

Tuesday – October 27, 2020 - 2:30 p.m.

Worksession on Proposed Hotel Development Regulations - Continued from 10-13-20

This worksession was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilwoman S. Antanette Mosley; Councilwoman Sheneika Smith; Councilman W. Keith Young; Assistant City Manager Cathy D. Ball; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that even though no public comment will be accepted at this worksession, the public can still access the remote meeting by listening live and watching online.

Director of Planning & Urban Design Todd Okolichany said this is the continuation of the October 13, 2020, worksession on proposed hotel development regulations.

He outlined the key takeaways (1) Hotels can't be "banned" out right; (2) Development impacts can be managed; and (3) New innovative tools to regulate hotel development approvals: (a) Hotel Overlay District with development and operational standards; (b) Public benefits; and (c) Revised design review process.

The key elements of the proposed regulations include: (1) establishes a straightforward, transparent process - administrative vs. City Council review as an incentive; (2) leverages development to meet community needs; (3) creates a framework that is a precedent for other types of development; (4) manages development impacts; and (5) enhances design.

Regarding recommendation #3 - Design Review & Guidelines, the revised design goals are (1) ULI recommendation and Living Asheville strategy; and (2) Combine existing design review under a single design review board (a) strengthens and streamlines the design review process; (b) allows existing commissions to focus on other priorities; (c) incentive to prioritize updates to current design guidelines; (d) provides a resource to the city and the development community; and (e) process applies to both administrative and Council review.

He then explained the difference between development standards vs. design guidelines.

Regarding the design review board membership, (1) 9 members who are residents of the City; (2) A majority of the members shall have a special interest, experience or training in architecture, historic preservation, building construction, landscape architecture, urban planning or related fields; (3) The Downtown Commission and Asheville Area Riverfront Redevelopment Commission will each designate one qualified member to serve on the board, if possible; and (4) Preference will be given to: (a) Persons with disabilities; (b) Transit users; and (c) Seniors. He then reviewed the proposed design review board and process.

He then reviewed some of the development review process concerns expressed at the October 13 worksession: (1) Council review of the expansion of Overlay District not efficient; (2) Difficult to review expansion request without reviewing the entire development proposal; (3) delete expansion of Overlay District from process; and (4) Council review threshold - upper limit on number of hotel rooms.

Regarding the concerns on the Hotel Overlay District map and development standards concerns, (1) Hotel Overlay District map amendments - staff will evaluate the map for potential changes; and (2) Spacing limitations - maxim amount of hotels on any given block.

Public benefit concerns included the public benefits table (1) green building certifications; (2) affordability options; (3) contracting for Minority- and Women-Owned business enterprises; (4) consideration of removing public benefits with lower points; and (5) reparations.

The revised design review process concern of membership of the design review board - all vs. majority professionals/persons with special interest in design.

The tentative project schedule at this time is (1) November 4: P&Z Commission continued discussion and review; (2) December 2: P&Z Commission recommendation to Council; (3) January 6: P&Z Commission vote on recommendation to Council; (4) January 26: City Council review of draft hotel development zoning regulations and map amendments; and (5) February 9: City Council vote on zoning regulations and map amendments.

Mr. Okolichany responded to various questions/comments from Council, some being, but are not limited to: are these guidelines mandatory review and voluntary compliance similar to the downtown design guidelines; will the new board eliminate the Downtown Commission and the Asheville Area Riverfront Redevelopment Commission (AARRC) and has there been conversations with those two boards; will the new board be quasi-judicial; suggestion that the Downtown Commission and the AARRC have two representatives on the new board instead of one; will the new hotel development guidelines be separate from the design review guidelines from the Downtown Commission and the AARRC; once the boundaries are voted on by City Council, can they be expanded parcel-by-parcel; what are the room totals of the new hotels; is the staff recommendation moving small hotels from 20 rooms to 35 rooms; need to explore the functionality of what smaller hotels mean for the hoteliers in terms of nice public spaces and restaurants vs. not enough space for some community amenities; regardless of whether the project is a conditional zoning project, the new board design review will still come to Council as a recommendation; can there be a maximum number of hotels on one block; how many actual building lots would be available in the River Arts District; can you put a cap on the number of hotels or number of hotel rooms in one district; does the Asheville Living Comprehensive Plan give guidance if a developer wants to build at the Asheville Mall; explanation of the boundaries around the downtown area; explanation on how different overlays work; reduce the map overlay district to not allow so many large hotel areas, especially in the downtown and River Arts District; can we restrict or remove the entire district from hotels or limit the number of hotels within contiguous blocks; can we limit the size of hotels in the entire City limits; need for design professionals on the new board; and can the public benefits table and hotel overlay map be used as a guideline if a project is a conditional zoning; what kind of criteria for membership is allowed; staff provide information on the number of buildable lots within the hotel overlay district; and the design review board should include a majority of members with the appropriate interest, background or training vs. all of the members.

The following items were discussed with staff evaluating and coming back with further information: to add another threshold of more than 100 rooms; direct staff to look at a separation requirement options; eliminate the Asheville Mall on Tunnel Road and stop south of the current hotels on Tunnel Road from the large hotel overlay district map; eliminate the River Ridge Shopping Center from the large hotel overlay district map; eliminate east of South Charlotte Street between Woodfin and College from the large hotel overlay district map; eliminate the Harrah's Cherokee Center in Asheville from the large hotel overlay district map; revise the hotel overlay district map to have all of the River Arts District and the property on Biltmore Avenue be for small hotels and not large hotels; include the Asheville Mall in the new Urban Centers proposal; extend the smaller hotel map boundaries on the west side of Coxe Avenue but still keep away from Asheland Avenue; revise the public benefits table to not give points for things that the developer is already doing; on the public benefits table, have points for offering living wage and if they do that, then they can get points for bus passes; and suggestion to revise the public benefits table that if they are offering a living wage to partner with Inclusive Hiring Partners at the

Chamber of Commerce.

At 4:33 p.m., Mayor Manheimer adjourned the worksession and noted that the formal meeting will begin at 5:00 p.m.

Tuesday – October 27, 2020 - 5:00 p.m.

#### Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilwoman S. Antanette Mosley; Councilwoman Sheneika Smith; Councilman W. Keith Young; Assistant City Manager Cathy D. Ball; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

#### **PLEDGE OF ALLEGIANCE**

Mayor Manheimer led City Council in the Pledge of Allegiance.

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

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

Vice-Mayor Wisler moved to adopt the Consent Agenda. This motion was seconded by Councilwoman Mosley and carried on a 6-1 roll call vote with Councilman Haynes voting “no.” However, since City Council’s Rules of Procedures state that “The Consent Agenda shall only be adopted by a unanimous vote of those council members present at the meeting,” Consent Agenda Item “C” was removed from the Consent Agenda and will be voted on separately.

**A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 13, 2020**

**B. RESOLUTION NO. 20-183 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION OF THE CONTRACTS WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA, RED ROOF INN INC., AND AXIS SECURITY TO SUSTAIN OPERATIONS OF A MODEL-BASED NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING HOMELESSNESS DURING THE COVID-19 PANDEMIC**

**ORDINANCE NO. 4833 - BUDGET AMENDMENT IN THE SPECIAL FUND TO FUND CONTRACT EXTENSIONS UTILIZING EXPECTED FEDERAL EMERGENCY MANAGEMENT AGENCY REIMBURSEMENT REVENUE**

**Action(s) Requested:** Authorization for City Manager’s execution of contract extensions with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security.; and a budget amendment in the Special Revenue Fund in the amount of \$680,664 to fund the contract extensions utilizing expected FEMA reimbursement revenue.

**Background:**

- On May 12, 2020, Council ratified the City Manager's execution of agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for operations of a COVID-19 motel-based non-congregate emergency homeless shelter for persons experiencing unsheltered homelessness and at significant risk of contracting COVID-19 because of age and/or underlying chronic health concerns.
- On July 28, 2020, Council authorized the City Manager to execute extensions of the existing agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for a 90-day period, which expires on November 8, 2020.
- Sixty-five (65) people (couples, families occupying some rooms) are currently in shelter and will continue to achieve the public health objective of prevention of COVID-19 among the community's unsheltered homeless population.
- One hundred seven (107) have been served to date.
- To continue to provide services to this vulnerable population, it is necessary to execute the contract amendments prior to November 8th to continue the agreements.
- A transitional exit strategy for those in the shelter is currently being planned.
- The City is preparing to submit its initial reimbursement request to FEMA for operations through August 31, 2020.
- The existing agreements with the vendors allow for extensions to continue operations but additional funding not to exceed \$680,664 is necessary.

**Council Goal(s):**

- A Diverse Community
- A Well-Planned and Livable Community
- Fiscally Resilient City

**Committee(s):**

- None

**Pro(s):**

- Continues the successful operation of the existing expanded COVID-19 homeless shelter.
- Allows for additional time to effect housing placement for shelter occupants.
- Addresses public health and safety.
- Non-congregate motel shelter, essential operations, and security costs are eligible for FEMA reimbursement.

**Con(s):**

- Potential damages incurred at the motel are not eligible for reimbursement from FEMA.

**Fiscal Impact:**

- The additional contract funding requested for an additional 90-day period as part of this Council action includes:
  - Homeward Bound for essential shelter operations not to exceed \$150,000; for 60 rooms nightly at Red Roof Inn not to exceed \$274,536; and
  - For 24/7 security provided by Axis Security not to exceed \$256,128;
  - For a total not to exceed \$680,664.
  - Staff anticipates full FEMA reimbursement for these expenses and thus no City contribution is currently budgeted.

**Motion(s):**

- Motion to adopt a resolution to authorize the City Manager's execution of new services contracts Homeward Bound of Western North Carolina, Red Roof Inn incorporated, and Axis Security for shelter rooms, essential operations, and security for up to 90 additional days commencing on November 9, 2020 through February 8, 2021; and a budget

amendment in the Special Revenue Fund in the amount of \$680,664 to fund the contract extensions utilizing expected FEMA reimbursement revenue.

**RESOLUTION BOOK NO. 41 - PAGE 459  
ORDINANCE BOOK NO. 33 - PAGE 154**

**C. RESOLUTION NO. 20-184 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUSPEND THE SALE OR CHANGE IN ZONING USE OF ANY CITY PROPERTY ACQUIRED THROUGH URBAN RENEWAL UNTIL FURTHER POLICY DIRECTION HAS BEEN REVIEWED**

This item was removed from the Consent Agenda to be voted on separately.

**D. RESOLUTION NO. 20-185 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A UNITED STATES GEOLOGICAL SURVEY STREAM NAMING FORM TO NAME (1) A TRIBUTARY OF THE SWANNANOA IN HAW CREEK TO BE CALLED MASTERS BRANCH; AND (2) A TRIBUTARY OF THE FRENCH BROAD IN SOUTHSIDE/ERSKINE TO BE CALLED HAITH BRANCH**

**Action Requested:** Authorize City Manager to sign United States Geological Survey Form to name an unnamed tributary in the Southside community as Haith Branch and an unnamed tributary in East Asheville as Masters Branch.

**Background:**

- This request for assistance in naming two unnamed streams is from RiverLink, a regional not-for-profit dedicated to promoting the environmental and economic vitality of the French Broad Watershed.
- RiverLink runs a “Name that Stream” program.
- The United States Geological Survey requires local government authorization in order to officially name any streams or waterbodies.
- RiverLink worked with the community earlier this year to identify potential names for two unnamed streams.
- The Stream A runs through Erskine, AB-Tech, and Southside Neighborhoods to the French Broad River.
- Stream B runs through the Haw Creek neighborhood and flows into the Swannanoa River.
- RiverLink held the following engagement process to ensure stakeholders in the community were involved:
  - Informational flyers that included a request for potential names were distributed to all residents whose property bordered the streams.
  - The submitted names were collected by RiverLink and an online poll was created where all community members in Asheville could vote for their favorite name.
  - Votes were also accepted by mail and email.
  - RiverLink made the Asheville community aware of the naming campaign through social media, flyers, and by posting information on the surrounding neighborhood's NextDoor and Neighborhood Association pages.
- The winners of the online poll for Stream A) Haith Branch and B) Masters Branch.
  - Haith branch honors Lacy T. Haith, a civil rights leader and educator who worked in Asheville City Schools from 1937-1972.
  - Haith Drive, nearby, is also named after Lacy T. Haith.
  - Masters Branch honors Rory and Hazel Masters, Haw Creek community members who looked to preserve area farming traditions and donated land for the Haw Creek Volunteer Fire Department.

- Masters Park, nearby, is also named after Rory and Hazel Masters.

**Council Goal(s):**

- A Clean and Healthy Environment

**Committee(s):**

- This item was heard at the September 21, 2020, Asheville Area Riverfront Redevelopment Commission meeting where it was approved unanimously 11:0.

**Pro(s):**

- Naming of streams supports community self-identification and can help promote ecological stewardship and preservation efforts.

**Con(s):**

- None identified

**Fiscal Impact:**

- None

**Motion:**

- Motion to authorize the City Manager to sign the United States Geological Survey form required to name an unnamed tributary in the Southside community as Haith Branch and an unnamed tributary in East Asheville as Masters Branch.

**RESOLUTION BOOK NO. 41 - PAGE 461**

**E. RESOLUTION NO. 20-186 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DESIGN SERVICES CONTRACT AMENDMENT WITH CLARK NEXSEN FOR THE AQUATIC FACILITY DESIGN AT THE DR. WESLEY GRANT SR. SOUTHSIDE CENTER**

**Action Requested:** Resolution authorizing the City Manager to execute a contract amendment with Clark Nexsen, of Asheville, North Carolina, for the project known as Dr. Wesley Grant Sr. Southside Center.

**Background:**

- The Walton Street pool foundation is leaking and the mechanical system components had a major failure making the system inoperable and doubtful for next summer's operations.
- The 2017 Swimming Pool Assessment recommended the Walton Street Pool replacement as the highest priority of all the City pools.
- The professional consultant conclusion was that Walton Street Pool has seen its useful life and needs to be replaced.
- The report determined that renovation options are not practical.
- The available budget of \$1.8 million will support the design and construction of a pool in conjunction with the construction of the Grant Center Expansion.
- Key stakeholders were contacted one-on-one earlier this month to inform them on
  - 1) the inoperable status of the current pool at Walton Street Park
  - 2) to share plans for the location of a new pool at the Grant Center property and

- 3) intent to develop a community-supported planning process for future improvements that will create a unified community space at Walton Street Park
- Recognizing the historical significance of Walton Street Park and Pool to the African American Community for the past 82 years, starting in November 2020, the City will work with the Southside community to develop an inclusive Walton Street Park plan that preserves the history of the park and incorporates the historical significance of the park in the improvements.
- The Office of Equity & Inclusion, CAPE, and Parks & Recreation will work with the Southside community on the conceptual planning and design of Walton Street Park that will start in November with a community forum.
- Based on an RFQ in February 2018, a selection committee reviewed qualifications of eight firms and interviewed three firms in May 2018.
- The design team led by Clark Nexsen was unanimously selected as the most qualified for the scope of services required including pool design and engineering.
- A \$170,000 amendment to the existing Clark Nexsen design contract (#9200196) is required to incorporate the design and engineering of the pool at the Grant Center.
- Grant Center Projected Timeline:
 

Design:	Present - February 2021
Bidding:	March 2021
Contracting:	April 2021
Groundbreaking/Construction:	May 2021 - August 2022

**Vendor Outreach Efforts:**

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Two Women-Owned Firms submitted qualifications for consideration.
- The selected team will be utilizing one Women-Owned subconsultant.

**Council Goal(s):**

- A well-planned and livable community; Connected and Engaged Community, Smart City.

**Committee(s):**

- Recreation Advisory Board, September 9, 2019 - informational only

**Pro(s):**

- Allows design work to proceed on the project funded in the Capital budget to provide a community pool to serve the Southside community.
- Building the pool at the Grant Center will allow for a reduction in design fees, construction costs, and operational costs to the City.
- Facility improvements will be designed to increase equitable access to community and recreation services for current and future residents through a public community engagement process.
- Provides the City an opportunity to recognize the significant history of the Southside community.

**Con(s):**

- Will delay the bidding and construction start date for the project.

**Fiscal Impact:**

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

**Motion:**

- Motion to authorize the City Manager to execute a contract amendment with Clark Nexsen for design services for Dr. Wesley Grant Sr. Southside Center Project for an additional amount not to exceed \$170,000.

Councilwoman Mayfield that there will be some community conversation to engage people in the design of what will happen at Walton Park and at the old Walton Street Pool. She was glad they will find a way to honor the old pool and the history that exists in that space.

**RESOLUTION BOOK NO. 41 - PAGE 462**

- F. RESOLUTION NO. 20-187 - RESOLUTION AMENDING THE 2020 CITY COUNCIL MEETING SCHEDULE TO DELETE THE NOVEMBER 24, 2020, CITY COUNCIL MEETING**

**RESOLUTION BOOK NO. 41 - PAGE 463**

- G. RESOLUTION NO. 20-188 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, A GRANT FROM THE N.C. DEPT. OF ENVIRONMENTAL QUALITY FOR A BACKYARD COMPOSTING GRANT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to apply for and accept grant funding if awarded, from the NCDEQ for the DEACS Backyard Composting Grant.

**Background:**

- Apply for grant funds for outreach and education efforts to increase backyard and community-based composting.
- Outreach efforts will include:
  - Backyard composting instructional mailer
  - Brochures, stickers, and posters
  - Fifty (50) Backyard compost and 600 kitchen countertop bins will be purchased and distributed through this grant
  - Social media promotion
- DEACS Grant recipients are required to provide a match equal to or exceeding 20% of the requested grant funds.
- Grant activities and funds will be utilized in collaboration with FY21 Service Contract with Asheville Greenworks for community compost education and outreach activities.

**Council Goal(s):**

- A Clean and Healthy Environment

**Committee(s):**

- None

**Pro(s):**

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

**Con(s):**



- This is a one time grant. Over the last 4+ years, the Office of Sustainability contracts with Asheville GreenWorks for \$30k to implement environmental education outreach which includes recycling and composting workshops.

**Fiscal Impact:**

- If awarded, the City will be required to provide a match of \$3,600, or 20% of the requested grant funds of \$18,000, totaling \$21,600 for the project.
- The match will be covered using available funds in the Sanitation Division and Sustainability operating budgets.

**Motion:**

- Motion to approve a resolution authorizing the City Manager to apply for and accept grant funding if awarded, from NCDEQ.

**RESOLUTION BOOK NO. 41 - PAGE 464**

**H. RESOLUTION NO. 20-189 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SOLE SOURCE CONTRACT WITH SOLUTIONZ, INC. FOR THE PROCUREMENT OF AUDIOVISUAL UPGRADES FOR THE CITY HALL THE FIRST FLOOR CONFERENCE ROOM**

**Action Requested:** Adoption of a resolution authorizing the sole source procurement from Solutionz, Inc. of audiovisual upgrades for the City Hall First Floor Conference Room.

**Background:**

- Audiovisual upgrades are needed to the existing system in the First Floor Conference Room to:
  - Improve digital interaction between committee members and presenters
  - Provide committee members, audience members, and livestream audiences the ability to view both presentations and related materials from committee and commission-member Chromebooks to proposed 86" large-screen displays
  - Improve the room's sound quality, and improve audio recording capabilities
- Solutionz, Inc. (formerly Unified Technology Systems) engineered and installed the City's current digital broadcast system, with associated audiovisual equipment in the First Floor Conference Room including a new projection system for displaying live broadcasts of City Council meetings, an audio distribution system for City Council meeting broadcasts and for integration with the room's 15 dais microphones, a Crestron touch-screen tablet controller with coded programming to provide remote switching of the City's cable broadcast signal to the projection system, remote control of the projection system, and remote volume control of cable broadcasts and of dais microphones.
- As part of the digital broadcast system, the First Floor Conference Room is used as an overflow room enabling City Council meeting attendees to view live proceedings of meetings on the City's Charter Cable channel 193. The First Floor Conference Room is also the location of several Council committees and Council-appointed boards & commission meetings.
- Solutionz, Inc. continues to service and upgrade equipment related to the City's digital broadcast system, including equipment in the First Floor Conference Room, per an existing 5-year Service Agreement.
- The cost of audiovisual upgrades to the First Floor Conference Room is approximately \$37,000.

**Vendor Outreach Efforts:**

- Due to the need for compatibility with digital broadcast system equipment, and the need to maintain viability of our existing Service Agreement, Solutionz, Inc. is the vendor best positioned to recommend, engineer, and install audiovisual upgrades consistent with existing equipment in the First Floor Conference Room. Therefore, sole source authorization is being requested.

**Council Goal(s):**

- Smart City
- Connected and Engaged Community

**Committee(s):**

- None

**Pro(s):**

- Solutionz, Inc. will recommend equipment that will work and be compatible with existing audiovisual components already installed in the First Floor Conference Room.
- Solutionz, Inc. wrote the code to program the Crestron Control tablet that operates dais mics, the projection system, and accesses the City's cable channel in the First Floor Conference Room. Additional code will need to be written for the Crestron Control tablet to operate new audiovisual equipment in the room that integrates with Solutionz, Inc.'s existing code.
- In the interest of keeping the Service Agreement intact relative to the Crestron Control tablet, it benefits the City to have Solutionz, Inc. perform audiovisual upgrades to the First Floor Conference Room.
- Benefits of the upgrade will include better sound quality in the room and much improved visual quality of presentations and of live City Council proceedings for overflow attendees of meetings.

**Con(s):**

- If another vendor updates code for the Crestron Control tablet, there is no assurance that it will be compatible with the current programming.
- If another vendor updates code for the Crestron Control tablet, it may invalidate our Service Agreement relative to the Crestron Control tablet.

**Fiscal Impact:**

- Funding for this purchase is to be provided by non-departmental general funds.

**Motion:**

- Move to adopt a resolution authorizing the procurement of equipment for audiovisual upgrades to the First Floor Conference Room from sole source vendor Solutionz, Inc.

**RESOLUTION BOOK NO. 41 - PAGE 465**

**I. ORDINANCE NO. 4834 - BUDGET AMENDMENT TO MOVE BUDGET FROM THE GENERAL FUND TO THE SPECIAL REVENUE FUND TO PARTIALLY FUND THE REPLACEMENT OF THE GOVERNMENT TV BROADCAST SERVER**

**Action Requested:** Adoption of a budget amendment in the amount of \$15,000 to move budget from the General Fund to the Special Revenue Fund to partially fund the replacement of the Government TV broadcast server.

**Background:**

- The broadcast server for the Asheville City Channel is no longer working and must be replaced.
- The broadcast server records City Council meetings, directs live broadcasts to the Asheville City Channel, stores Council meeting video files and video files of original content created by the City, and enables the Asheville City Channel to schedule and provide daily programming of that video content.
- The total cost of replacing the broadcast server is approximately \$25,000.
- As the operator of a certified Public, Educational, and Governmental (PEG) television channel, the City receives funding from the State of North Carolina via the Video Programming tax distribution to fund maintenance of television station equipment.
- Staff has identified \$10,000 in available PEG funds to partially cover the cost of replacing the server. The remaining \$15,000 will come from previously budgeted funds in the Community & Public Engagement (CAPE) Department's General Fund budget and from funds set aside for upgrades to the 1st Floor Conference Room.
- In order to consolidate the budget in the City's Special Revenue Fund where PEG funding is recorded, a technical budget amendment is needed to move the \$15,000 from the General Fund to the Special Revenue Fund.

**Council Goal(s):**

- A Financially Resilient City
- A Connected and Engaged Community

**Pro(s):**

- Provides funding in one consolidated budget for the replacement of critical Government TV equipment.

**Con(s):**

- None.

**Fiscal Impact:**

- This technical amendment simply involves moving a previously approved budget from one fund to another.

**Motion:**

- Motion to adopt a budget amendment in the amount of \$15,000 to move budget from the General Fund to the Special Revenue Fund to partially fund the replacement of the Government TV broadcast server.

**ORDINANCE BOOK NO. 33 - PAGE 155**

**J. RESOLUTION NO. 20-190 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MOORE AND SON SITE CONTRACTORS INC. FOR THE DISTRICT SIDEWALK PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into a contract with Moore & Son Site Contractors, Inc. of Mills River, North Carolina (Moore & Son) in the amount of \$170,993 for The District Sidewalk Project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$17,099.30 (10%).

**Background:**

- The District is an apartment complex located on Fairview Road.

- The estimated project cost is \$366,100 in which the apartment developer has provided \$200,000 as partial funding for sidewalk construction and other amenities in the area, with the City providing the remaining funds.
- The project includes a raised pedestrian crosswalk, new brick sidewalk within the Biltmore Historic District, new concrete sidewalk, high-visibility crosswalks, ADA ramps, and associated infrastructure.
- Bids were advertised on August 17, 2020, but the bid packages received were incomplete.
- The project was re-advertised on September 14, 2020, and bids were opened on October 1, 2020. Five (5) firms submitted bids, and the firms' names and bid amounts are included below:
  - French Broad Paving, Inc., Marshall, NC \$572,550
  - Appalachian Paving and Concrete, Swannanoa, NC \$176,646
  - Armen Construction, LLC, Charlotte, NC \$298,503
  - Moore & Son Site Contractors, Inc., Mills River, NC \$170,993
  - Patton Construction Group, Inc., Asheville, NC \$255,120
- Moore & Son Site Contractors, Inc., of Mills River, North Carolina was the lowest responsive, responsible bidder.

**Vendor Outreach Efforts:**

- For the construction phase of the project, staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to MWBE service providers for subcontracted services.
- Moore & Son is not an MWBE and will be performing 100% of the work required for the project.
- No subcontractors will be used on this project.

**Council Goal(s):**

- Transportation and accessibility

**Committee(s):**

- None

**Pro(s):**

- Improved connectivity and accessibility for the neighborhoods surrounding The District apartment complex.

**Con(s):**

- Construction will be disruptive to adjacent residences. Efforts will be made to minimize disruptions.

**Fiscal Impact:**

- Funding already exists for this contract within the currently approved Capital Improvement Program (CIP). The total maximum cost of this contract, including 10% contingency, is \$188,092.30.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Moore & Son Site Contractors, Inc., of Mills River, North Carolina in the amount of \$170,993 plus a contingency of \$17,099.30 (10%), for a total of \$188,092.30.

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, minus Consent Agenda Item "C". This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

#### **ITEM REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES**

#### **C. RESOLUTION NO. 20-184 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUSPEND THE SALE OR CHANGE IN ZONING USE OF ANY CITY PROPERTY ACQUIRED THROUGH URBAN RENEWAL UNTIL FURTHER POLICY DIRECTION HAS BEEN REVIEWED**

**Action Requested:** Approval of a resolution directing the City Manager to suspend the sale or change in zoning or use of any City property acquired through urban renewal until further policy direction has been reviewed.

#### **Background:**

- On July 14, 2020, the Asheville City Council adopted a resolution supporting community reparations for Black Asheville.
- The resolution set forth the need to establish a new commission empowered to make recommendations that will make significant progress toward repairing the damage caused by public and private systemic racism.
- Additionally, the resolution cites increasing Black home ownership and access to affordable housing as prospective priorities in this work.
- The resolution acknowledges and seeks to make amends for the City's role in the urban renewal programs carried out in Asheville.
- Related to the resolution, the urban renewal programs that had most impact on communities of color were:
  - The East Riverside Urban Renewal Project, which impacted the historic African American neighborhood and business district known as Southside.
  - East End / Valley Street Community Improvement Project, which impacted the historic African American neighborhood and business district of East End.
  - The Montford Community Redevelopment Project, which impacted the historic African American neighborhoods of Hill Street and Stumptown.
  - Staff is currently researching the other urban renewal programs that occurred in Asheville and the impacts on communities of color (including the Civic Redevelopment Project and the South Pack Square / Pack Plaza projects, both focused on Downtown Asheville; and the Head of Montford Redevelopment Project.)
- The City is now reviewing its property inventory to identify what land and property it still owns that is tied to these urban renewal programs. A map is being developed and will be published on the City's website.
- For those properties that the City may want to sell or change the zoning and use, further policy direction is needed to align actions with the recent reparations resolution that was passed by City Council.
- Staff will work on a policy proposal to be reviewed for Council consideration regarding these properties.
- Until such time, the resolution authorizes the City Manager to suspend the sale or change of zoning and use of any City property acquired through the aforementioned urban renewal programs unless a property is specifically exempted by City Council.
- These exemptions include property located at 172 & 174 S. Charlotte Street, which is

- currently under contract to be sold to White Labs, Inc. and
- Property located at Asheland Avenue, which is currently being reviewed for use as affordable housing in partnership with Haywood Street Congregation.
- Surveys and deed research indicates that the property at 172 and 174 S. Charlotte Street includes both land that the City purchased in the 1970's and land that was part of Urban Renewal of East End.
- Since a portion of the property was associated with Urban Renewal, federal restrictions require that the proceeds from sale benefit the City's Community Development Block Grant (CDBG) Program as Program Income.
- Based on the total purchase price of \$3.7M for the properties, approximately \$1.6M will go to CDBG, which will be available to the next funding cycle for eligible CDBG activities.
- The remainder of the purchase price, approximately \$2.1M, will benefit the City's General Fund.
- The real estate transaction is scheduled to take place in December 2020.
- If for any reason these transactions do not materialize with the specifically stated partners, then the referenced properties will be subject to the suspension of sale as defined by the resolution.

**Council Goal(s):**

- An Equitable and Diverse Community
- Thriving Local Economy

**Committee(s) and Commission(s):**

- Planning and Economic Development Committee - Recommended approval at the October 12, 2020 meeting.

**Pro(s):**

- Demonstrates Asheville's commitment to reducing racial disparities.

**Con(s):**

- None noted.

**Fiscal Impact:**

- None noted at this time.

**Motion:**

- Motion to approve a resolution directing the City Manager to suspend the sale or change of zoning and use of any City property acquired through urban renewal until further policy direction has been reviewed.

From advanced call-ins, six people appealed to Council to consider taking a portion, if not all, of the proceeds from the sale of the White Labs property and put it towards the reparations fund.

Mayor Manheimer explained that White Labs has a contract to purchase the remaining property and some of that property to be sold was acquired with federal funding and must go back into the Community Development Block Grant (CDBG) Program. City Council voted in a closed session to use the sale proceeds for this property to purchase the property next to the Transit Center downtown for the future expansion of the Transit Station. That portion has already been earmarked for this important community investment. The other portion of the sale proceeds was acquired using federal funds and those proceeds must follow the federal restrictions. City Council will have the opportunity to make a determination about the use of the Community Development Block Grant funds.

When Councilman Haynes asked what would prevent us from committing the funds from the CDBG Program into the reparations fund, Assistant City Manager Ball said that the CDBG funds must be used for low and moderate income projects.

Vice-Mayor Wisler moved for the adoption of the resolution directing the City Manager to suspend the sale or change of zoning and use of any City property acquired through urban renewal until further policy direction has been reviewed. This motion was seconded by Councilwoman Mayfield and carried on a 6-1 roll call vote, with Councilman Hayes voting "no."

## **RESOLUTION BOOK NO. 41 - PAGE 460**

### **III. PRESENTATIONS & REPORTS:**

#### **IV. PUBLIC HEARINGS:**

##### **A. PUBLIC HEARING TO CONSIDER UPDATES TO THE 2020-21 ACTION PLAN TO INCLUDE THE ALLOCATION OF \$154,711 IN COMMUNITY DEVELOPMENT BLOCK GRANT CONTINGENCY FUNDS AND THE REALLOCATION OF AN ESTIMATED \$1.1 MILLION IN HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS**

Community Development Programs Director Paul D'Angelo said this is the consideration of updates to the 2020-21 Action Plan to include the allocation of \$154,711 in Community Development Block Grant contingency funds and the reallocation of an estimated \$1.1 million in HOME Investment Partnerships Program funds. This public hearing was advertised on October 16 and 23, 2020.

#### **Background:**

- The City has received HUD notification that we will have approximately \$1,121,092 in CDBG funds and \$1,768,014 in HOME funds available for the fiscal year that began July 1, 2020.
- Community Development Staff, in coordination with the Housing & Community Development (HCD) Committee, have made recommendations for the use of CDBG funds, which must be used in housing & community development programs within the City of Asheville.
- The Asheville Regional Housing Consortium Board has recommended uses for HOME funds, which must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties).
- Funds are awarded based on HUD CDBG & HOME guidelines as well as the Priorities listed in the City's 5 Year Consolidated Plan.
- A new 5 Year Consolidated Plan, that will include this 20/21 Action Plan, is expected to come before Council on November 10, 2020, for approval.

#### **Council Goal(s):**

- A Diverse Community
- Quality Affordable Housing
- Thriving Local Economy

#### **Committee(s):**

- Asheville Regional Housing Consortium Board - May 26, 2020; October 5 2020 - Approval
- Housing & Community Development Committee - July 21, 2020; September 29, 2020 - Approval

**Pro(s):**

- Approval of the Annual Action Plan paves the way for HUD funding to be utilized by partners in the City of Asheville and the region, with funds to be used to create affordable housing, jobs and impact in our moderate and lower income communities.

**Con(s):**

- It is not always possible to fund all of the applications received, and many agencies funded will receive less than the amounts requested.

**Fiscal Impact:**

- The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previously completed projects, and estimated program income.
- Staff costs to administer the program are also fully paid from federal sources.
- The funded programs will provide new construction and other economic activity in the City and the region, creating and sustaining employment and impacting moderate and low income communities.

Councilwoman Mayfield read out some of the groups that these funds will go to.

Mayor Manheimer opened the public hearing at 5:38 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Vice-Mayor Wisler moved to recess this item until November 10, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

**B. PUBLIC HEARING TO CONSIDER AN UPDATE TO THE 2019-20 ACTION PLAN TO INCLUDE \$889,456 IN CDBG-CV FUNDS, WHICH MUST BE USED TO PREVENT, PREPARE FOR, OR RESPOND TO CORONAVIRUS**

Community Development Programs Director Paul D'Angelo said this is the consideration of an update to the 2019-20 Action Plan to include \$889,456 in CDBG-CV Funds, which must be used to prevent, prepare for, or respond to coronavirus. This public hearing was advertised on October 16 and 23, 2020.

**Background:**

- The City of Asheville has received notification from HUD that we will be receiving an additional COVID-19 funding allocation (Round 3) from the Department of Housing & Urban Development (HUD) in the amount of \$889,456.
- The funds are to be used to prevent, prepare for, and respond to the coronavirus / COVID-19.
- In order to strategically utilize these funds for individuals and families affected by COVID-19, it is important to demonstrate where there are gaps in existing relief funding, unmet needs, difficulty in accessing relief funds, and not to duplicate services, efforts and other federal & state dollars.
- Specifically from HUD, "Grantees must prevent duplication of benefit, i.e. the use of CDBG-CV funds to pay costs if another source of financial assistance is available to pay that cost".



- The proposal to HUD for this special allocation must show “Clarity of Need” and fund individuals and families under 80% Area Median Income (AMI) and/or Low & Moderate Income (LMI) areas.
- In order to be timely, strategic and effective with these HUD dollars during the Pandemic, as well as working within the parameters of CD capacity, Community Development Staff again strongly recommends directly partnering with local agencies who can:
  - target the immediate needs at hand,
  - have the expertise to carry out the eligible activity,
  - have experience working with CDBG and/or HUD funds,
  - have the capacity as an agency to be an effective partner, and
  - have the ability to produce monthly or quarterly reports and measurable outcomes.

**Proposal:**

- **Services Breakdown of the \$889,456 Budget**
  - **Rental Assistance**  
**\$550,000**
    - Homelessness Prevention & Rapid Rehousing
    - Eviction Prevention / LMI Individuals & Families
  - **COVID-19 Emergency Response for Homeless Populations**  
**\$165,000**
    - Case management services to move homeless individuals into permanent housing and help them stabilize once housed
    - Focus on people exiting Red Roof Inn non-congregate shelter
  - **Grant Administration**  
**\$174,456**
    - CDBG-CV dedicated FTE for grants management for duration of funding
    - Cost to administer the program, including HUD reporting and compliance
    - Standard 20% administrative allocation to assist with capacity

**\$889,456**

**Council Goal(s):**

- Quality Affordable Housing
- An Equitable and Diverse Community

**Committee(s):**

- HCD - October 20, 2020 - *Proposed use of funds approved unanimously to move to Council*

**Pro(s):**

- Efficient use of funding
- Preserves and protects affordable housing
- Targets populations most impacted by COVID-19
- Reduces spread of COVID-19

**Con(s):**

- Staff hours will be dedicated to administering this additional CDBG grant.

**Fiscal Impact:**

- This special allocation is fully funded from HUD authorized by The CARES Act of 2020.
- Staff costs to administer the program are also fully paid from federal sources.
- This funding will provide rental assistance to Ashevilleans in danger of homelessness or eviction as well as additional supportive services to house people who are homeless and at high risk for COVID complications, including people sheltered at the Red Roof Inn.
- Timeline of Funding - CD Staff received notice of the funding on Friday, September 25th.
- With an approved proposal, CD Staff will submit the plan through an amendment to the 19/20 Action Plan by November 6th with hopes to receive the funding from HUD by the end of December.

Councilwoman Mayfield thanked our partners for getting these funds out to the people who need it.

Mayor Manheimer opened the public hearing at 5:43 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Mayfield moved to recess this item until November 10, 2020, at which time this public hearing will be voted. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

**C. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS**

Councilwoman Smith moved to continue this public hearing to amend the Unified Development Ordinance to update open space requirements until November 10, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously on a roll call vote.

**V. UNFINISHED BUSINESS:**

**A. ORDINANCE NO. 4835- ORDINANCE AMENDING A PREVIOUSLY APPROVED CONDITIONAL ZONING APPROVAL (ORDINANCE NO. 4570) FOR PROPERTY LOCATED AT 236 CHARLOTTE STREET AND 336 HILLIARD STREET TO MODIFY THE SITE PLAN TO REFLECT THE RIGHT-OF-WAY CLOSURE OF LENNOX COURT AND TO MAKE CHANGES TO THE SITE AND BUILDING FOOTPRINT AT THE HILDE'S HOUSE INFANT CARE FACILITY**

Mayor Manheimer said that this public hearing was held on October 13, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and 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 amendment request for the properties located at 236 Charlotte Street and 336 Hillside Street zoned CB-II CZ (Community Business II Conditional Zone) for the expansion and improvements as shown on site plans and

find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that: 1) the Future Land Use of the Living Asheville Comprehensive Plan anticipates non-residential community-focused uses; and, 2) the amendment allows for needed upgrades and access management to the site while maintaining compatibility with the surrounding area. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

**ORDINANCE BOOK NO. 33 - PAGE 156**

**B. ORDINANCE NO. 4836 - ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ARTICLES II, III, V, VIII AND VIX RELATED TO HISTORIC PRESERVATION, IN ORDER TO BRING THE CITY'S DEVELOPMENT CODE INTO ALIGNMENT WITH RECENT STATE LEGISLATION**

Mayor Manheimer said that this public hearing was held on October 13, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to approve the proposed wording amendments to Chapter 7 Articles II, III, V, VIII, VIX and of the UDO and find that the proposed amendments are reasonable, in the public interest and consistent with the city's comprehensive plan in that they promote responsible growth based on holistic decision making and bring City ordinances into compliance with the new North Carolina General Statute regarding land use development, Chapter 160D. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

**ORDINANCE BOOK NO. 33 – PAGE 163**

**C. ORDINANCE NO. 4837 - ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ARTICLES II, XII AND XVIII IN ORDER TO BRING THE CITY'S DEVELOPMENT CODE INTO ALIGNMENT WITH RECENT STATE LEGISLATION**

Mayor Manheimer said that this public hearing was held on October 13, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and 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 proposed wording amendments to Articles II, XII, and XVIII of the UDO and find that the proposed amendments are reasonable, in the public interest and consistent with the city's comprehensive plan in that they promote reasonable growth based on holistic decision making and bring City ordinances into compliance with state law

Chapter 160D. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

**ORDINANCE BOOK NO. 33 – PAGE 179**

**VI. NEW BUSINESS:**

**A. RESOLUTION NO. 20-191 - RESOLUTION ADOPTING THE HAYWOOD & PAGE CONCEPT PLAN**

Strategic Design & Development Manager Stacy Merten said that this is the consideration to adopt a concept plan for City-owned property at Haywood and Page.

**“Background:**

- In 2019 City Council authorized the City Manager to hire Nelson Byrd Woltz Landscape Architects to complete a Concept Master Plan based on the Haywood Street Vision Report.
- The report contemplated the future re-development of City-owned properties at 68 Haywood Street and 37 Page Avenue in the historic core of downtown Asheville.
- The Master Concept Plan (“Plan”) requested by Council is now complete.
- This long-range plan was informed by;
  - the Council-appointed advisory board (“Vision Implementation Committee”),
  - public engagement,
  - economic and geographic data collection and analysis; and,
  - urban design activities that took place during the past year.
- The Plan incorporates a mix of uses, including
  - a multi-story mixed-use building that opens directly to a public space and provides ground floor activation on all four sides;
  - a central plaza for creative play, community gatherings and special events;
  - a community garden located next to a shared-use,
  - rentable kiosk;
  - a contemplation area featuring public art and cultural/historic interpretation;
  - native planting beds connected via universally accessible walking paths;
  - an active alleyway with market stalls between Haywood and Page; and,
  - a flexible seating area under a grove of trees along Page Avenue.
  - The Plan includes other streetscape improvements adjacent to the subject site, including across the street at the Harrah’s Cherokee Center and Basilica of Saint Lawrence, as well as a realignment of Page Avenue.
- The level of detail at the concept plan level is medium; it provides the City with a clear understanding of the community’s vision for the site and is flexible enough to adapt or modify during future implementation efforts.
- Deliverables also include a financial model that the City can use to analyze any future private development proposals for the mixed-use building.
- The plan addresses a geographic area beyond the boundaries of the City-owned parcels.
- While staff has heard broad support for the plan, including support from the Vision Implementation Committee, some downtown stakeholders remain opposed to the new park component because of concerns over the City’s capacity to maintain and care for parks in general.
- Some condominium owners at 60 Haywood have expressed opposition to having a building obstruct their existing views.
- The plan does not include an implementation section; staff could return to the Planning and Economic Development Committee and/or City Council next year with suggested implementation strategies, if requested.

**Council Goal(s):**

- A Well Planned and Livable Community

**Committee(s):**

- The Planning and Zoning Commission heard this item on 10/7/20 and voted 7:0 in favor of Council adopting the Plan.
- The Downtown Commission was introduced to this item on 9/11/20 and heard this item on 10/9/20 when they voted 9:1 in favor of Council adopting the Plan.
- The Planning and Economic Development Committee heard this item on 10/12/20 and voted 3:0 to forward the plan to Council and recommend adoption of this concept with no implementation plan.

**Pro(s):**

- The Plan provides clear guidance on how the community would like this site to be redeveloped in the future.
- Creation of the Plan occurred through a collaborative process with the community.

**Con(s):**

- Future implementation will require public resources including the development of partnerships for land acquisition, project funding and park maintenance.

**Fiscal Impact:**

- None currently as this is only a concept plan at this time. Approval of the Plan does not authorize the City to allocate any funds toward the Plan's implementation.
- An implementation plan and consideration of City funds would occur at a later date."

Ms. Dahl then introduced Thomas Woltz, owner of Nelson Byrd and Woltz. Mr. Woltz then explained the project goals of developing a clear vision for the development of the site that positions Haywood Page as an authentic asset within Asheville's public realm; partner with adjacent stakeholders to create a vibrant downtown district that engages the mind, rests the body, and celebrates the cultural asset unique to the neighborhood; design for the realization of goals outlined in the Downtown Master Plan and Living Asheville documents; and build from the Haywood Street Visioning Project to find an appropriate balance of active, passive, and built spaces.

He outlined the Haywood Page Project Team; the project timeline; the community engagement session #1; the existing and proposed framework plan road alignment charette; the framework plan guiding principles of being a good neighbor, authentic horticulture, and finding balance; sketch concepts of three iterations - Concept A (Haywood Point), Concept B (Stony Hill) and Concept C (City view); the community engagement session #2; project sketches; concept Master Plan views from covered porch to the Basilica and from the woodland path;

Mr. Yuxiang Lao discussed the financial model analytical framework; economic considerations; example of building height and program assumptions and test of financial viability; concept Master Plan building long section; probable construction costs; and operations and maintenance summary.

Mr. Andrew Fletcher said "Four years ago, you tasked the Haywood Page Advisory Team to collect and interpret the community's desires for these properties, and we issued a Vision Report from that. That group disbanded after that work was done, but many of us came back together as the Vision Implementation Committee to ensure that there was continuity from the vision to the master planning process. It is our opinion that the Vision you tasked us to create has been adhered to, and that the design team at Nelson Byrd Woltz has faithfully used our list of ingredients to create a recipe for success in this location that we have all wanted for so long. If

you're wondering why this has taken so long, it takes a lot of time to render vision from division, but it is our feeling that we have done so, and as we pass the baton back to you, we ask that you celebrate the results with a "yes" vote. As we move past this milestone, we need to remember what has brought us success so far and commit to continuing it. Collaboration with the Asheville Design Center and the many hundreds of hours of volunteer time they coordinated must be recognized. With their collection and collation of the hordes of public input gathered, we were able to see the signals of the public desires through the noise of the public debate. What we found is that when we stopped asking "Either / Or" and said "Yes, And..." there was much more to talk about, and from those talks came realization that many of our desires for this site could live together. You see this rendered in the plan before you. Special mention should be made of the most successful of the recommended temporary uses, the community garden that the folks at Elder and Sage have tended. They deserve to see their commitment to making that place beautiful and community centered honored going forward. Making funding choices will be hard, but a beautiful plan will collect momentum and funding in ways that an empty gravel lot can never do. We must trust each other, honor the master plan, ask the community for help when we are unsure, and commit to each other to move forward together even when that movement is slow. As the former Chair and Spokesperson of the Haywood Page Advisory Team and current delegated representative of the Vision Implementation Committee, I repeat our simple request: Vote YES to accept the Haywood Page Concept Master Plan."

Ms. Kim Roney spoke in support of the Plan and hoped to keep this energy going on this shared success.

Councilman Haynes hoped that Council will continue to support the Elder and Sage Community Garden and that they are included in this project.

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

Councilwoman Mayfield moved to adopt the Haywood and Page Concept Master Plan. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

#### **RESOLUTION BOOK NO. 41 - PAGE 467**

#### **B. RESOLUTION NO. 20-192 - RESOLUTION TO ADOPT THE CITY OF ASHEVILLE BUSINESS INCLUSION POLICY**

Ms. Rosanna Mulcahy, Business Inclusion Manager, said this is consideration of a resolution to adopt the "City of Asheville Business Inclusion Policy" that seeks to address race- and gender-based disparities in City contracting and procurement.

#### **"Background:**

- In 2018, a disparity study was conducted which revealed significant disparities in the Asheville regional area among minority- and women-owned businesses in the awarding of City contracts.
- This study provides significant legal evidence for the City to implement a policy to address the documented disparities.
- The City's now-expired Minority Business Plan, adopted in 1998, was race and gender-neutral and did not adequately address the disparities in City contracting, as documented in the Disparity Study.
- The City of Asheville Business Inclusion Policy is intended to replace and expand upon the Minority Business Plan as guidance for the Business Inclusion Office and city departments.
- Since January 2020, City staff from various departments have worked on drafting and

- reviewing the new policy.
- Policy measures were developed with careful research of comparable North Carolina municipal policies and practices and federal, state, and local laws.
- The policy's completion aligns with the 30-60-90 day benchmarks set by the City Manager for reworking city government priorities as a response to the recent protests about racial justice in Asheville.
- In addition, the responses from the grantee groups included in the 2019 Racial Healing Mini-Grant indicated that Black community members desire to see more opportunities for Black-owned businesses to win City contracts and greater clarity and guidance in the contracting process.
- The policy outlines the following steps that the City will take to help reduce disparities in contracting:
  - Defining management and staff roles and responsibilities;
  - Maintaining an updated database of available small and minority- and women-owned businesses;
  - Providing certification, networking opportunities, workshops, and training for such businesses;
  - Requiring that prime contractor, bidding on contracts, perform outreach in the form of good faith efforts to obtain a utilization percentage of such businesses following contract-specific goals set by the City; and
  - Many other key measures.
- The policy aims to become effective on January 1, 2021.
- In the coming months, staff will:
  - Develop procedures for implementation;
  - Conduct community outreach with stakeholders to inform them of the new policy and seek feedback on policy implementation;
  - Work through a budget to assist with policy implementation;
  - Begin certifying small and minority- and women-owned businesses;
  - Build and maintain a database of such businesses; and
  - Develop plain-language materials for all businesses and bidders who may participate in City contracting.

**Council Goal(s):**

- An Equitable and Diverse Community
- Thriving Local Economy

**Committee(s) and Commission(s):**

- Human Relations Commission of Asheville - 09/30/2020 - For information only
- Planning and Economic Development Committee - 10/12/2020, recommended by unanimous approval

**Pro(s):**

- Provides the necessary framework to help ensure greater participation in City contracts by small, minority- and women-owned businesses
- Advances the Equity Action Plan by implementing the necessary steps to achieve equitable outcomes within City contracting and procurement
- Demonstrates the City of Asheville's commitment to reducing racial disparities and discrimination
- Reduce income gaps between black and white-owned businesses
- Increases the City's awareness of available minority, women, and small business vendors
- Increases Minority, Women, and Small Business Enterprises (MWSBEs) utilization in City contracting

- Promotes existing and start-up development of small business growth and profitability in the Asheville Regional Area
- Monitors, evaluate, and reports on Minority and Women Business Enterprises
- Directs the City to maintain a database of available & certified MWSBEs
- Defines the parameters for MWSBE Certification
- Defines the Roles and Responsibilities of key City personnel
- Provides guidance on other measures the City may take to promote Business Inclusion
- Establishes annual aspirational and contract-by-contract subcontracting goals for MWSBEs participation in City contracts;
- Establishes standards for good faith efforts;
- Directs City Manager to ensure the integration of the Asheville Business Inclusion Policy components into all City Departments' practices and processes.

**Con(s):**

- The current staffing levels of the Business Inclusion Office are not sufficient to meet the policy's demands.
- Staff will be evaluating the needs and address staffing needs in the FY 22 budget.
- The adoption of this policy adds another level of compliance to City bidding and contracting processes.
- There may be additional costs associated with no longer choosing the lowest bids on contracts in some cases, as the standard of responsiveness will change to include adequate MWBE outreach to facilitate utilization.
- Suppose the apparent lowest bidder does not perform outreach, in the form of good faith efforts, for each MWBE utilization goal. In that case, their bid may be rejected in favor of the next-lowest bidder who did meet the standard of responsiveness.
- This is difficult to quantify as it is unknown how many bidders would be non-compliant with the standard.

**Fiscal Impact:**

- The staff is working closely with the Budget Division to produce a budget for policy implementation.
- Likely impacts include the addition of a staff position to the Business Inclusion Office, investment in a co-working space for minority business owners, funding for future disparity studies, and funding for training.”

Ms. Mulcahy said that the key takeaways for this action is that it (1) provides a holistic framework for supporting MWSBE; (2) supports economic inclusion which aligns with reparations; (3) aligns with 30-6-90 benchmarks for reworking City priorities; (4) supports City Council goals - an equitable and diverse community, A thriving local economy, and a connected and engaged community; and (5) demonstrates the City's commitment to equitable economic growth.

She then provided an overview of her presentation (1) The City of Asheville provides myriad services to the residents who live and work in the region. To provide those services, the City typically spends more than \$35 Million each year in contract dollars to procure various goods and services in construction, professional services, goods and general services; (2) To address discrimination in the participation of minority- and woman-owned businesses and foster economic inclusion, the proposed “Asheville Business Inclusion Policy” seeks to implement race- and gender conscious policy elements into City contracting and procurement; and (3) the Asheville Business Inclusion Office seeks to promote equitable economic growth and development in the City of Asheville.

She reviewed the background of the Asheville Business Inclusion Policy. She said in 2018, the City of Asheville performed a Disparity Study which concluded that the participation of minority- and women-owned businesses in City contracts was lower than expected based on



business availability. The results of the Disparity Study provide the City with sufficient evidence to adopt a race- and gender-conscious contracting policy to address the identified disparities in contrast to the expired race- and gender-neutral Minority Business Plan that was previously adopted after a 1993 Disparity Study. The proposed "Asheville Business Inclusion Policy" seeks to remediate the ongoing effects of marketplace discrimination demonstrated by the Disparity Study, by implementing race- and gender-conscious policy elements.

Regarding the legal framework (1) Race- and gender-conscious programs and policies, must meet the legal standard known as *strict scrutiny*. For which the Disparity Study provides the compelling government interest for the City to create a narrowly tailored policy to address documented discrimination within City contracting; (2) The City may establish Annual Aspirational goals and contract-by-contract subcontracting goals for minority-owned and women-owned businesses that have a documented disparity within contracting industries, based on the disparity study results; and (3) The goals will be based on the availability of MWBE firms within the relevant market area, "The Asheville Regional Area," as defined by the Disparity Study.

The Asheville Business Inclusion Office seeks to enhance competition in City contracting and promote economic growth and development in the City of Asheville by (1) increasing the City's awareness of available minority, women, and small business vendors; (2) increasing minority, women, and small business enterprises (MWSBEs) utilization in City contracting; (3) promoting existing and start-up development of small business growth and profitability in the Asheville Regional Area; and (4) monitoring, evaluating and reporting on minority and women business enterprises.

The Asheville Business Inclusion Policy seeks to remediate the ongoing effects of marketplace discrimination demonstrated by the Disparity Study, by implementing race- and gender-conscious policy elements, to include: establishing annual aspirational and contract-by-contract subcontracting goals for MWSBEs participation in City contracts; establishing standards for good faith efforts; directing the City to maintain a database of available and certified MWSBEs; defining the parameters for MWSBE Certification; defining the roles and responsibilities of key City personnel; providing guidance on other measures the City may take to promote business inclusion; and directs the City Manager to ensure the integration of the Asheville Business Inclusion Policy components into all City departments' practices and processes.

Regarding goal setting, (1) Annual Aspirational Goals: The policy directs the Goal Setting Committee to establish an aspirational goal every year for the overall participation in all City contracts by MBEs, WBEs, and SBEs, collectively referred to as "MWSBE Goals;" (2) Contract by Contract Subcontracting Goals: The policy directs the Goal Setting Committee to establish contract by contract subcontracting goals for individual contracts and directs Prime Contractors (bidders) to provide opportunity to MWSBEs; and (3) All MWSBE goals shall only be set for those categories of firms that have a documented disparity as demonstrated by the disparity study.

Regarding good faith efforts, (1) The policy set standards for adequate good faith efforts used by bidders to provide opportunity to MWSBE firms; (2) Adequate good faith efforts mean that all necessary and reasonable steps were taken to achieve the goals; (3) Not providing adequate Good Faith Efforts documentation is grounds to deem a bid unresponsive; and (4) For each unmet subcontracting goal the contractor must submit Good Faith Efforts, for example: contacting available MWBEs, breaking down work and negotiating with interested MWBEs and SBEs, and participating in pre-bid meetings.

Regarding City of Asheville certifications, (1) Minority Women Business Enterprise (MWBE) Certification (a) At least 51% of the applicant business must be owned and managed by

an eligible owner; (b) Significant Business Presence in the Asheville Regional Area; (c) Licensed and for-profit; and (d) Registered with the city as a vendor; and (2) Small Business Enterprise (SBE) Certification (a) Significant Business Presence in the Asheville Regional Area; (b) Registered with the city as a vendor; (c) Licensed and for-profit; and (d) The firm's annual sales receipts cannot exceed \$250,000.

She said that the policy sets forth other proactive, elective measures to promote SBE and MWBE Opportunities to include: (1) When Permissible, remove bonding requirements for contracts less than \$300,000 in value; (2) Where permissible, structure alternative bids opportunities by dividing formal (large) projects/purchases into smaller contracts; (3) Provide networking opportunities for prime contractors and MWSBE subcontractors; (4) Support bank lending to minority-owned and women-owned businesses; and (5) Allocate funding to create professional coworking spaces and business incubators to provide support for MWSBE growth.

Regarding policy implementation, from October - December, 2020, (1) Secure City funding support for ABI Office staffing, operations, training and outreach; (2) Appoint & activate Goal-Setting Committee; (3) Identify upcoming City projects and bidding opportunities; (4) Set Goals for MWSBE participation; (5) Develop internal procedures for employees to follow; (6) Host training for City staff; (7) Develop database for City MWSBE Firms; (8) Certify MWSBE Firms to ensure that we have a large enough pool to affect outcomes positively; and (9) Continue to provide workshops and training to MWSBEs via ABI Office.

On January 1, 2020, the policy will go into effect. The race- and gender-conscious elements of the "Asheville Business Inclusion Policy," will expire on November 1, 2023, unless a new disparity study has been completed.

Vice-Mayor Wisler appreciated all the hard work that has gone into this policy and suggested we share this great model with other organizations.

From advanced live call-ins, two individuals appreciated the work that went into this policy. One individual hoped that we break up the metrics of white woman businesses from black and brown owned businesses. The other individual hoped that we provide for greater support for the black and brown businesses and the LGBTQ businesses.

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 to adopt and establish the City of Asheville Business Inclusion Policy. This motion was seconded by Councilman Young and carried unanimously by roll call vote.

#### **RESOLUTION BOOK NO. 41 – PAGE 468**

#### **C. RESOLUTION NO. 20-193 - RESOLUTION ESTABLISHING A ZERO-NET LOSS URBAN TREE CANOPY POLICY FOR THE CITY OF ASHEVILLE**

Director of Development Services Ben Woody said that this is the consideration of a resolution establishing a Zero-Net Loss Urban Tree Canopy Policy.

#### **Background:**

- The resolution was drafted and proposed by the Urban Forestry Commission and recommends establishing city policy and programmatic goals to supplement the Tree Canopy Protection Ordinance.
- The resolution establishes a tree canopy coverage goal of 50% by 2040.

- The 2018 Urban Tree Canopy Study determined existing coverage to be 44.5%.
- The resolution supports the future establishment of a Comprehensive Urban Forestry Program.
- The resolution supports building strong community partnerships to achieve canopy goals, establish a forestry program, and promote urban forest stewardship.

**Council Goal(s):**

- A Clean and Healthy Environment
- A Well Planned and Livable Community

**Committee(s):**

- Urban Forestry Commission - August 17, 2020, Recommend approval; September 21, 2020, Revision adopted.

**Pro(s):**

- Promotes tree canopy cover which provides a number of ecosystem services, including shade, reduced erosion, and habitat diversity.
- Supports the findings of the 2018 Urban Tree Canopy Study.
- The 50% tree canopy coverage goal by 2040 aligns with Asheville Greenworks' canopy coverage goal and supports the city's existing partnership with the organization.
- Aligns with the *Living Asheville Comprehensive Plan* themes of 'A Livable Built Environment' and 'Harmony with the Natural Environment'.

**Con(s):**

- The city will need to partner with an outside contractor to conduct periodic urban tree canopy studies to establish measurable metrics.
- Achieving the tree canopy coverage goal requires sustained and ongoing community-based partnerships.

**Fiscal Impact:**

- None at this time.
- Potential future costs for establishing and staffing an Urban Forestry Program.
- It is estimated an urban forestry master plan may cost as much as \$250,000, and a full-time urban forestry position is approximately \$80,000 annually.
- If this occurs, it would likely be in Fiscal Year 22 or Fiscal Year 23 budget year(s).

Councilwoman Mayfield thanked staff for working on this with the Urban Forestry Commission.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

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

Councilwoman Mayfield moved to adopt a Zero-Net Loss Urban Tree Canopy Policy. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

**RESOLUTION BOOK NO. 41 – PAGE 470**

**D. BOARDS & COMMISSIONS**

Regarding the Human Relations Commission, the following individuals applied for the vacancy: Susy Chandler, Melissa Ray, Sam Franklin, Bernie Lee Miller, Veronica Colt, Alexandra

DiSclarfani, Britni Worley, Ricky McGrath, Emma Nichole Worthy and Will Overfelt. It was the recommendation of the Commission, the consensus of the Boards & Commissions Committee, and the consensus of Council to postpone the appointments until the Commission could interview the applicants and make recommendations.

**RESOLUTION NO. 20-194 - RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE**

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

The terms of Philip Lenowitz (28804 representative), Barber Melton (28805 representative) and Cissy Dendy (at-large representative) expired on July 1, 2020.

The following individuals applied for the vacancy: Lee Arevian, Bobbette K. Mays, Diane Dankert, Greta Bush, Damita Jo Wilder and Bonnie Snyder Hanrick.

The Neighborhood Advisory Committee, and the Boards & Commissions Committee recommended appointing Diane Dankert (at-large representative) and readvertising for the 28804 and 28805 seats.

Vice-Mayor Wisler moved to appoint Diane Dankert (at-large representative) as a member of the Neighborhood Advisory Commission to serve a three-year term, term to expire July 1, 2023, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

**RESOLUTION BOOK NO. 41 – PAGE 472**

**RESOLUTION NO. 20-195 - RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION**

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

The term of Jay Fields expired on June 30, 2020.

The following individuals applied for the vacancy: Anne Manner-Mclarty, Marsha Almodovar, Daniele Martin, Nathaniel Wyrick, Christian ODonnell, Hilary Chiz, Michael G. Waddle and D. Rae Geoffrey.

The Public Art & Cultural Commission recommended, and the Boards & Commissions Committee concurred to appoint Marsha Almodovar.

Vice-Mayor Wisler moved to appoint Marsha Almodovar as a member to the Public Art & Cultural Commission to serve a three-year term, term to expire June 30, 2023, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

**RESOLUTION BOOK NO. 41 – PAGE 473**

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

From advanced live call-ins, 9 individuals spoke to Council, including, but not limited to the following comments: reinstate Open Live Public Comments (without

pre-registration; continue this remote Open Live Public Comment process once City Council meetings transition back to an in-person format; guns and gang violence need to be addressed; allow speakers to yield their time to other speakers; request legal status to testify in the Crossroads Project at the Buncombe County Board of Adjustment and take a position that is good for Asheville residents; and instruct the Equity & Inclusion Department to evaluate the electoral system and how it affects our minority population.

Councilman Haynes felt it was time for the City and County to impose stricter COVID-19 guidelines, i.e., reducing hotel occupancy and further restrictions on restaurants and bars. Mayor Manheimer said that she will connect with Buncombe County to see what their recommendations are for that locally.

### **Closed Session**

At 7:06 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(a)(1). The statutory authorization is contained in N.C.Gen. Stat. sec. 143-318.10 (e) and 132-1.7 (a); 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, the handling or settlement of a claim regarding the following: Mayfair Partners, LLC v. City of Asheville (18-CVS-4870); and Gwen Alexander v. City of Asheville (18-CVS-2331). 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 8:48 p.m., Vice-Mayor Wisler moved to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously.

### **VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 8:48 p.m.

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CITY CLERK

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MAYOR