

Tuesday – May 14, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MAY, 2019, AS “TICK-BORNE DISEASES AWARENESS MONTH”

Mayor Manheimer read the proclamation proclaiming May, 2019, as "Tick-Borne Diseases Awareness Month" in the City of Asheville. She presented the proclamation to Ms. Janet Dooley and Mr. Rick Cormier, who briefed City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING MAY, 2019, AS “JANE’S WALK MONTH”

At the requester’s request, this proclamation has been moved to the May 28, 2019, meeting.

C. PROCLAMATION PROCLAIMING MAY 19-25, 2019, AS “PUBLIC WORKS WEEK”

Councilman Young read the proclamation proclaiming May 19-25, 2019, as "Public Works Week " in the City of Asheville. He presented the proclamation to Public Works Director Greg Shuler, who in turn introduced Amanda Ayers from Fleet Management; Gordon Jerome from Sanitation; Nicholas Boyle from Stormwater; Rick Gath from Streets; and Sarah Sheldon and Alisha Carroll in Administration.

D. RECEIPT OF THE G. HEBERT STOUT AWARD FOR VISIONARY USE OF GIS BY A NORTH CAROLINA CITY

Mr. Tim Johnson, Director, Center for Geographic Information and Analysis of the North Carolina Department of Information Technology, was pleased to award the City of Asheville with the G. Hebert Stout Award for Visionary Use of GIS by a North Carolina City. He presented the very prestigious award given every two years to Christen McNamara and Scott Barnwelk from our Information Technology Department.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 23, 2019

B. MOTION SETTING A PUBLIC HEARING ON MAY 28, 2019, TO CONSIDER ADOPTION OF THE FISCAL YEAR 2019-20 ANNUAL OPERATING BUDGET

Action Requested: Set May 28, 2019 as the date to conduct the public hearing on the City of Asheville Fiscal Year (FY) 2019-20 Proposed Annual Operating Budget.

Background:

- The 2019-20 Proposed Annual Operating Budget is scheduled to be presented to City Council on May 14, 2019, and adopted on June 11, 2019.
- In accordance with the North Carolina Local Government Budget and Fiscal Control Act (G.S. 159-12), the board is required to hold a public hearing on the Proposed Budget prior to adoption of the annual budget ordinance.
- The action tonight will set that public hearing date for May 28, 2019.

Council Goal(s):

- A Financially Resilient City

Pros:

- Provides the opportunity for the public to comment on the Proposed Annual Operating Budget for FY 2019-20.

Cons:

- None

Fiscal Impact:

- Non

Motion:

- Move to set a public hearing on the Proposed Annual Operating Budget for FY 2019-20 for May 28, 2019.

C. RESOLUTION NO. 19-104 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TRANSPORTATION PLANNING AND DESIGN TO CONDUCT THE FOLLOW MASTER PLANS: PEDESTRIAN PLAN, GREENWAY PLAN; AND AMERICANS WITH DISABILITIES ACT TRANSITION PLAN

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Transportation Planning and Design (TPD) not to exceed \$275,000 to conduct the following master plans: Pedestrian Plan, Greenway Plan and ADA Plan in City Rights of Way Transition Plan.

Background:

- In 2018, the City received a Surface Transportation Block Grant funding from the N.C. Dept. of Transportation (NCDOT) to conduct the Pedestrian and ADA Transition Plan, which will assess ADA accessibility of facilities in the public right of way and recommend improvements. The grant totaled \$140,000 with a \$35,000 City match for a total of \$175,000.

- An ADA transition plan for the public right of way identifies barriers that prevent people with disabilities from using facilities in the public right of way and sets forth steps necessary to complete modifications to remove these barriers.
- With adoption of the Fiscal Year 2018-19 Budget, City Council approved an additional \$100,000 City contribution to be used for the Greenway Master Plan concurrently with the Pedestrian Plan and ADA Transition Plan.
- A selection committee comprised of staff and representatives of all stakeholder boards and commissions selected Traffic Planning and Design, Inc. and their team of subconsultants from a competitive procurement process initiated by a request for statement of qualifications.
- Our current ADA Transition Plan (1998) and Pedestrian Master Plan (2004) are out of date.
- The Greenway Master Plan was partially updated in 2013 to assist in the City's conversations with NCDOT about the impacts of I-26 on the greenways. This plan needs a comprehensive update that includes design guidelines.

Council Goal(s):

- A Well-Planned and Livable Community
- Transportation and Accessibility

Committee(s):

- Greenway Committee - March 7, 2019 - approved unanimously
- Multimodal Transportation Commission - March 22, 2019 - approved unanimously
- Planning and Economic Development Committee - April 8, 2019 - approved unanimously

Pro(s):

- The plans will provide guiding principles and infrastructure recommendations for the respective programs.
- Developing the various plans concurrently will provide assurance that the resulting plans establish a connected multimodal network of facilities.
- Developing the various plans concurrently will result in a cost savings.

Con(s):

- None

Fiscal Impact:

- The cost of the project is \$275,000. The project funding, which includes the federal grant and the City contribution is already budgeted in the City's Special Revenue Fund.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a contract with Transportation Planning and Design (TPD) not to exceed \$275,000 to conduct the following master plans: Pedestrian Plan, Greenway Plan and ADA Plan in City Rights of Way Transition Plan.

RESOLUTION BOOK NO. 40 - PAGE 404

D. RESOLUTION NO. 19-105 - RESOLUTION TO WAIVE PERMIT FEES FOR RESIDENTIAL AND COMMERCIAL STRUCTURES AFFECTED BY THE APRIL 19, 2019, FLOOD EVENT

Action Requested: Adoption of resolution to waive permit fees for residential and commercial structures affected by the April 19, 2019, flood event.

Background:

- Flooding of the French Broad and Swannanoa Rivers, as well as many of the tributaries to these 2 major rivers within our jurisdiction occurred on April 19th and 20th, 2019.
- Permits are required for the repair of any flood damaged structures by FEMA and the City of Asheville.
- In an effort to assist residents and property owners that incurred flood damage to structures during this event the Development Services Department proposes to waive all permit fees for these structures.
- Based on the post flooding site visits, it's estimated that approximately 25 structures were affected by flood waters with less than half needing a permit for repairs. Staff is trying to remove hurdles for recovery from the flood, while also remaining in compliance with state and local requirements.
- City Council, on April 9, 2019, adopted the 2019-20 Fees & Charges Manual, which included City Manager authorization to waive permit fees in the event of a natural disaster. The ability of the City Manager to waive the fees is not effective until July 1, 2019.
- In review of the proposed change and based on information provided to us from Dan Brubaker at the NC Department of Public Safety, it is common for communities to waive permit fees, post disaster. In the past the City of Asheville has had a practice of waiving fees for these types of events, the most recent being the 2004 major event.

Council Goal(s):

- Thriving Local Economy

Committee(s):

- None

Pro(s):

- Facilitate repair and recovery for flood damaged structures, and remain in compliance with the building code, NFIP, and FEMA regulations.

Con(s):

- None

Fiscal Impact:

- The City would not receive fees for the permits associated with the repair of flood damage. This fee revenue is not included in budget projections, as the work completed is due to an unexpected natural disaster.

Motion:

- Motion to adopt a resolution to waive permit fees for residential and commercial structures affected by the April 19, 2019, flood event.

RESOLUTION BOOK NO. 40 - PAGE 405

E. RESOLUTION NO. 19-106 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MCGILL & ASSOCIATES FOR DESIGN AND ENGINEERING MECHANICAL, ELECTRICAL, PLUMBING AND RELATED PROFESSIONAL SERVICES UNDER A MASTER SERVICES AGREEMENT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a professional services contract with McGill Associates, P.A. for design and engineering

Mechanical, Electrical, Plumbing and related professional services under a Master Services Agreement.

Background:

- City staff requires design and engineering services to complete projects throughout the City related to mechanical, electrical, plumbing, fire protection (MEP-FP), and other related services.
- On-call services are allowed in North Carolina and are used Statewide as a best practice.
- Tasks under this contract may include but are not limited to: professional design, engineering assessments and analysis, regulatory reviews, preparation of estimated quantities, probable construction cost estimates, bidding, award of bid, and construction administration
- A qualifications based selection process was followed to procure these services. A request for qualifications was advertised on October 1, 2018, and six (6) firms submitted packages. A list of these firms and the offices submitting qualifications are listed below:

<u>Firm</u>	<u>Office Location</u>
Clark, Patterson, Lee	Greenville, South Carolina
Facility Strategies Group, PLLC	Fort Mill, South Carolina
McCracken & Lopez, P.A.	Charlotte, North Carolina
McGill Associates, P.A.	Asheville, North Carolina
Sud Associates, P.A.	Asheville, North Carolina
RMF Engineering	Charlotte, North Carolina

- The City's review team utilized a scoring matrix to assess the qualifications of the proposed firms. The review team rated McGill Associates, P.A. as the best qualified firm to perform this work.
- The City's standard procedure for on-call contracts is to enter into a no cost contract (i.e. Master Agreement) with the intent of entering into individual contracts (i.e. Supplemental Agreement) to perform specific activities and distinct work.
 - Each supplemental agreement for on-call professional services will be negotiated by staff based on the scope of work, contracted cost framework and specific project needs.
 - The majority of services rendered through supplemental agreements under this on-call contract will stay within the City Manager's authority individually, but cumulatively will exceed \$90,000.
 - Supplemental agreements that exceed the City Manager's authority for professional services contracts of \$90,000 will be brought to council for individual approval.
 - The duration of the Master Agreement for on-call professional services will be for an initial term of two years with an option to renew for up to three additional one-year periods.

Council Goal(s):

- Financially Resilient City
- Clean and Healthy Environment

Pro(s):

- A well-qualified firm will perform services in support of design services and engineering needs.
- These services will be available to support various programs and projects within the City's portfolio, including capital improvement projects, facilities construction and renovation projects.

Con(s):

- None

Fiscal Impact:

- Supplemental agreements for specific projects will be awarded based on existing budget plans for those projects.

Motion:

- Motion to adopt a resolution authorizing the City Manager to continue entering into a professional services contract with McGill Associates, P.A. for design and engineering professional services under the on-call services Master Agreement described herein.

RESOLUTION BOOK NO. 40 - PAGE 406

F. ORDINANCE NO. 4742 - BUDGET AMENDMENT FOR THE FISCAL YEAR 2018-19 SENIOR CENTER GENERAL PURPOSE FUND GRANT

Action Requested: Budget amendments in the amount \$3,565 for Senior Opportunity Center and \$3,565 for Harvest House for an appropriation from the State of North Carolina, Department of Health and Human Services, Division on Aging and the Land of Sky Regional Council through the Senior Center General Purpose Funding.

Background:

- The Land of Sky Regional Council Area Agency provides funds to be used by senior centers in North Carolina to support and develop programming and general operations of senior center facilities.
- One hundred seventy-two senior centers across the state are funded through this program.
- Asheville Parks and Recreation receives an appropriation of the funds each year.
- Funds will be used to support facility improvements and equipment at Senior Opportunity Center and Harvest House.

Council Goal(s):

- A Diverse Community

Committee(s):

- Recreation Advisory Board - March 11, 2019 - unanimously adopted

Pro(s):

- Purchases and improvements will enhance the customer experience and expand programming opportunities.

Con(s):

- None

Fiscal Impact:

- The allocation will increase the City's General Fund budget by \$7,130 in accounts designated for the Senior Opportunity Center and Harvest House. The 25% local match will be provided through in-kind services of staff time to manage the projects.

Motion:

- Move to approve the budget amendment authorizing the City Manager to establish a budget in the amount of 1) \$3,565 for Senior Opportunity Center, and 2) \$3,565 for Harvest House for facility improvements and equipment.

ORDINANCE BOOK NO. 32 - PAGE 368

G. RESOLUTION NO. 19-107 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH GREEN BUILT ALLIANCE TO IMPLEMENT THE BLUE HORIZONS PROJECT FOR AN ADDITIONAL TWO YEARS, TO EXPAND THE SCOPE OF THE WORK AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT AMENDMENT

Action Requested: Adoption of a resolution to amend the contract with Green Built Alliance to 1) implement the Blue Horizons Project for an additional two years, 2) expand the scope of work and 3) authorize the City Manager to execute the amendment in an amount not to exceed a total contract amount of \$100,000.

Background:

- The Blue Horizons Project is the result of the Energy Innovation Task Force, a partnership between the City of Asheville, Buncombe County and Duke Energy.
- The Blue Horizons Project was launched in 2018 as a community-wide effort dedicated to creating a clean energy future for Asheville and Buncombe County as well as avoiding or delaying the construction of a 190 megawatt natural gas plant planned for 2027.
- City Council and the Buncombe County Commission dedicated funding to the implementation of the Blue Horizons Campaign in Fiscal Year 2018 and Fiscal Year 2019.
- The current contract amount for fiscal year 2018 totalled \$24,725. This contract amendment is for \$30,000 from the Fiscal Year 2019 Office of Sustainability budget for the Energy Innovation Task Force Initiative with an option to renew the contract for a third year not to exceed a total contract amount of \$100,000 pending Council approval in the Fiscal Year 2020 budget.
- The contract amendment will provide continued engagement and education opportunities on energy efficiency and renewable energy programs to neighborhood associations, community groups, and our local business community.

Council Goal(s):

- A Clean and Healthy Environment
- Connected and Engaged Community

Committee(s):

- None

Pro(s):

- The Blue Horizons Project focuses on community engagement, increasing access to low-income weatherization, energy efficiency and energy demand programs, workforce development and provides information on solar energy program opportunities.

- On April 18, 2019, Duke Energy Progress announced that the 190 megawatt natural gas plant planned for 2027 has been delayed to 2034 at a minimum and issued a call to action to expand the Blue Horizons Project.

Con(s):

- None

Fiscal Impact:

- The current contract amount for fiscal year 2018 totalled \$24,725. This contract amendment is for \$30,000 from the Fiscal Year 2019 Office of Sustainability budget for the Energy Innovation Task Force Initiative. Funding is already budgeted and available. The total contract amount for Fiscal Year 2019 will total \$54,725. The contract amendment for a third year, for an additional \$45,275 (bringing the total contract amount not to exceed \$100,000) is included in the Proposed Fiscal Year 2020 budget.

Motion:

- Motion to adopt a resolution to amend the contract with Green Built Alliance to 1) implement the Blue Horizons Project for an additional two years, 2) expand the scope of work, and 3) authorize the City Manager to execute the contract amendment in an amount not to exceed a total of \$100,000.

RESOLUTION BOOK NO. 40 - PAGE 407

H. RESOLUTION NO. 19-108 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BLANCHARD, MILLER, LEWIS AND ISLEY, P.A. FOR GOVERNMENT RELATION SERVICES

Action Requested: Approval of a resolution authorizing the City Manager to enter into a contract for two years with Blanchard, Miller, Lewis, and Isley, P.A. in the amount of \$144,000 for government relation services for two years.

Background:

- Approval of this contract will allow the City's Lobbyist to continue their legislative services.
- Original contract was for \$72,000 annually, and the renewal will continue at this same annual rate. The city has the option to renew the contract yearly for up to two years.
- Original contract was amended with a two month extension on April 17, 2019.

Council Goal(s):

- Connected and engaged community

Committee(s):

- None

Pro(s):

- Will allow for continued legislative services in the North Carolina General Assembly.

Con(s):

- None

Fiscal Impact:

- The City of Asheville will pay \$72,000 annually to renew the government relations contract for up to two years. Funding for the contract is included in the General Fund Budget.

Motion:

- Move to adopt a resolution for the purposes of renewing the government relations contract with Blanchard, Miller, Lewis, and Isley, P.A., annually for up to two years.

RESOLUTION BOOK NO. 40 - PAGE 408

I. RESOLUTION NO. 19-109 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH MATTERN & CRAIG INC. OF ASHEVILLE FOR THE BOND SIDEWALK DESIGN SERVICES CONTRACT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment to an existing sidewalk design contract with Mattern & Craig, Inc., of Asheville, North Carolina (Mattern & Craig), for the amount of \$106,650 for the project known as Bond Sidewalk Bundle B Design, City of Asheville Contract #91800177.

Background:

- Mattern & Craig were originally selected to complete this project using a qualifications based selection process.
- This contract was awarded to complete site investigation and design work associated with various bond sidewalks, including Johnston Blvd, New Haw Creek Rd. and Onteora Blvd.
- The budgets for these three projects have been supplemented with an additional \$4,000,000 in federal STBG grants through the metropolitan planning organization. These supplemental funds were necessary to fully fund the projects as proposed.
- The use of federal funding requires additional design effort in permitting/environmental review and easement acquisition services that were not anticipated when the original design agreement was executed.
- Unrelated to the federal funding, designers found an unexpected conflict between the storm drainage system that supports the sidewalk design and construction and the sanitary sewer. In order to resolve this conflict, a relocation of a portion of the sanitary sewer system will be necessary. This conflict was introduced by the recent development of an open residential parcel.
- The breakdown of work is below:
 - Easement acquisition services resulting from the addition of federal funding (\$69,400)
 - Environmental permitting resulting from the addition of federal funding (\$32,250)
 - Sewer design (\$5,000)

Council Goal(s):

- Smart City
- Well-planned and livable community

Pro(s):

- Design of sidewalk that will meet City and National standards
- Improve mobility and safety on city streets.

Con(s):

- Construction will be disruptive to adjacent residences and businesses

Fiscal Impact:

- The total cost of the contract amendment is \$106,650. These projects were initially funded using the City’s capital reserve funds, and later reimbursed through the issuance of bonds and supplemental federal funding. The remaining funds in this budget will be used for construction of sidewalks in the project. These construction contracts will be presented to Council during a later meeting.

Motion:

- Motion to adopt a resolution adopting a contract amendment to an existing sidewalk design contract with Mattern & Craig, Inc., of Asheville, North Carolina (Mattern & Craig), for the amount of \$106,650 for the project known as Bond Sidewalk Bundle B Design.

RESOLUTION BOOK NO. 40 - PAGE 409

J. RESOLUTION NO. 19-110 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MCCRACKEN & LOPEZ P.A. FOR DESIGN AND ENGINEERING BUILDING COMMISSIONING, TESTING, ADJUSTING, BALANCING AND RELATED ENGINEERING PROFESSIONAL SERVICES UNDER A MASTER SERVICES AGREEMENT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract for professional services with McCracken & Lopez, P.A. for design and engineering Building Commissioning, TAB and Related engineering professional services under a Master Services Agreement.

Background:

- City staff requires design and engineering services to complete projects throughout the City related to building commissioning, TAB, and other related engineering services.
- Commissioning occurs any time the performance of a building system is confirmed by the owner. Testing, Adjusting, and Balancing (“TAB”) are services required as part of normal system maintenance and operations.
- On-call services are allowed in North Carolina and are used Statewide for securing professional services.
- Tasks under this contract may include professional design, engineering assessments and analysis, regulatory reviews, preparation of estimated quantities, construction cost estimates, award of bid, and construction administration
- Projects that may require these services include but are not limited to, construction support, renovation, repair or modernization.
- A qualifications based selection process was followed to procure these services. A request for qualifications was advertised on October 1, 2018, and six (6) firms submitted packages. A list of these firms and the offices submitting qualifications are listed below:

<u>Firm</u>	<u>Office Location</u>
Clark, Patterson, Lee	Greenville, South Carolina
Facility Strategies Group, PLLC	Fort Mill, South Carolina
McCracken & Lopez, P.A.	Charlotte, North Carolina
McGill Associates, P.A.	Asheville, North Carolina
Sud Associates, P.A.	Asheville, North Carolina
RMF Engineering	Charlotte, North Carolina

- The City’s review team utilized a scoring matrix to assess the qualifications of the proposed firms based on submitted qualifications and experience of the firm and project team, relevant past projects, and the firm’s ability to respond to on-call projects. The review team rated McCracken & Lopez, P.A. as the best qualified firm to perform this work.
- The City’s standard procedure for on-call contracts is to enter into a no cost contract (i.e. Master Agreement) with the intent of entering into individual contracts (i.e. Supplemental Agreement) to perform specific activities and distinct work.
 - Each supplemental agreement for on-call professional services will be negotiated by staff based on the scope of work, contracted cost framework and specific project needs.
 - Staff anticipates that the majority of services rendered through the supplemental agreements will stay within the City Manager’s approval authority. Cumulatively the contracts will exceed \$90,000.
 - Supplemental agreements that exceed the City Manager’s authority for professional services contracts of \$90,000 will be brought to council for approval.
 - The duration of the Master Agreement for on-call professional services will be for an initial term of two years with an option to renew for up to three additional one-year periods.

Council Goal(s):

- Financially Resilient City
- Clean and Healthy Environment

Pro(s):

- A well-qualified firm will perform services in support of design services and engineering needs.
- These services will be available to support various programs and projects within the City’s portfolio, including capital improvement projects, facilities construction and renovation projects.

Con(s):

- None

Fiscal Impact:

- Supplemental agreements for specific projects will be awarded based on existing budget plans for those projects.

Motion:

- Move to adopt a resolution authorizing the City Manager to continue entering into a professional services contracts with McCracken & Lopez, P.A. for design and engineering professional services under the on-call services Master Agreement described herein.

RESOLUTION BOOK NO. 40 - PAGE 410

- K. RESOLUTION NO. 19-111 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND AND RENEW A CONTRACT WITH WASTE PRO OF NORTH CAROLINA, INC., TO PROVIDE BULK REFUSE AND RECYCLING COLLECTION FOR CITY FACILITIES**

Action Requested: Adoption of resolution authorizing the City Manager to amend and renew Bulk Refuse and Recycling Collection Service for City Facilities with Waste Pro of North Carolina - Contract #91900046

Background:

- The City contracts collection of bulk waste (trash and recycling) with Waste Pro of North Carolina for various City facilities. The contractor provides and services receptacles (dumpsters, trash compactors) as needed by each facility.
- The original one-year contract in an amount not-to-exceed \$89,999 ends 6/30/19, with the option of four (4) one (1) year renewals. This contract will be renewed and amended to reflect a new maximum amount to be paid to the vendor as not-to-exceed \$360,000 over the next four optional annual renewal periods.
- This contract will also be amended to reflect a rate increase in Fiscal Year 2020 of 3.5% for all services; to update numbers of receptacles needed and frequency of service required; and to update the method by which annual CPI increases may be calculated.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Provides for continuation of reliable waste services

Con(s):

- None

Fiscal Impact:

- Numerous individual departments have budgeted and allocated funding for their specific needed levels of service. Total Fiscal Year 2020 expenditures are estimated to be between \$67,000 and \$90,000, depending on the frequency of collection needed per department.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend and renew Bulk Refuse and Recycling Collection Service for City Facilities with Waste Pro of North Carolina for an amount not to exceed \$360,000 over the next four (4) one-year optional renewal periods, and further authorizing the execution of any contract amendments up to 6% above the contract price for each annual renewal period.

RESOLUTION BOOK NO. 40 - PAGE 411

- L. **RESOLUTION NO. 19-112 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE DOWNTOWN AFTER FIVE EVENTS**

RESOLUTION NO. 19-113 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT HAUTE ROUTE ASHEVILLE

RESOLUTION NO. 19-114 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL

RESOLUTION NO. 19-115 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE HALF MARATHON

RESOLUTION NO. 19-116 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT XPAND FEST

RESOLUTION NO. 19-117 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT HOLA ASHEVILLE

RESOLUTION NO. 19-118 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT CIDERFEST NC

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at Downtown After 5, Haute Route Asheville, Beer City Festival, Asheville Half Marathon, Xpand Fest, Hola Asheville, and CiderFest NC.

Background:

- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
 - Asheville Downtown Association for Downtown After 5, to occur on Lexington Avenue on Fridays, May 17, June 21, July 19, August 16, and September 20, 2019, from 5:00 p.m. - 10:00 p.m.
 - Asheville Buncombe Regional Sports Commission for Haute Route Asheville to occur at Pack Square Park on May 17 and 18, 2019, from 11:00 a.m. - 5:00 p.m.
 - Asheville Brewers Alliance for Beer City Festival, to occur at Pack Square Park on June 1 from 12:00 p.m. - 5:00 p.m.
 - Asheville Running Collective for Asheville Half Marathon to occur at Pack Square Park on June 8, 2019, from 7:00 a.m. - 12:00 p.m.
 - Xpand Your Vision for Xpand Fest, to occur at Coxe and Buxton Avenues on June 8, 2019, from 12:00 p.m. - 10:00 p.m.
 - Hola Community Arts for Hola Asheville, to occur at Pack Square Park on June 22, 2019 from 12:00 p.m. - 10:00 p.m.
 - Green Built Alliance for CiderFest NC to occur at Carrier Park on October 12, 2019, from 12:00 p.m. - 5:00 p.m.

- Alcohol boundaries are defined for each request as per the accompanying event site maps.

Council Goal(s):

- These actions have no direct connection with the City Council 2036 Vision.

Committee(s):

- None

Pro(s):

- Allows fundraising opportunities for the sponsoring nonprofit organizations

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at Downtown After 5, Haute Route Asheville, Beer City Festival, Asheville Half Marathon, Xpand Fest, Hola Asheville, and CiderFest NC.

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RESOLUTION NO. 19-118 - RESOLUTION BOOK NO. 40 - PAGE**

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

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

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. PRESENTATION OF THE FISCAL YEAR 2019-20 ANNUAL OPERATING BUDGET

City Manager Campbell was pleased to present the Fiscal Year 19-20 Annual Operating Budget. She thanked the Finance & Budget Department, Department Directors, those in the community who participated in the budget development process, and City Council. The budget document can be accessed on-line.

City Manager Campbell then explained that the budget process which began in August of 2018. In developing the budget, we were guided by the following overall principles of (1) essential service delivery; (2) enhancing customer value; and (3) strategic alignment. She said this is a balanced budget and reflects what we heard from the community, City staff and City Council.

Assistant Director of Finance Budget and Forecasting Tony McDowell reviewed the process drivers; financial outlook and forecast; next year investments; and what's ahead.

He reviewed the projected revenue growth, along with the five-year financial forecast.

The Fiscal Year 2019-20 proposed budget continues funding for existing services with minor enhancements that align with the community, City Council and staff goals. The budget maintains a property tax rate of \$42.89. The total proposed budget is \$190.3 Million. He then provided a fund summary of the General Fund, along with the enterprise funds.

Investments in essential service delivery include (1) in-sourcing sidewalk repair and stormwater pipe replacement to enhance infrastructure maintenance impact and flexibility; (2) allocation for replacement of aging Asheville Fire Department equipment and station furnishings; and (3) body-worn and vehicle camera equipment, software and maintenance.

Investments in people include (1) 2.5% employee pay raise; (2) additional retirement contribution of 1.2%; (3) no additional healthcare contribution; (4) Class and Compensation Study; and (5) full year of funding for 6% 457 firefighter retirement program.

Investments to enhance customer value include (1) water system maintenance and security to minimize customer impact during service interruptions; (2) U.S. Cellular Center staffing reorganization and in-sourcing; and (3) Sanitation Code enforcement officer to identify and address sanitation issues.

Mr. McDowell also reviewed the Council's strategic priorities along with their strategic alignment.

Transit investments include (1) \$20,000 service hours to increase frequency and realign existing routes (Purple, Green and Yellow options); (2) staffing to improve quality, on-time performance and customer experience; (3) bus maintenance to improve reliability; and (4) maintenance facility study.

Regarding capital investments (1) construction of Fire Station 13; (2) facility maintenance; (3) computer replacement; and (4) Walton Street pool and Grant center.

City Manager Campbell explained the next steps for the budget adoption. She said that planning for future years include (1) continue to improve and innovate operations; (2) review strategic partnership process; (3) continue community outreach and engagement efforts; (4) strengthen link between priorities and budget; and (5) evaluate capital funding options, i.e. possibility of a General Obligation Bond.

City Manager Campbell said that the Buncombe County Manager is recommending raising all County employees to \$15/hour - which is approximately 13 individuals totalling \$27,000. When she looked at raising all City employees to \$15/hour, she said there were approximately 134 employees (including Fire Department employees) at a cost of approximately \$489,591. She was in an awkward predicament in that she strongly wants to advocate for a salary adjustment for those individuals; however, we have not had the time to comprehensively look this change. If Council gave her direction to raise all employees to \$15/hour, it would impact the entire organization and we would have to either reduce some other things, in particular reducing the 2.5% cost of living adjustment for all employees. Her recommendation was to make adjustments based on the results and findings of the upcoming Class and Compensation Study. She definitely wants to make salary adjustments; however, she wants to do it in a more holistic way which is also looking at benefits in addition to salary. If we don't look at it holistically, the compression will be a significant morale issue. The City employees currently earn a living wage and after the Class and Compensation Study is complete in the next fiscal year, she will bring forward her recommendations for Council consideration.

City Manager Campbell responded to Vice-Mayor Wisler regarding the timeframe and project scope for the \$150,000 to be used for enhancing outreach services for people experiencing homelessness.

Councilman Young strongly advocated that in the Fiscal Year 2019-20 budget City Council should raise all employees up to \$15/hour. He suggested the \$489,591 come out of the proposed 2.5% cost of living raise to all employees, and then what is left over could be the cost of living adjustment to all employees. The individuals who are below \$15/hour would get whatever would be greater - the \$15/hour or the left-over adjustment. He didn't feel we needed to address the compression issue at this point. He reviewed the past year's cost of living increases to City employees and noted from 2012 to the present there have been cost of living adjustments. He was not saying he did not want to give employees a raise, but felt the employees under \$15/hour should be brought up to \$15/hour and then take whatever is left over and give that as the cost of living increase.

There was discussion regarding including raising employees to \$15/hour in the Fiscal Year 2019-20 budget vs. giving the City Manager the opportunity to work through this holistically and bring back a recommendation to Council for the Fiscal Year 2020-21 budget.

Mayor Manheimer said that the public hearing on the budget will be held on May 28, 2019, and the final adoption will be held on June 11, 2019.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 20 BATTERY PARK AVENUE AND KNOWN AS THE FLAT IRON BUILDING FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION/CONDITIONAL ZONING FOR THE RENOVATION OF AN EXISTING BUILDING TO INCLUDE A RESTAURANT, RETAIL SPACES, AND 80 LODGING UNITS

Planning & Urban Design Director Todd Okolichany said that this is the consideration of an ordinance to conditionally zone property located at 20 Battery Park Avenue and known as the Flat Iron Building from Central Business District to Central Business District Expansion /Conditional Zone for the renovation of an existing building to include a restaurant, retail spaces, and 80 lodging units. This public hearing was advertised on April 12 and 19, 2019. At the April 23, 2019, meeting, at the petitioner's request, the public hearing was continued to this date.

Action Requested: Consider a conditional zoning petition for property currently zoned Central Business District (CBD) to Central Business District Expansion Conditional Zone (CBD EXP CZ)

Project Location and Contacts:

- The project site consists of a 0.13 acre parcel located at 20 Battery Park Avenue (PIN 9649.30-3481) that is owned by Midtown Development Association LLC.
- Petitioner: Russell Thomas and Philip Woollcott; Contact: Chris Day.

Summary of Petition:

- The proposal is for the renovation of the iconic Flatiron building, an existing eight floor structure built in 1926 and designated as a local historic landmark. There is a small rooftop addition proposed and activation of the street level along Wall Street.
- The uses proposed are 80 lodging guestrooms with retail and restaurant spaces on the ground level.
- The petition includes a rezoning via conditional zoning from Central Business District (CBD) to Central Business District Expansion Conditional Zone (CBD EXP CZ) due to the

- lodging use, which is prohibited in the CBD.
- The project includes widening the sidewalk along Battery Park Avenue from between 15.5 and 25.5 feet with a maintained clear pedestrian path of at least eight feet.
- Streetscape improvements proposed along Battery Park Avenue include the conversion of six existing angled on-street parking spaces to one (ADA) accessible parallel space and one enlarged loading zone (net loss of five metered parking spaces).
- The City will grant a license agreement at fair market value to the Applicant for the loading zone area, so that it may be used exclusively by the Applicant for hotel valet parking during specified periods of time.
- Plans also include relocating a crosswalk and creating a bulb-out in front of the flat iron sculpture for public gathering.
- Accessible pathways will be provided from activated entrances/exits along Wall Street (similar to other businesses along the block) but otherwise no streetscape or pedestrian improvements along this facade are included so as not to disrupt the cohesive aesthetic streetscape design in place along the entire length of Wall Street.
- Parking needs for lodging guests and visitors to the restaurant uses is proposed to be managed by a valet service.
- At the Planning and Zoning Commission hearing the applicant offered to donate two dollars per occupied room per night in perpetuity on an annual basis to the City to offset the lost revenue from the parking spaces that would be removed.
- The applicant is requesting the following conditions to be approved for this project:
 - Provision of a loading zone which would otherwise not be permitted on a Key Pedestrian Street or primary access corridor (Battery Park Avenue).
 - While the Unified Development Ordinance (UDO) requires that guest drop off areas shall be located at the interior of the site and not along the primary access corridor, the placement of this existing building results in the Applicant not being able to comply. The Applicant proposes to obtain an easement or license agreement from the City for fair market value in order to create a loading zone on Battery Park Avenue that could be used exclusively by the hotel during specified times. This proposal and condition have changed since the project was reviewed by the Planning and Zoning Commission.
 - A minimum of 40 parking spaces are required to be provided for the lodging use; however, the applicant cannot comply on-site due to their reuse of the existing structure. Off-site spaces will be secured at various locations that are likely to exceed the maximum distance allowed for remote parking (500 feet).
 - The sidewalk does not meet the district's minimum width of 12 feet along Wall Street and existing materials do not comply with accessibility standards.
- The applicant has submitted documentation that both parking and vehicle trip generation impacts for the proposed uses are projected to be less than the current uses housed in the Flatiron Building.
- The applicant has also offered free bus passes for all employees and hotel guests.

Comprehensive Plan Consistency:

- This proposal is largely consistent with the Living Asheville Comprehensive Plan in that the Future Land Use Section and Map encourages prioritizing pedestrian infrastructure and the adaptive reuse of historic buildings in Downtown. The plan also acknowledges that while lodging and hotels are part of what makes Downtown the primary commercial center of the city, they *“must be considered in context with other development so that the variety and mix of uses, which give downtown its distinctive character is not compromised.”*
- There are at least 10 lodging facilities within less than ½ mile radius from this site and 2 hotels located directly across the street on the same block.

- While the goal of maintaining a balanced mix of uses downtown was noted in the list of concerns forwarded by the Downtown Commission and by several City Council members during public hearings for other lodging proposals over the past year, staff does not have objective criteria to use in making this determination for this proposal.

Compatibility Analysis:

- The historic building would be preserved with high quality upgrades completed according to the Secretary of the Interior's Standards and include essential life safety upgrades and the retention of active uses along the street-level of Battery Park Avenue.
- The use is compatible in a downtown setting; however, there are at least 10 lodging facilities within less than a half mile radius from this site with two hotels directly across the street on the same block.
- While the proposed on-street loading space and its use to support valet service for (off-site) parking management may add to congestion in the immediate area where double-parking and large amounts of loading/deliveries exist, parking impacts for lodging are projected to be less than the current office use.
- Proposed streetscape enhancements provide an enhanced pedestrian experience and enlarged public gathering spaces but come with a loss of 5 metered on street (public) parking spaces. This prioritizes the pedestrian as encouraged in the Comprehensive Plan.
- Trash collection is currently managed with roll-out bins on Wall Street; refuse impacts may increase with the new uses and impacts will be largely dependent on management by owners.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Historic Resources Commission - November 14, 2018 - certificate of appropriateness issued
- Technical Review Committee - February 4, 2019 - approved with conditions
- Downtown Commission - February 8, 2019 - approved design review (7-3)
- Planning and Zoning Commission - April 8, 2019 - recommended approval (4-2)

Staff Recommendation:

- Staff finds that the public benefits of the project - including needed life safety upgrades and the overall rehabilitation and preservation of an iconic historic building in downtown, coupled with the conditions proposed by the Applicant that minimize impacts stemming from this change of use - outweigh staff concerns, and can recommend approval for this project.
- Staff notes that although this use may be well represented in the immediate area (with ten hotels within less than a half a mile of this site) that the City has not adopted specific criteria to determine when additional lodging will detract from the mix of uses that give it its "distinctive character" as described in the Comprehensive Plan.
- Additionally, while the parking and guest drop-off standards required by UDO for this use are an effective tool for minimizing impacts in new construction projects, it is not feasible for adaptive re-use projects, especially those in our dense, urban core.
- That the project proposal will displace small businesses from existing office spaces is also a concern, as the Comprehensive Plan places emphasis on "Promoting Small and Independent Business, Entrepreneurship, and the Maker Economy". Staff acknowledges that this displacement could occur with the advent of any rehabilitation proposal for this building, and is not tied to the proposed use.

Mr. Wyatt Stevens, attorney representing the Flatiron Preservation Group, said that this team has hired the very best experts they could hire to do the very best project. He showed a video which showed individuals talking about adaptive reuse, need to restore and preserve the historic building, cost of necessary repairs, etc. The Flatiron Building (1) has the original electrical system since 1926 which is not safe nor sustainable; (2) has an HVAC system that is at least 30 years old (boiler estimate that broke over the winter was \$35,000). Fortunately Mr. Russell Thomas, owner of the Flatiron Building, was able to get it working again; (3) has two human operated elevators (same as City Hall Building) but when they break down, parts must be custom-made and are expensive; (4) does not have an Americans with Disabilities Act handicapped accessible elevator; and (5) does not have a no sprinkler system. They had Beverly-Grant give them an estimate of what it would cost to keep the building as offices, even if it's not turned into a hotel, and their estimate is \$10.5 Million. They can't economically sustain this building with office uses. The building has 24,179 square feet of rental office space. There is 6,600 of retail space. The owner is getting almost \$30/sq foot for many of those offices; and \$35/sq foot for the retail. If you maximize the income for the building, you get approximately \$1 Million a year. Then you look at the basic costs to run the building and it's almost half of the revenue which generates roughly \$500,000 in net income. The bottom line is the building can sustain itself for awhile, but this building needs help. No reasonable investor would purchase this building for offices. If the building remains as offices, renovations in the coming years will need to be done and the tenants will be displaced. Under this proposal, every existing tenant 6 months or longer will get the equivalent of a lump sum of 6 months to relocate. If they have been there for less than 6 months, then they would get a comparable amount of money. In the coming years he doesn't know where they would relocate, but now there is available and comparable space for them in downtown Asheville. If they spend the money for renovations, they can't rent it for what they are currently now charging. Regarding parking, a hotel would improve the parking situation - approximately 98 spaces needed in office use to 55 spaces for a hotel use. The developer has a contract for 25 spaces of surface lots, one of which is right behind the Sears alley deck (within 500 feet of the building). He has another total of 25 spaces in another surface lot just beyond the 500 feet limit. He has also secured 40 spaces for valet parking. There is less traffic associated with a hotel use. Currently there are 120 vehicle trip during the a.m. peak and 192 going back and forth in the afternoon. With a hotel, bar and restaurant, the vehicle trips drop to 103 during the a.m.peak and 115 in the afternoon. The reality is that parking and traffic go down with a hotel use. The property taxes currently paid on the building is \$132,000/year and they anticipate \$2.1 Million in 20 years. The \$2 per night per room over 20 years, reduced to present value, generates over \$500,000 for the City of Asheville. He felt this project makes business sense and common sense and asked for Council's vote in favor of the conditional zoning.

In response to Vice-Mayor Wisler, Mr. Thomas said the current rent per square foot in the building is blended at \$27.43.

When Councilman Haynes asked how long has Ms. Thomas owned the building, Mr. Thomas replied 33 years.

In response to Mayor Manheimer, Mr. Thomas said his occupancy rate is approximately 85-87%.

In response to Vice-Mayor Wisler, Mr. Thomas said the building has been for sale for 2-2.5 years and they have received only one offer. He feels this offer will support the historic aspect of the building, which is extremely important to him.

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

The following individuals spoke in support of the conditional zoning for several reasons, some being, but are not limited to: there is office availability in other buildings; to save the Flatiron

Building will cost millions and only a hotel can cover that cost; this is an investment to restore an old building; this will assure the long-term health and viability of the beautiful and historic structure; displaced tenants will receive a check from the developer for their rent based on how long the business has been in the Flatiron Building; there are not a lot of developers willing or capable to take on a preservation project like this one; the developer will provide bus passes to employees and guests; downtown businesses need tourists to visit their shops; is in compliance with the Living Asheville Comprehensive Plan; developer will hire locals for project; and unless there are massive fundraising efforts, rents will have to go up in the Flatiron Building to cover costs as historic preservation is very expensive:

Linda Stills, downtown business owner
Michael Faulkner, tenant in the Flatiron Building for almost 30 years
Evan Turnau, tenant in the Flatiron Building for 10 years
Chris Smith, Vice-President and Part Owner of Beverly-Grant
Karen Ramshaw, Public Interest Projects
John Kloeckner, employee at the Flatiron Building
Shannon Van Etten
Ken Jackson, local real estate builder and developer

The following individuals spoke in opposition of the conditional zoning for several reasons, some being, but are not limited to: loading issues; traffic issues; there are enough hotels in downtown Asheville; need to keep building that offers space for local businesses and offices; lack of off-site parking for guests and employees; displacing 80 small local business tenants; the City should do more to bring locals downtown instead of hotels; allowing another hotel downtown looks like locals don't matter; other historic buildings have survived and did not have to be converted into a hotel; we want a downtown where residents feel at home; the only option to convert this to a hotel for upkeep and maintenance is not credible; need to have a mixed-use building, with offices, housing and retail; other Flatiron Buildings around the country are not hotels and are still vibrant; if this hotel project is approved, within one block there will be 260 hotel rooms; and don't support this conditional zoning so that other options can be explored:

Andrew Fletcher, Downtown Commission member, but not speaking on their behalf
Casey Campfield, downtown business owner
Nina Tovish
Elizabeth Schell, downtown business owner
Abby Roach, Asheville Buskers Collective
Jerri Jackson
Ben Williamson, WNC Green Party and Asheville Democratic Socialist of America
Kathy Wienberg, representing 39 residential and 9 commercial owners at 21 Battery Park
Rik Schell, downtown business owner
Jan Zehr, who lives across from the Flatiron Building
Matilda Bliss
Pam Winkler, downtown resident and property owner
Sarah Benoit, business owner
Justin Neeman
A gentlemen
Deanna Williams
Kim Roney
Jane Hatley

Jonathan Wainscott suggested Council explore using the hotel tax for the preservation of the Flatiron Building.

Mayor Manheimer closed the public hearing at 8:32 p.m.

Mr. Stevens said that in the 1980's downtown Asheville was dead. Then the City invested in the Pack Place and the Grove Arcade and tried to preserve these historic buildings. Other groups came together and said we needed to resurrect our historic architecture. Then private investment followed. People started to renovate old buildings and putting their capital at risk. They invested in downtown and now in 2019 we have a vibrant downtown. People now want to live downtown. This developer has offered a solution, at no cost to the City of Asheville, to restore an old building.

Councilman Kapoor supported the conditional zoning because he believed this is the best way to preserve this icon historic building for generations to come. Long term he could not see how the Flatiron Building can stay an office building with low rents. The building needs a sprinkler system and this put tenants as well as first responders at risk. The two elevators are so old the parts need to be custom made. The building is not Americans with Disabilities Act compliant and the building's heating and cooling system is nearing the end of its usable life. These items are necessary to fix and are expensive. Even if the building is renovated to offices, he couldn't see how the small businesses could pay the increased rent needed to fund the renovations. He would like to see this building be preserved long-term, and using it as a hotel is consistent with the Living Asheville Comprehensive Plan. The developer is willing to make these renovations and willing to provide the City \$2 per night for occupied rooms in order to compensate for the loss of parking spaces and other parking impacts. All of this is without a dime of taxpayer dollars. Some are concerned with the oversaturation of hotels in the area. If it wasn't for his concern about the Flatiron Building preservation, he would have likely opposed a similar proposal. Some also are concerned about the parking. Currently all of the small businesses and their guests are parking somewhere now. In this case, the traffic engineer shows that this area would likely see a decrease in traffic for a hotel use. In addition, he feels there is a deliberate attempt to vilify people who earn their living in the tourist and hotel industry. People who work in tourism or have businesses who benefit from it aren't part of some machine. They are not a faceless entity, but are human beings. Hotel and restaurant workers and owners in Asheville are our neighbors. There are many issues that tourism raises, some are positive and some are negative. We need to be thankful of the many positive aspects and deal rationally with its negative aspects using facts and data.

Councilwoman Mayfield believes it is everyone's goal to preserve the Flatiron Building. This is a very difficult decision for her. She appreciates the developer using a local team and is a big fan of adaptive reuse. However, she is concerned about the other two hotels across the street; the conversion of public parking spaces to private use for loading and unloading; the off-site parking and valets running on our congested sidewalks; and displacement of small businesses. She hoped that the developer will look at pulling together people who don't agree with the proposal and find a path forward. She did not feel that the only way to make money in downtown is for property owners and developers to build hotels or convert buildings into hotels. Looking at other Flatiron buildings, she noted that a hotel is not the only use. She also felt that if the City values preservation, we should dedicate some funds for it.

Councilwoman Smith understood that this building has a sentimental value to our City; however, she didn't think that it aligns with our Living Asheville Comprehensive Plan. She felt there is an abundance of hotels in that section of the City, there is a loss of parking, and she did not want to displace any business owners.

Councilman Haynes felt that our downtown character will be further compromised with more hotels. He felt this project doesn't match the City's vision, nor does it following the Living Asheville Comprehensive Plan.

Councilman Young saw this as an opportunity for leadership, knowing that we want to preserve our community and also preserve the Flatiron Building. He agreed with Councilwoman Mayfield's comments and could not support this conditional zoning.

Mr. Stevens withdrew the application. He said they will talk as a community and reach out to their opponents to see if there is another way to save this building.

Mayor Manheimer struggled personally that a lot of people took a chance on Asheville a long time ago to buy a building in downtown Asheville and it doesn't seem fair to the people who made early investments not to let them make the most of those investments.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. DISCUSSION AND DIRECTION REGARDING CITY COUNCIL TRAVEL & TRAINING BUDGET AND PRACTICE

Mayor Manheimer said that the City has a City Council Travel Policy adopted in August of 2008. She said City Council has a total of \$16,000 in their travel budget, which breaks down to approximately \$1,900 for Councilmembers with a little more for the Mayor. This is being considered to possibly amend the policy and/or increase the travel budget for Councilmembers. In addition, Councilman Young asked for a specific request.

Councilman Young presented a resolution requesting additional funds for training purposes, pursuant to Resolution No. 08-175 of the City Council Travel Policy and Procedures. He said that he has been accepted into the Implementing Public Policy masters level certificate course at Harvard University. His implementation challenge is bonds, current and future, because the City of Asheville is looking at implementing a rolling bond program, and the political impacts to overcome. He said this is a 7-month program, with on-line learning and learning at Cambridge, along with an on-hands implementation process that happens in the City. He would come back and put together a team of individuals and work through some of the questions he has as an elected official in tackling some of the political aspects of the policy implementation and other barriers we may see to the success of that implementation challenge. He has been awarded a \$4,000 scholarship from Harvard University; however, it does not cover the remaining \$7,900. After completion of the course, the City will be able to use the productive network of professionals committed to improving public policy implementation around the world. Therefore, he requested additional funds for training in the amount of \$7,900. Per Resolution No. 08-175, the quality of life for the citizens is improved through an informed and educated elected and administrative body and the expense of such training, including the associated travel is an appropriate municipal expense.

Vice-Mayor Wisler asked that the City's policies be kept up-to-date and to rename it, as it's not just a travel policy. She was not sure it's the elected official's job to implement a policy. It's our job to make policy and staff's role to implement policy. And while she is sure this program is great and congratulated Councilman Young from being accepted, she didn't think was an appropriate use of funds for an elected official. When she asked staff if they felt this policy would cover this actual expense, she was told no. In addition, the dollar value of the expense is one that she didn't think City employees are allocated per year. She could not support the request.

Councilman Kapoor felt this is an educational reimbursement. The question is whether we, as Councilmembers, should have a policy that would provide for educational reimbursement. He can see some benefits and respected Councilman Young for wanting to better his education. He did not, however, feel comfortable in spending taxpayer dollars for. During our retreat where

we did the five-year planning, we talked about this is the time to “close the bank”. If we are asking other organizations to abide by this, we need to abide by that as well.

Councilman Young said this is not about him personally. It is a great benefit to the City. The City can utilize Harvard University and it’s tools as well as well-educated individuals who not only create policy but know how to create policy that is not going to cause some severe cunumberances that we are dealing with now.

Councilwoman Mayfield felt that if this is not covered by the policy, we need to look at revising the policy. If we are going to make funding for this kind of thing available at this level, that needs to be an opportunity that becomes available to all Council and she didn’t think we can afford that amount. She would like to increase the Council travel budget a little bit. She didn’t see how this proposal is necessarily fair, in particularly for future councils unless we look at the policy comprehensively.

Councilwoman Smith felt this is a sensible ask. Personally, the part-time pay that Council is offered is not enough for the time we spend and the drain and strain on our families. But, it’s a sacrifice we make. We do not have administrative support like other organizations and do not have an office space to even meet with constitutes or staff. There are a lot of disadvantages with serving, noting that City Council did not accept a raise last year. She sees this as a one-time payment with a long-term benefit of having Harvard as a resource for us to pull information and pull implementation strategies. She didn’t agree that the same amount needed to be set aside for each Councilmember. There should be an amount of money set aside for these types of specialty trainings. It takes a lot of effort to reach the learning curve to be a leader of great affect. She felt we need to revisit the policy and factor in some type of set aside for this type of expense for personal professional leadership development for Councilmembers. She supported the additional funds requested.

Ms. Kim Roney said that even though our Council has really powerful conversations about living wage, they are not setting a good example if they don’t paying themselves one.

Councilman Young moved to approve \$7,900 additional funds for his training purposes. This motion was seconded by Councilwoman Smith and failed on a 3-4 vote, with Mayor Manheimer, Vice-Mayor Wisler, Councilman Kapoor and Councilwoman Mayfield voting “no”.

At the suggestion of Vice-Mayor Wisler, it was the consensus of Council to have the Governance Committee revisit the City Council travel policy. Councilwoman Mayfield also suggested looking at the kinds of conferences and educational opportunities that are available to Councilmembers. Councilman Kapoor also noted that we can use some of this money to bring people to Council for a more cost effective way, like training in development roles.

Councilman Young could not think of a better university than Harvard to have a relationship with and agreed the City should revisit their training policy.

B. BOARDS & COMMISSIONS

RESOLUTION NO. 19-119 - RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

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

Gene Bell (representative of the Housing Authority) has resigned from the Citizens-Police Advisory Committee, thus leaving an unexpired term until June 30, 2021.

The following individual applied for the vacancy: Robert Hooper.

Vice-Mayor Wisler moved to appoint Robert Hooper as a member of the Citizens-Police Advisory Committee (representative of the Housing Authority) to serve the unexpired term of Mr. Bell, term to expire June 30, 2021, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 433

RESOLUTION NO. 19-120 - RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

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

Donna Ball has resigned from the Homeless Initiative Advisory Committee, thus leaving an unexpired term until November 1, 2019.

The following individuals applied for the vacancy: Amber Banks, Josh Ivey, Annie Carpenter, Karen George, Shannon Watkins, Ellenore Holbrook, Sarah Tarpey, Patrick Casale, Patrick Gensert, Parker Smith, Rachael Bliss and Kelby Hartson Carr.

At the request of the Homeless Initiative Advisory Committee and the Boards & Commissions Committee, Vice-Mayor Wisler moved to appoint Parker Smith as a member of the Homeless Initiative Advisory Committee, to serve the unexpired term of Ms. Ball, term to expire November 1, 2019, and then a full three-year term, term to expire November 1, 2022, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 434

RESOLUTION NO. 19-121 - RESOLUTION APPOINTING A MEMBER TO THE HUMAN RELATIONS COMMISSION

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

Ashley Cooper has resigned from the Human Relations Commission, thus leaving an unexpired term until June 1, 2020.

The following individuals applied for the vacancy: Stephanie Krucher, Grant Millin, J. Vann Vogel, Carol Buffum, Ivan Melchor, Celeste Fletcher, Michael L. Hayes, Britni Ness, Bettie Council and Ellenore Holbrook.

At the request of the Human Relations Commission and the Boards & Commissions Committee, Vice-Mayor Wisler moved to appoint Ivan Melchor as a member of the Human Relations Commission, to serve the unexpired term of Ms. Cooper, term to expire June 1, 2020, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 435

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Reid Thompson spoke about the commercial traffic in front of his house on Maxwell Street.

Ms. Deanna Williams expressed disappointment that the City of Asheville did not support her applying for the HUD Youth Homelessness Demonstration Program Grants.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:41 p.m.

CITY CLERK

MAYOR