

Tuesday – January 28, 2020 - 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; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: Councilwoman Sheneika Smith

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 14, 2020**

- B. ORDINANCE NO. 4787 - ORDINANCE AMENDING THE FEES & CHARGES MANUAL TO ADJUST CURRENT RATES AND BOOKING POLICY FOR 8 RIVER ARTS PLACE**

Action Requested: Adoption of an ordinance amending the fees and charges manual for Fiscal Year (FY) 2019-20 to adjust current rates and booking policy for 8 River Arts Place.

Background:

- In 2016, City Council Council approved a contract to renovate the facility and reaffirmed the community's vision for the space as follows: "For the facility to provide space for a highly visible information and wayfinding kiosk that supports the greater River Arts District by providing information about the district for visitors on arts and culture, shopping, studios, galleries, recreation opportunities, events, and restaurants. It is also intended to be a destination in its own right, with plans for a public-private-partnership lease, and to serve as flexible space for a gallery, office, studio, retail, or performance space that would be rented to private sector partners."
- After two years of operation of 8 River Arts Place (formerly 14 Riverside Drive) by the Strategic Development Office division, a request was made for the Harrah's Cherokee Center division to take over the event related operation of the property.
- Harrah's Cherokee Center staff begun handling booking, contracting, invoicing and oversight of special events held at the property beginning in October 2019
- As noted above, long term plans continue to work towards a public-private-partnership, with a goal of finalizing this process within the next one to two years. Harrah's Cherokee Center operation will continue until the process is complete.
- Current rate structures are not sustainable; often times not covering the staff related costs with the rental, let alone overhead and profit.

Council Goal(s):

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

Committee(s):

- Civic Center Commission - December 3, 2019 - Recommended proposed rate and booking policy adjustments.
- Finance Committee - December 10, 2019 - Recommended proposed rate and booking policy adjustments for full council approval.

Pro(s):

- Covers Harrah's Cherokee Center staff time and basic materials.
- Adjust rates to be more in line with other event rental spaces in the community.

Con(s):

- Significant increase in rates.

Fiscal Impact:

- Minimal fiscal impact, creates a cost recovery system, but does not create true revenue generation.

Motion:

- Motion to approve an ordinance amending the fees and charges manual for Fiscal Year (FY) 2019-20 to adjust current rates and booking policy for 8 River Arts Place, effective for newly contracted events after February 1, 2020.

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C. ORDINANCE NO. 4788 - ORDINANCE AMENDING THE FEES & CHARGES MANUAL TO ADJUST CURRENT RATES AND BOOKING POLICY FOR THE HARRAH'S CHEROKEE CENTER

Action Requested: Adoption of an ordinance amending the fees and charges manual for Fiscal Year (FY) 2019-20 to adjust current rates and booking policy for the Harrah's Cherokee Center.

Background:

- Harrah's Cherokee Center staff has not adjusted rates in a significant way in over three years.
- Due to increased expenses including adjustments in temp/seasonal staff living wage rates increasing to a minimum of \$13.65 per hour the majority of posted staff billable wages need to be increased.
- Staff recommends that we formalize 'Last Minute' events more formally in the Center's booking policy as these events usually have more expenses associated with them.
- Staff propose increasing base rental fee minimums on non-ticketed events. Non-ticketed events do not allow for the same potential revenue streams for the facility as ticketed events. Therefore, staff recommends that rental fees for non-ticketed events be higher than ticketed events.

Council Goal(s):

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

Committee(s):

- Civic Center Commission - December 3, 2019 - Recommended proposed rate and booking policy adjustments.
- Finance Committee - December 10, 2019 - Recommended proposed rate and booking policy adjustments for full council approval.

Pro(s):

- Covers additional staff costs after living wage adjustments.
- affords for greater revenue opportunities with 'last minute' events to help cover additional costs incurred by the city in other departments.
- Adjust rates to be more in line with other event rental spaces in the southeast.

Con(s):

- Places Harrah's Cherokee Center staffing billable rates as the highest in the region of competing concert venues.

Fiscal Impact:

- Anticipated net increase in revenues of approximately \$23,000 annually.

Motion:

- Motion to approve an ordinance amending the fees and charges manual for Fiscal Year (FY) 2019-20 to adjust booking policy and rates for the Harrah's Cherokee Center, effective for newly contracted events after February 1, 2020.

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D. RESOLUTION NO. 20-20 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BRYANT LAND AND DEVELOPMENT INDUSTRIES INC. FOR THE ENHANCEMENTS TO THE STATE STREET PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Bryant Land and Development Industries, Inc. in the amount of \$1,281,068.20 plus a 15% contingency of \$192,160.23 (\$1,473,228.43 total) for the State Street Enhancement Project.

Background:

- The project includes the milling and resurfacing of State Street, repairs to the concrete sidewalk and pedestrian improvements at the intersections with Pennsylvania Avenue, Hanover Street, Short Michigan Avenue, and Wellington Street.
- These include improvements to ADA accessibility (all intersections), pedestrian signal heads (Hanover intersection), and pedestrian activated beacons (Pennsylvania and Wellington).
- Finally, a revised pavement marking plan has been designed for State Street.
- The project was advertised on November 1, 2019 and the bid opening was scheduled for December 3, 2019. Since the City did not receive a sufficient number of bids, the project was readvertised on December 4, 2019. The following bids were opened on December 17, 2019:

Bryant Land and Development Industries, Inc., Burnsville, NC	\$1,281,068.20
Harrison Construction Company, Asheville, NC	\$1,524,858.39
Rogers Group, Inc., Nashville, NC	\$1,591,391.95
- Construction is anticipated to start in mid-February and take four to six months.

Vendor Outreach Efforts:

- Staff performed outreach to Minority & Women-Owned Business Enterprise (MWBE) service providers through solicitation processes which included posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to MWBEs for subcontracted services.
- No MWBE submitted a bid to be the prime contractor on the project.

- MWBEs will be performing the guardrail installation, sign installation, and pavement markings. These items amount to 3.1% of the total project expenditures.

Council Goal(s):

- This action complies with Council's 2036 vision for transportation and accessibility.

Pro(s):

- Provides for the resurfacing of State Street which is a heavily traveled road that is in poor repair.
- Will make the sidewalk more ADA-compliant.
- Provides for safer pedestrian crossings of State Street.

Con(s):

- Construction will be disruptive to the neighborhood and to traffic. Efforts will be made to minimize disruptions.

Fiscal Impact:

- Funding is coming from the 2016 General Obligation Bond approved by Asheville constituents in November 2016. The total maximum cost of this contract, including contingency, is \$1,473,228.43. This is approximately 4% of the Transportation bond funding.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Bryant Land and Development Services, Inc. in the amount of \$1,281,068.20 plus a 15% contingency of \$192,160.23 for a total of \$1,473,228.43 for the project known as State Street Enhancements.

RESOLUTION BOOK NO. 41 - PAGE 212

E. RESOLUTION NO. 20-21 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH FIRST BAPTIST CHURCH FOR CITY EMPLOYEE PARKING AT 5 OAK STREET

Action Requested: Adoption of a resolution authorizing the City Manager to execute a new lease agreement between First Baptist Church and the City of Asheville.

Background:

- The City of Asheville leases parking spaces from the First Baptist Church at 5 Oak Street to meet the growing need for City Hall employee parking,
- An initial lease agreement was signed in March of 2018 for one year and the City leased thirty parking spaces as a trial period to see if the spaces were used by City employees.
- When the City renewed it the following year, a decision was made to lease twenty spaces.
- At this time, almost all of the leased spaces are in use by City employees and the City is seeking to establish a new lease to extend the term for 20 spaces.
- The current lease will expire in February of 2020 and the City seeks a new lease with a term of two years and a price of \$50.00 per space. With 20 spaces being leased, the monthly amount is \$1,000 (\$12,000 per year).

Council Goal(s):

- A Thriving Local Economy

Committee(s):

- None

Pro(s):

- This parking lot provides much needed extra parking for city employees.
- The \$50 fee is below market rate in the downtown area.
- Because of the walk involved, the City has offered wellness points for employees using the parking spaces at the church.

Con(s):

- None.

Fiscal Impact:

- The Parking Services Fund is responsible for the rental amount of \$12,000 per year under the terms of the lease.

Motion:

- Motion to approve the resolution authorizing the City Manager to execute a lease with the First Baptist Church.

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F. ORDINANCE NO. 4789 - BUDGET AMENDMENT IN FEDERAL TRANSIT ADMINISTRATION SECTION 5310 FUNDS TO FUND PASS-THROUGH GRANTS TO SUB-RECIPIENTS AND A PORTION OF THE CITY'S EXISTING PARATRANSIT AND ADMINISTRATIVE COSTS

Action Requested: Adoption of budget amendment in the amount of \$332,174 in Federal Transit Administration Section 5310 funds to fund pass-through grants to sub-recipients and a portion of the City's existing paratransit and administrative costs. These funds are annual recurring funds that have been accounted for in the budget. These funds were previously anticipated and do not offset the current shortfall in the budget for paratransit services.

Background:

- At its March 12, 2019, meeting, City Council approved a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization for Section 5310 Funds, and to accept the grants and sign all the appropriate agreements with the French Broad River Metropolitan Planning Organization, Federal, and/or State agencies.
- The purpose of the Section 5310 funding program is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expand transportation mobility options.
- These are Federal Transit Administration (FTA) funds under Award # 1057-2019-3 for the Enhanced Mobility of Seniors and Individuals with Disabilities program that the City is the designated recipient for the region. The funds will be distributed to each of the applicants via an application process through the Metropolitan Planning Organization. The City is responsible for overseeing and disbursing the funds to the applicants. The chart below outlines the amount funded for each recipient.
- The budget amendment will provide expenditure authorization for the \$332,174 in grant funds. The City's portion of the funds is used to support the existing City paratransit service and administrative costs.
- These funds were previously anticipated and do not offset the current shortfall in the budget for paratransit.

Subrecipient	Project	FTA Amount	Local Match (20% or 50%)	Total
City of Asheville	ADA Paratransit	\$99,000	\$19,800 (20%)	\$118,800
Buncombe County	SED TAP	\$72,880	\$14,576 (20%)	\$87,455
Vocational Solutions	Vocational and Life Skills Training	\$15,840	\$3,148 (20%)	\$18,988
Council on Aging	Volunteer Driver Program	\$13,690	\$13,690 (50%)	\$27,380
Land of Sky Regional Council	Senior Companion Program	\$32,340	\$32,340 (50%)	\$64,680
Vocational Solutions	Vocational and Life Skills Training	\$4,950	\$4,950 (50%)	\$9,900
Buncombe County	RIDE Vouchers Program	\$52,337	\$52,337 (50%)	\$104,674
Madison County	Transportation to Meal Sites	\$7,920	\$7,920 (50%)	\$15,840
City of Asheville	Program Administration	\$33,217	N/A	\$33,217
	Total	\$332,174	\$148,761	\$480,934

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Project funding is provided by the FTA. Local match is 50% for operating projects and 20% for capital projects. Each sub-recipient is responsible for their local match.
- The City is provided \$33,217 for administration purposes, which does not require a local match.

Con(s):

- None.

Fiscal Impact:

- The total grant award for the projects is \$332,174 and will be funded with Federal Funds. As noted above, \$33,174 will be reimbursed to the city for administrative costs, and Asheville's local match for the provision of the Americans with Disabilities Act paratransit services totals \$19,800.

Motion:

- Motion to adopt a budget amendment in the amount of \$332,174 in Federal Transit Administration Section 5310 funds to fund pass-through grants to sub-recipients and a portion of the City's existing paratransit and administrative costs.

G. RESOLUTION NO. 20-22- RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ADDENDUM #3 TO THE 2003 INTERGOVERNMENTAL AGREEMENT WITH BUNCOMBE COUNTY DATED SEPTEMBER 2, 2003, REGARDING THE DISTRIBUTION OF STATE 9-1-1 FUNDS

Action Requested: Adoption of Addendum #3 to the 2003 Intergovernmental Agreement between the City and County dated September 2, 2003.

Background:

- The City and County executed an Intergovernmental Agreement on September 2, 2003, outlining the obligations between the County, as the Primary Public Safety Answering Point (PSAP), and the City, as the secondary PSAP. The purpose is to create a County and City consolidated call center; and provide clarity around the call center's expenditures.
- On December 13, 2005, the County and City executed an addendum to the 2003 Intergovernmental Agreement establishing a new completion date for the consolidated public safety communication center paid for by the County.
- On September 25, 2009, the City and County executed Addendum #2 to the 2003 Intergovernmental Agreement creating a joint agreement for the operation of the communication center.
- Since then, the State's 911 Board has determined that the City's operation meets the definition of a Secondary PSAP, and requires an agreement between the City and County for the County to receive and disburse the City's secondary PSAP funds for the City's benefit.

Council Goal(s):

- Smart City

Committee(s):

- None

Pro(s):

- Maintains the status quo regarding current 911 operations.

Con(s):

- None.

Fiscal Impact:

- No changes to the distribution of existing funds.

Motion:

- Motion to approve the resolution authorizing Addendum #3 to the Intergovernmental Agreement between the City and Buncombe County dated September 2, 2003 (9-1-1 funds)

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H. RESOLUTION NO. 20-23 - RESOLUTION SUPPORTING THE FRENCH BROAD METROPOLITAN PLANNING ORGANIZATION DEVELOPMENT OF A REGIONAL TRANSIT FEASIBILITY STUDY

Action Requested: Adopt a resolution of support for the French Broad River Metropolitan Planning Organization's development of a Regional Transit Feasibility Study

Background:

- The French Broad River Metropolitan Planning Organization (MPO) is the regional transportation planning organization for the Asheville region.
- In 2019, the MPO Board and Technical Committee voted to support the development of a regional transit feasibility study and to increase the dues of each member agency equally to support the cost of the study.
- The study will be completed over the next two fiscal years.
- The City budgeted half of the due increase in Fiscal Year (FY) 2020 Transportation Department budget and will include the remaining half in the base budget for FY 2021.
- The study is intended to provide a deeper understanding of the existing needs for regional transit, the existing conditions of current systems, and make recommendations as to the feasibility of creating regional transit services.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- The project will be managed by the MPO, including the contract and deliverables.
- The study will provide useful recommendations as to the need, costs, and implementation options for providing regional transit services.

Con(s):

- The City's MPO dues were increased by \$2,107 to support the cost of the study (the increase is temporary and is only for the Regional Transit feasibility study).

Fiscal Impact:

- The City of Asheville's dues to the MPO were increased by \$2,107 as a contribution toward the completion of the study. Half of this amount was budgeted in the Transportation Department FY 2020 budget and the second half will be included in the base budget request for FY 2021.

Motion:

- Motion to adopt a resolution of support for the French Broad River Metropolitan Planning Organization's development of a Regional Transit Feasibility Study.

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I. RESOLUTION NO. 20-24 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INSPECTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR PEDESTRIAN PHASING AT THE INTERSECTION OF OVERLOOK ROAD AND PINCHOT DRIVE

Action Requested: Adoption of a resolution authorizing the City Manager to enter into and execute a review and inspection agreement with the N.C. Department of Transportation (NCDOT) for the NCDOT to perform design review and inspection of the addition of pedestrian phasing at the intersection of Overlook Rd and Pinchot Dr. and submit payment not to exceed the City Manager's Council authorized financial approval limit.

Background:

- The City has plans to construct a new sidewalk along NC 3503 (Overlook Rd.) between Pinchot Dr. and Briarcliff Dr. as identified in the 2016 Bond Referendum.
- The new sidewalk will tie into an existing sidewalk network and will connect a residential neighborhood to schools, a library, and other local destinations.
- The project includes pedestrian phasing and crosswalk at one intersection.
- The City has prepared the appropriate designs, added pedestrian phasing, and will be furnishing and installing the equipment and crosswalks.
- NCDOT will review and approve the designs and inspect the work during the construction phase which is currently scheduled to begin in Spring 2020.
- City Council is required to authorize all intergovernmental agreements by NCGS 160A-461.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- A new section of sidewalk will be constructed that will provide an important pedestrian connection between a neighborhood and local destinations, including three schools and a library.
- The pedestrian experience will be enhanced and made safer through signalized intersections with pedestrian phasing and crosswalks.
- The NCDOT will own and control the traffic signal (and associated equipment) and maintenance will be performed according to NCDOT's current policies and procedures.

Con(s):

- None

Fiscal Impact:

- The financial impact of this agreement is expected to be less than \$30,000. Funds are budgeted for this project as part of the 2016 GO bond referendum.

Motion:

- Motion to authorize the City Manager to enter into and execute a review and inspection agreement with the N.C. Department of Transportation (NCDOT) for the NCDOT to perform design review and inspection of the addition of pedestrian phasing at the intersection of Overlook Rd and Pinchot Dr. and submit payment not to exceed the City Manager's Council authorized financial approval limit.

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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 Councilwoman Mayfield and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

Investments in City Facilities and Services

City Manager Campbell reviewed Council's strategic priority of a Financially Resilient City (1) enhance City facilities and services to maintain high quality of life; and (2) invest needed financial and staff resources to address maintenance, new construction and operational needs.

She said that City Capital Improvement Projects include road maintenance, Martin Luther King Jr. Drive, traffic calming, bus shelters, traffic signal replacement, outdoor courts, playgrounds, Tempie Avery Montford Center, Mills Gap sidewalk, and Hill Street sidewalk. Capital projects under construction include (1) ballfields at Ray L. Kisiah and Shiloh; (2) traffic signals; (3) Richmond Hill Park restrooms; (4) greenway connectors at Elsie's Bridge and Reed Creek; (5) Jake Rusher Park; (6) Haywood streetscape; and (7) Augusta Barnett playground. Capital projects in design include the following (1) sidewalk projects - Airport Road, Fulton Street, Gerber Road, Johnston Boulevard, Overlook Road, Oteora Road, New Haw Creek Road, Patton Avenue, and Swannanoa River Road; (2) streets and greenways - Swannanoa River Greenway; and greenway connectors; and (3) Parks & Recreation - Wesley Grant Center; and Memorial Stadium.

Water Resources Maintenance and Investments

Water Resources Director David Melton said that regarding capital planning, (1) 5-year Capital Improvement Plan reviewed and adjusted annually; (2) Water Master Plan has a 30-year planning horizon; (3) 20 miles of water lines replaced annually; (4) track areas of need through GIS technology; (5) proactive decisions on where to invest in water system; and (6) balancing act in terms of impacts to water system. The balancing act consists of (1) making improvements at a rate that can be sustained by our system and customers; (2) mountain topography creates higher pressure and more breaks in some areas; and (3) safety - high pressure in some areas mean water must sometimes be shut off to make a repair. Regarding the North Fork Dam improvements, (1) dam will be able to better withstand inflow from severe storm events, as well as add attenuation capacity to the reservoir; and (2) expected completion by end of 2020. Regarding the North Fork Transmission Line Bypass, (1) \$2.1 Million project - completed in November 2019; (2) installation of 1,700 feet of 36-inch transmission waterline with tie-ins to the existing 36-inch and 24-inch transmission lines; and (3) designed to protect our community from a system-wide water loss during a major flood. Regarding the Tunnel Road Waterline installation - \$2 Million project involved installation of a 30-inch waterline where a 24-inch line was in place. Regarding Neighborhood Enhancement Projects, (1) replaced approximately 20 miles of old and aging water lines; and (b) completed in 2019. Regarding boil water advisories, (1) when a pipe gets down to low or no pressure for a repair, this triggers a Boil Water Advisory for the respective areas; (2) required by the state; (3) public health and safety are most important; and (4) especially vulnerable populations. He explained who gets an alert (1) the person whose name is on the combined utility bill; (2) people and businesses listed in the white and yellow pages; and (3) people and businesses who register online or through 2-1-1. When you receive a Boil Water Advisory, it means that contamination is possible but not confirmed. As a precaution, we recommend customers vigorously boil water for at least 1 minute before consumption or drink bottled water. Once tests confirm there is no contamination, we will contact you through AVL Alert. You should receive the "Lift" Alert through the same method you receive the "Boil Water Advisory" Alert, or (2) all "Advisories" and "Lifts of Advisors" are posted on the City's website. The City has updated the language on this webpage to be clearer; or (3) call Water Customer Service at 828-251-1122. He encouraged everyone to sign up for all alerts. If a contamination is found, a "Boil Water Notice" will be sent through AVL Alerts. The City of Asheville is partnering

with Buncombe County Health & Human Services to educate and work with businesses impacted by Boil Water Advisories.

City Manager Campbell and Water Resources Director Melton responded to various comments from Council, some being, but are not limited to: possibility that the County's Health Department reflect the City's boil water advisories; how does the City monitor vulnerable areas; how does the City balance the right amount of projects with acknowledging the impacts on the community.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 20-18 - RESOLUTION DISSOLVING THE ENERGY INNOVATION TASK FORCE AND ESTABLISHING THE BLUE HORIZONS COMMUNITY COUNCIL FOR THE PURPOSE OF ACHIEVING THE COMMUNITY-WIDE RENEWABLE ENERGY GOAL THROUGH THE BLUE HORIZONS PROJECT

RESOLUTION NO. 20-19 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO ISSUE A JOINT REQUEST FOR PROPOSALS FOR THE MANAGEMENT AND IMPLEMENTATION OF THE BLUE HORIZONS PROJECT AND THE BLUE HORIZONS PROJECT COMMUNITY COUNCIL

Councilwoman Mayfield said that the following are the Energy Innovation Task Force's (EITF) goals from 2016: (1) Avoid or delay the construction of the 190-MW/\$100 million natural gas-fired peaker plant planned for 2023; and (2) Transition to a cleaner, affordable, and smarter energy future in WNC, rooted in community engagement and collaboration that is mutually beneficial to the community, customers, and Duke Energy. Using a chart, she showed the many organizations involved in the Blue Horizons Project.

Councilwoman Mayfield noted that the EITF accomplishments include (1) eliminated the need for the peaker plant; (2) two micro-grids with local support - the first utility-sale micro-grids in the state; (3) 19 MW of battery storage - more than anywhere else in North Carolina; (4) pilot programs approved by NCUC for Buncombe County - Fee for Service upgrades for low-income families and cold climate heat pump pilot; (5) advanced metering infrastructure deployed in Buncombe County ahead of schedule; (6) New Clean Cities collaboration with Duke Energy to help cities reach their renewable energy goals; and (7) Blue Horizons Project launched in February 2018.

Mr. Sam Ruark-Eastes, Executive Director of Green Built Alliance, said that the Blue Horizons Project accomplishments include (1) significant increases in Energy Efficiency and Peak Demand Response programs; (2) Focus on multi-family energy efficiency; (3) 480 low-income homes weatherized since 2016; (4) Partnerships with Creation Care Alliance, Waste Reduction Partners, Community Action Opportunities, and Mountain Housing Opportunities furthered energy efficiency and solar in churches, multi-family housing, retirement communities, and businesses; (5) \$370,000 in grants received; (6) 56 presentations, 57 community events, 4 interviews; and (7) Active and growing website and social media presence (a) 300 visits per month to website; and (b) 600 followers on Facebook.

City Sustainability Officer Amber Weaver provided a chart for the transition to Blue Horizons Project Community Council (BHPCC). She explained the BHPCC membership along with their roles and responsibilities. She then reviewed the scope of work and deliverables: (1) Support City and County in working towards 100% renewable energy for the community by 2042; (2) Continue core work of community engagement; (3) Conduct a series of listening sessions throughout the County to gather input for the community-wide renewable energy plan; (4) Scale up low-income weatherization work to 350 homes in FY 20-21, 450 in FY 21-22, and 550 in FY 22-23; (5) Develop programs to help businesses and residents install solar - Solarize Campaigns, low-income solar program; (6) Support the City and County to achieve their 100% renewable operational goal as quickly as possible; (7) Implement Cool Communities groups; and (8) Continue the collaborative partnership of the EITF through Blue Horizons Project Community Council.

Staff Report Information:

Action Requested: Adoption of a resolution to dissolve the Energy Innovation Task Force (EITF) and to create the Blue Horizons Project Community Council to advise the Blue Horizons Project and adoption of a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County to issue a joint Request for Proposals (RFP) for a non-profit to implement the [Blue Horizons Project](#).

Background:

- In March 2016, Council adopted [Resolution 16-64](#) to establish a joint City, County, and Utility Energy Innovation Task Force (EITF) to address 1) prevention of Duke Energy's Peaker Plant, and 2) provide clean renewable energy for Western North Carolina.
- The EITF created and advises the Blue Horizons Project, a community campaign for energy efficiency and renewable energy.
- The EITF accomplished the initial goal of preventing the Duke Energy Peaker Plant and will dissolve as a City/County Task Force.
- The Blue Horizons Project will continue the work on Goal #2 - provide clean renewable energy for Western North Carolina - and be advised by a new community based advisory board to be known as the Blue Horizons Project Community Council.
- Elected officials and staff from both the City and County along with Duke Energy drafted a revised charter for the Blue Horizons Project which received support from both the EITF and the Sustainability Advisory Committee on Energy and the Environment (SACEE).
- A local nonprofit will manage the Blue Horizons Project and will provide staff support to the Blue Horizons Project Community Council. The City and County will have representation on this council.
- The City of Asheville will enter into an interlocal agreement with Buncombe County to give the authority to issue a joint RFP for a non-profit to implement the deliverables of the Blue Horizons Project.
- The City will have a role in selecting and negotiating the responsive bidder.
- The Blue Horizons Project Community Council will support the work of the City and County's 100% Renewable Energy Goals.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- Energy Innovation Task Force (EITF), January 10, 2020 recommended approval
- Sustainability Advisory Committee on Energy and the Environment (SACEE), January 15, 2020, recommended approval

Pro(s):

- Establishes a new charter for the Blue Horizons Project now that the initial goal of delaying the Duke Energy natural gas peaker plant has been achieved.
- Re-commits the City and County to the support of the Blue Horizons Project

Con(s):

- None

Fiscal Impact:

- The Sustainability Office’s adopted operating budget for the current fiscal year includes \$205,000 to support the EITF. Sustainability staff have requested that same budget amount for Fiscal Year (FY) 2021 to support the Blue Horizons Project Community Council. Buncombe County has also requested funds for FY 2021 to support the Blue Horizons Project Community Council. If a responsive bidder is selected, a contract will be issued after FY 2021 has begun.”

In response to Councilman Kapur, Councilwoman Mayfield said that Buncombe County has invested in the low income weatherization program, and they have made a similar commitment moving forward.

A resident was concerned about how this project addresses the warming of downtown Asheville and asked for information on the Cool Communities group.

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

Councilwoman Mayfield moved to adopt a resolution dissolving the Energy Innovation Task Force (EITF) and creating the Blue Horizons Project Community Council to advise the Blue Horizons Project. This motion was seconded by Councilman Young.

Councilwoman Mayfield asked for a friendly amendment to her motion to read: “... adopt a resolution to dissolve the Energy Innovation Task Force and anticipate the establishment of the Blue Horizons Project Community Council to advise the Blue Horizons Project. Councilman Young accepted Councilwoman Mayfield’s friendly amendment and the motion carried unanimously.

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Councilwoman Mayfield moved to adopt a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County to issue a joint Request for Proposal (RFP) for a non-profit to implement the Blue Horizons Project. This motion was seconded by Councilman Young and carried unanimously.

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B. RESOLUTION NO. 20-25 - RESOLUTION ENDORSING THE DECLARATION OF A CLIMATE EMERGENCY AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE

City Sustainability Officer Amber Weaver said that in 2017 Mayor Manheimer *reaffirmed* Asheville’s commitment to uphold the Paris Climate Agreement on behalf of the City of Asheville; and while world leaders have recognized the urgent need to combat climate change by signing the Paris Agreement, the City of Asheville recognizes the need for a new strategy to address climate change. Today, City Council is the first community within North Carolina to publicly declare a Climate Emergency supporting efforts of The Climate Mobilization Campaign, the

Sunrise Movement and Extinction Rebellion. With adoption of City Council's declaration, Asheville joins 75 other US Governments representing over 25 million people; with a total of 1,327 global governments representing over 810 million people worldwide. Declaring Climate Emergency is the critical first step in acknowledging the systematic overhaul needed to address global warming. Through the work of The Sunrise Movement, Extinction Rebellion, and the City's Sustainability Advisory Committee, here are a few highlights within Asheville's Climate Emergency resolution: (1) The City declares that a climate and ecological emergency threatens our city, region, state, nation, civilization, humanity, and the natural world; (2) The City commits to an equitable and just citywide mobilization effort to reverse global warming that, if met with all necessary financial and regulatory assistance and authorization from State and Federal authorities, would end citywide greenhouse gas (GHG) emissions as quickly as possible and no later than 2030; (3) City Council supports staff efforts to consolidate the various separate sustainability goals and department initiatives into an updated Climate Justice Plan; (4) The City will incorporate the Climate Justice Plan into the Comprehensive Plan, *Living Asheville*, and all other plans as appropriate; (5) Through the City's Capital Improvement Plan and budget process, the City will identify the projects and funding needed to fulfill the City's existing 100% renewable and carbon reduction goals and address the current climate and ecological emergency; (6) Beginning in Fiscal Year 2021, the City will consider GHG emissions in its assessment of Capital Improvement Plan (CIP) Project requests and provide a sustainability impact statement for all new CIP projects included in the adopted Annual Budget; and (7) Furthermore, the City will work with business, land development, and other private sectors to identify and incentivize effective ways to reduce GHG emissions and meet the community-wide 100% renewable energy goal.

The following resolution is being recommended for adoption by the Sustainability Advisory Committee on Energy & the Environment (SACEE) and the Sunrise Movement: "WHEREAS, world leaders have recognized the urgent need to combat climate change by signing the Paris Agreement, agreeing to keep global warming "below 2°C above pre-industrial levels," and pursuing "efforts to limit the temperature increase to 1.5°C"; and WHEREAS, in 2016 Mayor Esther Manheimer signed the Paris Climate Agreement on behalf of the City of Asheville (the "City"); and WHEREAS, the loss of life and damage caused by current global warming demonstrates that the Earth is already too hot for safety and has resulted in the increased frequency and intensity of wildfires, floods, sea level rise, disease, drought, and extreme weather; and WHEREAS, according to the United Nations' Special Rapporteur on Extreme Poverty, a 1.5°C increase in global temperature could expose 500 million people to water poverty, 36 million people to food insecurity because of lower crop yields, and 4.5 billion people to heat waves; and WHEREAS, in October 2018, the United Nations released a special report which projected that limiting warming to even a 1.5°C target this century will require an unprecedented transformation of every sector of the global economy by 2030; and WHEREAS, the United States of America and other industrialized countries have disproportionately contributed to climate change and accordingly bear an extraordinary responsibility in rapidly solving this crisis; and WHEREAS, scientists have warned that we are currently overshooting our ecological limits and potentially driving the sixth mass extinction of species that could devastate much of life on Earth for millennia, and pose as great a risk to humanity as climate change, according to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services; and WHEREAS, restoring a safe and stable climate requires an emergency climate mobilization on a scale not seen since World War II in order to: (1) reach zero greenhouse gas ("GHG") emissions across all sectors of the economy, (2) rapidly and safely drawdown and remove all excess carbon from the atmosphere until safe, pre-industrial climate conditions are restored, and (3) implement measures to protect all people and species from the consequences of an abrupt climate breakdown; and WHEREAS, such necessary measures to restore a safe climate include: (1) a rapid and just phase-out of fossil fuels; (2) ending GHG emissions as quickly as possible to establish a zero-emissions economy; (3) a widespread effort to safely drawdown excess carbon from the atmosphere; and (4) a full transition to a regenerative agriculture system; and (5)

widespread conservation and restoration of ecosystems; and WHEREAS, justice requires that frontline and marginalized communities actively participate in the planning and implementation of this climate mobilization effort and equally benefit from the transition to a climate-safe economy; and WHEREAS, the scope and scale of action necessary to stabilize the climate and biosphere will require unprecedented levels of public awareness, engagement, and deliberation to develop and implement effective, just, and equitable policies to address the climate emergency; and WHEREAS, at present, the City does not currently have the local legislative authority to phase out fossil fuel production, power generation, or use within the City as a whole; and WHEREAS, the City adopted Resolution 11-77 to increase its Municipal Carbon Footprint reduction goal to 4% annually on April 12, 2011, and as of 2017 the City had achieved a 31% reduction; and WHEREAS, the City adopted Resolution 13-228 Supporting a Clean Energy Economy on October 22, 2013; and WHEREAS, the City adopted Resolution 15-200 for a Community Clean Energy Policy Framework on October 27, 2015; and WHEREAS, the City adopted Resolution 16-64 establishing a joint City, County and Utility Energy Innovation Task Force (“EITF”) for the purpose of researching, prioritizing, recommending, and implementing recommendations to create energy efficiency, demand-side management and renewable energy opportunities to reduce energy use in Buncombe County on March 22, 2016; and WHEREAS, the work of the EITF and its partners successfully achieved, among other notable accomplishments, the long-term and likely permanent delay to the construction of an additional natural gas fired peaking power plant at Duke Energy’s Lake Julian facility; and WHEREAS, the City adopted Resolution 17-119 supporting a state goal of 100% renewable energy by 2050 and increased protection for standing forests and the creation of green jobs on June 13, 2017; and WHEREAS, in 2018 Buncombe County and the City adopted Resolution 18-279 that committed the City to transitioning all municipal operations to 100% renewable energy by December 31, 2030, and a community energy use to 100% renewable energy goal by 2042; and WHEREAS, starting in 2018, the City initiated a climate resilience assessment in cooperation with the National Environmental Modeling & Analysis Center where representatives from all 14 City departments, along with community members and environmental sustainability experts, were assembled to discuss the latest climate science and develop a climate resilience strategy that would allow the City and community to adapt and become more resilient to climate change; and WHEREAS, in 2019 the City completed its resiliency process and released a Climate Resilience Resource Guide that provides strategies for community members to become more resilient to the extreme weather caused by climate change; and WHEREAS, in 2014, the City adopted Resolution 14-27, which committed the City to a 50% reduction in waste by 2035; and WHEREAS, in 2017 the City adopted Resolution 17-257, which established a Food Policy Action Plan to increase food access and distribution, support sustainable agriculture practices in locally grown foods, and expand community food education; and WHEREAS, in 2018, the City purchased five electric buses and adopted a Transit Master Plan that calls for a massive expansion of the City’s transit system to better serve people who have to ride the bus and to give elective riders a viable option to driving; and WHEREAS, the above-listed resolutions and associated work plans collectively constitute a multifaceted response to the climate crisis we face; and WHEREAS, the City has been an environmental leader and must accelerate its efforts to create an ecologically regenerative local economy that is socially, racially, and economically just. The City must accomplish this task at emergency speed, through broad community mobilization and by advocating for the regional, national, and international efforts needed to reverse global warming and our current ecological crisis; and WHEREAS low-income communities and communities of color in Asheville and Buncombe County have historically faced unfair levels of displacement, violence, discrimination, and governmental apathy and underfunding; currently face unequal access to suitable housing, education, health services, and healthy food; and are projected to be more heavily impacted by the effects of climate change due to a lack of the funding and resources necessary for stability and resiliency. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: (1) The City declares that a climate and ecological emergency threatens our city, region, state, nation, civilization, humanity, and the natural world; and (2) The City commits to an equitable and just citywide mobilization effort to reverse global warming that, if met

with all necessary financial and regulatory assistance and authorization from State and Federal authorities, would end citywide GHG emissions as quickly as possible and no later than 2030. Further, the City commits to more deeply incorporate sustainability considerations into its departmental decision making and programs; and (3) The City recommits to its current annual and overall carbon and GHG reduction goals and recommits to evaluate these goals as necessary to identify additional adaptation and resilience strategies in preparation for intensifying local climate impacts; and (4) The City will continue to recognize that the full participation, inclusion, support, and leadership of community organizations, faith communities, youth, labor organizations, academic institutions, indigenous groups, and racial, gender, family, immigrant and disability justice organizations and other allies are integral to an equitable response and mobilization effort; and (5) The City recognizes the need for and supports additional public engagement throughout the city and county to discuss the current climate emergency and develop a plan to reach the community's renewable energy and GHG reduction goals. This outreach must ensure the voices of marginalized communities are included. This input will be incorporated into the city's Climate Justice Plan and the broader community wide plan. The city and SACEE commit to engaging community partners in holding an initial public input session in May 2020; and (6) The City will continue to utilize and revise the City's Comprehensive Plan, *Living Asheville*, as a tool to identify land use and zoning authority in order to reduce GHG emissions and adopt climate-adaptive land use strategies. The city will incorporate the Climate Justice Plan into the Comprehensive Plan and all other plans as appropriate; and (7) City Council commits to discussing how to generate the revenue needed to fund its carbon reduction, 100% renewable, waste, energy, transit, and urban forestry goals at its 2020 annual retreat; and (8) The City hereby recognizes that there is a global climate emergency which demands a massive-scale mobilization to halt, reverse, and address its consequences and causes, and supports the passage of legislation that would initiate a national emergency-speed mobilization to reverse global warming and the ecological crisis described in this Resolution, which could include, but not be limited to, H.Con.Res.52 and S.Con.Res.22, a carbon fee and dividend policy, cap and trade policy, or other similar comprehensive GHG emission reduction policy; and (9) The City commits to call on Buncombe County, sister North Carolina municipalities, the State of North Carolina, the United States Congress, the President of the United States, and all governments and people worldwide to declare a climate emergency and cooperatively initiate a climate mobilization to reverse global warming and the ecological crisis, and provide maximum protection for all people and species of the world; and (10) The City Council supports the delivery of this resolution to all relevant State and Federal agencies and elected representatives representing constituents within the City along with a request that all necessary support and assistance needed to effectuate this resolution be provided as soon as possible; and (11) The City will also continue to provide an annual Sustainability Management Report regarding its efforts to expand renewable energy use and maximize GHG emission reductions within each energy sector. As required by City Resolution 18-279 (100% Renewable Energy Resolution) the Sustainability Management Report will also indicate: (A) whether the City is on track to meet its renewable energy transition goals, and (B) whether adequate funding has been allocated by City Council to fund the necessary renewable energy transition goals; and (12) The City will engage with all relevant local, and state entities to identify the feasibility of and opportunities for gaining local authority to phase out fossil fuel production, power generation, and use within the City; and (13) Through the City's Capital Improvement Plan ("CIP") and budget process, the City will identify the projects and funding needed to fulfill the City's existing 100% renewable and carbon reduction goals and address the current climate and ecological emergency. When identifying funding needs, the City Manager will report to City Council whether existing funding is sufficient or if additional revenues will be needed; and (14) City Council supports staff efforts to consolidate the various separate sustainability goals and department initiatives into an updated Climate Justice Plan by December 2020; and (15) Beginning in fiscal year 2021 (which begins in 2020), the City will consider GHG emissions in its assessment of CIP project requests and provide a sustainability impact statement for all new CIP projects included in the Adopted Annual Budget Document; and (6) The City commits to keeping the concerns of vulnerable communities central to all climate program

planning processes and to invite and encourage such communities to actively participate in the development and implementation of the City's climate change mitigation and adaptation efforts. This engagement should result in real benefits for these communities without exacerbating the current lack of affordable housing within the City. Examples of such benefits include, but are not limited to, pollution reduction, healthier homes, and reduced energy costs; and (17) The City will work with business, land development, and other private sectors to identify and incentivize effective ways to reduce GHG emissions and meet our community wide 100% renewable energy goal."

Five individuals spoke in support of this resolution.

Councilman Haynes said that even though this took a little longer than he might have hoped, he acknowledged all the parties who assisted in moving this climate emergency resolution forward. The important roles played by members of the City, Amber Weaver and the Office of Sustainability; City Manager Campbell; and the Mayor and members of Council. Most of all he would like to commend The Sunrise Movement and its members for encouraging Council to pass a climate emergency resolution. Without the persistent efforts of this vitally important youth-led movement, this resolution would not have happened.

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

Vice-Mayor Wisler moved for the adoption of Resolution No. 20-25. This motion was seconded by Councilman Haynes and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mayor Manheimer said that we have heard from the community about moving ahead with the Transit Master Plan's call for extended hours and at our last budget worksession we observed how we don't have any additional funds for this year. But, in recognizing that whenever we fund the next step of our transit service there is a lot of logistical work that has to be done before the service can come on-line. So, in the hopes of accelerating that process and looking forward to a fiscal year that does include a full-year funding for extended hours, discussion and direction will be given to the City Manager regarding extending transit's hours.

City Attorney Branham said that since this item is not on the formal agenda, City Council will need to make a preliminary motion to add this to the agenda.

Mayor Manheimer said that the format they used in the past when asking the City Manager to prepare something to bring back to Council is an informal head-nod, not technically amending the agenda.

Councilman Kapoor was uncomfortable in placing something on the agenda since some Council members have been having conversations surrounding this issue and some have not been informed. At this time, he doesn't know the content of what is being added to the agenda.

Mayor Manheimer said this is not a request to amend the budget or even put the issue on the agenda. This is looking at the logistics of what it will take to bring the service on line.

Councilwoman Mayfield moved to add this item to this agenda regarding direction to the City Manager regarding transit. This motion was seconded by Councilman Young.

Councilman Kapoor felt that Council should have some documentation in front of them in order for them to read it and know what is actually being requested.

Mayor Manheimer understood Councilman Kapoor's concern and said that we will add this to the February 11, 2020, agenda in order to give direction to the City Manager regarding extending transit hours.

At this time, Councilwoman Mayfield withdrew her motion.

Ms. Vicki Meath, Executive Director of Just Economics of Western North Carolina, along with 9 other individuals urged Council to adopt an amendment to implement extended transit hours in this fiscal year. If Council is planning to fund evening hours for the next fiscal year, staff will add the cost of evening service hours into the base budget for Fiscal Year 2021. Even if the allocation is a small amount, an amendment would get the changes in motion and staff can begin to take the next steps. In communication with Jessica Morriss, she indicated that there is a three month lag time between allocation and implementation. So in my understanding, if you make the allocation by April 1, the implementation could begin June 1. We have been fighting for extended evening hours since 2014. We made our advocacy objective for supporting funding for full implementation of the first year of the Transit Master Plan clear throughout last year's budget process, again in October, and continuously since.

Mr. Jonathan Wainscott voiced concern of the standing water and ice at the railroad bridge on Riverside Drive.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:49 p.m.

CITY CLERK

MAYOR