

Tuesday – April 23, 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. CITY OF ASHEVILLE YOUTH LEADERSHIP ACADEMY

Mayor Manheimer said that since its creation in 2007, the City of Asheville Youth Leadership Academy prepares Asheville's youth for future employment. The program focuses on leveraging relationships with nonprofit agencies, businesses and the community to provide meaningful, career-oriented internships for students. The majority of CAYLA students will be the first in their families to attend college, and many have overcome significant barriers to reach that goal.

CAYLA's vision is that all Asheville's youth have opportunities to learn the career demands, skill sets, and qualifications necessary for future employment. In short, our purpose is to support students as they find their purpose. Long-term, we hope to encourage our talented young people to return to Asheville after college, while inciting their passion to grow our entire community. To support this goal, the City has now developed a three-month fellowship program intended for CAYLA alumni who have earned a college degree, and are back in town to launch their career.

She thanked the entire group of students and noted that they have balanced the demands of a rigorous course load, held part time jobs that supported their family, earned honors in athletics and extracurriculars, and applied - and were accepted - to colleges across the state and region.

Ivah Tyson and Yenifer Silva Romero spoke about their experiences with the CAYLA program and thanked Council for supporting this program.

On behalf of City Council, Mayor Manheimer applauded the students and recognized the hard work and dedication of Founding Director of the City of Asheville Youth Leadership Academy Erika Germer.

Ms. Germer provided Council with CAYLA Social Justice Visioning documents.

B. PROCLAMATION PROCLAIMING MAY, 2019, AS "BUILDING SAFETY MONTH"

Councilman Young read the proclamation proclaiming May, 2019, as "Building Safety Month " in the City of Asheville. He presented the proclamation to Ben Woody, Director of Development Services, who recognized his team and briefed City Council on some activities

taking place during the month. Mayor Manheimer also recognized Mark Matheny for being named the Building Official of the Year by ICC Region VIII.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 9, 2019

B. RESOLUTION NO. 19-96 - RESOLUTION OPPOSING OFF-SHORE DRILLING

Councilman Haynes read the following resolution: “WHEREAS, the City of Asheville is a climate leader and understands the importance of transitioning away from fossil fuels to a renewable energy economy for climate stability; and WHEREAS, we in Western North Carolina value the Atlantic Ocean for recreational, commercial, and educational activities, all of which support our state’s economy; and WHEREAS, North Carolina’s ocean economy contributed \$2.1 billion to GDP in 2013, and an estimated 43,385 jobs. (Sea Grant & Duke, 2017); and WHEREAS, our city’s residents value our state’s ocean and coastal waters, which provide habitat to a vast array of wildlife, including endangered mammals, fish, sea turtles, and birds that depend on a healthy and clean environment; and WHEREAS, offshore oil and gas drilling and seismic exploration off the Atlantic coast put these coastal resources, and the communities and industries that depend on them, at risk from oil spills, intense ocean noise, and other damage; and WHEREAS, expanding offshore oil and gas drilling and seismic exploration threatens coastal stakeholders, marine wildlife, human health and climate; and WHEREAS, the Trump administration has proposed to dramatically expand offshore oil and gas leasing in all US oceans; and WHEREAS, several cities and states have taken a stand against new federal offshore oil, seismic blasting, and gas leases off the Atlantic coast; and WHEREAS, expanding offshore drilling anywhere will deepen the country’s dependence on fossil fuels and undermine its efforts to address climate change by reducing greenhouse gas emissions and moving toward renewable energy; and WHEREAS, the U.S. Department of Interior develops and implements a nationwide offshore oil and gas leasing program that determines the size, timing and location of lease sales for the Outer Continental Shelf; NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City of Asheville supports (1) a ban on new offshore oil and gas drilling and seismic oil exploration in federal and state waters off the Atlantic coast, and (2) no new federal oil and gas leasing in all U.S. waters, including off the Atlantic Coast. The Clerk shall forward a copy of this proclamation to acting Secretary David Bernhardt; Governor Roy Cooper; U. S. Senators Thom Tillis and Representative Richard Burr; U.S. Representatives Mark Meadows and Patrick McHenry; and any other interested parties.”

Ms. Michelle Myers, representing the Center for Biological Diversity, spoke in support of the resolution.

RESOLUTION BOOK NO. 40 - PAGE 393

C. RESOLUTION NO. 19-97 - RESOLUTION ESTABLISHING GREEN OPPORTUNITIES AS THE FISCAL AGENT FOR FISCAL YEAR 2018-19 SUPPORTING PEOPLE’S ACCESS TO RELIABLE CARE (SPARC) FOUNDATION COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Action Requested: Adoption of a resolution to establish Green Opportunities, Inc. as fiscal agent for The SPARC Foundation for the 2018-2019 CDBG Contract.

Background:

- On June 19, 2018, City Council approved the 2018-2019 Consolidated Annual Action Plan, which is submitted annually to the US Department of Housing and Urban

Development (HUD) to allocate CDBG funds and HOME Investment Partnerships Program Funds (HOME).

- As part of the 2018-2019 Consolidated Annual Action Plan, The SPARC Foundation was awarded \$43,000 in CDBG funds for their Employment and Life Skills Initiative program under the eligible activity of “Economic Development”.
- In order to carry out program activities as an economic development project and remain in compliance with HUD, The SPARC Foundation must either certify as a Community Based Development Organization (CBDO), or receive funding through a fiscal agent that qualifies as a CBDO.
- The SPARC Foundation will initiate a Memorandum of Understanding (MOU) with Green Opportunities, Inc, (“GO”) a local agency that is already certified as a CBDO, which will allow GO to act as fiscal agent for SPARC and accept the awarded 2018-2019 CDBG funds on its behalf.
- Without the MOU to allow Green Opportunities to proceed as a fiscal agent, The SPARC Foundation will be unable to access CDBG funding.

Council Goal(s):

- A Diverse Community
- Connected and Engaged Community
- Thriving Local Economy

Committee(s):

- Asheville City Council - Adoption of Fiscal Year 2018-19 Consolidated Action Plan - June 19, 2018

Pro(s):

- An approved MOU allowing Green Opportunities, Inc. to serve as a fiscal agent to SPARC will allow the organization to draw on awarded funds needed to support the operation of their mission of providing job-training and placement to at-risk populations in Asheville.
- The City of Asheville Community Development department and its community partners will be able to deploy community development funding in a compliant and timely manner.

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Move to approve granting a CDBG contract to Green Opportunities on behalf of the SPARC Foundation for the 2018-2019 award of \$43,000 and to authorize the City Manager to execute any and all documents necessary for approval.

RESOLUTION BOOK NO. 40 - PAGE 395

D. RESOLUTION NO. 19-98 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BASELINE SPORTS CONSTRUCTION LLC TO PROVIDE CONSTRUCTION SERVICES FOR THE ASHEVILLE MIDDLE SCHOOL FIELD IMPROVEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Baseline Sports Construction, LLC, to provide construction services for Asheville Middle School Field Improvements.

Background:

- The City of Asheville and Asheville City Schools (ACS) have developed a collaborative working partnership to maximize opportunities for equitable access to recreation & athletic programming.
- The purpose of the City's participation would be to make facility improvements to the Asheville Middle School Athletic Field. These improvements provide the opportunity for Asheville Parks & Recreation to expand recreation programming at a currently under-utilized facility.
- The project will involve the conversion of a natural turf field to synthetic turf field.
- A community meeting was co-sponsored by the City of Asheville and Asheville City Schools on April 2. At the meeting, ACS and City staff presented all current and future projects including the turf replacement and lighting. The residents that attended expressed no concerns related to the projects.
- The bidders were:
 - Baseline Sports Construction, LLC from Knoxville, TN: \$612,000
 - AstroTurf Corporation from Dalton, GA: \$685,500

Council Goal(s):

- An equitable and diverse community
- A well planned and liveable community

Committee(s):

- Recreation Advisory Board, January 14, 2019

Pro(s):

- Supports local partnerships to maximize capital investments in the City of Asheville
- Maximizes opportunities for equitable access to recreation & athletic programming for the citizens of Asheville
- Supports the Parks, Recreation, Cultural Arts Master Plan (2009)
- Asheville City Schools will maintain the facility
- Asheville Parks & Recreation Department will have priority scheduling
- Provides temporary space for programs displaced during Memorial Stadium Renovations

Con(s):

- Work will need to be completed during the Asheville City School summer break

Fiscal Impact:

- Funding for this contract exists within the approved Capital Improvement Program (CIP) Budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Baseline Sports Construction, LLC, to provide construction services for Asheville Middle School Field Improvements.

RESOLUTION BOOK NO. 40 - PAGE 396

- E. **RESOLUTION NO. 19-99 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN INTERLOCAL AGREEMENT WITH THE LAND-OF-SKY REGIONAL COUNCIL FOR THE COMPLETION OF CORRIDOR STUDIES ON TUNNEL ROAD AND HENDERSONVILLE ROAD**

Action Requested: Adopt a resolution authorizing the City Manager to sign an interlocal agreement with Land of Sky Regional Council to provide matching funds in the amount of \$25,593 over a two-year period for the completion of corridor studies on Tunnel Road and Hendersonville Road.

Background:

- As part of the City's participation in the French Broad River Metropolitan Planning Organization, the MPO Board adopted a work program that includes two corridor studies of transportation and land use in Buncombe County.
- The funding is programmed for studies on Tunnel Road and Hendersonville Road and totals \$350,000 over a two year period. The majority of the funding is federal.
- The federal funding requires a 20% local match which will be shared by the City of Asheville and Buncombe County and will be split over the two-year period.
- The City and the County were each asked to select a corridor for study. Buncombe County chose Hendersonville Road. The City of Asheville selected Tunnel Road, and declared this selection in a resolution adopted on September 25, 2018.
- The Land of Sky Regional Council/French Broad River MPO will manage the studies and execute all associated contracts. City Transportation and Planning and Economic Development Department staff will work with the MPO and consultant staff throughout the projects.
- The projects are expected to kick-off simultaneously in Summer of 2019 and each study will take about 18 months to complete.

Council Goal(s):

- Transportation and Accessibility; A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- Aligns with the City's Living Asheville Comprehensive Plan and multimodal transportation planning efforts.

Con(s):

- None

Fiscal Impact:

- The Fiscal Year 2019 General Fund operating budget already includes funding for the first year. The remaining matching funds will be included in the Fiscal Year 2020 General Fund Proposed Budget that is presented to City Council in May.

Motion: Move to adopt a resolution authorizing the City Manager to sign an interlocal agreement with Land of Sky Regional Council.

RESOLUTION BOOK NO. 40 - PAGE 397

- F. **RESOLUTION NO. 19- 100 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LOAN MODIFICATION REQUESTED BY MOUNTAIN HOUSING OPPORTUNITIES TO ALLOW THEM TO MAINTAIN AFFORDABILITY AT THE RIVER GLEN APARTMENTS PROPERTY AND AUTHORIZATION FOR THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL**

Action Requested: Approval of Loan Modification requested by Mountain Housing Opportunities (“MHO”) to allow them to maintain affordable housing units at the River Glen Apartments property and authorization for the City Manager to negotiate and execute all documents necessary to give effect to this approval.

Background:

- MHO developed the River Glen Apartments in Arden in 1998 with the assistance of Low-Income Housing Tax Credit equity (“LIHTC”) and the City of Asheville HOME financing. The conditions of the \$268,800 HOME loan were a 20-year term at 0% interest maturing in September 2018.
- The property contains thirty-eight (38) apartments maintained for households at or below the 60% Area Median Income (“AMI”) level. MHO has committed to extending the affordability of these units for an additional 20-year term intended to run with the HOME loan maturing on September 1, 2038.
- Currently the property contains three (3) sources of debt. The sources are listed below, with the expectation that MHO will refinance their loan with First Citizens Bank before 2021. They have requested a 20-year extension with the same terms from NCHFA. The project has positive but limited cash flow that’s incapable of supporting more than the current payments along with routine operating and maintenance costs.
 - First Citizens Bank: \$253,042
 - NCHFA: \$672,896
 - City of Asheville HOME: \$268,800
- The City of Asheville HOME loan is intended to remain in the third loan position.
- The HOME loan term expired in August 2018, and has been extended while awaiting necessary approval from the Asheville Regional Housing Consortium and the City of Asheville. In November the Asheville Regional Housing Consortium approved extension of the loan for an additional 20-year period with the same terms based on MHO’s renewed commitment to maintaining affordability.

Council Goal(s):

- A Diverse Community
- Quality Affordable Housing
- A Well-Planned and Livable Community

Committee(s):

- Asheville Regional Housing Consortium - November 1, 2018 Approval

Pro(s):

- The River Glen Apartments project will be able to restructure its debt in a manner that maintains the project’s long-term financial stability.
- The property will continue to manage its thirty-eight (38) affordable housing units for an additional 20-year period.

Con(s):

- None.

Fiscal Impact:

- The loan balance was scheduled for payment at the conclusion of the original term. Should an extension not receive approval, these funds would be returned to the Asheville Regional Housing Consortium HOME account to be redeployed towards other affordable housing projects.

Motion:

- Move to approve the loan extension requested by MHO for the River Glen Apartments development and to authorize the City Manager to negotiate and execute any and all documents necessary to give effect to this approval.

RESOLUTION BOOK NO. 40 - PAGE 398

G. RESOLUTION NO. 19-101 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE 2019 FEDERAL TRANSIT ADMINISTRATION LOW OR NO EMISSION VEHICLE PROGRAM IN ORDER TO PURCHASE 2 HYBRID BUSES AND IF SUCCESSFUL, TO ACCEPT THE GRANT AND SIGN ALL THE APPROPRIATE AGREEMENTS TO RECEIVE THE FUNDS

Staff Resource(s): Ken Putnam, Transportation Department Director; Jessica Morriss, Assistant Transportation Department Director

Action Requested: Adopt a resolution authorizing the City Manager to apply to the 2019 Federal Transit Administration (FTA) Low or No Emission Vehicle Program in order to purchase two hybrid buses, and if successful, to accept the grant funds and execute a grant agreement.

Background:

- FTA's 2019 FTA Low No program has authorized \$85 million in competitive grant funding for the purchase or lease of zero-emission and low-emission transit buses.
- Transportation staff proposes to apply for two hybrid electric buses for a total cost of approximately \$1,500,000
- The required local grant match is 15%, or approximately \$225,000.
- The grant application is due May 14, 2019.

Council Goal(s):

- Transportation and Accessibility; Clean and Healthy Environment

Committee(s):

- Transit Committee - April 16, 2019 - approved unanimously.

Pro(s):

- Grant award would help fund continued transit rolling-stock investments to secure a healthy fleet.
- Contributes to the city's carbon reduction and climate mitigation goals.

Con(s):

- If awarded, commits the city to fund the local match for Fiscal Year (FY) 2021 or FY 2022.

Fiscal Impact:

- If awarded, this grant funding would allow the City to continue to purchase necessary replacement and expansion buses consistent with the Transit Master Plan fleet schedule.
- The current 5-year Capital Improvement Program (CIP) includes matching funds for planned bus purchases in FY 2021, FY 2022, and FY 2023 (assuming grant funds are awarded). These matching funds are planned for those fiscal years and included in the CIP/debt model projections.

Motion:

- Motion to adopt a resolution authorizing the City Manager to apply to the 2019 FTA Low or No Emission Vehicle Program in order to purchase two hybrid buses, and if successful, to accept the grant funds and execute a grant agreement.

Ms. Kim Roney urged Council to continue to make steps towards the City's goals on sustainability.

When Councilwoman Mayfield asked if we are investigating electric 30-foot buses, Director of Transportation Ken Putnam said that we are; however, there is one company that does build them but the cities who have been getting them have been sending them back.

RESOLUTION BOOK NO. 40 - PAGE 399

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

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

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. 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 May 28, 2019. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

B. PUBLIC HEARING TO CONSIDER PERMANENTLY CLOSING AN UNOPENED RIGHT-OF-WAY KNOWN AS COMMERCE STREET

RESOLUTION NO. 19-102 - RESOLUTION TO PERMANENTLY CLOSE THE UNOPENED RIGHT-OF-WAY KNOWN AS COMMERCE STREET

Streets Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way known as Commerce Street. This public hearing was advertised on March 29 and April 5, 12 and 19, 2019.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Biltmore Iron and Metal has petitioned the closure and owns one adjacent property, 1 Meadow Rd. (PIN # 9648-50-7911 and 9648-51-6002). The other adjoining property owner, Asheville Area Habitat for Humanity, 33 Meadow Rd, supports the petition. (Pin # 9648-51-6002 and 9648-50-4827)
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - January 23, 2019 - Recommended closing the right of way and working with the property owner to secure a greenway right of way along the river.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill development that makes efficient use of existing resources

Con(s):

None

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 5:41 p.m.

Mr. Robert W. Oast Jr., attorney working with the applicant and adjacent property owner, said he was not aware of any opposition to the closing .

Mayor Manheimer closed the public hearing at 5:42 p.m.

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

Councilman Young moved to permanently close the unopened right-of-way known as Commerce Street. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 400

C. PUBLIC HEARING TO CONSIDER PERMANENTLY CLOSING AN UNOPENED RIGHT-OF-WAY KNOWN AS ROSE STREET

RESOLUTION NO. 19-103 - RESOLUTION TO PERMANENTLY CLOSE THE UNOPENED RIGHT-OF-WAY KNOWN AS ROSE STREET

Streets Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way known as Rose Street. This public hearing was advertised on March 29 and April 5, 12 and 19, 2019.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Pet Vet Properties, LLC has petitioned the closure and owns two adjacent properties, 2 Hansel Ave. (PIN # 9638-48-8500) and 100 Rose St. (PIN # 9638-48-7515)
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - January 23, 2019 - MMTC supported the closure

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill development that makes efficient use of existing resources

Con(s):

- None

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 5:44 p.m. and when no one spoke.

Mr. Robert W. Oast Jr., attorney representing property owners, said they have been working with adjacent property owners and was not aware of any opposition to this closing.

Mayor Manheimer closed the public hearing at 5:45 p.m.

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

Councilman Young moved to permanently close the unopened right-of-way known as Rose Street. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 402

D. 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

At the petitioner's request, Councilman Young moved to continue this public hearing until May 14, 2019. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

When a woman asked why the developer has requested a continuance, Mayor Manheimer explained that a developer can request a continuance if they are not ready to present.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION TO ADOPT A POLICY FOR DEVELOPING CITY-OWNED LAND FOR AFFORDABLE HOUSING

Mayor Manheimer announced that this item will not be considered at this meeting.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

When Mr. Crawford Murphy, architect, asked Council to provide feedback on a pre-application for a 55-unit proposal, minus a sidewalk, Mayor Manheimer suggested he work

with City staff to see what they need in order to support the proposal. She also noted that City Council may not have the authority to waive a technical requirement.

Mr. Jonathan Wainscott advocated a raise that reflects hazard pay for first responders, and a better retirement package for firefighters.

Councilman Kapoor noted that one year ago Derrick Lee Jr. was shot and killed. He urged the public to contact the Asheville Police Department if they know of anything that might help investigators apprehend the killer.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 5:55 p.m.

CITY CLERK

MAYOR