

Tuesday – May 28, 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. RECOGNITION OF NEIGHBORHOOD HERO

Councilman Kapoor, liaison to the Neighborhood Advisory Committee, was pleased to present Ms. Sophie Dixon with the 2019 Neighborhood Volunteer of the Year Award. He said that this award was initiated in 2017 by the Neighborhood Advisory Committee. The award is designed to recognize and honor a city resident who has demonstrated significant and positive contribution toward a neighborhood association and/or commitment to strengthening city neighborhoods through volunteer time, talents and service, an unsung hero.

Ms. Sophie Dixon has resided in the Shiloh Community as an active resident and the Shiloh Community Association’s president. At 81 years, in 2018 Ms. Dixon has tirelessly lead and facilitated: (1) Shiloh Community Association (SCA) Administrative meetings, Community meetings, SCA Executive board, the EW Pearson Collaborative Project meetings and the Community Marker meetings; and (2) An an intentional effort to build community between generational residents and new residents, she has been involved in welcoming Habitat for Humanity new homeowners into the community at their key ceremonies.

Under her leadership the community at large has benefitted from the efforts of the SCA which include many efforts, some being: (1) Installation of Stream Critters Mural and a “critter” mural project using field guides through the NC Arboretum; (2) Establishment of a Roadside Stand at the Shiloh Community Garden; and (3) Completion of the Shiloh Social Justice Mural.

Ms. Dixon is the perfect example of active retirement. She has shown us how you can make a large impact by simply offering your time and talents were you live, work, play and pray.

Ms. Dixon thanked for all the support she receives and was so thankful for this recognition.

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

Councilman Haynes read the proclamation proclaiming May, 2019, as "Jane’s Walk Month” in the City of Asheville. He presented the proclamation to Hanan Shabazz and Octavia Boozier who briefed City Council on some activities taking place during the month.

C. PROCLAMATION PROCLAIMING JUNE, 2019, AS “POLLINATION

CELEBRATION MONTH”

Councilman Young read the proclamation proclaiming June, 2019, as "Pollination Celebration Month" in the City of Asheville. He presented the proclamation to Dawn Chavez, Executive Director of Asheville Greenworks, and Phyllis Styles, who briefed City Council on some activities taking place during the month.

D. PROCLAMATION PROCLAIMING JUNE 3-9, 2019, AS “HEMP HISTORY WEEK”

Vice-Mayor Wisler read the proclamation proclaiming June 3-9, 2019, as "Hemp History Week" in the City of Asheville. She presented the proclamation to Timothy Sadler, and others, who briefed City Council on some activities taking place during the week.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 14, 2019

B. RESOLUTION NO. 19-122 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE INSTALLMENT LOAN CONTRACT WITH PNC BANK FOR THE ACQUISITION OF VEHICLES AND EQUIPMENT

Action Requested: Authorization of a resolution authorizing execution of an installment financing contract for Fiscal Year (FY) 2019 Capital Improvement Program (CIP) vehicles and equipment in an amount not to exceed \$4,330,000.

Background:

- In April, the City distributed a Request for Proposal (RFP) seeking competitive bids for the installment loan financing to several money-center and local banks.
- Six proposals were received and reviewed. The most favorable proposal was submitted by PNC Bank with an interest rate of 2.28% per annum and a term of 59 months.

Council Goal: Financially Resilient City

Committee(s):

- Finance and HR Committee, April 23 & May 28, 2019 - recommendation to approve resolution

Pro(s):

- Provides funding of capital expenditures at a favorable interest rate.
- Spreads capital costs over several years of the purchased asset life.

Con(s):

- Increases the lifetime cost of the acquisition through interest and cost of issuance expenses.

Fiscal Impact:

- The annual debt service payments for this financing range between approximately \$970,000 in the first year to approximately \$882,000 in the fifth year. Funds are included in the City's debt service budget to cover the cost.

Motion:

- Motion to adopt the resolution authorizing the City Manager to execute the installment loan contract with PNC Bank for the acquisition of vehicles and equipment.

RESOLUTION BOOK NO. 40 - PAGE 436

C. RESOLUTION NO. 19-123 - RESOLUTION AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT AND PURCHASE OPTION AGREEMENTS FOR WHITE LABS LOCATED AT 172 AND 174 S. CHARLOTTE STREET, ASHEVILLE N.C.

Action Requested: Adoption of a resolution to amend Economic Development Agreement and Purchase Option Agreement with White Labs, Inc.

Background:

- In January 2015, the City entered into an economic development incentive agreement with White Labs, Inc., a world leader in fermentation sciences for the brewing and winemaking industries, to open a new Asheville facility on City-owned property at 172 S. Charlotte Street under a five-year lease agreement.
- At the same time, White Labs executed a five-year option to purchase the property for 80% of the fair market value on the condition that jobs creation and investment numbers set forth in the economic development agreement were met.
- White Labs, Inc. has exceeded the jobs creation and investment numbers set forth in the agreement. As of 2018, White Labs employs 53 people and has invested over \$11 million in the Asheville facility.
- In 2019, White Labs plan to add a Phase 2 to the Production Capacity at the existing facility to almost double production.
- As part of the overall economic development agreement, White Labs, Inc. also entered into shorter term option to purchase the adjacent City site at 174 S. Charlotte Street.
- The option for 174 S. Charlotte Street expired on May 1, 2019 and White Labs desires to extend for another year. The existing terms of the option state that White Labs has the exclusive option to purchase the adjacent 1.67 acre City-owned parcel for 80% of the fair market value if substantial additional improvements and jobs are committed to by White Labs, or for fair market value if no additional economic benefits are committed.
- White Labs, Inc. plans to purchase both sites in 2020 and bundle their financing to accomplish the transaction. They have created a company known as 172 S. Charlotte, LLC to purchase the real estate. This company will need to be included as a party to the economic development and option agreements with the City. During the one year extension, White Labs will determine if they are able to perform additional improvements and add jobs to obtain the 80% purchase price of the adjacent site, or if not, they will purchase the site with no additional commitments at fair market value.
- The property at 174 S. Charlotte Street includes land the City purchased in the 1970's and land that was part of Urban Renewal of East End. A portion of the revenue from the sale of the land at 174 S. Charlotte will go to the City's Community Development Block Grant (CDBG) Program as Program Income and be made available to the next funding cycle for eligible CDBG activities and the remainder of the funds will benefit the City's General Fund.

Council Goal(s):

- A Thriving Local Economy.

Committee(s):

- None.

Pro(s):

- Supports existing manufacturing in the City of Asheville.
- Leverages City-owned property to achieve job creation, capital investment and revenue from the sale of land to benefit the General Fund and the CDBG fund.

Con(s):

- None

Fiscal Impact:

- An additional non-refundable option fee of \$10,000 will be paid upon execution of the amendment and will benefit the City's General Fund. If the Option is exercised on 174 S. Charlotte Street, then the City will receive the fair market value of the property or 80% of the fair market value plus economic development impact. Part of this revenue will go to the Community Development Block Program and part will go to the City's General Fund.

Motion: Move to approve an amendment to the Option Agreement for 174 S. Charlotte St. to extend it for an additional year to June 30, 2020 for an additional option fee of \$10,000; to amend the Option Agreements for both 174 and 172 S. Charlotte Street and the Economic Development Agreement to include 172 S. Charlotte St. LLC as a party to these agreements; and to authorize the City Manager to execute any and all documents necessary to give effect to this resolution.

RESOLUTION BOOK NO. 40 - PAGE 438

D. RESOLUTION NO. 19-124 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RSM US LLP FOR AUDITING CITY ACCOUNTS FOR FISCAL YEAR 2018-2019

Action Requested: Adoption of a resolution authorizing the Mayor to execute a contract with RSM US LLP for auditing City accounts for fiscal year ending June 30, 2019.

Background:

- North Carolina General Statute §159-34 requires that local governments have its accounts audited each fiscal year and submit a copy of the audit report and financial statements to the Local Government Commission. Staff recommends retaining the services of RSM US LLP to conduct an audit of the City's accounts for the fiscal year ending June 30, 2019.
- The estimated fee for fiscal year 2018-2019 audit is \$95,760.
- Execution of this contract complies with the Audit Policy portion of City Council's Financial Policies which states that the City "shall enter into multi-year agreements of not more than five years in duration through a series of single-year contracts as consistent with applicable legal requirements."
- This will be the second consecutive year of contracting RSM US LLP to perform the City's audit.
- No competitive bid process was conducted this year.

Council Goal:

- Financially Resilient City

Pro:

- Contracting with RSM US LLP aligns with City Council's financial policy and will help ensure the timely and successful completion of the annual audit.

Con:

- None

Fiscal Impact:

- Fees of \$95,760 for the annual audit are budgeted in the Internal Audit operating budget (Fiscal Year 2018-19).

Motion:

- Move to adopt a resolution authorizing the Mayor to execute a contract with RSM US LLP for auditing City accounts for fiscal year ending June 30, 2019.

RESOLUTION BOOK NO. 40 - PAGE 439

E. RESOLUTION NO. 19-125 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL ON-CALL CONTRACT WITH WOOD GROUP USA INC. FOR PROFESSIONAL GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES

RESOLUTION NO. 19-126 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL ON-CALL CONTRACT WITH S&ME INC. FOR PROFESSIONAL GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES

RESOLUTION NO. 19-127 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL ON-CALL CONTRACT WITH WES COLE LAND SURVEYING P.A. FOR PROFESSIONAL SURVEYING SERVICES

Action Requested: Adoption of a resolution authorizing the City Manager to renew on call contracts for professional engineering and land surveying services.

Background:

- On April 10, 2018, City Council authorized the City Manager to enter into on call professional service contracts for Geotechnical Engineering, Environmental Engineering, and Land Surveying services.
- On-call services are allowed in North Carolina and are used Statewide as a best practice for securing professional services.
- Tasks under this contract may include:
 - Geotechnical Engineering: Subsurface assessments, foundation testing, and other geotechnical services related to real property and/or redevelopment of real property; and
 - Environmental Services: Phase I and Phase II Environmental Site Assessments, Asbestos and Lead Paint Assessments, Remediation Design, Indoor Air Quality Assessments, Groundwater Testing and other Environmental services related to

real property and/or the redevelopment of real property.

- Land Surveying
- A qualifications based selection process was followed to procure these services. The following firms were selected as the best qualified for the respective professional services discipline listed below:
 - Wood Group, USA, Inc. (Asheville, NC Office, and formerly known as AMEC Foster Wheeler) was awarded Geotechnical Engineering and Site Environmental Engineering Services.
 - S&ME, Inc. (Asheville, NC Office) was awarded Building Environmental Engineer Services.
 - Wes Cole Land Surveying, PLS (Asheville, NC) was awarded Land Surveying.
- 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.
- The duration of each on-call service contract will be for one year with an option to renew for up to two additional one-year periods. This is the first renewal (second year) of the contract term.
- For this term, the total expenditure of the (individual supplemental agreements, and the cumulative sum of each) contracts will not exceed \$250,000 for the Wood Group, and S&ME contracts, and \$100,000 for the Wes Cole Land Surveying contract.

Council Goal(s):

- Financially Resilient City and Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- A well-qualified firm will perform services in support of design services, analysis, and engineering needs.
- Well-qualified surveying firm will perform needed services in support of ongoing City real estate and facilities management.
- 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, and acquisition of real estate to support Council's strategic goals.

Con(s):

- None

Fiscal Impact:

- For the renewal term, these contracts will be established at a not-to-exceed amount of \$250,000 for the engineering contracts, and \$100,000 for the surveying contract. At the point in which a project, scope of work, and task cost are identified, the funds must be programmed and/or budgeted within the annual operating or capital project budget.

Motion:

- Move to adopt a resolution authorizing the City Manager to enter into professional services contracts with Wood Group, USA, Inc., and S&ME, Inc, for design and engineering professional services under the on-call services Master Agreement described herein.
- Move to adopt a resolution authorizing the City Manager to enter into professional services contracts with Wes Cole Land Surveying, PA professional land surveying services under the on-call services Master Agreement described herein.

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RESOLUTION NO. 19-126 - RESOLUTION BOOK NO. 40 - PAGE 441
RESOLUTION NO. 19-127 - RESOLUTION BOOK NO. 40 - PAGE 442

F. RESOLUTION NO. 19-128 - RESOLUTION AMENDING THE MEMBERSHIP OF THE CITIZENS-POLICE ADVISORY COMMITTEE

Action Requested: Adoption of a resolution amending the membership of the Citizens/Police Advisory Committee.

Background:

- The current CPAC membership includes the Chief of Police and APD Sergeant in Community Relations.
- The Chief may at times need to delegate important projects to other members of the leadership team and, therefore, requests the ability to designate a representative in his/her stead to help ensure the committee has the support required.
- Divisions within the department often change and officers often get promoted or change assignments. Specifying the rank and division of the representative not only would require multiple resolutions every time an officer or division changes, but limits the Chief's ability to designate the most appropriate person.

Council Goal(s):

- Connected and engaged community

Committee(s):

- The Citizens/Police Advisory Committee - April 3, 2019 - recommended adoption
- Boards & Commissions Committee - May 14, 2019 - recommended adoption

Pro(s):

- Provides flexibility for the Chief of Police in assigning appropriate police representatives to provide non-voting support to CPAC.

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Move to adopt the resolution amending the membership of the Citizens/Police Advisory Committee to make the two non-voting Asheville Police Department (APD) representatives on the committee to be the Chief of Police or his/her designee and another member of the APD designated by the Chief of Police.

RESOLUTION BOOK NO. 40 - PAGE 443

G. RESOLUTION NO. 19-129 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH IBI GROUP, PC, TO PERFORM A FACILITY STUDY FOR THE CITY'S OPERATIONS & MAINTENANCE SERVICE CENTERS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a professional services contract with IBI Group, PC to perform a Facilities Study for the City's Operations & Maintenance Centers in the amount of \$278,000.

Background:

- The affordable housing bond study has identified that affordable and mixed-income housing is feasible on City-owned property located at 171-179 South Charlotte Street. Onsite, there are two major City service facilities - the Fleet Management Division and the Public Works Complex. In order to evaluate relocating these facilities, the City needs to understand the costs.
- The City recently completed a Facilities Condition Assessment that concluded that the Fleet Management facility would require significant investment to address deferred maintenance. Additionally, the Public Works department is quickly outgrowing the current complex in response to the needs of a growing City.
- Staff recommends that the City perform a Facilities Study for its Operations & Maintenance (O&M) Centers.
- Departments included in this study are Public Works, Fleet Management, the Fuel Station, Facilities Maintenance, and Parks Maintenance.
- The study will inform the City of the potential cost of relocation of O&M centers, help consider various service delivery models, and life cycle costs associated with a new site.
- A facilities study of this type would determine the space requirements for the existing O&M centers, identify future growth needs, analyze the operational and service delivery impacts of relocation, and provide the tools needed to evaluate new sites, along with the funding requirements and budgetary cost estimates for a new location(s).
- This firm was selected by a staff committee using a qualifications based selection process.

Council Goal(s):

- Quality Affordable Housing & A Financially Resilient City

Committee(s):

- Finance & Human Relations Committee - 1/8/2019 - Present to full Council - Fully funded through Affordable Housing Capital Improvement Program (CIP)

Pro(s):

- Funds a key study critical to implementing the Affordable Housing Bond Program.
- Performs a key planning task essential for an organization with a large facilities portfolio.

Con(s):

- None

Fiscal Impact:

- Total contract for the study is a negotiated fee of \$278,000. Funding would be allocated from the existing budget of the Affordable Housing CIP funds. The need for the Operations and Maintenance Facilities Study has been created by the feasibility of affordable housing development on 171-179 S Charlotte Street site and therefore qualifies as an eligible expense.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a professional services contract with IBI Group, PC to perform a Facilities Study for the City's Operations & Maintenance Service Centers in the amount of \$278,000. .

RESOLUTION BOOK NO. 40 - PAGE 444

H. RESOLUTION NO. 19-130 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A PROFESSIONAL SERVICES CONTRACT WITH THE WOOTEN COMPANY TO ADD THE MODERNIZATION OF CITY HALL ELEVATOR #2

Action Requested: Adoption of an amendment to the professional services contract with The Wooten Company to add the modernization of City Hall Elevator # 2 (center elevator) up to an added cost of \$29,820 for design fee and contingency, bringing the total project budget to \$122,320.

Background:

- The elevators currently do not meet modern safety codes and have inoperable parts.
- City Hall historic elevators currently operate using custom fabricated parts that are no longer made and require costly maintenance.
- The historic elevators are protected as a part of the local landmark "Asheville City Building" designated by City Council Ordinance No. 1709 on September 20, 1988.
- The City of Asheville has completed the architectural design for the modernization of Elevators #1 and #3 through Contract # 91600198 with The Wooten Company.
- Originally, design of the modernization of Elevator #2 was not considered due to budgetary concerns.
- After reevaluating City Hall projects it was determined that money could be available to complete this work.
- The Contract Amendment requested will allow the City to bid Elevator #2 as an Alternate to the Base Bid to be considered for construction if the budget allows.

Council Goal(s):

- Financially Resilient City

Committee(s):

- None

Pro(s):

- Modernization of all three historic elevators will reduce overall operational lifecycle costs.
- Modernizing Elevator #2 at the same time as the other elevators will reduce the construction cost.
- There will be fewer elevator service interruptions over time if all three elevators are modernized.
- Elevator #2 may be bid as an Alternate, but does not have to be constructed.

Con(s):

- None

Fiscal Impact:

- The contract amendment and contingency for the entire contract totals \$29,820. With this addition, the total design contract amount for the City Hall elevators will be \$122,320, which is within the total design budget of \$200,000.

Motion:

- Move to authorize the City Manager to amend the professional services contract with The Wooten Company to add the modernization of City Hall Elevator # 2 (center elevator) up to an added cost of \$29,820 for design fee and contingency, bringing the total project budget to \$122,320.

RESOLUTION BOOK NO. 40 - PAGE 445

I. RESOLUTION NO. 19-131 - RESOLUTION ACCEPTING THE ANNUAL FLOOD MITIGATION ACTIONS REPORT WHICH IS PART OF THE REPETITIVE LOSS AREA ANALYSIS, AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE REPORT FOR THE COMMUNITY RATING SYSTEM PROGRAM

Action Requested: Adoption of a resolution accepting the annual Repetitive Loss Area Analysis report which identifies actions staff has taken over the past year as a member of the Community Rating System (CRS) Program.

Background:

- The City of Asheville joined the Community Rating System (CRS) program, a program through the Federal Emergency Management Agency (FEMA), and administered by the Insurance Services Office (ISO) in 2014. As required by the CRS program, a Repetitive Loss Area Analysis (RLAA) was prepared in 2014 by the consultation firm of Brown and Caldwell to supplement the Buncombe County-wide All Hazards Mitigation Plan.
- A Repetitive Loss Area (RLA) is defined as an area that contains one or more repetitive loss structures (two or more claims of more than \$1,000 that have been paid by the National Flood Insurance Program (NFIP) within any 10-year period since 1978).
- CRS provides lower insurance premiums under the National Flood Insurance Program. The premium reduction is in the form of a CRS Class, City of Asheville is currently a Class 8. The classes are obtained by actions that are above and beyond the requirements of the National Flood Insurance Program administered by FEMA. Currently, property owners in Asheville receive a 10 percent reduction in their flood insurance premiums through participation in the CRS program.
- In order to maintain the current status in the CRS program, staff is required to provide to council the annual report of the Flood Mitigation Actions Items that were part of the RLAA report from Brown and Caldwell adopted by Council on December 10, 2013.

Summary of Flood Mitigation Action Report:

- Flood hazard mitigation public outreach efforts include:
 - Extensive information on the city's website with links to interactive tools, properties, Biltmore Village Flood Response Plans, and searchable database of elevations certificates.
 - Outreach through CAPE prior to and during flood events, through social media.
 - DSD outreach to Flood Action Plan email list when under flood watch & warning, with links to FIMAN.

- DSD staff regularly meets with residents and property owners whom have questions about flooding, impacts to their property, and options for flood mitigation.
- Public Works Department has teamed with the Army Corps of Engineers on a flood mitigation project at the Biltmore Avenue bridge which is currently in the design phase.
- Public Works Department has two projects addressing localized flooding. Edwin/Celia which is currently in the design phase, and the Morris Street stormwater improvement project which is in the final construction phase.
- The Public Works Department, Development Services Department and the Asheville Fire Department is utilizing the FIMAN website to assist in advance warnings for flooding. The City team utilizes the projections and can send out key messages to residents.

Council Goal(s):

- A Clean and Healthy Environment
- Thriving Local Economy

Committee(s):

- None

Pro(s):

- Property owners in Asheville will continue to receive a 10% reduction on their flood insurance.
- Provides higher level of protection through the current flood ordinance.
- Promotes public education of the Special Flood Hazard Areas.

Con(s):

- Considerable amount of staff time is necessary to maintain these requirements

Fiscal Impact:

- There is no additional fiscal impact to continuing the efforts necessary for the CRS program, staff time is currently programmed into the annual operating budget.

Motion:

- Motion to approve a resolution accepting the report prepared by City staff for the flood mitigation action associated with the repetitive loss area analysis report.

RESOLUTION BOOK NO. 40 - PAGE 446

J. ORDINANCE NO. 4743 - BUDGET AMENDMENT FROM THE N.C. DEPT. OF ENVIRONMENTAL QUALITY FOR WASTE REDUCTION OUTREACH

Action Requested: Adoption of a budget amendment in the City's Special Revenue Fund in the amount of \$36,000 to program funding from the N.C. Department of Environmental Quality (NCDEQ) for waste reduction outreach in the amount of \$30,000, and the City's match of \$6,000 from the Green Savings program.

Background:

- On February 12, 2019, City Council adopted Resolution No. 19-26 authorizing the City Manager to apply for, and accept if awarded, grant funding from NCDEQ for the purpose of reducing contamination in the recycling stream and improving material quality in the amount of \$30,000.
- NCDEQ selected the City of Asheville proposal for funding for Fiscal Year 2020.

- This Community Waste Reduction and Recycling grant requires a 20% match. The grant award is for \$30,000. The match of \$6,000 will come from the Office of Sustainability Green Savings. This budget amendment will move the matching funds from the Sustainability Fund to a project budget along with the grant funds.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- Finance Committee - January 22, 2019 - approved to apply and accept grant

Pro(s):

- Helps support the City's waste reduction goal while leveraging state funding.

Con(s):

- None

Fiscal Impact:

- A cash match of \$6,000, or 20% of the requested grant funds of \$30,000, will be provided from Green Savings. This budget amendment moves the matching funds and grant funds into a Special Revenue Fund budget.

Motion:

- Move to adopt a budget amendment in the City's Special Revenue Fund in the amount of \$36,000 to program funding from the N.C. Dept. of Environmental Quality for waste reduction outreach in the amount of \$30,000, and the City's match of \$6,000 from the Green Savings program.

ORDINANCE BOOK NO. 32 - PAGE 370

K. RESOLUTION NO. 19-132 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH BIO-NOMIC SERVICES INC. FOR THE WATER TREATMENT PLANT SLUDGE REMOVAL PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a three-year General Services Agreement with Bio-Nomic Services, Inc. for the WTP Sludge Removal Project.

Background:

- The Water Resources Department (WRD) has historically taken WTP residuals, also known as "sludge" from all three water treatment plants to the Metropolitan Sewerage District (MSD) to be treated.
- MSD can no longer accept residuals from any water treatment facilities due to their new Air Quality Title V and renewed National Pollutant Discharge Elimination System (NPDES) permits.
- Buncombe County Landfill agreed to take the residuals for a period of two years while WRD and the consulting engineering firm (GHD) vet other treatment and/or disposal options.
- On March 4, 2019, the WRD issued a Request for Proposals (RFP) for work.
- The scope of services include, but are not limited to: pumping, dredging, conditioning, and dewatering of water treatment residuals (sludge) and the removal and disposal of

produced solids from the North Fork, William DeBruhl, and Mills River Water Treatment Facilities.

- This project will dispose of water treatment plant residuals utilizing land application, which has a high nutrient value and can condition soil for improved fertilization and water retention.
- In response to the RFP, two proposals were received on March 25, 2019:
 1. Bio-Nomic Services, Inc. (Belmont, NC) - estimated total \$257,180
 2. P&H Senesac, Inc. (Milton, VT) - estimated total \$408,119.30
- The WRD requests authorization to contract with Bio-Nomic Services, Inc. for the estimated amount of \$257,180 plus a 15% contingency in the amount of \$38,577 for a total project budget in the amount of \$295,757.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- This project will dispose of water treatment plant residuals utilizing land application, which has a high nutrient value and can condition soil for improved fertilization and water retention.
- Ability to continue to treat and deliver drinking water to COA customers.

Con(s):

- None

Fiscal Impact:

- The Water Resources Department currently has the funds needed for Year 1 of this agreement budgeted in the Water Resources - Water Production Operating Budget. Years 2-3 will follow the WRD's operating budget allocation of approximately \$200,000 annually.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a three-year General Services Agreement with Bio-Nomic Services, Inc. for the WTP Sludge Removal Project.

RESOLUTION BOOK NO. 40 - PAGE 450

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 Kapoor and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. STATE OF THE AIRPORT

Mr. Lew Bleiweis, Airport Director, briefly updated City Council on the State of the Airport. He stated that 2018 was a milestone year for the Asheville Regional Airport. In 2018, they experienced record-breaking growth. The airport surpassed all projections and expectations, exhibiting 19% of growth and contributing nearly \$1.5 Billion to our local economy. For the first time in their history, the airport served over 1 Million passengers.

As they look to 2019, their dedicated team remains committed to upholding their mission to provide an exceptional airport experience with a focus on people, service, commercial and general aviation, and contribute to the regional economy.

Mayor Manheimer thanked Mr. Bleiweis and the entire Board for their hard work and efforts.

B. ASHEVILLE CITY SCHOOLS FOUNDATION - IN REAL LIFE AFTER-SCHOOL PROGRAM

Ms. Tiffany DE'Bellott and Brian Randall, In Real Life Co-Directors, and two students, updated City Council about the In Real Life (IRL) After-School Program. Ms. DE'Bellott said that in the summer of 2008 middle school students were involved in a shooting that left one student paralyzed. Research showed that many students during that time had nothing to do after school. The Asheville City Schools Foundation, the City of Asheville, Asheville City Schools District and the community at large came together for a listening project. IRL started in the fall of 2010 with 144 students. All students have access to opportunities after school, with over 10 options for students to choose from each day. The programs are inclusive and diverse. Forty-seven percent of students received free or reduced lunch. Parents can use one online portal, sign a form, call it in, and/or go through the school office to register for any program. They also provide transportation home and to offsite programs. Ninety percent of families in public housing rely on IRL transportation. The results of the City's investment include (1) removing the barriers to high quality programs; (2) decreased the opportunity gap - connected students to our city's organizations and industries; (3) kept our children safe while enhancing social/emotional and academic outcomes; and (4) recruit and retain providers of color to work with all youth.

They then showed the IRL demographics: 229 students attended for the 2018-19 school year; 184 students demonstrated social emotional growth; over 75% of students participating in academic based courses demonstrated growth; 44% of students of color enrolled in student school day support services; 25 service providers of color ran individual classes; and 20 service providers of color received a stipend.

Regarding cost effectiveness (60% of our families attend for free), (1) IRL operating costs are \$1,000 per student (\$3,178 National Average); (2) reduce the child care burden for working families; (3) partnership with ACS reduces overhead and transportation costs; and (4) the City of Asheville's investment increases training opportunities, leverages community resources, and stipends providers of color.

IRL partners and collaborates with over 45 community partners each year. IRL service providers develop, design, and disseminate their program of choice.

C. MANAGER'S REPORT

Charlotte Street Road Diet and Safety Improvements

Director of Transportation Ken Putnam explained that the purpose of this presentation is to update City Council and the community on the progress of the Charlotte Street Road Diet Project. As background, he said (1) on April 24, 2018, City Council adopted Resolution No. 18-93

authorizing the City Manager to direct staff to move forward with Charlotte Street improvements Option 1 (road diet) and Option 3 (spot safety improvements), as well as a review of zoning and land use along the corridor to identify possible changes that would enhance a multimodal pedestrian-oriented experience; and (2) on November 13, 2018, City Council adopted Resolution No. 18-286 authorizing the City Manager to execute the design contract for the road diet and safety improvements on Charlotte Street. As outlined in the 2016 Asheville in Motion Mobility Plan, “with surrounding traditional neighborhood land uses, Charlotte Street needs a safer, walkable environment.” The overall objective of the Charlotte Street Road Diet is to create a “more” complete street given the existing project constraints that could have a transformative impact on the safety and connectivity of the community. One hundred and seventy-four members of the public attended the first public meeting on February 19, 2019. Fifty members of the public attended the second public meeting on May 1, 2019. He then reviewed the corridor plan and what the public can expect. He showed a chart of the Corridor Plan feedback received from the community response survey.

Next steps include in June of 2019 (1) final plans complete; (2) continued property owner conversation; and (3) bid (advertise project for construction). In July-August of 2019, (1) bidding and contractor selection; (2) contractor coordination; and (3) online project updates. In September-December of 2019, (1) construction, schedule to be determined during contractor coordination; (2) construction administration; and (3) online project updates.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING ON THE FISCAL YEAR 2019-20 OPERATING BUDGET

City Manager Campbell said that this is a public hearing on the City of Asheville Fiscal Year 2019-20 Proposed Annual Operating Budget and inclusion of public input in City Council’s consideration of the budget. This public hearing was advertised on May 17, 2019.

Background:

- The 2019-20 Proposed Annual Operating Budget was presented to City Council on May 14, 2019, and was balanced with an ad valorem tax rate of \$0.4289 per \$100 of assessed valuation (no change from the current rate).
- A copy of the [Proposed Budget](#) is available for public review in the City Clerk’s office, as well as on the City’s website (www.ashevillenc.gov).
- In accordance with the North Carolina Local Government Budget and Fiscal Control Act (G.S. 159-12), a summary of the Proposed Budget along with a notice of the public hearing was published on May 17, 2019. Adoption of the Fiscal Year 2019-20 Budget Ordinance is scheduled for June 11, 2019 at the regularly scheduled City Council meeting.
- The Proposed Budget may be changed by City Council in any way before adoption.
- It may also be changed by budget amendment after adoption, with the only exception being the ad valorem tax rate, which cannot be changed once the budget is adopted.

City Manager Campbell gave a brief process overview of the budget process, which started in August of 2018. The guiding principles were (1) essential service delivery - ensuring departments have the resources required to meet service delivery expectations; (2) enhancing customer value - ensuring efficient service delivery that improves the customer experience; and (3) strategic alignment - aligning resources (new and existing) to achieve community, Council and staff goals. The Fiscal Year 2019-20 proposed budget (1) continues funding for existing services with minor enhancements that align with community, City Council and staff goals; (2) maintains property tax rate (42.89-cents); and (3) totals \$190.3 Million.

City Manager Campbell then did a brief review of major operating investments. For transit investments (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; (4) maintenance facility study; and (5) the 2020 estimate is an increase of \$1.56 Million which is 30% over the current year. For investments in people (1) employee pay raise (2.5%); additional retirement contribution (1.2%); no additional healthcare contribution; (4) Class & Compensation Study; and (5) full year of funding for 6% 457 firefighter retirement program. In addition to employee pay raise, she recommended (1) Council direct staff to study compensating City of Asheville employees a base annual full-time salary of \$31,200 (which is equivalent to \$15/hour based on a 40 hour work week); (2) Apply this threshold to all permanent full-time, permanent part-time, and temporary/seasonal employees; (3) have staff direct the classification and compensation study consultant, in the first phase of the study, to provide the City with recommendations and costs for implementing this directive including any adjustments needed to address salary compression issues; and (4) have City Manager Campbell identify funding within this year's budget to begin implementation based on study recommendations.

For capital investments, there is (1) construction of Fire Station 13; (2) facility maintenance; (3) computer replacement; and (4) Walton Street Pool and Grant Center.

In summary, she said that planning for future years include (1) continuing 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.

Mayor Manheimer opened the public hearing at 6:15 p.m.

Many individuals spoke regarding the budget, with various comments, some being, but are not limited to: (1) fully funding the Transit Master Plan with extended hours; (2) funding the Urban Forest Master Plan and hiring an Urban Forester; (3) raise all City employees to \$15/hour and pay current fair market value wages; (4) not removing a traffic lane on Charlotte Street; and (5) funding for staffing in Community & Economic Development to improve Minority Women Business Enterprise results related to the 2018 Disparity Study.

Mayor Manheimer closed the public hearing at 8:05 p.m. and said that adoption of the ordinance adopting the Fiscal Year 2019-20 Annual Operating Budget will be held on June 11, 2019, at which time no further public comment will be taken.

Closed Session

At 8:06 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(e). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit or potential lawsuit involving the following parties: PHG Asheville LLC vs. City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 8:35 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously.

B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED ON 99999 VERDA VISTA CIRCLE FROM COMMERCIAL INDUSTRIAL DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A 56-UNIT MULTI-FAMILY RESIDENTIAL BUILDING

ORDINANCE NO. 4744 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED ON 99999 VERDA VISTA CIRCLE FROM COMMERCIAL INDUSTRIAL DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A 56-UNIT MULTI-FAMILY RESIDENTIAL BUILDING

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone property located on 99999 Verda Vista Circle from Commercial Industrial District to Residential Expansion/Conditional Zoning for the construction of a 56-unit multi-family residential building. This public hearing was advertised on May 17 and 24, 2019.

Action Requested: Consider a conditional zoning petition for property currently zoned Commercial Industrial (CI) to Residential Expansion District Conditional Zone (RES EXP CZ)

Project Location and Contacts:

- The project site consists of a 3.21 acre parcel located at 99999 Verde Vista Circle (PIN 9658.52-9309) that is owned by Pike Real Estate Development, LLC.
- Petitioner: Mission Properties; Contact: Warren Sugg.

Summary of Petition:

- The proposal is for the construction of a new multi-family residential apartment building as an expansion of an existing development.
- The petition includes a rezoning via conditional zoning from Commercial Industrial (CI) to Residential Expansion District Conditional Zone (RES EXP CZ) due to the limited residential density permitted in the underlying zoning district.
- The proposed four-story building contains 56 dwelling units and is approximately 66,941 square feet in size.
- The project utilizes an internal connection to the existing development, which is accessed from Bleachery Boulevard via River Ford Parkway.
- Plans include a surface parking lot with 84 vehicular spaces which is within the range required based on the number of one and two-bedroom units.
- The project includes 10-foot wide walkways around the building and five-foot wide paths with stairs to connect this phase to the existing development as well as to Bleachery Boulevard.
- A five-foot wide sidewalk will be provided behind the existing street trees along the project frontage on Bleachery Boulevard to connect into existing sidewalk to the north and will extend in the opposite direction to the intersection with River Ford Parkway.
- The applicant will provide a transit stop with a pad, shelter and bench along the project frontage on Bleachery Boulevard.
- Landscaping and retaining wall screening as required by code will be provided on the site.
- The applicant is requesting the following conditions to be approved for this project:
 - Sidewalks and walkways are required to be 10 feet wide; the stairs that connect to the existing development and to Bleachery Boulevard are proposed to have a width of five feet; five feet is also the width proposed for the sidewalk along Bleachery Boulevard to match into the existing sidewalk along this corridor and to

- preserve street trees.
- Open space requirements are satisfied via the amenities in the existing development.
- Parking is not permitted between a building and the primary access corridor; the layout shows parking closer to Bleachery Boulevard due to topography and existing infrastructure, including a 42 inch storm pipe running through the site.

Comprehensive Plan Consistency:

- The Living Asheville Comprehensive Plan identifies this location as an Urban Corridor on the Future Land Use Map. This designation anticipates mixed-use development including higher density residential and emphasizes multi-modal access, sidewalks and transit facilities to enhance connectivity and the pedestrian experience. This project aligns with these goals.

Compatibility Analysis:

- The expansion of the existing residential development is compatible with the area as the form and layout is similar to other multi-family developments in the vicinity and is well sited proximate to a variety of commercial uses, employment and transit.
- The applicant has provided a pedestrian connection to and along Bleachery Boulevard and extended the sidewalk connection from River Ford Parkway down to the retail center. The applicant has also agreed to relocate and upgrade a transit stop.

Council Goal(s):

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

Committee(s):

- Technical Review Committee - February 15, 2019 - approved with conditions
- Planning and Zoning Commission - May 1, 2019 - recommended approval (7-0)

Staff Recommendation:

- Staff supports this expansion of the existing residential development including the upgrades to pedestrian connectivity and transit. The conditions requested by the applicant are supportable as the sidewalk location preserves existing street trees and extends the existing streetscape layout in the vicinity of the site. Additional activation of Bleachery Boulevard is not practical due to the grade differential on the site.

Mr. Robert W. Oast Jr., attorney representing the developer, provided Council with a packet of information, in which he outlined some of the major features (1) one additional building of 56 units - 10% (6 units) affordable for 20 years; (2) 84 parking spaces; (3) sidewalks internal and connecting to Bleachery Boulevard; (4) provide transit stop and shelter on site; (5) use of River Ford Parkway by City vehicles; and (6) new units use all amenities. He said this is a good, uncomplicated project and urged Council to support it.

When Vice-Mayor Wisler pointed out that the 10% affordable units is not contained in the B.1 conditions, Mr. Oast said that they are agreeable to having that included in the B.1 conditions.

Councilwoman Mayfield noted that Phase 1 also contains 10% affordable units.

At 8:48 p.m., Mayor Manheimer opened the public hearing, and when no one spoke, she closed the public hearing at 8:48 p.m.

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

Vice-Mayor Wisler moved to approve the conditional zoning request for Verde Vista Phase 2 from Commercial Industrial (CI) to Residential Expansion District Conditional Zone (RES EXP CZ) for the construction of a new building and site upgrades with an amendment to the B.1 conditions to include 10% (6 units) affordable for 20 years; and find that the request is reasonable, is in the public interest and aligns with the city's comprehensive plan in the following ways: (1) this is an expansion of an existing residential development; (2) the Future Land Use category is appropriate and supportive of this higher density residential use; (3) the project provides pedestrian connections along Bleachery Boulevard and an upgraded transit stop; and, (4) the proposal is aligned with strategies found in the city's comprehensive plan regarding activating the pedestrian experience, siting uses along corridors that are supported by transit and locating residential density proximate to other commercial uses, contributing to a mixed-use corridor. This motion was seconded by Councilman Haynes and carried on a 6-1 vote, with Councilman Young voting "no".

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C. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 1 SOUTH TUNNEL ROAD FROM REGIONAL BUSINESS DISTRICT TO MIXED USE EXPANSION/CONDITIONAL ZONE TO ALLOW A MIXED-USE DEVELOPMENT THAT INCLUDES RESIDENTIAL, RETAIL, SERVICE AND ENTERTAINMENT USES

At the applicant's request, Councilman Young moved to continue this public hearing until July 23, 2019. This motion was seconded by Councilman Haynes and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 19-133 - RESOLUTION APPROVING HARRAH'S CHEROKEE RESORT, AN ENTERPRISE OF THE EASTERN BAND OF CHEROKEE INDIANS, AS THE NAMING RIGHTS PARTNER FOR THE CIVIC CENTER (CURRENTLY THE U.S. CELLULAR CENTER)

Mr. Chris Corl, General Manager of the U.S. Cellular Center, said that he is requesting the selection of one of two bidding companies - U.S. Cellular Inc. or Harrah's Cherokee Resort, an Enterprise of the Eastern Band of Cherokee Indians - as the Naming Rights Partner for the Asheville Civic Center and to authorize the City Manager to direct City staff to initiate the necessary steps to enter into a naming rights license agreement with this company.

Background:

- November 22, 2011, City Council passed Resolution No. 11-228 approving the Mayor to execute a naming rights licensing agreement with U.S. Cellular Inc.
- U.S. Cellular Inc. naming agreement was valued at \$150,000 annually with a total term value of \$1,350,000.
- 100% of the funds generated from naming rights are used towards debt services from arena & common spaces renovations completed in 2011-14. The debt service on this renovation project sunsets in 2031. All naming license fee revenues must stay with the Center's enterprise funds.
- The agreement with U.S. Cellular expires on December 31, 2019, and all possible extensions have been executed.
- In compliance with the City's Naming Rights Policy adopted in March 2014, staff was

authorized to issue a “call for interest” and begin the process of developing a new naming rights contract by the Finance and HR Committee on July 24, 2018.

- Subcommittee Goals of the Naming Rights Agreement were provided to Council, with the mission being “to contract a licensing agreement with a notable company or individual that is culturally and socially compatible with the local community.”
- The process included:
 - Informing U.S. Cellular Inc. of the planned naming rights process
 - Working with the Civic Center Commission and sharing information with the public, including holding a public meeting
- Staff communicated with (14) companies, and received two written proposals.
 - An extension proposal from U.S. Cellular Inc.
 - A new proposal from Harrah’s Cherokee Resort, an enterprise of the Eastern Band of Cherokee Indians.

Proposal #1: U.S. Cellular Inc. Extension

- U.S. Cellular Inc. proposes a three (3) year initial term with a (2) year mutually agreeable extension opportunity.
- The annual licensing fee rate calculation continues the current agreement utilizing a 2% annual escalator for the duration of the term.
- Includes annual attendance bonuses equal to 5% of annual naming fee.
- Contract with U.S. Cellular Inc.

U.S. Cellular -	
Year 1	\$ 168,858
Year 2	\$ 172,235
Year 3	\$ 175,680
Year 4	\$ 179,194
Year 5	\$ 182,777
Subtotal	\$ 878,745
3 Year Initial Term	
2 Year Mutually Agreeable Extension	
*Does NOT include request for Naming of Civic Center Garage	
Naming Rights 'fee' subject to a 2% annual escalator	
Includes attendance bonuses annual if target attendance is met. Equal to 5% of annual naming fee. total term potential of \$43,937	
Total Term Potential Value:	\$ 922,682

Pros Proposal #1:

- Continues the brand of the facility that staff, venue partners and U.S. Cellular have been actively growing and promoting for nearly 9 years.
- Facility name is widely accepted throughout the community and the region.
- U.S. Cellular, as a naming partner has not historically required a significant amount of dedicated staff time annually.
- Does not require renaming of the Civic Center parking garage.

- Ability for strong marketing assistance regionally

Cons Proposal #1:

- Does not create any new revenue for the U.S. Cellular Center enterprise fund.
- Does not meet the goal annual naming fee mark of \$500,000 per year
- Full funding of a video board and other necessary infrastructure will be significantly more challenging to secure.
- If U.S. Cellular Inc. offer is selected, Council should be prepared to support staff in aggressively pursuing other sources of funding towards the Thomas Wolfe renovation project.

Fiscal Impact Proposal #1:

- Relative to the existing agreement, this proposal would bring in an additional \$128,745 in revenue over the next five years.

Proposal #2: Harrah's Cherokee Resort

- Harrah's Cherokee Resort proposes a five (5) year initial term with a five (5) year mutually agreeable extension opportunity.
- The annual licensing fee rate shall be \$500,000 annually for the duration of the term.
- Includes a total of \$750,000 in addition to the licensing fee in the first year for fan experience improvements and video board installation.
- Harrah's Cherokee Resort will reimburse the City for all signage, wayfinding, uniform etc. change outs associated with the name change up to \$250,000. Any costs over and above \$250,000 would be that of the City.
- Contract with, Tribal Casino Gaming Enterprise, a wholly owned instrumentality of the Eastern Band of Cherokee Indians.

Harrah's Cherokee Resort - an Enterprise of the Eastern Band of Cherokee Indians	
Year 1 - 5 (\$500,000 annually)	\$ 2,500,000
Years 6 - 10 (\$500,000 annually)	\$ 2,500,000
Subtotal	\$ 5,000,000
5 Year Initial Term	
5 Year Mutually Agreeable Extension	
*Includes request for Naming of Civic Center Garage	
Year 1 - Additional \$250,000 for 'fan friendly' Mutually agreeable improvements	
Year 1 - Additional \$500,000 towards Video Board installation; USCC to cover remaining ~\$550,000	
Year 1 - Additional up to \$250,000 (capped) reimbursables for signage, uniform change outs etc.	
Total Term Potential Value:	\$ 5,750,000
Total 5 Year Potential Value (direct comparison to U.S. Cellular)	\$ 3,250,000

Pros Proposal #2:

- Approximately \$3,000,000 in new funding, earmarked specifically for capital

- improvements at the Thomas Wolfe Auditorium
- \$750,000 in 'new' funding, fan experience improvements including video boards.
- Greatly increases the total intellectual property value of the facility for future potential naming partnerships.
- The Enterprise has significant impact to WNC.
- Support in staff training.
- Ability for strong marketing assistance regionally.

Cons Proposal #2:

- Requires re-education of community, business clients, artists and promoters who utilize the facility related to the branding and advertising of events.
- Requires staff time to manage signage and brand exchange.
- Unknown amount of dedicated staff time to relationship.

Fiscal Impact Proposal #2:

- Relative to the existing agreement, this proposal would bring in an additional \$3,000,000 in revenue over the next five years, and another \$1,750,000 in years 6-10.

Council Goals

- A Thriving Local Economy
- A Connected and Engaged Community
- A Smart City

Committees

- On April 2, 2019, the Civic Center Commission voted 3 - 2 in favor of support for the U.S. Cellular contract extension.
- On April 12, 2019, the Downtown Commission was informally presented information concerning Civic Center naming rights. No action was taken. On May 23 the Downtown Commission held a called meeting to discuss naming rights of the venue and voted 6-1 in favor of accepting Harrah's Cherokee.

Mr. Corl said that you will see the name on (1) exterior signage: monument sign, pole banners, street and wayfinding signage; (2) receipts, ticket stock, uniforms; (3) credits/mentions etc. on local, regional, national and webstream broadcasts; (4) all event advertising; (5) venue website, City of Asheville website and the Asheville App; and (6) naming of the Civic Center parking garage (if approved by Council).

Mr. Chris Stokes, Director of Sales with U.S Cellular, spoke about U.S. Cellular and provided Council with the following PowerPoint. U.S. Cellular is the fifth largest full-service wireless carrier in the United States. It offers coverage where other carriers don't and a wide range of communication services that enhance consumers' lives, increase the competitiveness of local businesses and improve the efficiency of government operations. U.S. Cellular's business model, the Dynamic Organization, starts with leadership excellence which creates passionate associates, who in turn deliver the best customer service, leading to customer advocacy that produces superior business results. U.S. Cellular maintains one of the industry's highest customer satisfaction and loyalty ratings. Regarding community outreach, U.S. Cellular strives to build a connection with our communities that extends beyond its business by supporting a cause that strengthens every neighborhood where we live and work. We are committed to enhancing the learning experience for children and communities by championing K-12 and STEM educational programs. In 2019, U.S. Cellular announced a \$1 Million donation to the Boys & Girls Clubs of America to provide K-12 STEM educational opportunities to youth for the fifth consecutive year. More than \$38,000 has been donated to the Salvation Army Boys & Girls Club of Buncombe County for afterschool and academic enrichment programs. In 2019, U.S. Cellular

donated \$300,000 to JASON Learning, a STEM curriculum dedicated to helping students learn how to become better “scientific thinkers” in their future careers. Shines a light on hundreds young humanitarians, under the age of 16, who go above and beyond to better their communities, by connected to the good in all of us. In 2019, U.S. Cellular awarded \$160,000 to 16 young humanitarians to further their cause. Celebrates elementary to high school coaches who go above and beyond for their teams, schools, and communities, connecting to the good in all of us. In 2018, U.S. Cellular awarded \$225,000 to 15 coaches and \$80,000 in school grants. Coach Chris Metzger of Pinecrest High School in Southern Pines, N.C., was this year’s winner. U.S. Cellular awarded his school a \$50,000 grant. U.S. Cellular’s naming rights sponsorships are only aligned with properties that enhance and strengthen their communities - U.S. Cellular Community Park in Medford, Oregon; U.S. Cellular Soccer Complex in Knoxville, Tennessee; U.S. Cellular Center in Asheville, North Carolina; and U.S. Cellular Center in Cedar Rapids, Iowa.

Mr. Brian Saunooke, Vice-President of Marketing for the Harrah’s Cherokee Casinos spoke about Harrah’s Cherokee and provided Council with the following PowerPoint. The Harrah’s Cherokee brand is (1) Locally owned by the Eastern Band of Cherokee Indians; (2) A top southeastern tourism destination and one of the largest and most successful gaming operations in the country; and (3) a Corporate Citizenship. Regarding supporting the wellbeing of our employees, guests and local communities (A) Job Creation - 9,000 direct and indirect jobs, 3,600+ direct employees, \$129M annual wages, and 5,400 indirect jobs; (B) Education - Fully paid scholarships for all tribal members for any institution and degree program, New K-12 school campus, Harrah’s offers tuition reimbursement program for all employees, Harrah’s paid Internship program, and Harrah’s Cherokee Tribal Scholarship Fund; (C) Social/Health - Employee Benefits (Medical & dental insurance; Retirement/401K; and Free employee health clinics, employee wellness coordinator and programs); New hospital complex; Crisis stabilization unit; and Dialysis Center; and (D) Community Partner - Buncombe County partners include Alzheimer Association, American Red Cross, Asheville Area Chamber of Commerce, Blue Ridge Health Foundation., Blue Ridge National Heritage, Blue Ridge Pride, Care Partners Asheville, Children’s Welfare League, Eliada Children’s Home, Highland Brewing, Homeward Bound, Manna Food Bank, March of Dimes, No Barriers USA, Rotary Club of Asheville South, Project Sanctuary, and UNC- Asheville. Caring for our environment to preserve the quality of life on earth are CODE GREEN Initiatives - Property-wide recycling & composting; Energy saving LED swap, electric grounds equipment, housekeeping opt out incentive; Solar farm providing 10% of Murphy, NC property electricity; and Responsible meetings and events certification. Industry leads Responsible Gaming program - Operation Bet Smart; Project 21; National Helpline; and Self Exclusion. He presented the following two naming options - Harrah’s Cherokee Center – Asheville; or Harrah’s Cherokee Arena at Asheville.

Vice-Mayor Wisler moved to adopt a resolution approving the selection of Harrah’s Cherokee, an Enterprise of the Eastern Band of Cherokee Indians as the naming rights partner for the Asheville Civic Center and authorizing the City Manager to direct City Staff to initiate the steps necessary to enter into a naming rights license agreement with them pursuant to N.C.G.S. 160A-272. This motion was seconded by Councilman Young.

The following individuals spoke in support of approving the selection of U.S. Cellular Center Inc. as the naming rights partner for the Civic Center:

- Mr. Bill Jones, a member of the Civic Center Commission
- Mr. Barney Bryant
- Mr. Paul Van Heden
- Mr. Dennis Justice

Mr. David Nutter spoke in support of approving Harrah’s Cherokee Resort, an enterprise of the Eastern Band of Cherokee Indians, as the naming rights partner for the Civic Center.

Ms. Nina Tovish questioned if we have exhausted all opportunities to get others to bid on the naming rights.

Mr. Roy Harris suggested Harrah's build a museum beside the Civic Center to tell the history of Native Americans.

Mr. Jonathan Wainscott thought we should name the Civic Center after a native of Asheville or Buncombe County and suggested the Brad Daugherty Center.

There was discussion, initiated by Councilman Haynes, about possibly extending the U.S. Cellular Center contract for a year. Mr. Corl said that that extension was not on the table and also one that didn't generate enough value given City staff would have to restart the naming rights process again next month.

In response to Councilman Haynes, Mr. Corl said that if Council declines both offers, the process for removing the U.S. Cellular signage would begin in January of 2020 with an estimated cost of \$200,000. In addition, the City would have to find other revenue sources to fund the Thomas Wolfe renovations and pay down debt service.

Councilwoman Mayfield felt that the name of the Civic Center matters a lot. The Civic Center Commission recognized that by including the language in their mission to contract a licensing agreement with a notable company or individual that is culturally and socially compatible with the local community. Asheville is a progressive City. Asheville celebrates the natural environment, arts, music, food, southern Appalachian culture and local. We also now celebrate beer; however, there is not an equivalency between Harrah's and beer. The reason is that we are Beer City USA is because we have created a craft of making beer here. It is not about drinking. She would be happy to partner with the tribe in some way. The tribe is absolutely part of our culture in Asheville and Western North Carolina and it's a partnership we should work hard to build and develop. She would have supported naming the Civic Center something that reflected some aspect of Native American culture. She wanted to reject both offers because neither of them meet the criteria set out; however, her recommendation is that we go with the shorter term - the U.S. Cellular Center - and we try again to find a corporate partner that is compatible with our community and with our culture. Her recommendation has nothing to do with her seat on the Buncombe County Tourism Development Authority (TDA).

Vice-Mayor Wisler said that she is basing her decision on the generous payments that will help with the Thomas Wolfe Auditorium renovations. She felt the brand of Harrah's Cherokee will not confuse visitors that the Civic Center is a casino. The Cherokee organization is very visible already in this community and she hasn't seen any adverse effects from that highly visible presence. She thought it was disingenuous of local nonprofits to accept the very generous money from the Cherokee organization, but yet they don't want that name on a building.

Mr. Corl responded to Councilman Kapoor when he asked what this extra revenue will go towards and how he felt how either sponsor would feed into the larger need to raise additional dollars to renovate the entire building.

Councilman Kapoor was concerned about how we fund the Thomas Wolfe Auditorium renovations. He noted that if we sponsor with Harrah's Cherokee, then at the end of five years term, the City or Harrah's Cherokee can decide whether or not to extend the term another five years.

Councilman Young said that the City of Asheville is the economic driver of all of Western North Carolina (WNC) and municipalities in WNC have economic success based on tourism that

comes to Asheville. So, he felt that everyone piggy-backs off the success of Asheville. Regarding the TDA weighing in on the naming rights sponsor after two bids were received, he felt they should have put in a bid. He felt there is no moral superiority on what Asheville's brand is, because when you go around the country and you say "Asheville" people automatically say "Beer City USA." He felt that having naming rights of a venue is about money and being able to put our facilities in good working conditions so we can continue to have events and renovate the Thomas Wolfe Auditorium. He felt the amount of financial support that Harrah's will be able to provide and our ability to keep future programs in the City and will be beneficial in the long-run.

Mayor Manheimer appreciated both entities for putting in a bid for the naming rights. She is satisfied that we have exhausted all opportunities. Staff has taken this through a very thorough and professional process. We are not as big a player in the naming rights business so we are fortunate to have some options to pick between. When you hear the budget discussions, these facilities take great subsidy to continue to keep it operating, even though it hosts all the events and people pay for tickets to attend there - there is still a great cost to run a facility like this. We must continue to offer amenities in our community as they are gathering places for people to see each other, spend time together and bring great quality of life. Since Asheville property tax payers have to help subsidize some of our facilities we are trying to be creative in looking for other ways to provide funding to keep those facilities up. We want to start to address the Thomas Wolfe Auditorium.

The motion made by Vice-Mayor Wisler and seconded by Councilman Young carried on a 6-1 vote, with Councilwoman Mayfield voting "no".

On behalf of the City of Asheville, Vice-Mayor Wisler thanked U.S. Cellular for coming forward years ago to help us start the process of naming rights. They have been a great partner over these years and she thanked them for their relationship with the City and the U.S. Cellular Center.

RESOLUTION BOOK NO. 40 – PAGE 451

B. REQUEST TO NAME POLICE HEADQUARTERS IN MEMORY OF FORMER POLICE LIEUTENANT WALTER ROBERSON

Action Requested: Announcement of a request to name Police Headquarters located at 100 Court Plaza in memory of former Police Lieutenant Walter Robertson.

Background:

- Pursuant to the City's public property naming policy, Councilman Keith Young has requested Police Headquarters be named in memory of former Police Lieutenant Walter Robertson.
- Mr. Robertson was an Asheville native and graduated from Lee Edwards High School.
- Mr. Robertson was a decorated Army veteran of the Vietnam War in which he earned several campaign medals, including the Purple Heart;
- Mr. Robertson was the first African American Lieutenant in the history of the Asheville Police Department.
- Mr. Robertson dedicated 30 years to law enforcement, diligently serving Asheville residents with pride and honor.
- Mr. Robertson was well respected and admired by the community.
- Mr. Robertson was a mentor to many and was actively involved in the program "Getting Back to Basics," to assist economically disadvantaged families.

Council Goal(s):

- Well-Planned and Livable Community
- Diverse Community

Committee(s):

- None

Pro(s):

- Honor a mentor to current and former Police officers alike.
- Recognize Mr. Robertson's leadership as a good servant of the public's well-being and safety

Con(s):

- None

Fiscal Impact:

- It is estimated that a plaque and installation may cost up to \$10,000. Funding will come from the City Manager's Contingency budget.

Councilman Young moved to solicit input from the public on naming Police Headquarters located at 100 Court Plaza in memory of former Police Lieutenant Walter Robertson. This motion was seconded by Councilwoman Smith and carried unanimously.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Reid Thompson, Ms. Velvet Hawthorne and Mr. Joe Minicozzi spoke regarding commercial traffic on Maxwell Street and the City's lack of issuing Whole Foods a Notice of Violation.

Mr. Todd Stimson spoke about the medicinal benefits of hemp.

Ms. Lowell Sopcisak spoke about health issues faced by the City and urged Council to stop the rollout of 5G and not allow it in Asheville.

Ms. Kim Roney suggested Council consider moving their meeting to a larger room when they anticipate large crowds with child care, Spanish and Russian translation services.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 10:29 p.m.

CITY CLERK

MAYOR