016 – 2017, allows for 275 physical examinations to be performed by Park Ridge Health for a total of \$63,750 and ends on June 30, 2017. The new agreement is a renewal that extends the contract of 275 physical examinations for one year to June 30, 2018 and includes x-rays for 130 firefighters. The new agreement amount will be \$77,125. Due to the amount of the total contract over its lifetime, \$140,875, Council approval is required.

Prior to entering the original contract with Park Ridge Health, similar organizations were solicited to provide estimates of their services. SiteMed, which held the contract previously, did not provide the organizational efficiency needed to examine 275 firefighters throughout the course of the year. The costs of Mission Hospital's services were prohibitive. Thus, the services and costs of Park Ridge Health best fit the mission of Asheville Fire Department's desire to provide its firefighters with the best care to meet and exceed health standards while controlling costs. A review of the costs, operational efficiencies, and satisfaction of the firefighters with the services, factored into making the determination to renew the agreement with Park Ridge Health.

This will be heard at the June 27<sup>th</sup> Finance Committee meeting. If there is not a unanimous vote this will be brought to the attention of Council at June 27<sup>th</sup> Council meeting.

Pros:

- Meets best practices for the industry by complying with consensus standards of NFPA 1582 that will reduce risks and provide for the health, safety, and effectiveness of firefighters
- Allows for the continued medical monitoring and testing of firefighters to ensure they are fit for the challenges of emergency response
- Allows the City to begin the practice of providing initial baseline x-rays and subsequently repeated every five years to help control preventable risks to the City's firefighters

Con:

- None Identified.

All funds for the physicals and x-rays have been assigned in the adopted FY 2017 – 2018 budget, thus there are no additional impacts.

Staff recommends City Council adopt a resolution authorizing the City Manager to amend the terms of the contract with Park Ridge Health to provide annual physical examinations for firefighters in FY 2017 – 2018 in the amount of \$77,125.

#### **RESOLUTION BOOK NO. 39 - PAGE 5**

#### **G. RESOLUTION NO. 17-131 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND IF GRANTED, ACCEPT, COMMUNITY IMPACT GRANT FUNDS FROM THE DUKE ENERGY FOUNDATION FOR THE PURPOSE OF INSTALLING THREE SOLAR TREES ON CITY PROPERTY**

Summary: The consideration of a resolution authorizing the City Manager to apply for, and if granted, accept, Community Community Impact grant funds from the Duke Energy Foundation for the purpose of installing three solar trees on City property.

The Office of Sustainability applied for grant funds from Duke Energy Foundation's Community Impact Grant to support the following City resolutions:

- Resolution 11-77, Establishing a 4% CO<sub>2</sub> Reduction Goal
- Resolution 13-228, Supporting Clean Energy Economy – Duke Partnership
- Resolution 15-200, Adopting a Community Clean Energy Policy Framework
- Resolution 16-64, Establishing the Energy Innovation Task Force

The Community Impact Grant is designed to support philanthropic programs and initiatives that provide access to and encourage appreciation of arts and culture. Additionally, the Community Impact Grant supports strategic community initiatives that address specific needs within a region. This grant was by invitation only, and the City received an invite to apply in late May. The grant application deadline was May 31<sup>st</sup>.

The City applied for the grant with the purpose of receiving funding to install three (3) solar trees. These solar installations are unlike other solar applications in the sense that they are uniquely artistic and provide the opportunity to offer public amenities, such as space creation, shelter from elements, and power outlets to charge electronics. Solar trees will promote City resolutions by creating visible clean energy generation. Electricity generated by the solar trees can be routed back to the grid or can be used to power City facilities, such as the Pack Square Park Pavilion. The City requested \$200,000 to fund the purchase of the solar trees and their installation.

This will be heard at the June 27 Finance Committee meeting. If there is not a unanimous vote this will be brought to the attention of Council at the June 27 meeting.

Pros:

- Foster space creation on City property
- Provide public amenities
- Promote Asheville's unique arts-driven culture through creative and functional installations
- Support City resolutions to reduce carbon emissions and promote clean energy while leveraging Duke Energy Foundation funding
- Advance sustainable tourism and renewable energy education through visible solar energy applications

Con:

- None identified at this time.

As noted above, the total cost of the project is estimated to be \$200,000 with the grant covering 100% of the cost. The final grant award cannot be determined at this time.

City staff recommends City Council authorize the City Manager to apply for and if granted, accept, all grant funds awarded from the Duke Energy Foundation for the purpose of installing three solar trees on City property.

#### **RESOLUTION BOOK NO. 39 - PAGE 6**

#### **H. ORDINANCE NO. 4591 - BUDGET AMENDMENT TO INVEST IN ENERGY EFFICIENCY IMPROVEMENTS TO THE CIVIC CENTER PARKING DECK**

Summary: The consideration of a budget amendment in the Parking Services Capital Fund in the amount of \$155,663 to invest in energy efficiency improvements to the Civic Center Parking Deck.

The City of Asheville's Office of Sustainability and Parking Services staff examined the opportunity to work with the City's utility provider, Duke Energy Progress (DEP), to explore opportunities to utilize DEP's Small Business Energy Saver Program around energy efficiency. The scope of work includes upgrading the Civic Center Parking Deck to LED lighting; prebuilt with daylight sensors.

Additionally, the upgrade will yield an estimated \$27,413 in annual energy savings and eliminate annual maintenance in the amount of \$8,000.00. In terms of carbon reductions, the project will yield 277 MTCO<sub>2e</sub> – 1% of the annual 4% carbon reduction goal the City has adopted.

Pros:

- Supports Resolution No. 11-77, reducing the City's municipal carbon footprint
- Improves visibility and safety within the parking deck
- Reduces external lighting impact, increasing compliance with the City's outdoor lighting standards
- Decreases lighting impact on residential occupancies
- Leverages a DEP incentive which contributes to 34% of the total project cost

Con:

- None identified.



As noted above the total cost of the project is \$155,663, with funding utilized from the Green Revolving Fund in the amount of \$100,000 and Parking Services Operating Fund in the amount of \$55,663. Once complete, the upgrade will produce an estimated \$27,413 savings on energy per year and an \$8,000 savings on maintenance.

Staff recommends City Council adopt a budget amendment allowing for the Civic Center Parking Deck energy efficiency improvements.

When Councilwoman Mayfield asked if we are looking at making energy efficiency improvements to any of the other parking decks, Transportation Director Ken Putnam said that the others have already been improved.

**ORDINANCE BOOK NO. 31 - PAGE 240**

**I. RESOLUTION NO. 17-132 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INGLES INDEPENDENCE CELEBRATION**

**RESOLUTION NO. 17-133 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ACSC PLAYOFF GAME**

**RESOLUTION NO. 17-134 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 14 RIVERSIDE DRIVE OPENING PARTY**

**RESOLUTION NO. 17-135 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGFEST**

**RESOLUTION NO. 17-136 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE AIA ASHEVILLE DESIGN AWARDS GALA**

Summary: The consideration of resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Ingles Independence Day Celebration, ACSC Playoff Game, 14 Riverside Drive Opening Party, Asheville VegFest, and the AIA Asheville Design Awards Gala.

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

The Ingles Independence Day Celebration will be held on Tuesday, July 4, 2017 from 2:00 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.

- 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 the ACSC Playoff Game and allow for consumption at the event.

The ACSC Playoff Game will be held on Tuesday, July 11, 2017 from 6:00 p.m. – 10:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on the accompanying site map.

- Asheville Chamber of Commerce has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the 14 Riverside Drive Opening Party and allow for consumption at this event.

The 14 Riverside Drive Opening Party will be held on Friday, July 21, 2017 from 3:00 p.m. to 7:00 p.m. within the boundaries of 14 Riverside Drive as per the area limits referenced on the accompanying site map.

- Asheville Vegan 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 Asheville VegFest and allow for consumption at this event.

Asheville VegFest will be held on Sunday, September 3, 2017 from 10:00 a.m. to 6:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

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

AIA Asheville Design Awards Gala will be held on Thursday, September 7, 2017 from 7:00 p.m. to 9:30 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for the Asheville Downtown Association, Asheville Brewers Alliance, Asheville Chamber of Commerce, Asheville Vegan Society, and AIA Asheville

Con:

- Potential for public safety issues

Staff recommends City Council adopt a resolution authorizing the City Manager to approve resolutions making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Ingles Independence Day Celebration, ACSC Playoff Game, 14 Riverside Drive Opening Party, Asheville VegFest, and the AIA Asheville Design Awards Gala.

**RESOLUTION NO. 17-132 - RESOLUTION BOOK NO. 39- PAGE 7**  
**RESOLUTION NO. 17-133 - RESOLUTION BOOK NO. 39- PAGE 10**  
**RESOLUTION NO. 17-134 - RESOLUTION BOOK NO. 39- PAGE 13**  
**RESOLUTION NO. 17-135 - RESOLUTION BOOK NO. 39- PAGE 16**  
**RESOLUTION NO. 17-136 - RESOLUTION BOOK NO. 39- PAGE 19**

**J. RESOLUTION NO. 17-144 - RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS FOR THE SALE OF 0.02 ACRES OF REAL PROPERTY LOCATED AT 11 MARTIN LUTHER KING JR. DRIVE TO ETHELYN MORGAN AND CLARENCE HOLCOMB**

Summary: The consideration of a resolution directing the City Clerk to advertise for upset bids for the sale of 0.02 acres (approximately 871.2 square feet) of real property located at 11 Martin Luther King, Jr. Drive to Ethelyn Morgan and Clarence Holcomb.

The City of Asheville owns a remnant parcel of property located at 11 Martin Luther King Jr. Drive (PIN # 964858350400000). The property was transferred from the Housing Authority to the City of Asheville in 1995 as a disposal parcel after the Urban Renewal program concluded.

This lot is unbuildable due to the small size and shape of this parcel, and it would appear that it is a remnant of the right-of-way of Martin Luther King Drive. Behind the remnant is a parcel with a structure whose pin is 964858357300000. This parcel measures .13 acres and it is owned by the heirs of Betty Lou Parker. There was a fire in the residence and it is currently uninhabitable. The original homeowner was unaware that this remnant belonged to the City of Asheville and had been maintaining it. Her heirs only learned that the parcel was landlocked during a title search. The elderly owner has passed away and her heirs are attempting to sell the property. There is currently a driveway that has been in use for many years, and it crosses this remnant owned by the City. The owners of the property approached the City with an offer to buy the land for \$300.00. There are few comparables in the area for this type of property. The property is only of value to the owner of the parcel directly behind it at 11 Martin Luther King Drive, in order to insure access.

The Community Development office has been consulted and recommends that this Urban Renewal remnant be designated as surplus and thus eligible to be sold. It has been determined that the best use of this property would be to return it to the heirs of Betty Lou Parker who owned the parcel in 1995. They are recommending that it be sold to them for \$300.00.

The method chosen to establish fair market value is the upset bid process set forth in NCGS 160A-269. If City Council approves the following resolution, the City Clerk will be directed to publish an advertisement for upset bids for a period of 10 days, in which any interested party may upset the bid of \$300. The statutes require that a qualifying bid must increase the current offer by 10% of the first \$1,000 and 5% of the remainder (i.e. \$330 or higher). Since the function of the upset bid process is to confirm fair market value, the resolution provides that if no qualifying, competing bid is received, then the City Council agrees to convey the parcel to Ethelyn Morgan and Clarence Holcomb for \$300.

Pro:

- Private sale will convert public land into taxable real property and will relieve the City of Asheville of any maintenance responsibility.

Con:

- None noted.

Because this property is associated with Federal Funds via Urban Renewal, the financial proceeds are to benefit the Community Development Block Grant fund.

City staff recommends City Council adopt a resolution directing the City Clerk to advertise for upset bids for a property located at 11 Martin Luther King Drive.

#### **RESOLUTION BOOK NO. 39 - PAGE 31**

#### **K. RESOLUTION NO. 17-140 - RESOLUTION AUTHORIZING EXECUTION OF AN INSTALLMENT FINANCING CONTRACT FOR FISCAL YEAR 2017 CAPITAL IMPROVEMENT PROGRAM VEHICLES AND OTHER EQUIPMENT**

Summary: The consideration of a resolution authorizing execution of an installment financing contract for Fiscal Year (FY) 2017 Capital Improvement Program (CIP) Vehicles and Other Equipment in an amount not to exceed \$4,350,000.

Appropriations for FY 2017 include \$4,350,000 for various vehicles, computer equipment and fire department equipment with the capital expenditures financed through debt proceeds.

On May 22, 2017, the City distributed a Request for Proposal ("RFP") seeking competitive bids for the financing to selected financing partners willing to take a UCC filing for the

security of the financing. Five proposals were received, the most favorable of which was submitted by Regions Capital Advantage, Inc (the "Bank") at an interest rate of 1.62% per annum for a term of 48 months (computer equipment) and 1.70% per annum for a term of 59 months (vehicles).

The proposed resolution authorizes an installment financing contract between the City of Asheville and the Bank for the purchase of the vehicles and computer equipment and it authorizes the City Manager, City Attorney, Finance Director and City Clerk to execute and deliver any and all necessary documents. The contract will place a security interest in the vehicles and computer equipment in favor of the Bank in order to secure the City's obligation under the contract. Pursuant to a previously adopted reimbursement resolution, proceeds from this financing contract will allow the City to reimburse itself for the cost of the vehicles and computer equipment which have already been procured.

Pros:

- Provides funding of capital expenditures at a very favorable effective interest rate.
- Financing capital purchases spreads the cost of acquisition over several years of the useful life of the asset.
- Reimbursing this capital purchase with the proceeds of the financing, as opposed to paying for the purchase by using the City's available cash balances, increases currently available funds through restoration of fund balance.
- The financing conforms to the approved Financing Plan for capital expenditures.

Con:

- Financing the purchase increases nominally the lifetime cost of the acquisition due to the payment of interest and closing costs on the amount financed.

The annual debt service payments for this financing range between approximately \$949,000 in the first year and approximately \$819,000 in the fifth year. Funds are included in the City's FY 2017-18 proposed debt service budget to cover this cost.

City staff recommends that City Council adopt the resolution authorizing the City Manager to execute an installment purchase contract and closing process with Regions Capital Advantage, Inc. for the acquisition of the vehicles and computer equipment.

#### **RESOLUTION BOOK NO. 39 - PAGE 25**

#### **L. RESOLUTION NO. 17-141 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH BEVERLY-GRANT/BARNHILL TO USE FOR 314 RIVERSIDE DRIVE AS CONSTRUCTION JOB OFFICES DURING THE CONSTRUCTION OF TIGER VI PROJECTS**

Summary: The consideration of a resolution authorizing the City Manager to execute a lease agreement between the City of Asheville (City) and Beverly-Grant/Barnhill Contractors (BGB) for an office/storage/warehouse site located at 314 Riverside Drive (formerly Stewart Plumbing) for the RADTIP Construction offices.

In 2016, the City acquired the property and improvements at 314 Riverside Drive as a part of the River Arts Improvement Project (RADTIP). Although the project will significantly impact access to the property and the area used for vehicle storage, the office and warehouse space will remain intact without demolition. The City sought to find a use that would benefit the City while finding a useful purpose for these improvements in the short term. The City's Capital Projects Department indicated that the construction managers at risk (BGB) would be able to use the site as the RADTIP project headquarters. The property identified as PIN #9638-89-4390, has 0.65 acres of land and two structures. Improvements consist of one, two story structure that has 1,656

square feet and has been used for office space. The warehouse consists of 4,550 square feet and has a loading dock and storage. BGB has indicated that this is suitable space and they are willing to make repairs identified by the Fire Marshall to bring the structures up to code. This includes but is not limited to moving electrical boxes for accessibility, labeling handicapped parking spots, securing rear doors and so forth.

Real Estate has been working with Legal and Capital Projects to craft a workable lease. Capital Projects will monitor lease compliance after it has been executed. The tenant will be responsible for the maintenance of the facility and the City requires the tenant to have adequate insurance. The lease term is 39 months beginning July 1st of 2017 and there will be a lease renewal option for an additional six months. The rental rate is negligible (\$5.00 per year) and this in-kind service to BGB will be realized as cost savings within the construction contract for RADTIP.

Pros:

- Lessor will be able to provide office and warehouse space in the project area to BGB at no additional cost to the City.
- Lessee will be responsible for all maintenance of the facility during the lease term.

Con:

- None.

The finalization of this lease will allow the City to provide working space for BGB and their contractors without additional costs that would normally be borne by the City via the construction contract.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a lease agreement with BGB for them to use this site during construction of the RADTIP improvements.

#### **RESOLUTION BOOK NO. 39 - PAGE 27**

#### **M. RESOLUTION NO. 17-142 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO FUND THE METROPOLITAN PLANNING PROGRAM, SECTION 5303 OF THE FEDERAL TRANSIT ADMINISTRATION**

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) to fund the Metropolitan Planning Program, Section 5303 of the Federal Transit Administration (FTA).

The FTA Section 5303 Metropolitan Planning Program is part of the annual Unified Planning Work Program (UPWP) of the French Broad River Metropolitan Planning Organization (FBRMPO), which outlines transportation planning tasks to be performed by the FBRMPO. The Metropolitan Planning Program is designated to pay exclusively for transit planning activities, such as grant administration and reporting activities, short range and long range transit planning, transportation improvement program preparation, Title VI and DBE programs, and planning and operational analyses. The funds are used to supplement the Transit Projects Coordinator position (90% of the grant) and a portion of the Transportation Planning Manager position (the remaining 10%) for time spent on transit planning.

This funding makes possible to have dedicated staff developing and engaging in complex processes such as the transit master plan implementation, route changes, and to develop programs required by the Federal Transit Administration for recipient and sub-recipients to ensure compliance with federal regulations.

FY 2017-18 funding totals \$75,000. The subject grant will provide 80% of the anticipated funding (\$60,000), the North Carolina Department of Transportation will provide 10% (\$7,500), and the City will provide the remaining 10% (\$7,500). The grant funding and the City's local match in the amount of \$7,500 are currently budgeted in the Transportation Department's approved operating budget for the current fiscal year.

Pros:

- Supplements funding for two existing positions.
- Enables the City of Asheville to use \$67,500 in Federal and State funds for transit planning activities.

Con:

- A 10% local match in the amount of \$7,500 is required.

The total grant funding for Fiscal Year 2017-18 is \$75,000. The City is required to provide a 10% local match in the amount of \$7,500. The anticipated grant funding and the City's local match in the amount of \$7,500 are currently budgeted in the Transportation Department's operating budget.

City staff recommends that City Council adopt a resolution authorizing the City Manager to enter into an agreement with the N.C. Dept. of Transportation to fund the transit planning program, Section 5303 Metropolitan Planning Grant of the Federal Transit Administration for FY 2017-18.

#### **RESOLUTION BOOK NO. 39 - PAGE 28**

#### **N. RESOLUTION NO. 17-143 - RESOLUTION IN SUPPORT OF HOUSE BILL 185 AND SENATE BILL 648, AND ENCOURAGING THE NORTH CAROLINA LEGISLATURE TO ENACT LEGISLATION THAT WOULD LEGALIZE THE USE OF CANNABIS FOR MEDICAL PURPOSES**

Summary: The City Council hereby encourage the North Carolina State Legislature to take immediate action to approve Comprehensive Medical Cannabis legislation, in order to ensure our City and State residents are receiving the most effective medical therapies possible, which includes the use of medical cannabis.

The following individuals spoke in support of the resolution, with some providing personal stories, for various reasons, noting that it will make it possible for a healthier and brighter future for some:

Todd Stimson  
Timothy Sadler  
Ms. Bowers  
Ms. Williams  
Milton Byrd  
Aaron Clark  
Taylon Breeden  
Andrew Fletcher  
Joshua Schaffer  
Gregory Witts  
Lindsay Witts  
Jennifer Evans  
Terri Boyd  
Douglas Jones  
Two gentlemen

Councilman Bothwell noted that Dr. Ron Paulus, CEO of Mission Hospitals, has said the only way we are going to cure the opiate epidemic is to replace opiate with cannabis.

Mayor Manheimer thanked Mr. Stimson for bringing this resolution to the attention of City Council. She said there is pending legislation to make this legal. Since cities don't have the authority to legalize medical cannabis, this is the only way for Council to show support for this legislation.

**RESOLUTION BOOK NO. 39 - PAGE 39**

**O. DESIGNATION OF ACTING CITY MANAGER**

Mayor Manheimer said that City Manager Gary Jackson provided the following written statement to City Clerk Burleson on June 23, 2017: "I will be out of the office from June 24, 2017 until June 30, 2017. By this email, for the time that I am absent, I am designating Assistant City Manager, Cathy Ball, to serve as Acting City Manager, and during that time, Cathy Ball is authorized by me to exercise my powers, and to perform any and all of my duties as City Manager, and I hereby delegate the same to her. This designation will terminate upon my return on July 1, 2017. Gary" Pursuant to N. C. Gen. Stat. sec. 160A-149, " By letter filed with the city clerk, the manager may designate, subject to the approval of the council, a qualified person to exercise the powers and perform the duties of manager during his temporary absence or disability. During this absence or disability, the council may revoke that designation at any time and appoint another to serve until the manager returns or his disability ceases."

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

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Young and carried unanimously.

**III. PRESENTATIONS & REPORTS:**

**A. ANNUAL STATE OF THE AIRPORT ADDRESS**

Airport Executive Director Lew Bleiweis updated the City of Asheville on the State of the Airport.

**IV. PUBLIC HEARINGS:**

**A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 175 LYMAN STREET FROM RIVER DISTRICT TO MIXED USE EXPANSION DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF 133 RESIDENTIAL UNITS, COMMERCIAL SPACE, RESTAURANT IN 5 BUILDINGS AND A PARKING STRUCTURE**

Councilman Bothwell moved to continue this public hearing until July 25, 2017. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

**B. PUBLIC HEARING TO CONSIDER CHANGING THE NAME OF HILLCREST DRIVE TO LUNA LANE**

**RESOLUTION NO. 17-145 - RESOLUTION TO CHANGE THE NAME OF HILLCREST DRIVE TO LUNA LANE**

Mr. Stuart Rohrbaugh, Emergency Address Coordinator, said that this is the consideration of a resolution accepting the street name change from "Hillcrest Drive" to "Luna Lane." This public hearing was advertised on June 17, 2017.

The duplication of street names has the potential for misdirection or miscommunication, which can hinder the response of emergency services. The map shows the street segment with the duplicated name "Hillcrest." The street is currently a City maintained street. Changes to existing public street names shall be approved through a resolution of the City Council following a public hearing.

The Public Safety Committee reviewed the renaming request at their April 24, 2017, meeting and recommended Hillcrest Drive be renamed if the majority of the property owners could agree on a new street name. A super majority of the property owners have agreed and petitioned the City of Asheville to rename the street to "Luna Lane."

Buncombe County Emergency Services Department, Buncombe County Planning Department Director, City of Asheville Traffic Engineering Division, and Asheville and Police Fire Departments have confirmed that Luna Lane will not duplicate another street name elsewhere in Buncombe County or impair the delivery of municipal or emergency services.

Notice of the public hearing has been posted prominently at a minimum of two places on the street and notice was published at least once in a newspaper of general circulation.

Pro:

- Potential emergency response will be enhanced with a unique street name.

Con:

- Cost and labor of replacing two street name signs.

The cost to re-install new street name sign blades to the existing poles are about \$100 each and is included in the current operating budget for the Transportation Department.

Staff recommends City Council adopt a resolution accepting a street name change from "Hillcrest Drive" to "Luna Lane."

Mayor Manheimer opened the public hearing at 5:55 p.m., and when no one spoke, she closed the public hearing at 5:55 p.m.

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

Vice-Mayor Wisler moved for the adoption of Resolution No. 17-145. This motion was seconded by Councilman Bothwell and carried unanimously.

#### **RESOLUTION BOOK NO. 39 – PAGE 32**

#### **C. PUBLIC HEARING TO CONSIDER CHANGING THE SPELLING OF KITCHEN PLACE TO KITCHIN PLACE**

#### **RESOLUTION NO. 17-146 - RESOLUTION TO CHANGE THE SPELLING OF KITCHEN PLACE TO KITCHIN PLACE**

Mr. Stuart Rohrbaugh, Emergency Address Coordinator, said that this is the consideration of a resolution accepting the street name change spelling from "Kitchen Place" to "Kitchin Place". This public hearing was advertised on June 16, 2017.



Many of the property owners and businesses have spelled the name after the family name "Kitchin." The City's E911 database, the City's currently displayed street name signs show the street segment with the spelling of "Kitchen." The property owners brought the street name spelling to staff's attention and petitioned the City to rename the street to "Kitchin Place." The street is currently a City maintained street. Changes to an existing public street name shall be approved through a resolution of the City Council subsequent to a public hearing.

The Public Safety Committee reviewed the renaming request at their April 24, 2017, meeting and recommended Kitchen Place be renamed with the spelling of "Kitchin Place."

Buncombe County Emergency Services Department, Buncombe County Planning Department Director, City of Asheville Traffic Engineering Division, and Asheville and Police Fire Departments have confirmed that Kitchin Place will not duplicate another street name elsewhere in Buncombe County or impair the delivery of municipal or emergency services.

Notice of the public hearing has been posted prominently at a minimum of two places on the street and notice was published at least once in a newspaper of general circulation.

Pro:

- Potential emergency response will be enhanced with a consistent street spelling.

Con:

- Cost and labor of replacing two street name signs.

The cost to re-install new street name sign blades to the existing poles are about \$100 each and is included in the current operating budget for the Transportation Department.

Staff recommends City Council adopt a resolution accepting the street name change spelling from "Kitchen Place" to "Kitchin Place."

Mayor Manheimer opened the public hearing at 5:59 p.m., and when no one spoke, she closed the public hearing at 5:59 p.m.

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

Councilman Bothwell moved for the adoption of Resolution No. 17-146. This motion was seconded by Councilwoman Mayfield and carried unanimously.

#### **RESOLUTION BOOK NO. 39 – PAGE 34**

#### **D. PUBLIC HEARING TO CONSIDER AN ECONOMIC DEVELOPMENT GRANT TO RIVERBEND MALT HOUSE**

#### **RESOLUTION NO. 17-147 - RESOLUTION GRANTING AN ECONOMIC DEVELOPMENT GRANT TO RIVERBEND MALT HOUSE**

Director of Community & Economic Development Sam Powers said that this is the consideration of a resolution to grant an economic development grant to Riverbend Malt House. This public hearing was advertised on June 16, 2017.

City of Asheville has been requested by Asheville-Buncombe EDC for consideration of a performance based incentive grant under the City Economic Development policy to an existing manufacturing company, Riverbend Malt House.

Riverbend Malt House makes high quality, locally sourced craft malt for the craft beer and craft distilling industries. The company has existed since 2010 and based upon customer demand is now poised to expand significantly. Riverbend Malt House has noted in their request for consideration that a critical part of their mission and business model is to source grain (barley, rye, wheat) from local farmers, and to pay substantially higher prices than those farmers are able to get from selling grain for other uses. Further they stated that “purchasing locally sourced malt from Riverbend means that local breweries/distilleries are reducing the amount of malt which needs to be trucked in from thousands of miles away; this reduces transportation related carbon emissions”.

The purpose of the City’s participation would be to induce Riverbend Malt House to make investments in the City for expenditures to acquire and install machinery/equipment, make facility improvements which increase the tax value as determined by the Buncombe County Tax Department in the amount of \$9,500,000, and create 22 quality jobs within four years; at least 5 of these will be hired in 2017. Riverbend is committed as a compensation strategy to always paying above living wage levels.

The City of Asheville is considering offering a performance based grant in an amount not to exceed \$95,000. North Carolina state law requires a public hearing be held before an incentive grant can be officially awarded.

Pros:

- Performance driven grant that is distributed after job and investment is achieved or mutually agreed performance bench marks are established;
- Supports job creation and capital investment in Asheville;
- Supports regional and state cooperation in the project.

Con:

- Grant is formulated based on use of a portion of the new incremental increase from property tax revenue generated by the project for a 5 year period.

The project has an overall positive fiscal impact on tax revenues received by the city. Initially (during the grant period), the City will receive 50% of the new incremental property tax revenues, as well as the existing property tax revenues from the project. After the grant period of 5 years, the City will henceforth receive 100% capture of all city taxes.

City staff recommends Council approve a resolution authorizing a performance based economic development incentive grant agreement to support Riverbend Malt House, in an amount not to exceed \$95,000 over a five year grant agreement.

Mr. Scott Hickman, CEO of Riverbend Malt House, explained their request and asked City Council for their support of the resolution.

Mayor Manheimer opened the public hearing at 6:06 p.m., and when no one spoke, she closed the public hearing at 6:06 p.m.

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

Vice-Mayor Wisler moved for the adoption of Resolution No. 17-147. This motion was seconded by Councilman Bothwell and carried unanimously.

**RESOLUTION BOOK NO. 39 – PAGE 36**

**E. PUBLIC HEARING TO CONSIDER A VOLUNTARY ANNEXATION OF PROPERTY AT 421 AIRPORT ROAD**

**ORDINANCE NO. 4593 - ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE TO PROPERTY AT 421 AIRPORT ROAD**

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to extend the corporate limits of the City of Asheville to property at 421 Airport Road. This public hearing was advertised on June 16, 2017.

The property owner, MPG Kernersville LLC, has petitioned the City of Asheville for the annexation of 1.26 acres located at 421 Airport Road and identified in the Buncombe County tax records as PIN 9643-85-0724. The property is currently under construction for a commercial building, under permits issued by Buncombe County. The property is contiguous to the primary corporate limits and qualifies for annexation by petition as set forth in North Carolina General Statutes (NCGS) 160A-31 and N.C. General Assembly Session Law 2005-139.

Pursuant to NCGS 160A-31, a public hearing must be held prior to adopting an ordinance for voluntary annexation. If City Council decides to proceed with this request, the effective date for the annexation would be June 27, 2017.

Considerations:

- Provides for the orderly growth of the City and the tax base through the acceptance of appropriate areas into the corporate limits where owners desire annexation.
- Complies with the 2025 Comprehensive Plan in that it supports the strategy of promoting voluntary annexations of developing areas.

This request includes the voluntary annexation of 1.26 acres of commercial property into the City which will provide new property tax revenue with only a very small increase to services. There is a commercial restaurant project under construction which, at completion, would generate approximately \$6,000-7,000 in city property tax based on comparable commercial properties in the city.

City staff recommends that City Council adopt the ordinance annexing the property at 421 Airport Road.

Mayor Manheimer opened the public hearing at 6:09 p.m., and when no one spoke, she closed the public hearing at 6:09 p.m.

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

Councilman Bothwell moved to adopt Ordinance No. 4593. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

**ORDINANCE BOOK NO. 31 – PAGE 244**

**F. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 28 FORSYTHE STREET FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL USE ZONING TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING FOR THE PURPOSE OF ADJUSTING PROPERTY LINES AND OTHER MINOR SITE PLAN CHANGES**

**ORDINANCE NO. 4594 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 28 FORSYTHE STREET FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL USE ZONING TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING FOR THE PURPOSE OF ADJUSTING PROPERTY LINES AND OTHER MINOR SITE PLAN CHANGES**

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally zone property located at 28 Forsythe Street from RM-16 Residential Multi-Family High Density District/Conditional Use Zoning to RM-16 Residential Multi-Family High Density District/Conditional Zoning for the purpose of adjusting property lines and other minor site plan changes. This public hearing was advertised on June 16 and 23, 2017.

The project consists of a single .32 acre through-lot with frontage on Forsythe St. and West St. in the Five Points neighborhood. The PIN for the property is 9649-24-2315 and the property owner is Ellen and Mary Ellen Bethel.

The property received a Conditional Use Rezoning in July of 2004 (Ord. No. 3138) to allow for the conversion of a small neighborhood church into a four unit, multi-family structure. A multi-family structure would not normally have been allowed in the previous RS-8 zoning designation and, in order to support the adaptive reuse of the existing church structure, the property was rezoned to RM-16 CUZ.

This newest request primarily seeks to recombine a very small portion (approximately 280 square feet) of the subject property with the single family residential property to the north. The properties had, at one time, shared a driveway that no longer serves the multi-family structure and the driveway currently straddles the property line. The adjacent property owner is seeking to acquire the portion of the CUZ property that supports the driveway so that the entire driveway may be located on the property of the single family home. To achieve this recombination, the side property line will move closer to the northern edge of the multi-family structure and create a side setback that measures 4.5 - 5.0 feet along the northern side of the building.

While the slight adjustment to the property line is minor, the 4.5 - 5.0 setback along the building face becomes a nonconformity in the RM16 zoning district where a minimum six foot setback is normally required. As a result, this change could not be approved administratively and will require either an amendment to the original Conditional **Use** Zoning or a new Conditional Zoning application. Because the conditional zoning process allows for customizable conditions agreed to by both the property owner and City Council, and is consistent with the current format found in the UDO, it is the preferable way to move forward with this request.

Both the subject property and the adjacent residential property face, and have primary access from, Forsythe St which also has an existing sidewalk. The subject property also has three secondary access points (driveways) on West St. behind the building. No changes to access are proposed.

The original 2004 CUZ referred to seven off-street parking spaces to be improved to accommodate the new multi-family use. According to information supplied by the applicant, off-street parking had been established and was accessed from an existing driveway on West St. The driveway remains in place, however, access has been blocked by the existing bamboo screening. The current tenants do not utilize the off-street parking area and the gravel has become naturally re-vegetated over time.

Open space is provided as originally approved and no changes are proposed. The 2004 CUZ included the addition of some perimeter landscaping intended to help screen the parking area. The open space/parking area is currently screened with a semi-opaque bamboo fence

along with some evergreen and deciduous tree and shrubs and no changes to the landscape are proposed.

This conditional zoning was approved by the Technical Review Committee (TRC) on May 15, 2017 and requires review by the Planning and Zoning Commission, City Council and Final TRC prior to zoning permits being issued.

The Planning & Zoning Commission reviewed this request at their meeting on June 7, 2017, and voted 5-0 in support of the proposed request. One member of the public spoke expressing concern regarding the parking conditions in the neighborhood.

A former owner successfully rezoned the property in 2004 from RS-8 to RM-16 CUZ to allow for the adaptive reuse and conversion of the old church building into four multi-family units. The current CZ application (same underlying zoning designation) is primarily for the purpose of adjusting a property line. Additionally, reconsideration of the off-street parking requirement is also being requested. No new development or site improvements are proposed.

A condition that the subject property be developed in accordance with the submitted site plan and elevations were part of the original order. The only deviation from the original plan is the change to the property line and the abandoned off-street parking. All other conditions appear to have been met. As an alternative to providing off-street parking, a condition that requires that the West St. driveway be maintained to provide access to up to seven off-street parking spaces is proposed so that parking may be added in the future as desired.

The conditional use zoning for 28 Forsythe St. was approved on July 13, 2004. More recent zoning actions in the area have included the rezoning of a small portion of property located at the intersection of Broadway St. and Magnolia Ave., and the conditional zoning for the Greater Works Church (RS8-CZ) is located across the street at 25 Forsythe St.

The subject property is surrounded by RS8 zoning which is intended to support moderately dense, single family living and other non-residential uses intended to support the residential community (i.e. places of worship, schools, community centers, etc.). The existing structure had once been a small community church and is in keeping with the character of the neighborhood which includes single family homes and the Greater Works Church across the street.

As identified in the previous report, the Asheville City Development Plan 2025 highlights the importance of smart growth and very specifically identifies the need for, and value of, infill housing on vacant or underdeveloped properties and adaptive reuse. The former CUZ request to adaptively reuse an abandoned church structure for housing is re-affirmed in the current CZ application.

#### Considerations:

- No new development or site improvements are proposed.
- Adjusting the property line will create a setback nonconformity to be addressed as a condition, should the application be approved.
- Adjusting the property line resolves questions over ownership and use of the existing driveway.
- The Five Points neighborhood has a historical development pattern of providing limited off-street parking, resulting in competition for on-street parking spaces.
- The subject property has the ability to provide off-street parking through an existing driveway on West St.

Based on policies stated in the Comprehensive Plan and other plans staff finds this request to be reasonable, and within the best public interest, and recommends support of the proposed conditional zoning as proposed.

Mayor Manheimer opened the public hearing at 6:15 p.m., and when no one spoke, she closed the public hearing at 6:15 p.m.

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

Councilman Bothwell moved to approve the Conditional Zoning request from Residential Multi-family, high density Conditional Use Zone (RM16-CUZ) to Residential Multi-family, high density Conditional Zone (RM16-CZ) to allow for a change in the property line and off-street parking requirements, and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: 1) supports residential infill; 2) encourages the adaptive reuse of abandoned structures; and 3) resolves an existing property line issue. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

#### **ORDINANCE BOOK NO. 31 - PAGE 245**

#### **G. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE CHARTER TO PROVIDE FOR SIX SINGLE-MEMBER ELECTORAL DISTRICTS GOVERNING THE NOMINATION AND ELECTION OF CITY COUNCIL MEMBERS**

Mayor Manheimer said that Council is following a statutory process for the City Council to place on the November ballot a referendum asking voters whether or not they would like to have City Council drawn into six City Council seats. There is a parallel process at the state legislature. The House took a vote on Senator Edwards bill and voted to amend it and then approve it. The legislation requiring Asheville to be drawn into six City Council seats is also making its way through the legislature. There was an objection to the third reading, so they will have to vote on it again. Because they changed the vote in the House, it will have to go back to the Senate for concurrence.

Assistant City Attorney Catherine Hofmann said that this is the consideration of an ordinance amending the Charter to provide for six single-member electoral districts governing the nomination and election of City Council members. This public hearing was advertised on June 16, 2017.

The City of Asheville Charter provides for the composition of the City Council, as well as the method used for electing Councilmembers and the Mayor. Currently, the Charter provides that the Council is comprised of six Councilmembers and a Mayor. All Councilmembers and the Mayor are elected by all qualified voters of the City (commonly referred to as an "at-large" method of election). N.C. Gen. Stat. §160A-102 allows the City Council to change the mode of election by ordinance, and also allows Council to provide that such an ordinance will only become effective "if approved by a vote of the people."

A bill ("SB 285") has been filed in the North Carolina General Assembly, which would require the City to amend the Charter to create six, single-member electoral districts, to govern the nomination and election of Councilmembers. The bill also requires that the qualified voters of each electoral district shall nominate and elect City Council candidates who reside in the district for the seat apportioned to that district. The Mayor would still be elected at-large. At this time, SB 285 provides that the City must create electoral districts to be used beginning with the 2019 municipal election and, if the City fails to create electoral districts within the time set forth in the bill, the General Assembly will establish electoral districts for the City.

The citizens of Asheville, through a poll, indicated that they would like the opportunity to vote on a proposal to change the mode of nominating and electing City Council members. At the

June 13, 2017, Council meeting, City Council began the process to enact such Charter amendments and to submit the same to a vote of the people by referendum at the November 2017 election. As explained at the June 13, 2017, Council meeting, the General Statutes set forth a statutory process that cities must follow when enacting Charter amendments which change the mode of electing City Council members, and to submit the same to a vote of the people by referendum. The statutes require action at a series of three Council meetings. Below is a summary of the steps Council must take at each Council meeting, as well as the date on which each meeting will be held, to allow Council to vote to approve the charter amendments prior to the current proposed deadline for Council to act in SB 285, and to place the ordinance on the ballot in November.

First Council Meeting (Step Completed at June 13, 2017, Council Meeting)	Adopted a resolution of intent to consider an ordinance amending the Charter and called a public hearing on June 27, 2017 on the proposed Charter amendments.
Second Council Meeting (June 27, 2017)	Hold a public hearing on the proposed Charter amendments.
Third Council Meeting (July 25, 2017)	Adopt an ordinance amending the Charter. If Council chooses to make that ordinance effective only upon a vote by the people, at the same meeting, adopt a resolution calling for an election on the referendum.

The action taken at the June 27 Council meeting will be the second step in the statutory process.

Conduct a public hearing to consider an ordinance amending the City of Asheville's Charter to provide for six electoral districts, governing the nomination and election of City Council members.

Mayor Manheimer said that from the floor debate today, several amendments were run. Representative John Ager ran an amendment that would allow the whole City to vote on a representative from each particular district, rather than just the voters for that district - the amendment failed. Representative Susan Fisher ran an amendment requiring that the referendum results be binding - the amendment failed. Representative Brian Turner ran an amendment requiring that an independent commission draw the districts and that City Council adopt the independent commission's results - the amendment passed. But, on the City's parallel track, we are following the statutory process which does not speak to an independent commission at all. In fact, we are not in a position to ask voters, via this referendum, whether they want an independent commission or not. Under the statutory process, City Council will need to make that final decision.

Councilman Bothwell also noted that the reason we are putting the idea of six districts on a ballot is because that is the plan the state is working on. For a referendum we need a specific plan. It doesn't mean that Council wants six districts, but that we want the people of Asheville to decide. We are not advocating for this.

Councilwoman Mayfield said that people should not mistake Council's vote in support of this to be in support of the actual concept of six districts.

Mayor Manheimer opened the public hearing at 6:23 p.m.

Mr. Vijay Kapoor was opposed to having districts. He thanked Council for putting this issue before the voters. He was unsure what the problem is that the state legislature is trying to solve.

Mayor Manheimer closed the public hearing at 6:26 p.m.

Mayor Manheimer said that at the Council's July 25, 2017, Council will consider adoption of an ordinance amending the Charter. If Council chooses to make that ordinance effective only upon a vote by the people, at the same meeting, Council will then need to adopt a resolution calling for an election on the referendum.

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

**A. RESOLUTION NO. 17-137 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH BEVERLY-GRANT/BARNHILL JV FOR CONSTRUCTION OF THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT AND FIVE POINTS ROUNDABOUT PORTION OF THE TIGER VI PROJECTS**

**RESOLUTION NO. NO. 17-138 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SEPI ENGINEERING AND CONSTRUCTION FOR CONSTRUCTION INSPECTION AND MATERIAL TESTING SERVICES ON THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT AND FIVE POINTS ROUNDABOUT PORTION OF THE TIGER VI PROJECTS**

**RESOLUTION NO. 17-139 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH CDM SMITH ENGINEERING CO. FOR CONSTRUCTION ADMINISTRATION AND VALUE ENGINEERING SERVICES FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT AND FIVE POINTS ROUNDABOUT PORTION OF THE TIGER VI PROJECTS**

**ORDINANCE NO. 4592 - BUDGET AMENDMENT ASSOCIATED WITH THE TIGER VI SUITE OF PROJECTS WHICH INCLUDE BUT ARE NOT LIMITED TO UTILITY RELOCATION AND THE PURCHASE OF PROPERTY**

Riverfront Redevelopment Coordinator Stephanie Monson-Dahl said that this is the consideration to adopt resolutions authorizing the City Manager to execute multiple contracts to implement a portion of the TIGER VI suite of projects, including: (a) Construction Manager at Risk (CMAR) contract amendment with Beverly-Grant, Inc./Barnhill a 50/50 Joint Venture for \$27,065,150; (b) Inspection and material testing contract with SEPI Engineering and Construction for \$854,841; (c) Construction administration and engineering contract amendment with CDM Smith for \$928,275; (2) directing staff to work with Norfolk Southern to make changes to the scope of work within the existing construction agreement, to modify the northern railroad crossing to ensure safe bicycle accessibility through the at grade crossing; (3) a budget amendment in the amount of \$6.0 million from debt proceeds, grant funding, and Enterprise Fund contributions to fully fund the contracts above and all of the remaining costs associated with the TIGER VI suite of projects which include but are not limited to utility relocation and the purchase of property; and (4) directing staff to commit to planning and community engagement efforts which will: (a) prioritize the future phasing of greenway projects; and (b) evaluate multimodal transportation alternatives associated with the south roadway improvement, including greenway widening.

The Wilma Dykeman Riverway Masterplan was officially adopted by City Council in 2004 and since that time has steadily progressed through the planning, public input and design stages. In June 2016 the project received a considerable boost when the City was obligated \$14.6 Million in federal funds through the TIGER VI Discretionary Grant Program (FHWA) to aid in executing a portion of this plan.

Following the construction document design process for each of the six separate TIGER VI project elements, City staff worked with FHWA to develop a construction procurement strategy



that would ensure a solid understanding of construction costs for the entire project, rather than incrementally completing the individual sub-projects one at a time. It was felt that combining projects would produce the most efficiency and present a lower overall project cost. With the rapidly increasing construction cost index, the underlying intent of this strategy was to ensure that the budget was sufficient to complete all aspects of the project.

In December 2016, the City went through a public selection process to hire a Construction Manager at Risk (CMAR) for preconstruction services. Beverly, Grant/Barnhill was selected to help the City through pre-construction work including bidding, disadvantage business outreach, and advertising. Additionally the CMAR helped City staff to evaluate alternatives for bidding the project which would provide the project with the greatest flexibility in determining how to award the work in a difficult bidding environment. The City and CMAR worked to package and bid the entire project package as six separate construction projects in a manner that would allow transparency in construction costs, and to allow for flexibility in awarding portions of the work if construction costs exceeded the project budget.

After the projects were bid in May of 2017, it became apparent that the costs to construct all aspects of the TIGER VI projects were significantly more than the budget would support. Taking advantage of the flexibility that was built into the project bid, City staff was quickly able to propose modifications to the project that allow for the preservation of core vehicular, pedestrian, and bicycle transportation improvements. By focusing on these core project elements Asheville also presented a modification that provided the best potential to preserve Federal funding.

City staff quickly engaged with FHWA to discuss a modified scope of the TIGER VI project in a way that would preserve the \$14.6 Million in federal funding, deliver the most critical portions of the program of work, and keep the final Guaranteed Maximum Price (GMP) within the TIGER VI budget proposed by the City Manager (as CIP cash flow) to Council in spring 2017. In June of 2017, FHWA approved a modified project scope and authorized the project with the notice to proceed for construction.

The project consists of 2.2 miles of greenway that provide healthy multimodal transportation options throughout the corridor. We will have 6 acres of open space that is clean and open to the public for free recreation. We will get 25 bicycle racks that help bicycles be conveniently and safely stored. There will be 120 spaces for cars, two new parking lots, and 40 new on-street parking spaces. In the ¼ mile of realigned Riverside Drive, a turn lane and other traffic improvements will help mitigate the most congested part of the River Arts District. Two acres of stormwater gardens and wetlands that improve water quality and provide a place for the community to learn about native habitats. There will be a mile of new underground storm sewer system that will help better drain dangerous roadway ponding. There will be 1.5 miles of sidewalk that will make it safer to get around and promote cleaner. Sixteen hundred, forty eight new trees which will be a net gain of 1,100 trees, plus over 2,500 bear root plantings along the riverbank and thousands of other plants that are used for landscaping. There will be 1.25 mile that has 5-foot wide separated bicycle lanes.

We could not be doing this without partnerships. North Carolina State University is providing the first mountain region experimental stormwater garden. We will partner with Bee City USA and GreenWorks on a pollinator garden. We will also partner with the Public Art & Cultural Commission to work on two projects funded through the City's Public Art Policy. They have worked with partners to develop four new river access points in the City. They are developing a wetland that will be a stormwater BMP including benches and seating areas so people can observe the natural environment of western North Carolina. City-property will be redeveloped with new sidewalks and a community plaza. There will also be a small plaza around the preserved smokestack part of the legacy of the Carolina Power & Light ownership and the City's legacy of buying the old Ice Plant building. Other partners are the EDA, TDA, Buncombe County, RiverLink and many other partners, including New Belgium Brewing. They have been working with Pigeon River Fund, RiverLink, Wildlife Resources Commission and private business

owners to clean the area up and make it safe for the four river access sites. Without working with the Asheville Design Center, and partnering with WECAN, we could never have provided the kind of connectivity to the 13 Bone pedestrian bridge.

She showed the area for a greenway, showing what would become a one-way street, noting they will be coming to Council for a naming process, which front runner name is River Arts Row.

The current adopted budget for the TIGER VI suite of projects is \$48.6 million; funded through a combination of federal, state, and local grants and City debt proceeds. To date, approximately \$13.5 million has been spent or encumbered on pre-construction activities such as design, land and right of way acquisition, demolition, and utility relocation. The project currently has an available balance of \$35.1 million. To fully fund the contracts included in this staff report and all other remaining costs associated with this suite of projects, staff is requesting a budget amendment in the amount of \$6.0 million. The total project budget is \$54.6 Million.

As noted above, the budget amendment will be funded through a combination of debt proceeds, grant funding, and Enterprise Fund contributions. Debt service on the amended budget has already been built into the General Capital Improvement Program (CIP) five-year cash flows that were presented to City Council during the recent budget process.

The modified scope for the TIGER VI project includes all of the core elements of the RADTIP and Five Points Roundabout. It preserves the key bicycle and pedestrian connectivity throughout the River Arts District, as well as needed roadway intersection and alignment improvements. Portions of the project that are not included in this construction contract and will need to be phased at a future time include: portions of roadway improvements at the North and South ends of the RADTIP project; Town Branch and Bacoate Branch Greenways; French Broad River Greenway West; and the Livingston Street Complete Street. Council will have to consider at another time how to prioritize those projects and to look at other funding options.

Ms. Monson-Dahl then explained one of the modifications involving the removal of a retaining wall having a delayed cost of \$2.5 Million. Another modification is looking up Riverside Drive from the old 12 Bones site on the River side they planned a greenway, protected bike lanes, two travel lanes, landscaping and a sidewalk on the east side of the road. The new proposal is asking Council to build out the greenway and delaying the protected bike lanes, two travel lanes, landscaping and sidewalk. That cost savings in delaying is \$4.6 Million. The greenway along Lyman Street would also include crosswalks from emerging commercial centers. And, there is a possibility staff can take a look at the width of the greenway but the materials and some other important design features.

If Council approves these actions, the City will be signing a partnership agreement with both the River Arts District Artists and the River Arts District Business Association to help them stay vibrant during the course of construction in the next 3 years. The CVB is a partner and is being funded out of an allocation from the City Manager's Office of \$25,000 which will help with additional wayfinding and district signage to help the small, local businesses thrive during this construction.

City staff have met with community stakeholders regarding the future phases of this work and are committed to continuing the discussion about the project development. Additional efforts will include a citizen engagement process that will allow for input into the prioritization of project phasing and evaluation of multimodal transportation alternatives as they relate to the south roadway improvements. It is very important that these efforts are open and inclusive but have a focus on being completed expeditiously. Through this process the community will continue to stay involved and have input into the continued project development in the River Arts District.

The Asheville Area Riverfront Redevelopment Commission (AARRC) has provided

project review and advisory assistance since the initial public meeting in May 2010. AARRC was most recently involved on May 11, 2017, when they were asked to provide pre-bid review of the project. This review took place in advance of final analysis of bids, modification of agreement with FHWA, and development of a Guaranteed Maximum Price (GMP) for the project. Because there would not be another opportunity to present to the AARRC before the City Council review, staff requested that the AARRC provide general comments about how this project did or did not contribute to the overall revitalization of the riverfront, and comments about what factors might be important for Council to consider when authorizing a final budget and contract award. The AARRC voted unanimously to express continued support for the TIGER VI program of work, while asking Council to consider fiscal responsibility to the citizens of Asheville when funding the program. Opportunities to cut costs from, amend or phase the projects were encouraged.

These actions align with Council's 2036 Vision in the following areas: (1) Transportation and Accessibility: The project addresses this goal by improving road alignment, traffic calming, stormwater management facilities, sidewalks, greenways and bike facilities to create a comprehensive transportation network and much needed connectivity throughout the River Arts District. The project meets the specific Council Strategic Priority Area 22: Complete the appropriate phases of TIGER VI including RADTIP; and (2) A Well Planned and Livable Community: This project addresses this goal by strengthening Riverside Drive and Lyman Street as a corridor that can support a variety of uses and reflects the River Arts District's unique character. The project implements a portion of the community's vision from the Wilma Dykeman RiverWay Masterplan, adopted by City Council in 2004. The project helps address Council Strategic Priority Area 9d: Implement the River Arts District Innovation District.

Pros:

- TIGER VI will help implement several strategic council priority areas
- TIGER VI will fulfill the City's commitment to the community by implementing several masterplans including the Greenways Masterplan, Riverside Drive Redevelopment Plan and the Wilma Dykeman RiverWay Masterplan

Cons:

- Not fully funding the original project scope may lead to community expectations not being fulfilled
- Phasing the unfunded components of the project will extend the time that it takes to construct these improvements.

Staff recommends that City Council adopt resolutions authorizing the City Manager to execute multiple contracts to implement a portion of the TIGER VI suite of projects, including: (a) Construction Manager at Risk (CMAR) contract amendment with Beverly-Grant, Inc./Barnhill a 50/50 Joint Venture for \$27,065,150; (b) Inspection and material testing contract with SEPI Engineering and Construction for \$854,841; (c) Construction administration and engineering contract amendment with CDM Smith for \$928,275; (2) directing staff to work with Norfolk Southern to make changes to the scope of work within the existing construction agreement, to modify the northern railroad crossing to ensure safe bicycle accessibility through the at grade crossing; (3) a budget amendment in the amount of \$6.0 million from debt proceeds, grant funding, and Enterprise Fund contributions to fully fund the contracts above and all of the remaining costs associated with the TIGER VI suite of projects which include but are not limited to utility relocation and the purchase of property; and (4) directing staff to commit to planning and community engagement efforts which will: (a) prioritize the future phasing of greenway projects; and (b) evaluate multimodal transportation alternatives associated with the south roadway improvements, including greenway widening.

Vice-Mayor Wisler was pleased that the City will be able to move forward on the River Arts District Transportation Improvement Project with the help of so many partners; however, she was disappointed in the large budget overruns. She felt the public input has been great up to a point but then after the bids came in it seems there was no more public involvement. She felt staff should have let Council and the public know about the sizable overruns and allow the public

to weigh in on the portions of the project that were being delayed and how that selection was made. One of the overriding issues that determined the entire scope of the project was connectivity of some of our underserved communities to economic opportunities and other community facilities. She asked how that overriding equity issue addressed when deciding what stayed and what was delayed. She wondered what the opportunity is to delay this decision in order to receive more public input. If there is no opportunity for delay, she asked what the plan is to make the next steps transparent. How can we make sure that the public has a real voice in the choices to be made going forward? How can we be assured that an equity lens is being applied when completing this project? Also, given the fact that we are getting ready to spend a lot of money on RADTIP and on our bond projects, she wanted to understand how we can stay on top of whether the City is on budget or is overrunning the budget. As Chair of the Finance Committee, she suggested staff very routinely update the Finance Committee on the status of all the projects - RADTIP, bond program, and the rest of the CIP, and keep Council in a loop as to what the current estimates are and what the issues are, so that we allow the public to weigh in on some of the changes if we are off budget.

Acting City Manager Ball said that there was a team approach in making sure people were engaged noting we have several partners. When the City received the bids (5-6 weeks ago), staff's primary concern was how to work the FHWA to be able to maintain the \$14.6 Million. The effort on the part of the team to work with the FHWA to (1) make sure we were able to keep the funding; and (2) make sure what scope of work they would fund. This project was funded because of a planning effort that happened as part of the TIGER II funding in the 2010 timeframe. The original scope of work dealt with the issues of connectivity. In the application the City submitted in 2014, it spoke to the core part of this project being the scope before you now. In the process of dealing not only with the state level, FHWA, dealing with the national level and giving the dynamics of a changing world in Washington we were very concerned about being able to move fast and get this funding secured. We valued and used all of the input we received in the previous planning effort to help guide those decisions. They were all guided through the principles that we heard from our community from the many years of planning. She assured Council that staff took into consideration everything that had been done before in order to help us get to this position. Also, at the same time we approached the Tourism Development Authority because we have \$2.5 Million of Tourism Development Product money in this project - which is significant in order to make it happen. We immediately approached them and asked them about being able to secure that funding. She was happy to report that the Tourism Development Product Committee has approved that and it will go before the full board. While she understood, and not having access to the information, she understood why people would be concerned about the radio silence. She assured Council that staff worked in every way that they could to guarantee that this community would get the funding for this project. Regarding the issue of serving the underserved community, the TIGER II grant was specifically for this purpose. One of the issues is having a greenway to be able to serve this community from a multimodal standpoint. After touring with Housing Authority Executive Director Gene Bell, he said that greenway would be a tremendous help. We want to make sure the Hillcrest community has access to the riverfront via a sidewalk. In the bond project, there is sidewalk along Hill Street that will allow that community to connect to this. She regretted that we received no bids for the Livingston Street portion of this project. The Livingston Street Complete Street is a high priority in the upcoming budget cycle to look at that street and make sure we are coordinating what the community wants to see happen there. If Council does not act on these actions, she could not guarantee we would be able to keep the \$14.6 Million in funding without the approval of funding of the overall contract. The verbal agreement from the FHWA is contingent upon being able to turn dirt on August 1, 2017. Our goal is to always be transparent and we will have a process every budget cycle and when any grant is available to ask our community what they want to see funded. Regarding the bonds, we want the community know that we are able and we will be able to do the work we said we would do with the bonds. She felt going to the Finance Committee on a regular basis is totally appropriate. The transparency piece will include a community dashboard so people can see how much was allocated and how much spent.

In response to Vice-Mayor Wisler, Acting City Manager Ball said that when bids are received, the City has 60 days to either act on the bid or the bid expires.

When Councilman Bothwell wondered how we could have been this surprised by the bids, Acting City Manager Ball said that in November we hired a construction manager and part of their responsibility was to do preliminary estimates. At that time the preliminary estimates indicated that we needed \$6 Million (which was appropriated in the Capital Improvement Program for Fiscal Year 2017-18). We were very surprised, six months later, to receive bids that were in the \$20 Million range above that. They performed an investigation and noted that they did not, on any part of the project, receive more than 2 bidders. There is a lack of competition in western North Carolina for this kind of work which drives up prices. Also, per state statute, when we receive a bid, we have to receive 3 the first time. If we don't receive 3, we re-bid the project and then we can open it with less than 3. That can be a disadvantage because you can have pricing going up in that instance too. There is a combination of issues that happened that we are prepared to work on including breaking projects down so that small businesses have an opportunity to do more of the work as well. We are trying to find strategies to have more people bid on the projects.

Councilwoman Mayfield has heard that we have chosen the wrong things and we should have focused on building and re-designing the greenways. Acting City Manager Ball said they were not sure they would have kept the FHWA funding if they were only to ask for greenways. When they went back to the FHWA, the guiding principle of the request was the core part of the project. Our initial application said the primary element is the first phase of the Wilma Dykeman Riverway Plan.

In response to Councilwoman Mayfield, Transportation Director Ken Putnam said that we have a plan to make a crosswalk on Depot Street in front of Green's Grocery. The supplemental signs will have lights around the sign itself.

In response to Councilwoman Mayfield, Acting City Manager Ball said that the City will build a lower cost (asphalt) sidewalk on Hill Street for access, knowing that it will be torn up and replaced during the I-26 Connector Project.

When Councilwoman Mayfield asked about the public process going forward about the improvements on the Lyman Street segment and prioritizing the other delayed greenways, Ms. Monson-Dahl said that the Greenway Coordinator will be having a Greenway Master Plan update. That will be the longer-term plan on top of the short-term plan.

Mayor Manheimer acknowledged the hard work of staff and the public engagement process was stellar. The main key stakeholders that actually own property on the River have already had a chance to talk with staff. She was also shocked to hear what the bids came in at and knows staff spent an enormous amount of time to reconfigure the project so we could preserve the FHWA and TDA funding for this project. She was glad that none of the items were dropped off the list, but just moved further down the list. Even though the Livingston Street Complete Street Project did not receive any bids, she felt that is a very important piece of the project and it needs to continue to be a priority. Perhaps we might be able to fit that funding into next year. Regarding the Lyman Street portion between the old 12 Bones and the Amboy Road bridge, the greenway was proposed to be 10-feet wide with a separate protected bike lane. Since the road piece has been delayed, she felt it was important to look for an alternative to widen the greenway to accommodate the volume we anticipate in that section. The alternative suggested was a 16-foot multi-use path and staff assures her that it can be done through a change order process, after engineering and pricing.

Councilwoman Bothwell asked if contractors have to be qualified under federal rules when federal money is involved. Capital Projects Program Manager Dustin Clemens responded that there are additional requirements for Disadvantaged Business Enterprise participation but as

far as being a general contractor, they do not have to be on a certified list. If it is a N.C. Dept. of Transportation (NCDOT) project they have to be certified through the state. But because we are direct recipients from the federal government, contractors were not limited to be on the list of certified NCDOT contractors.

When Councilwoman Mayfield wondered why we didn't get more bids, Mr. Clemens thought that contractors were reluctant to commit to a price further out in the schedule, as the Livingston Street Complete Street project was scheduled 2 years out.

Mr. Marc Hunt and Mr. Matthew Fusco asked Council to widen the portion of greenway on Lyman from 10 to 16 feet with stripes to separate users in lieu of a protected bike lane. Then when we do rebuild the rest of that portion, there would be no need to build the bike lanes. He suggested Council direct staff to expedite due diligence and determine feasibility with a view to adapting the design of the 16-foot multi-use path and execute a change order in order for the work to occur on August 1, 2017.

Mr. Jonathan Wainscott was disappointed with the cost overruns for this project.

A member of the Bike & Ped Task Force urged Council to prioritize bike and pedestrian infrastructure higher than parks and play areas that may not be as critical.

Ms. Kim Roney, member of the Multimodal Transportation Commission, stressed the need for the public to be able to access information.

Mr. Carleton Collins, Chair of the Asheville Area Riverfront Commission, supported staff's work and their next steps of open engagement. He was pleased there would be some dedicated process for discovering how to widen the greenway on Lyman to accommodate bikes.

Mayor Manheimer said that members of Council have been previously furnished with copies of the resolutions and ordinance and they would not be read.

Councilman Bothwell moved to authorize the City Manager to execute multiple contracts to implement a portion of the TIGER VI suite of projects, including: (a) Construction Manager at Risk (CMAR) contract amendment with Beverly-Grant, Inc./Barnhill a 50/50 Joint Venture for \$27,065,150; (b) Inspection and material testing contract with SEPI Engineering and Construction for \$854,841; and (c) Construction administration and engineering contract amendment with CDM Smith for \$928,275. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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Councilman Bothwell moved to direct staff to work with Norfolk Southern to make changes to the scope of work within the existing construction agreement, to modify the northern railroad crossing to ensure safe bicycle accessibility through the at grade crossing. This motion was seconded by Councilwoman Mayfield and carried unanimously.

Councilman Bothwell moved to adopt a budget amendment in the amount of \$6.0 million from debt proceeds, grant funding, and Enterprise Fund contributions to fully fund the contracts above and all of the remaining costs associated with the TIGER VI suite of projects which include but are not limited to utility relocation and the purchase of property. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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Councilman Bothwell moved to direct staff to commit to planning a community

engagement effort which will prioritize the future phasing of greenway projects and prioritize re-engineering the multi-use path between the old 12 Bones and Amboy Road to accommodate an appropriate width to compensate for the loss of the protected bike lane, with said process being completed within 60 days. This motion was seconded by Councilwoman Mayfield and carried unanimously.

In response to Councilwoman Mayfield, Acting City Manager Ball said that staff is supportive of the concept of expanding the 10-foot wide multi-use path to a 16-foot wide multi-use path. However, staff wants to honor the process of going through committees (Multimodal Transportation Commission; Greenway Committee; Bike & Ped Task Force; and Asheville Area Riverfront Redevelopment Commission) to collectively get input. Staff also wants to make sure that they are able to make changes without knowing the cost, the design parameters, whether the FHWA will approve the change, so they are open to doing this, but would like to do more feasibility. She suggested Council allow staff 60 days to perform their feasibility analysis, and there would be no delay to the August 1, 2017, start date.

Ms. Monson-Dahl clarified that the proposal by staff is that there is a process during the month of July, including all the committees, and then staff will report back to the Planning & Economic Development Committee and the Finance Committee on those findings in order for Council to move forward to Council.

**VI. NEW BUSINESS:**

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

Ms. Allison Frank spoke to Council about the need for safety for the citizens against bears. Acting City Manager Ball said that she will investigate special trash cans to see if they will be compatible with our automated trash trucks out and what the pricing would be to offer those cans to the citizens.

Mayor Manheimer reported that after investigation from a complaint by Sharon Sumrall regarding clear cutting on Beaucatcher Mountain revealed no violations. Councilman Bothwell said that the Tree Commission is working on educating homeowners on the benefits of tree retention.

Mayor Manheimer reported that after investigation from a complaint by Dewana Little of discrimination at a summer camp location revealed there was a communication error about the grant program.

Mayor Manheimer asked Acting City Manager to investigate a request for a basketball court at West Asheville Park at the end of Vermont Avenue.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 7:51 p.m.

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CITY CLERK

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MAYOR