

Tuesday – May 24, 2022 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith (remote); Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Councilwoman Roney moved to allow Vice-Mayor Smith to participate remotely due to illness. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

**PLEDGE OF ALLEGIANCE**

Mayor Manheimer led City Council in the Pledge of Allegiance.

**I. PROCLAMATIONS:**

**II. CONSENT AGENDA:**

Mayor Manheimer asked that Consent Agenda Item “D” be removed from the Consent Consent Agenda for discussion and/or an individual vote.

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 10, 2022**
  
- B. RESOLUTION NO. 22-99 - RESOLUTION AUTHORIZING THE CITY MANAGER OR THE FINANCE DIRECTOR TO PURSUE ON BEHALF OF THE CITY OF ASHEVILLE DEBT FINANCING FOR CAPITAL PROJECTS WITH A DRAW PROGRAM THAT INCLUDES THE ISSUANCE OF INTERIM LIMITED OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$42,00,000 FOR CONSTRUCTION OF VARIOUS GENERAL GOVERNMENT CAPITAL PROJECTS**

**Action Requested:** Adoption of a resolution authorizing the City Manager or the Finance Director to pursue on behalf of the City debt financing for capital projects with a draw program that includes the issuance of interim Limited Obligation Bonds (LOBs) in an amount not to exceed \$42,000,000 for construction of various general government capital projects.

**Background:**

- The City has been utilizing a multi-year Capital Improvement Program (CIP) and Debt Model since fiscal year 2013-14.
- As a part of that multi-year financial model, the City routinely enters into short-term draw programs with financial institutions through the issuance of interim Limited Obligation Bonds (LOBs).
- The short term draw programs provide cash to reimburse the City for capital expenses prior to the issuance of long term fixed rate financing.
- Staff is seeking Council approval of the resolution authorizing the installment financing and related issuance of 2022 Interim Limited Obligation Bonds (LOBs) in an amount not to exceed \$42,000,000.
- Staff received proposals from six financial institutions and is seeking Council approval to complete the LOBs financing with Wells Fargo.

- The projects covered under this debt issuance include a wide range of strategic capital goals the City wishes to meet in public safety, multi-modal transportation, economic development, quality of life, and facility maintenance.
- Specific projects of note covered under this debt issuance include the Broadway Public Safety Station, a portion of the Dr. Wesley Grant/Southside Center project, City Hall elevator modernization, and the Nasty Branch and French Broad West greenways.
- City Council held a public hearing on the 2022 Interim LOBs on May 10, 2022.

**Council Goal(s):**

- A Financially Resilient City

**Pro(s):**

- Allows the City to move forward with the Capital Improvement Program (CIP) and Draw Program financing.

**Con(s):**

- None

**Fiscal Impact:**

- The interim LOBs draw program includes an amount not to exceed \$42,000,000. Approximately \$13,300,000 will likely have already been expended and will be taken on the first draw at closing as a reimbursement to the City. The City then expects to spend the remaining monies over a twenty-four-month period. The City will then look to convert the program into a long-term fixed rate financing at or around July 2024. The debt service payments for this financing are already included in the multi-year CIP/Debt Financial Model.

**Motion:**

- Motion to adopt a resolution of the City Council of the City of Asheville, North Carolina, approving an amendment to an installment financing contract to provide for the financing of additional projects and authorizing the City Manager or the Finance Director to pursue on behalf of the City debt financing for capital projects with a draw program that includes an installment financing and the related issuance of interim Limited Obligation Bonds (LOBs) in an amount not to exceed \$42,000,000 for construction of various general government capital projects.

**RESOLUTION BOOK NO. 43 - PAGE 116**

**C. RESOLUTION NO. 22-100 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SEND A FUNDING COMMITMENT LETTER TO THE N.C. DEPT. OF TRANSPORTATION REGARDING THE CITY'S COST SHARE OF AESTHETIC TREATMENTS AND BETTERMENTS FOR THE I-26 CONNECTOR PROJECT I-2513AC**

**Action Requested:** Adoption of a resolution authorizing the City Manager to sign a funding letter of commitment to the North Carolina Department of Transportation (NCDOT) regarding the city betterments and aesthetics treatments for Project I-2513AC.

**Background:**

- Project I-2513 is currently listed in the NCDOT 2020-2029 State Transportation Improvement Program (STIP) at a total estimated project cost of \$1,348,880,000.

- Project I-2413 is commonly referred to as the I-26 connector project beginning at I-40 and ending at US 19-23 near Broadway Street for a total length of 4.7 miles.
- The scope of work includes constructing a multi-lane freeway partly on new location.
- Project I-2513AC from a point north of I-40 to a point south of SR 3548 (Haywood Road) is the first section to be constructed with the right-of-way phase beginning during August 2022 and the construction phase beginning during February 2024.
- In order to maintain the project schedule, NCDOT needs a funding letter of commitment from the city by June 2022.
- According to State law, the reimbursement procedure begins on the date the construction phase begins and the city has a period of not less than three years to reimburse NCDOT the agreed upon costs (interest free). Based on this information, the Legal Department has confirmed that a budget amendment is not needed at this time.
- The funding letter of commitment is needed to proceed with finalizing the design phase.
- City Council appointed an Aesthetics Committee in 2018 to advise the city regarding recommendations for aesthetic improvements to the I-26 Connector project.
- The Aesthetics Committee has worked faithfully and diligently during the past four years in reviewing and suggesting various aesthetic treatments that would enhance the overall experience of the I-26 Connector corridor for all users.
- For purposes of this report, a city betterment is defined as a bicycle, pedestrian, or public transportation improvement that exceeds NCDOT's standard improvements and an aesthetic treatment is defined as any treatment including aesthetic materials, landscaping, and lighting that exceeds NCDOT's standard treatments.

**Council Goal(s):**

- Transportation and Accessibility

**Committee(s):**

- Multi Modal Transportation Commission - April 27, 2022 - Approved unanimously

**Pro(s):**

- Enhances the overall experience of the I-26 corridor for all users.
- Enhances the pedestrian and bicycle experience along the multi-use transportation paths and sidewalks along the side streets.

**Con(s):**

- Cost sharing fiscal impact to the city.

**Fiscal Impact:**

- The anticipated total cost to the city is \$657,304 and is itemized as follows:
  1. City betterments - \$320,100 (currently planned in the five-year capital improvement program (CIP) budget).
  2. Aesthetic treatments - \$337,204 (not programmed at this time).

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to sign a funding letter of commitment to the North Carolina Department of Transportation (NCDOT) regarding the city betterments and aesthetics treatments for Project I-2513AC.

Councilwoman Wisler and Councilwoman Roney thanked the I-26 Connector Aesthetics Committee for their dedication over the years and hard work on their recommendation. They also appreciated the Committee for taking into account how much money this might cost the City.

**D. RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH REED CREEK GREENWAY PLAZA FOR A PARKING LOT AT CAUBLE & BROADWAY STREETS, AUTHORIZING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENT IF NO ALTERNATE BIDS ARE RECEIVED**

This item was removed from the Consent Agenda for discussion and/or an individual vote.

**E. RESOLUTION NO. 22-102 - RESOLUTION ACCEPTING THE FLOOD MITIGATION ACTIONS REPORT WHICH IS PART OF THE REPETITIVE LOSS AREA ANALYSIS, AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE REPORT FOR THE COMMUNITY RATING SYSTEM PROGRAM**

**Action Requested:** Adoption of a resolution accepting the annual Flood Mitigation Actions report and supporting the re-certification as a member of the Community Rating System Program.

**Background:**

- The City of Asheville joined the Community Rating System (CRS) program, a program through the Federal Emergency Management Agency (FEMA), and administered by the Insurance Services Office (ISO) in 2014. As required by the CRS program, a Repetitive Loss Area Analysis (RLAA) was prepared in 2014 by Brown and Caldwell to supplement the Buncombe-Madison Regional All Hazards Mitigation Plan.
- CRS provides lower insurance premiums under the National Flood Insurance Program. The premium reduction is in the form of a CRS Class.
- The classes are obtained by actions that are above and beyond the requirements of the National Flood Insurance Program administered by FEMA. Currently, the citizens of Asheville receive a 10 percent reduction in their flood insurance premiums through participation in the CRS program.
- In order to maintain the current status in the CRS program, staff is required to provide to council the annual report of the Flood Mitigation Actions Items that were part of the RLAA report from Brown and Caldwell adopted by Council on December 10, 2013.
- Highlighted in the report, staff from multiple departments continue to work together, looking for ways to reduce flooding and damage from floods.
- We do this through community outreach from the City website, social media, flyers, and events, working with the Army Corps of Engineers and other partners on flood mitigation opportunities, and working with developers and property owners on ways to protect their properties from flooding.

**Vendor Outreach Efforts:**

- Not Applicable.

**Council Goal(s):**

- A Clean and Healthy Environment
- Thriving Local Economy

**Committee(s):**

- None

**Pro(s):**

- The citizens of Asheville will continue to receive a 10% reduction on their flood insurance.
- Provides a higher level of protection through the current flood ordinance, improving resilience.

- Promotes public education of the dangers of flooding and the Special Flood Hazard Areas.

**Con(s):**

- Considerable amount of staff time is necessary to maintain these requirements, and improve our program.

**Fiscal Impact:**

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

**Motion:**

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

**RESOLUTION BOOK NO. 43 - PAGE 122**

**F. RESOLUTION NO. 22-103 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE AGREEMENT WITH MOTOROLA INC. FOR PUBLIC SAFETY RADIO SYSTEM MAINTENANCE**

**Action Requested:** Adoption of the resolution Authorizing the City Manager to renew the agreement with Motorola, Inc, for Public Safety Radio System Maintenance

**Background:**

- In February 2018, the City adopted a maintenance agreement with Motorola Solutions to provide maintenance on the City's radio communication systems.
- Funding for the agreement is appropriated annually in the City budget process.
- The initial term of the agreement ran from December 1, 2017, to June 30, 2022.
- The agreement also includes an option to renew for an additional 60 months (five years).
- This new renewal will extend the agreement for 5 years. July 1, 2022 to June 30, 2027 in accordance with the current terms of the agreement, and add additional funds to the agreement in order to cover costs associated with the agreement.

**Vendor Outreach Efforts:**

- Motorola is on the NC State Contract 725G.
- No additional vendor outreach was completed as this will be a pre-negotiated extension of the current agreement.

**Council Goal(s):**

- Well planned livable community  
Core Services

**Committee(s):**

- N/A

**Pro(s):**

- The primary benefit of this agreement is to keep the City's radio system reliable and operational for public safety officers.
- By keeping the radio system in optimal condition, the City is also able to provide communication services to several outside agencies, thereby improving interagency communications - advancing partnerships to improve critical services and infrastructure.

- These partnerships also help the City recoup some of its investment in the system infrastructure through fees collected for use of the system by partner agencies.

**Con(s):**

- None

**Fiscal Impact:**

- Year One of this renewal is \$395,459 and is included in the Proposed FY23 Budget.

**Motion:**

- A motion for the Adoption of the Resolution Authorizing the City Manager to renew the agreement with Motorola, Inc, for Public Safety Radio System Maintenance and add \$2,047,374 for a total agreement amount of \$3,868,059.64

**RESOLUTION BOOK NO. 43 - PAGE 126**

**G. RESOLUTION NO. 22-104 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT GRINDFEST ON MAY 28, 29 AND 30, 2022**

**RESOLUTION NO. 22-105 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT JUNETEENTH CELEBRATION ON JUNE 18, 2022**

**RESOLUTION NO. 22-106 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE HALF MARATHON & 10K ON AUGUST 27, 2022**

**Action Requested:** Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at Grindfest, Juneteenth Celebration, and Asheville Half Marathon & 10K.

**Background:**

- N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.
- The City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival.
- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
  - Black Wall Street AVL for Grindfest to occur at 81 Riverside Drive on May 28 and 30, 2022, from 9:00 a.m. - 9:00 p.m., and May 29, 2022, from 10:00 a.m. - 9:00 p.m.
  - YMI Cultural Center for the Juneteenth Celebration, to occur at Pack Square Park on June 18, 2022, from 10:00 a.m. - 10:00 p.m.
  - Asheville Running Collective for Asheville Half Marathon & 10K, to occur at Pack Square Park on August 27, 2022, from 7:00 a.m - 11:30 a.m.

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

**Council Goal(s):**

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

**Committee(s):**

- None

**Pro(s):**

- Allows fundraising opportunities for the sponsoring nonprofit organizations

**Con(s):**

- None

**Fiscal Impact:**

- None

**Motion:**

- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at Grindfest, Juneteenth Celebration, and Asheville Half Marathon & 10K.

**RESOLUTION NO. 22-104 - RESOLUTION BOOK NO. 43 - PAGE 127  
 RESOLUTION NO. 22-105 - RESOLUTION BOOK NO. 43 - PAGE 130  
 RESOLUTION NO. 22-106 - RESOLUTION BOOK NO. 43 - PAGE 133**

**H. RESOLUTION NO. 22-107 - RESOLUTION TRANSFERRING AN EMERGENCY VEHICLE TO BUNCOMBE COUNTY EMERGENCY MANAGEMENT**

**Action Requested:** Approval from City Council to allow the transfer of two city owned emergency vehicles to Buncombe County Emergency Management.

**Background:**

- Currently the Fire Department maintains and operates two specialized emergency vehicles in partnership with Buncombe County Emergency Management.
- A mass casualty transport bus and a service truck utilized in extended fire cause determination investigations.
- Both vehicles are used infrequently by the Fire Department.
- The Medic Bus was purchased through a Memo of Agreement with NC Department of Crime Control and Public Safety, Emergency Management Division in 2009.
- The vehicle was jointly operated by the Fire Department and Buncombe EMS.
- The vehicle has been a regional emergency response asset for the western part of North Carolina.
- The vehicle will now be operated solely by Buncombe EMS, but will remain a regional response asset.
- The Arson Task Force service truck was purchased through fundraising efforts in the late 1990s by staff from the Fire Department, Buncombe County Fire Marshal's Office, and District Attorney's Office.
- The service truck will be utilized by Buncombe County EM for the local Urban Search and Rescue Task Force, which the Fire Department supports.
- The city has maintained both vehicles since purchase.
- Both response vehicles have depreciated all resale value.

- Per N.C. Gen. Stat. § 160A-280, cities may donate personal property that the City Council deems surplus, obsolete, or unused to other governmental agencies.

**Council Goal(s):**

- Connected and Engaged Community

**Committee(s):**

- Public Safety Committee

**Pro(s):**

- Provides for extending the useful life of both vehicles.
- Reduces maintenance costs to the City for vehicles.
- Both vehicles will remain regional resources that could be used during events within the City of Asheville.

**Con(s):**

- None

**Fiscal Impact:**

- None other than a slight reduction in maintenance costs in the Fire Department budget.

**Motion:**

- Motion to authorize the City Manager to transfer surplus vehicles to Buncombe County.

**RESOLUTION BOOK NO. 43 - PAGE 136**

**I. RESOLUTION NO. 22-108 - RESOLUTION SUPPORTING THE N.C. DEPT. OF TRANSPORTATION IN FUNDING, DESIGNING, AND CONSTRUCTING PEDESTRIAN IMPROVEMENTS ALONG A SECTION OF SR 2002 (RICEVILLE ROAD)**

**Action Requested:** Adoption of a resolution supporting the North Carolina Department of Transportation (NCDOT) in funding, designing, and constructing pedestrian improvements along a section of SR 2002 (Riceville Road).

**Background:**

- Project U-5837 is currently listed in the NCDOT 2020-2029 State Transportation Improvement Program (STIP) to upgrade the roadway and address bicycle and pedestrian needs at a total estimated construction cost of \$1,900,000; however the project has been delayed with a construction date beyond FY 2029.
- Therefore, the NCDOT has applied for a Surface Transportation Block Grant (STBG) in the amount of \$825,000 including the local match through the French Broad River MPO for a project to provide pedestrian improvements.
- The scope of work includes sidewalks, ADA compliant curb ramps, pedestrian signals, and crosswalks.

**Council Goal(s):**

- Transportation and Accessibility

**Committee(s):**

- Multi Modal Transportation Commission - April 27, 2022 - Approved unanimously

**Pro(s):**



- Provides much needed pedestrian improvements (sidewalks, ADA compliant curb ramps, pedestrian signals, and crosswalks) along a section of Riceville Road.

**Con(s):**

- None

**Fiscal Impact:**

- There is no fiscal impact to the city for the construction of the project.
- However, the city would be responsible for the maintenance of the sidewalk once constructed through the Public Works Department's annual operating budget.

**Motion:**

- Motion to adopt a resolution supporting the N.C. Dept. of Transportation (NCDOT) in funding, designing, and constructing pedestrian improvements along a section of SR 2002 (Riceville Road).

**RESOLUTION BOOK NO. 43 - PAGE 137**

**J. ORDINANCE NO. 4946 - BUDGET AMENDMENT FROM HARRAH'S CHEROKEE CENTER - ASHEVILLE (HARRAH'S) OPERATING REVENUE TO INCREASE HARRAH'S FUND BUDGET TO REFLECT UPDATED FISCAL YEAR 2021-22 REVENUE AND EXPENDITURE PROJECTIONS**

**Action Requested:** Approval of a budget amendment in the amount of \$470,000 from HCCA operating revenue to increase the HCCA fund budget to reflect updated fiscal year 2021-22 revenue and expenditure projections.

**Background:**

- The HCCA event load in Fiscal Year 2021-2022 has been significantly higher than initially forecasted during last year's budget process prior to the reopening of large scale events post-COVID.
- HCCA Revenues are expected to total \$1.2 Million more than budgeted.
- HCCA Expenses are expected to potentially total \$470,000 more than budgeted.
- Concessions, ticketing and other show related revenues will cover all additional expenses; therefore, no additional transfer from the General Fund is required at this time.
- HCCA has 42 dates booked in May and June to conclude the fiscal year.

**Council Goal(s):**

- A Financially Resilient City
- This action supports the City Council Strategic Plan by supporting the HCCA as a regional entertainment destination and improving the client and customer experience.

**Committee(s):**

- None

**Pro(s):**

- Provides sufficient budget authorization for anticipated expenditures in the HCCA Fund without increasing the General Fund transfer.

**Con(s):**

- None

**Fiscal Impact:**

- This budget amendment is funded with HCCA operating revenues that will exceed original budget estimates.
- Therefore, there is no expected impact to the City's General Fund budget.

**Motion:**

- Motion to approve a budget amendment in the amount of \$470,000 from HCCA operating revenue to increase the HCCA fund budget to reflect updated fiscal year 2021-22 revenue and expenditure projections.

**ORDINANCE BOOK NO. 34 - PAGE 146**

**K. RESOLUTION NO. 22-109 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PEPSI COLA BOTTLING OF HICKORY INC. AT HARRAH'S CHEROKEE CENTER - ASHEVILLE**

**Action Requested:** Approval of a resolution authorizing the City Manager execute a contract with Pepsi Cola Bottling Company of Hickory NC with an amount not to exceed \$480,000 over 6 years.

**Background:**

- After a competitive bid process, in December 2020 staff executed a six year sponsorship agreement with Pepsi Bottling Company of Hickory, NC.
- Pepsi provides equipment for the HCCA at an in kind value of \$119,500, in kind marketing & product support and up to \$10,000 in cash annually.
- Pepsi provides fair product purchase rates, with locked in maximum increases for the duration of the contract.
- In exchange the HCCA exclusively sells Pepsi products at concession stands within the facility.
- This includes carbonated beverages, water and sports drinks.
- Annual product purchase for resale budget is \$75,000
- Average profit margin on Pepsi products sold at the HCCA is 85%.

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- None

**Pro(s):**

- Guaranteed purchase rates for the HCCA Food & Beverage department
- Pepsi is a North Carolina based company

**Con(s):**

- None.

**Fiscal Impact:**

- Annual expense not to exceed \$80,000 from the HCCA enterprise budget. No impact to the HCCA General Fund Subsidy as purchases are offset by product sale revenues.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to enter into a \$480,000 contract with Pepsi-Cola Bottling Company of Hickory, NC to purchase non-alcoholic beverages in alignment with the sponsorship agreement executed December, 2020.

**RESOLUTION BOOK NO. 43 - PAGE 138**

**L. RESOLUTION NO. 22-110 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FEDERAL TRANSIT ADMINISTRATION FOR THE FISCAL YEAR 2022 5339 (b) GRANT FOR BUSES AND BUS FACILITIES COMPETITIVE PROGRAM AND 5339 (e) GRANT FOR LOW OR NO EMISSION VEHICLE GRANT PROGRAM, AND IF SUCCESSFUL, TO ACCEPT THE FUNDS AND SIGN ALL NECESSARY AGREEMENTS**

**Action Requested:** Adoption of a Resolution authorizing the City Manager to apply to the Federal Transit Administration (FTA) for the FY 2022 5339(b) Grants for Buses and Bus Facilities Competitive Program and 5339(c) Low or No Emission Vehicle Grant Program to fund capital projects including buses, and related equipment, along with the associated bus accessories and infrastructure, and bus related facilities, and if successful, to accept the funds, sign all of the appropriate agreements, and include in the FY 2023 budget via budget amendment.

**Background:**

- Each year, the FTA publishes Notice of Funding for competitive grants including the Bus and Bus Facilities Program and Low or No Emissions Grant Program to provide capital assistance to transit systems to purchase buses, related equipment, associated bus accessories and infrastructure, and related bus transportation facilities.
- Grant applications are due May 31, 2022.
- The match requirement for the City is 15%.
- The Transportation Department anticipates applying for six (6) hybrid Gillig buses and six (6) replacement electric batteries for three (3) of our existing hybrid buses (two batteries per bus).
- One application will be submitted for both grants.
- FTA will only award one of the grants, if any.
- The estimated price per hybrid bus is \$800,000.
- The estimated price per battery pack (two batteries per pack) is \$83,000.
- The total estimated grant request is \$5,049,000.
- This would require a \$757,350 match from the City, which is programmed in the Transit Capital Fund.

**Council Goal(s):**

- Transportation and Accessibility

**Committee(s):**

- None

**Pro(s):**

- Potential funding sources for six (6) hybrid Gillig buses and six (6) replacement electric batteries for three (3) of our existing hybrid buses needed to maintain and expand the current transit fleet necessary for Asheville Rides Transit (ART) services.

**Con(s):**

- A \$757,350 local match is required from the City if a grant is awarded.

**Fiscal Impact:**

- As noted above, the \$757,350 local match required from the City is programmed in the Transit Capital Fund.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to apply to the Federal Transit Administration (FTA) for the FY 2022 5339(b) Grants for Buses and Bus Facilities Competitive Program and 5339(c) Low or No Emission Vehicle Grant Program.

**RESOLUTION BOOK NO. 43 - PAGE 139**

**M. RESOLUTION NO. 22-111 - RESOLUTION SETTING A PUBLIC HEARING ON JUNE 28, 2022, TO CONSIDER CLOSING A RIGHT-OF-WAY EAST OF WILMINGTON ROAD AND SOUTH OF 907 OLD FAIRVIEW ROAD, AND DECLARING ITS INTENT TO CLOSE RIGHT-OF-WAY**

**Action Requested:** Adoption of a resolution to set a public hearing for June 28, 2022, to permanently close an unopened right of way east of Wilmington Road and south of 907 Old Fairview Road.

**Background:**

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- The statute requires City Council to consider whether the closure of the right of way has a negative impact to the public interest and whether the closure would impede access to parcels, utilities, and other public infrastructure.
- Beverly Cozort, owner of 907 Old Fairview Road has petitioned for this closure.
- Ms. Cozort owns the property at 907 Old Fairview Road and wishes to close the unopened right of way behind her parcel in order allow her neighbor at 24 Wilmington to subdivide and add the eastern half of her parcel to Ms. Cozort's.
- The Technical Review Committee reviewed the closure request and recommended approval at their April 18, 2022 meeting.
- The Multimodal Transportation Commission reviewed the closure request and recommended approval at their April 27, 2022 meeting.
- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right of way.

**Council Goal(s):**

- Well-planned and livable community

**Committee(s):**

- Technical Review Committee - April 18, 2022 - unanimously recommended approval.
- Multimodal Transportation Committee - April 22, 2022 - unanimously recommended approval.

**Pro(s):**

- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right-of-way.

**Con(s):**

- None

**Fiscal Impact:**

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

**Motion:**

- Motion to approve the setting of a public hearing for June 28, 2022 for the request and intent to permanently close an unopened right of way east of Wilmington Road and south of 907 Old Fairview Road.

**RESOLUTION BOOK NO. 43 - PAGE 140**

**N. RESOLUTION NO. 22-112 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH LABOR FINDERS TO ADEQUATELY STAFF FOR ALL EVENTS AT HARRAH'S CHEROKEE CENTER - ASHEVILLE FOR THE REST OF THE SEASON**

**Action Requested:** Adoption of a resolution authorizing the City Manager to amend the Harrah's Cherokee Center Asheville's (HCCA) contract with Labor Finders, to increase the contract amount by \$20,000, for a revised total maximum of \$100,000, for temporary staffing.

**Background:**

- This contract has been in place since October 20, 2021, for temporary staffing on as needed basis for the Harrah's Cherokee Center.
- The contract is a service contract.
- Labor Finders supplies temporary staffing on an as needed basis during the event season for the HCCA.
- HCCA currently has five vacant positions (50% of total operations crew,) temporary staffing provided by Labor Finders fills the gap.

**Vendor Outreach Efforts:**

- When initially contracted, staff followed the city's Asheville Business Inclusion (ABI) process and Labor Finders was selected.
- They were the lowest, most responsive bidder; however, they are not minority owned.

**Council Goal(s):**

- A Thriving Local Economy
- A Financially Resilient City

**Committee(s):**

- None

**Pro(s):**

- Creates the ability to fully staff events at the facility through the end of the fiscal year.

**Con(s):**

- Temporary Staffing through agencies is more expensive than City Employees.

**Fiscal Impact:**

- Funds are budgeted within the Harrah's Cherokee Center's contracted services account (\$20,000).

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to amend the contract with Labor Finders to increase the contract amount by \$20,000, for a revised total maximum price amount of \$100,000.00, for temporary staffing.

**RESOLUTION BOOK NO. 43 - PAGE 142**

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.

Councilwoman Turner moved for the adoption of the Consent Agenda, minus Consent Agenda Item D. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

**ITEM REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND/OR AN INDIVIDUAL VOTE**

**D. RESOLUTION NO. 22-101 - RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH REED CREEK GREENWAY PLAZA FOR A PARKING LOT AT CAUBLE & BROADWAY STREETS, AUTHORIZING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENT IF NO ALTERNATE BIDS ARE RECEIVED**

**Action Requested:** Approval of a resolution to authorize a lease agreement with Reed Creek Greenway Plaza for a parking lot at Cauble & Broadway Streets, authorizing the City Clerk to advertise for upset bids, and authorizing the City Manager to execute the lease agreement if no alternate bids are received.

**Background:**

- The City of Asheville owns a vacant parcel at Broadway and Cauble Streets, 9649-14-2727-00000 that was acquired from NCDOT in March 2000 after the completion of improvements to Broadway Street.
- RCGP, LLC owns four tracts of land on Broadway Avenue (9649-14-2559-00000, 9649-14-3514-00000, 9649-14-3483-00000 & 9649-14-3592-00000) where it proposes to build a mixed use development at 427 Broadway that will include residential dwelling units.
- RCGP, LLC has agreed to reserve 20% of the units as affordable housing units.
- RCPG, LLC has proposed to the City that they build at their sole cost and expense a paved parking lot on the City parcel with plans approved by the City.
- The cost of the construction is estimated to be \$168,525.
- In return for the completed parking lot, RCGP, LLC would receive rent credit and the right to use half of the 26 parking spaces on an exclusive basis.
- The other half of the parking spaces will be non-exclusive, for use by the public (such as people using the adjacent Reed Creek greenway)
- As per the proposed lease agreement, the City would agree to provide a rent credit based on the construction amount.
- The Real Estate Office estimates the rental value of the parking spaces is \$60 per parking space for a total of \$18,720 per year.
- Given the fact that the parking lot is non-exclusive and meant to be shared for parking access to the Reed Creek Greenway, the estimated annual lease rate is reduced to \$9,360.
- Based on a preliminary cost of \$168,525, the developer's rent credit allows for a lease for parking for approximately fifteen (15) years.
- After construction is completed, the rent credit amount will be adjusted.
- The City intends to structure this term as an initial 5 year term, with the option to extend the lease for another two 5 year periods at the sole discretion of the City.

- Should the City decide not to grant the renewal options, the rent credit shall be forfeited and no monies will be owed by the City to RCGP.
- NC State Law requires that any lease over 10 years must be handled through the upset bid process.
- If the City Council approves the following resolution, the City Clerk will be directed to publish an advertisement for upset bids for a period of 10 days, in which any interested party may upset the current bid to perform \$168,525 worth of parking lot improvements to the property in lieu of rent payments and in exchange for non-exclusive use of the parking spaces, with rental abatement/credit calculated at the current fair market value (\$9,360.00 per year), plus a 2% escalation rate per year, for an initial five year term, with the option to renew for an additional two five year periods at the sole discretion of the City of Asheville.
- The statutes require that a qualifying bid must increase the current offer by 10% of the first \$1,000 and 5% of the remainder.
- As set forth in the resolution, if no qualifying upset bids are received, then the City Council agrees to further authorize the City Manager to execute the lease agreement with RCGP, LLC.

**Council Goal(s):**

- Well Planned and Livable Community
- Quality Affordable Housing

**Committee(s):**

- None

**Pro(s):**

- RCGP, LLC will be constructing a new parking lot, together with a landscaped buffer along the creek, at their sole expense.
- The parking will support the adjacent new residential complex developed by RCGP, LLC which will have 20% of its units reserved for affordable housing at 60% AMI.
- Available parking in the lot will offset pressure on street parking in the adjacent neighborhood.
- Parking will be available for users of the Reed Creek Greenway and the general public.

**Con(s):**

- City residents and users of the Reed Creek Greenway will not have exclusive use of the newly constructed parking lot.
- The property cannot be used for an alternative purpose for at least 5 years.

**Fiscal Impact:**

- No funds are changing hands as part of this agreement.

**Motion:**

- Motion to approve a resolution authorizing the City Manager to approve a lease agreement with RCGP, LLC for a parking lot at Broadway & Cauble upon the terms and conditions stated herein, and authorizing the City Clerk to advertise for upset bids, and authorizing the City Manager to execute the lease agreement if no alternate bids are received.

Councilwoman Turner moved to authorize the City Manager to approve a lease agreement with RCGP, LLC granting a 10-year term with the option to renew for one 5 year period at the discretion of the tenant or lessee, not just at the City's sole discretion, for a parking lot at Broadway & Cauble upon the terms and conditions stated herein, and authorizing the City

Clerk to advertise for upset bids, and authorizing the City Manager to execute the lease agreement if no alternate bids are received.

Councilwoman Wisler asked for a friendly amendment that the renewal for the one 5-year period be upon mutual agreement. Councilwoman Turner accepted the friendly amendment.

The original, amended motion made by Councilwoman Turner carried unanimously by roll call vote.

## **RESOLUTION BOOK NO. 43 - PAGE 121**

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

#### **A. PRESENTATION OF THE FISCAL YEAR 2022-23 ANNUAL OPERATING BUDGET**

City Manager Campbell said that we have reached an important milestone in the budget process. Tonight staff will be presenting the Manager's Proposed Fiscal Year 2022-23 Budget. She thanked our incredibly hard working staff in the Finance Department and Budget Division. She also thanked Mayor Manheimer and Council members for their time, input and guidance provided in the budget process so far. She said that at this presentation, staff will provide (1) background information on the process; (2) present key elements of the 2022-23 Manager's Recommended Budget; and (3) share next steps in the process. The proposed budget has been prepared in accordance with the N.C. Gen. Stat. sec. 159-11. The recommendations included in this balanced and fiscally responsible Proposed Budget are based on (1) available resources; (2) Council priorities; (3) internal work completed by staff throughout the organization; and (4) as well as information gathered and work completed in prior budget processes. This proposed budget, which totals \$216.9 Million (1) recommends no change to the current property tax rate; (2) funds employee compensation adjustments that reflect inflation in the labor market and local cost of living increases while building upon the Archer compensation study that were implemented in the current fiscal year; (3) continues funding core community services in a time of rising costs and provides additional investments in key core service areas in alignment with Council priorities; and (4) strategically utilizes fund balance and American Rescue Plan Act funding to advance Council's priorities and balance the budget. The last two years have brought many challenges but we have continued to work together to overcome those challenges. As we look ahead to the next fiscal year, she was very excited by the opportunity to work with Council, staff, and the community to move ahead with the key initiatives recommended in this budget that we believe will improve internal operations but more importantly enhance the lives of people who live, work, play and do business in the City of Asheville.

Finance Director Tony McDowell reviewed the FY 2022-23 budget process and the proposed budget overview. In the budget summary process, on (1) February 22 worksession (a) overall financial position is positive; and (b) overview of capital planning and update on capital projects; (2) March 18 Council retreat (a) inflationary pressures are impacting existing services; and (b) starting a comprehensive facility assessment to guide future capital improvements; (3) April 12 worksession (a) lingering impacts on the pandemic have created budget challenges; and (b) review of fund balance, personnel budgeting, Parking Fund and Transit Fund; and (4) April 26 worksession (a) competitive employee compensation package is key to service delivery; and (b) ongoing and potential new investments in Council priorities.

He then provided the fund summary of the proposed budget; along with the General Fund overview. The General Fund summary is (1) revenues: total growth of \$11.4 Million (a) normal property tax revenue growth; (b) continued strong sales tax revenue performance and (c)



additional revenue from Council-approved fee increases; and (2) baseline expenses: total growth of \$6.8 Million (a) growth in personnel costs; and (b) inflation and price volatility in operating costs. Available resources are \$4.6 Million.

Mr. McDowell then reviewed the new and ongoing investments, outlining the guiding principles and Council priorities. He reviewed the compensation history from July 2017 to November 2021. The July 2022 compensation recommendations are to adjust compensation to (1) Ensure all full-time employees earn at least \$35,360 annually; (2) Make adjustments for compression in the impacted pay grades; (3) Provide all other staff who do not receive an adjustment under the previous two items a 5.0% increase if hired on or before December 31, 2021 or a 2.5% increase if hired after that date; and (4) Continue to review additional options for recruitment and retention incentives. He then reviewed the full-time pay group; the recommended compensation cost for each pay group; and the compensation adjustment breakdown. The total compensation and benefits are (1) 12.1% State retirement contribution (13.1% for law enforcement); (2) 5% 401 (k) retirement contribution; (3) health and dental insurance (average cost of approximately \$10,000 per employee); and (4) vacation and sick leave, paid parental and family care, 13 City holidays.

Budget Manager Taylor Floyd then reviewed the additional new investments and ongoing investments for each of Council's priorities. New investments include: Missing middle housing study (\$87k); Homelessness Strategy Project Specialist (\$92k); Code Purple sheltering (\$50k); GIS Specialist (\$107k); Human Resources Information System software (\$250k); Web-based budget document (\$50k); Sanitation and waste reduction (\$405k - covered by fee increase); Emergency preparedness planning (\$200k); Disparity study (\$375k); traffic signals and pavement markings (\$90k); Afterschool programming expansion (\$17k); Parks maintenance relocation (\$245k); EMT pay supplement (\$75k); security cameras at parks and recreation facilities (\$75k); contracted background checks (\$75k); and additional \$375k allocation for reparations.

He used a chart for the Enterprise Funds summary. Regarding the Park Fund FY 2023 budget - \$5.6 Million (1) overall reduction of \$1.5 Million or 21% due to lower garage revenues (high uncertainty on future trends; (2) reduced operating expenses, capital, and transfer to transit to balance the fund (a) Parking capital reduced from \$500k to \$150k; and (b) Transit support reduced from \$1.6 Million to \$1.0 Million; and (3) if revenues improve, can amend budget mid-year to increase capital and/or transit transfers. Regarding the Transit Fund FY 2023 budget - \$12.4 Million (1) budget proposal includes funding to increase driver pay but does not include funding for any service expansions in FY 2023; (2) transfer from Parking reduced by \$600k from \$1.6 Million to \$1.0 Million; (3) General Fund support remains at \$6.9 Million; and (4) utilize all of the remaining Transit-specific American Rescue Plan Act (ARPA) funding along with approximately \$300k in general ARPA funding to balance the FY 2023 Transit budget. He reviewed the funding strategy for all funds.

He then provided highlights for the Capital Improvement Program (CIP). Adjustments to the 5-Year CIP include Memorial Stadium; Municipal Building repairs; Vance Gap Road landslide; Municipal Golf Course; Burton Street Park; and Livingston Street. He then explained the Comprehensive Facility Study.

He then reviewed the next steps, being the budget public hearing on June 14 and budget adoption on June 28.

City Manager Campbell, along with Mr. McDowell and Mr. Floyd responded to various questions/comments from Council, some being, but are not limited to: explanation of the difference of paying \$17.70/hour vs. \$17.00/hour and how the \$600,000 additional funds are calculated; request employee wages be equivalent to \$17.70/hour; concern if we don't pay a

living wage of \$17.70, we will start to get further and further behind in the coming years; if we increase the Transit Fund with ARPA funding, can we decrease the General Fund to utilize those funds for something else in the General Fund; are we still losing revenue from the Parking Fund due to equipment failures; request to have a percentage of our budget for reparations; confirmation that the contribution by the General Fund to transit has not changed; Reparations Commission unanimously recommended the City dedicate in perpetuity an amount to the Reparations Fund starting with the current budget cycle; concern whether we should prioritize the study on Urban Forestry Master Plan or hire an urban forester; request for study results from other communities on the Urban Forestry Master Plan study, and possible grant opportunities to fund the study; concern that budget illustration and/or budget document does not capture the word equity because equity needs to be woven into everything we do; has Buncombe County funded any reparation funds for next fiscal year; concern of low numbers in APD and hope for retention bonuses after training; request for staff to make a recommendation to freeze 10 positions within our public safety departments with the intent of adding to our public safety response with other programs, similar to a program in Durham, North Carolina; and a need to have a plan for a diversified response to address disparities, i.e., work on a violence interrupter program and youth mentor programs. For those questions not able to be readily answered, staff will provide those responses to City Council.

Mr. Barry Reiling, General Manager for the transit management company, explained how there is a huge struggle in attracting commercial drivers to Asheville, along with other staff. They have adjusted their training process to certify people with an CDL license, have raised salaries, have a weekly call about recruitment, and hired a full-time recruiter.

Councilwoman Roney felt we are backing out of our commitment to provide expanded services to South Asheville and expand hours to 10:00 p.m. City Manager Campbell explained that backing out of transit commitment is not our intent. We are working through some tough national trends.

Councilwoman Wilser pointed out that there is a possibility that the reallocation of Tourism Development Authority funds will pass and we may have some additional funds not allocated.

Mayor Manheimer said that the budget public hearing will be held on June 14, 2022, with adoption on June 28, 2022.

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

##### **A. PUBLIC HEARING TO ADOPT THE WATER RESOURCES DEPARTMENT UPDATED DEVELOPMENT FEES ANALYSIS FOR FISCAL YEAR 2022-23**

##### **ORDINANCE NO. 4947 - ORDINANCE ADOPTING THE WATER RESOURCES DEPARTMENT UPDATED DEVELOPMENT FEES FOR 2022-23 FISCAL YEAR**

Assistant Water Resources Director Leslie Carreiro said that this is the consideration of an ordinance to adopt the Water Resources Department updated development fees analysis for Fiscal Year 2022-23 fees and charges. This public hearing was advertised on May 13, 2022

#### **Background:**

- System development fees are one-time charges imposed on new development to fund costs of capital improvements necessitated by and attributable to such new development or to recoup costs of existing facilities.

- North Carolina General Statute 162A Article 8 (“Article 8”) provides for the uniform authority to implement system development fees for public water systems in North Carolina, and was enacted by the North Carolina General Assembly on July 20, 2017.
- System development fees must be adopted in accordance with the conditions and limitations of “Article 8.”
- Raftelis Financial Consultants, Inc. (RFC) completed the required analysis, which conforms to the conditions set forth in “Article 8.”
- To conform to N.C.G.S. 162A-209, the analysis must be posted on the City’s website for not less than forty-five (45) days and furnish a means to submit written comments prior to considering adoption.
- The analysis was posted on March 29, 2022 and met the 45-day requirement on May 16, 2022.

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- Finance and HR Committee - March 22, 2022 - unanimously recommended to move to City Council.

**Pro(s):**

- Provides an opportunity to recover the cost of services from those that directly utilize the water system.
- Allows the Water Resources Department to remain current with appropriate fees

**Con(s):**

- None

**Fiscal Impact:**

- The updated fees will bring in an estimated \$1.7M in additional revenue annually.
- Revenue from water system development fees is accounted for in a capital reserve fund and subject to the restricted uses approved in NC General Statutes - Chapter 162A Article 8.

Mayor Manheimer confirmed that this is only a one-time fee paid by the developer to tap into our water system.

Mayor Manheimer opened the public hearing at 6:35 p.m., and when no one spoke, she closed it at 6:35 p.m.

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

Councilwoman Turner moved to adopt an ordinance adopting the Water Resources Department updated Development fees analysis for the Fiscal Year (FY) 2022-23 fees and charges. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

**ORDINANCE BOOK NO. 43 – PAGE 147**

**B. REED CREEK MIXED USE DEVELOPMENT**

**PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT TO REED CREEK GREENWAY PLAZA LLC FOR THE REED CREEK MIXED USE**

## **DEVELOPMENT PROJECT**

### **RESOLUTION NO. 22-113 - RESOLUTION APPROVING A LAND USE INCENTIVE GRANT FOR THE REED CREEK MIXED USE DEVELOPMENT PROJECT**

Mayor Manheimer said that there will be two individual presentations; however, only one public hearing. Two votes will be required.

Urban Planner Sasha Vrtunski said that this is the consideration of a resolution approving a land use incentive grant for Reed Creek Greenway Plaza LLC for the Reed Creek Mixed Use Development Project at 421 Broadway Street. This public hearing was advertised on May 13, 2022.

#### **Review:**

- Reed Creek Greenway Plaza LLC has applied for a Land Use Incentive Grant (LUIG) for their development at 421 Broadway Street per the LUIG policy adopted by City Council and amended on June 22, 2021.
- This project includes one parcel that the city acquired in 2000 for affordable housing, and a second parcel that the city acquired from DOT for the developer with the agreement that it would be used for affordable housing.
- Both parcels were sold to the applicant for fair market value with the condition that the project include 20% of the units affordable to households at 60 % AMI or less. There is a deed restriction already in place for those parcels.
- If approved, the LUIG agreement will include additional benefits from the developer beyond the existing deed restrictions, and include more parcels of land that are not currently restricted.
- The development consists of 49 apartments and commercial space. For the purposes of this LUIG application, Reed Creek Greenway Plaza LLC is only asking for a LUIG for the residential building of the larger project.
- Housing represents 100% of all rentable square footage.
- Of the 49 residential units, 10 rental apartments (20%) will be affordable, serving individuals earning at or below 60% of the Area Median Income (AMI) for a minimum of 30 years, 2 units (5%) will be affordable, serving individuals earning at or below 80% of the Area Median Income (AMI) for a minimum of 30 years .
- The residential portion of the project encompasses .39 acres of land bound by Broadway Street, with the current PIN numbers below that will be consolidated into one parcel. These are the PINS of the land used for the residential portion of the project.
  - 9649-14-3592
  - 9649-14-4386
  - 9649-14-3483
  - 9649-14-4359
- The developer estimates a total development cost of approximately \$9.15M
- Estimated Tax Value of the property is \$9.15M post-completion.
- This is currently the same as the construction value.
- Staff expects the taxable value to be lower than this amount after completion.
- The project, as presented to staff, meets the following Eligibility Requirements:
  - The proposed development consists of two or more dwelling units for rent;
  - At least 20% of the units will meet the affordability standards set by the City of Asheville for households earning at or below 80% of the Area Median Income (AMI).
  - The affordable units will be affordable to and leased to income-eligible households for at least 20 years.
  - The proposed development is located inside the city limits.

- The proposed development provides residents convenient access to jobs, schools, and services.
- The proposed development is over the 70% residential threshold in use based on square footage not to include a parking structure if applicable.
- Per the LUIG Scoring Matrix and based upon the policy, the project will receive a total score of 105 points (see Proposal below).
- Per the policy, this will equal 21 years of grants in the amount of the City Property Taxes payable on the residential portion of the Reed Creek Greenway Plaza Development.

**Proposal:**

- Affordable Rental Housing
  - The proposed project will provide a total of twelve (12) affordable units: 10 apartments (20%) will be affordable, serving individuals earning at or below 60% of the Area Median Income (AMI), 2 units (5%) will be affordable, serving individuals earning at or below 80% of the Area Median Income (AMI). Six of the units (50% of the affordable units) will accept rental assistance (20 points).
  - All 12 units will be affordable for a minimum of 30 years (10 points).
  - Under this category, the project qualifies for 30 points.
- Low Income
  - 20% of the units will be affordable, serving individuals earning at or below 60% of the Area Median Income (AMI).
  - Under this category, the project qualifies for 10 points.
- Rental Assistance
  - The proposed project will accept five (5) Housing Choice Vouchers / Rental Assistance in the community, and possibly consider more.
  - The project will also house one person from the Homeless by Name list.
  - Under this category, the project qualifies for 15 points.
- Superior locational efficiency
  - The proposed project is located within 1 mile from a job or urban center, and within a .5 mile from a Transportation Amenity.
  - Under this category, the project qualifies for 10 points.
- Brownfield Redevelopment
  - The proposed project includes land that is designated as a Brownfield.
  - Under this category, the project qualifies for 10 points.
- Energy Efficiency
  - The developer has committed to using Energy Efficiency (EE) / Energy Star Certification, Green Building certification and to installing solar panels.
  - Under this category, the project qualifies for 30 points.
- Universal Design
  - The building will include Universal Design in 20% of the units.
  - Under this category, the project qualifies for 10 points.
- Staff has scored the project with 105 points, which qualifies the project for twenty-one (21) years of Land Use Incentive Grant.

**Council Goal(s):**

- Quality Affordable Housing
- An Equitable and Diverse Community

**Committee(s):**

- Housing & Community Development Committee - May 17, 2022 - approved 3-0.
- Finance Committee - May 24, 2022
  - The Finance Committee will review the application the same day as the City Council.

**Pro(s):**

- The proposed project will provide 12 affordable rental housing units. Ten units to individuals earning 60% or less of area median income and two units earning 80% or less of area median income;
- The proposed project will have an affordability period of thirty (30) years;
- The project will include energy efficiency, green building and solar panels;
- The proposed project addresses the pressing need for affordable one-person housing units (studios).
- The proposed project should have a significant economic impact.
- Construction wages and material purchases will positively affect the local and regional economy;
- The 12 affordable units are located at the edge of Montford (walkability score of 61 -somewhat walkable, bike score of 58 - bikeable, some bike infrastructure) and provide shopping options for individuals who fall within the 80% AMI incomes.
- Reed Creek Greenway Plaza will communicate with the Asheville Housing Authority and others that they are accepting Housing Choice Vouchers and Rental Assistance as the development prepares to come online.

**Con(s):**

- Cost estimates are not yet fully developed, and project costs as presented may change as it moves towards development.

**Fiscal Impact:**

- The vacant parcels where the building will be built has an estimated current tax value of \$259,000 and pays city property taxes of approximately \$1043 annually.
- Under the estimated tax value of \$9.15M post-completion, the annual city property tax will be approximately \$36,893.
- The difference is \$35,850 which would be granted to the property owner annually after payment for 21 years.
- For 21 years and 10 affordable units at or below 60% AMI and 2 affordable units at or below 80% AMI, the city will grant back a total of \$752,850 over the 21 years of the LUIG which equals \$62,737 per unit of subsidy which is lower than the estimate of up to \$80,000 in subsidy for 80% AMI homes as noted in Council Work Sessions and a subsidy cap noted in the LUIG Policy.
- After year 21, the City will receive the approximate \$36,893 annually in city tax revenue (depending on future property tax increases, etc.). Please note the City will still receive property taxes of approximately \$1043 per year in years 1 - 21.
- The City sets aside a budget annually for Land Use Incentive Grants.

Ms. Vrtunski outlined the following key takeaways: (1) LUIG application for 421 Broadway Street, rental apartments; (2) Project committing 10 units (20%) to be affordable for 30 years at 60% AMI or below. Two units (5%) will be affordable for 30 years at 80% AMI or below; (3) The project is on a site that is difficult to develop, and the city originally purchased one of the parcels for affordable housing; (4) The project is also bringing other benefits including rental assistance, solar panels and Universal design; and (5) Project qualifies for 21 years of taxes paid. The project encompasses 1.53 acres of land bound by Broadway Street and Cauble Street on the edge of the Montford neighborhood. The proposed development consists of a 49 unit apartment building and 2 commercial buildings. The LUIG will only be for Building A which has the 49 apartments. Housing represents 100% of all rentable square footage. The project is located at the edge of Montford - just east of the Reed Creek Greenway - total site area 1.53 acres - and residential portion of the project is approximately .39 acre. She then briefly reviewed the site plan and unit mix as 10 Studios - all affordable; 35 One Bedroom units; and 4 Two Bedroom units. Regarding the project background, (1) Of the 49 residential units, 10 rental apartments (20%) will be affordable, serving individuals and families earning at or below 60% of the Area Median

Income (AMI) for a minimum of 30 years; (2) Also 2 units (5%) will be affordable serving individuals and families earning at or below 80% of the Area Median Income (AMI) for a minimum of 30 years; and (3) The developer estimates a total development cost of approximately \$9.15M. The point summary was as follows: (1) 20% of units affordable at 60% AMI for 30 years - (20 +10 = 30 points); (2) 10% Rental Assistance (10 points); (3) Housing someone from the Homeless By Name list (5 points); (4) Location (10 points): - 1 mile from a job or urban center and .5 mile from a transit amenity; (5) Brownfield Redevelopment (10 points); (6) Energy Efficiency, Green Building & Solar panels / Energy Star (5+10 +15 = 30 points); and (7) Universal Design- 20% of units (10 points). Total Points: 105 points = 21 years of tax grant benefit. LUIG specifics are (1) The vacant parcels where the building will be built has an estimated current tax value of \$259,000 and pays city property taxes of approximately \$1043 annually; (2) Under the estimated tax value of \$9.15M post-completion, the annual city property tax will be approximately \$36,893; (3) The difference is \$35,850 which would be granted to the property owner annually for 21 years; (4) The total grant would be \$752,850 (over 21 years) which equals \$62,737 per unit of subsidy which is lower than the estimate of up to \$80,000 in subsidy for 80% AMI homes, which is consistent with adopted policy; and (5) After year 21, the City will receive the approximate \$36,893 annually in city tax revenue (depending on future property tax increases, etc.). She reviewed the Council committee results. Staff recommends approval of a motion to recommend that City Council approve the Land Use Incentive Grant application for Reed Creek Greenway Plaza project/421 Broadway Street. The LUIG application will also be reviewed by the Finance Committee in May. Review by City Council will be on May 24 at the same meeting as the Conditional Zoning hearing.

Councilwoman Wisler was happy with this project; however, she feels like the City is incentivizing the developer to adhere to their deed restrictions, which they agreed to. She proposed the total point summary should be adjusted to 95 points, not 105 points, for 19 (not 21) years of tax credit benefits.

In response to Councilwoman Roney, the applicant's attorney Damie Sesay spoke to the details of energy efficiency, green building and solar panels. She noted that they will provide solar panels for all common areas; however, not individual units.

Ms. Sesay responded to Councilwoman Wisler's concern and urged Council to consider the totality of what this development is offering.

**PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF  
MULTIPLE PROPERTIES LOCATED AT 427 BROADWAY STREET FROM  
NEIGHBORHOOD CORRIDOR DISTRICT TO NEIGHBORHOOD CORRIDOR  
DISTRICT/CONDITIONAL ZONE**

**ORDINANCE NO. 4948- ORDINANCE TO CONDITIONALLY ZONE MULTIPLE  
PROPERTIES LOCATED AT 427 BROADWAY STREET FROM  
NEIGHBORHOOD CORRIDOR DISTRICT TO NEIGHBORHOOD CORRIDOR  
DISTRICT/CONDITIONAL ZONE**

Urban Planner Will Palmquist said that this is the consideration of an ordinance to conditionally zone multiple properties located at 427 Broadway from Neighborhood Corridor District to Neighborhood Corridor District/Conditional Zone. This public hearing was advertised on March 11 and 18, 2022. On March 22, 2022, the applicant requested this public hearing be continued to April 12, 2022. On April 12, 2022, the applicant requested this public hearing be continued to this date.

**Project Location and Contacts:**

- The project site totals 1.53 acres and is located at 421, 425, 427, and 99999 (x 3)

- Broadway St. (PINs 9649-14-2559, 3514, 3592, 3483, 4359, and 4386).
- Owners: Reed Creek Greenway Plaza LLC.
- Applicant: Suzanne Godsey, RLA

**Summary of Petition:**

- The existing site consists of a surface parking lot and a single story commercial building.
- The subject properties are currently zoned NCD; however, the applicant is seeking a zoning change to NCD-CZ for the purpose of modifying some basic development standards including: spacing between entrances, building square footage, height, side setback and property line buffer.
- The project site includes 6 parcels, totalling 1.5 acres.
- The northwest portion of the site is a former brownfield area that does not allow residential development.
- The proposed project is a mixed-use development that will be constructed in two phases:
  - Phase I consists of Building “A”, a new 4-to-5-story residential multi-family building with 49 dwelling units, along with the existing one-story commercial building (labeled Building “B”) and 46 surface parking spaces with sidewalk, walkway, and other site improvements
  - Phase II consists of Building “C”, a new two-story commercial building placed at the corner of Broadway and Cauble Streets, along with surrounding sidewalk, walkway and outdoor gathering areas.
  - Phase II will share parking with Phase I.
- New construction includes Building “A” which is 45,000 square feet and 44’-6” tall and Building “C” which is proposed to be not more than 7,400 square feet.
- The final height of Building “C” is not yet determined but will not exceed 40 feet.
- Building “A” will also include indoor community/co-working space in addition to a bike storage room and individual storage closets for units.
- Building “B” is an existing one-story commercial building that will remain unchanged in height and size but will include the addition of a cantilevered deck at the rear of the building.
- A minimum of 37 off-street parking spaces is required and satisfied through the construction of a 46-space, surface parking lot.
- The minimum number of parking spaces required is estimated at 74 spaces but can be reduced by 50% for projects located in the NCD.
- The applicant is partnering with the City of Asheville on a stand-alone parking lot located across Cauble St. to the north.
- Reed Creek and its associated stream buffer crosses the site along the western property boundary (behind buildings) - the Reed Creek Greenway is located on the south side of the creek, off the subject property.
- A 10 foot wide sidewalk along Broadway St. is proposed and a six-foot wide sidewalk is proposed along Cauble St. and will connect to an existing sidewalk connection leading to the greenway.
- A required [neighborhood meeting](#) was conducted on December 29, 2021 using remote meeting technology.
- Four of the six properties included in the site area are designated “Traditional Corridor” on the city’s Future Land Use (FLU) map and will not need to be re-classified.
- The two parcels furthest south are designated “Parks/Open Space” and must be changed to match the other four parcels.
- Affordable housing is included in the Project:
  - a. A minimum of 25 percent of the total number of units (12 units) will be designated affordable for a minimum period of 30 years;
  - b. 10 of the affordable units will be affordable to those earning at or below 60% of Area Median Income (AMI);



- c. 2 of the affordable units will be affordable to those earning at or below 80% of the Area Median Income (AMI);
- d. 5 units (50% of the 60% AMI units) will accept HACA Housing Choice vouchers.
- e. The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Asheville Community Development Department.
- f. An Affordable Housing Deed Restriction will be provided by the City and will be filed and recorded by the property owner in the Buncombe County Register of Deeds prior to the project receiving final zoning permit.
- Landscape requirements apply, including street tree, parking lot, street buffer, building impact, and property line buffer (Type B).
- The NCD requires certain “Design and operational standards” including 45% ground level fenestration; pedestrian entrances every 45 feet, street facing orientation, and architectural detailing and/or articulation to break up facades over 45 feet in length.
- This project meets some of those standards but is seeking modifications for others (see final bullet below).
- There is no transit service on Broadway St. Bus lines are located a half mile to the east on Merrimon Ave. and 0.3 miles to the west on Montford Ave.
- Maximum density in the NCD is 35 units/acre - the proposed density is 32 units/acre.
- Open space shall be required at a rate of five percent of the total parcel (3,332 square feet) but is reduced by 25 percent (2,499 square feet) due to the project area being adjacent to a public park (Reed Creek Greenway).
- The project is classified as “urban” under the tree canopy preservation standards with a classification of “Class B” with 15 percent of total tree canopy required.
- The project satisfies this requirement through preserving a number of existing trees.
- Certain intensity bonuses are permitted in the NCD through the Community Incentive Table.
- The project is seeking bonuses for:
  - 1) Square footage greater than 24,000 square feet in exchange for 25 percent of the units being 700 square feet or less; and,
  - 2) Height greater than three stories/45 feet tall in exchange for an increased setback of 40 feet when adjacent to residentially zoned property.
- The project is seeking modifications through the conditional zoning process including:
  - Spacing of pedestrian entrances greater than 45 feet apart (one entrance for 149 linear feet);
  - A side setback ranging from 16 to 23 feet; and,
  - 10 foot wide vegetated buffer (with no fence).

**Comprehensive Plan Consistency:**

- The proposed development supports a number of goals including encouraging responsible growth by:
  - providing mixed-use infill development in targeted growth areas and
  - increasing the supply of housing, including affordable housing in proximity to schools, transit and parks.

**Compatibility Analysis:**

- The moderate-high density residential and commercial project is compatible with the:
  - Small-mid scale commercial retail and service businesses along the corridor;
  - Other multi-family developments along the corridor; and,
  - Open space/recreation areas around the Reed Creek Greenway.
- The mixed use project is consistent with the Future Land Use map designation of “Traditional Corridor”, which calls for buildings to be placed close to the street and enhanced with wide sidewalks and multi-modal access, a broad range of uses, higher residential densities, and parking located to the side or rear of buildings.

**Council Goal(s):**

- This project is most closely aligned with the council goal of *A Well-Planned and Livable Community*.

**Committee(s):**

- Technical Review Committee (TRC) - February 21, 2022 - approved with conditions.
- Planning & Zoning Commission (PZC) - March 2, 2022 - approved unanimously, 6:0.

**Staff Recommendation:**

- Staff recommends approval of this rezoning request based on the reasons stated above.

Mr. Palmquist said that there will be three buildings in two phases (separate project for stand alone parking lot). He reviewed the site plan for Phase 1 - Building A + site improvements - (1) Building "A" - 4 to 5 stories; 45,000 square feet; 44-6" tall; 49 units, 20% (10 units) affordable; and setback/buffer reductions; (2) Building "B" - renovation of existing one-story building; and deck expansion; (3) 46 parking spaces (50% reduction); and (4) 10' wide sidewalk on (portion of) Broadway Street. The site plan for Phase 2 - (1) Building "C" - 2-3 stories; maximum height of 40'; 7400 square feet maximum; and proposed office use; and (2) 6' sidewalk on Broadway and Cauble Streets. He then reviewed building elevations and showed a building perspective. He explained how the proposed project complies with the Living Asheville Comprehensive Plan. He then highlighted three technical modifications: (1) 16-23' side setback; (2) Reducing the property line buffer to 10' without a fence; and (3) A single front entrance.

Mr. Palmquist noted that a technical modification has been requested by the applicant earlier today. He explained the landscape buffer on the western side of the site. Such modification request is a reduction in the required Type B buffer along the western property boundary to (1) no evergreen trees; (2) 10 large deciduous trees; and (3) 10 small deciduous trees. He has consulted with City Attorney Branham and he advises that basically Council can approve the project with that modification now. However, staff is recommending that it go back to the Planning & Zoning Commission for reconsideration with this new condition as this modification was not discussed by them. He did note that staff would most likely recommend the project with this additional condition.

Mr. Palmquist said other project conditions are (1) Consistent with density/mass/scale of other projects in the NCD; (2) Architectural detailing that breaks up facade; (3) Pedestrian orientation w/ wide sidewalks; (4) Preservation of stream buffer; (5) 49 residential units, 25% affordable for 30 years (a) 10 units at or below 60% AMI; (b) 2 units at or below 80% AMI; and (c) 5 units (50% of the 60% AMI units) will accept HACA Housing Choice vouchers; (6) Community/co-working space; and (7) Indoor bike room and storage closets for residents. He said that City staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning.

City Attorney Branham said that there is no specific trigger when something is remanded back to the Planning & Zoning Commission, but in these types of rezonings, a recommendation is sought before that body. He said that Council has the authority to approve the project now, without going back to the Planning & Zoning Commission if it so chooses.

Ms. Sesay responded to Councilwoman Roney when she asked if trees could be added in the parking lot area.

At 7:23 p.m., Mayor Manheimer opened the combined public hearing, and when no one spoke, she closed it at 7:23 p.m.

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

Councilwoman Kilgore moved to approve the Land Use Incentive Grant application for Reed Creek Greenway Plaza / 421 Broadway Street. This motion was seconded by Councilwoman Roney and carried on a 6-1 roll call vote, with Councilwoman Wisler voting “no.”

**RESOLUTION BOOK NO. 43 – PAGE 143**

Councilwoman Turner moved to approve the conditional zoning request for six properties located at 421, 425, 427 and 99999 Broadway St. from Neighborhood Corridor District (NCD) to Neighborhood Corridor District-Conditional Zone (NCD-CZ) along with a change in the future land use map for two parcels from Parks/Open Space to Traditional Corridor, and the new condition for a reduction in the required Type B buffer along the western property boundary to (1) no evergreen trees; (2) 10 large deciduous trees; and (3) 10 small deciduous trees, 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 the request: 1) supports mixed-use infill development in a strategically located area targeted for growth; 2) provides housing units in proximity to transit, schools and parks; and, 3) supports city goals for affordable housing. This motion was seconded by Councilwoman Wisler.

Councilwoman Roney asked for a friendly amendment to not include the new condition requested by the applicant. Councilwoman Turner did not accept the friendly amendment.

The motion made by Councilwoman Turner and seconded by Councilwoman Wisler carried on a 6-1 roll call vote, with Councilwoman Roney voting “no.”

**ORDINANCE BOOK NO. 34 - PAGE 156**

**C. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF 1001 PATTON AVENUE FROM HIGHWAY BUSINESS DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE**

**ORDINANCE NO. 4949 - ORDINANCE TO CONDITIONALLY ZONE 1001 PATTON AVENUE FROM HIGHWAY BUSINESS DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE**

Urban Planner Will Palmquist said that this is the consideration of an ordinance to conditionally zoning 1001 Patton Avenue from Highway Business District to Commercial Expansion/Conditional Zone. This public hearing was advertised on May 13 and 20, 2022.

**Project Location and Contacts:**

- The project site consists of a 17.47 acre parcel located at 1001 Patton Avenue (PIN 9638-28-5358).
- Owner: Ingles Patton Avenue Exchange LLC

**Summary of Petition:**

- The property is currently zoned Highway Business (HB) and is designated “Urban Center” on the city’s Future Land Use (FLU) Map.
- The project area includes 17.47 acres located at 1001 Patton Ave and is identified in the Buncombe County land records as PIN 9638-28-5358.
- Due to the size of the project (over 100,000 square feet), the application is to conditionally rezone the subject property from Highway Business (HB) to Commercial Expansion - Conditional Zone (COM EXP - CZ).

- The project consists of a demolition and redevelopment of a vacant “Big Kmart” store, parking lot, and other vacant retail uses.
- New construction includes a series of one-story buildings that total five retail spaces, including an Ingles supermarket, and a “Gas Express” fueling station with a 220 square foot building.
- The total square footage of new construction is 149,754 square feet.
- The Ingles store and Retail #3 are attached and have a consistent floor plane.
- Retail #1 and Retail #2 are attached with a floor plane that is at an angle and slightly setback to the main Ingles building.
- Retail #4 is in a separate building at the front of the site.
- Access to the site is provided by three existing curb-cuts: one at Patton Avenue, one at Hawkins Lane, and one at N. Louisiana Avenue.
- The project proposes a pharmacy drive-thru at the front of the main Ingles building.
- The maximum height of buildings allowed in the COM EXP district is 80 feet. The maximum height of the proposed buildings vary from 18’-8” to 43’-8”.
- The COM EXP district requires that parking lots be located to the side or rear of all buildings fronting the primary street, and are encouraged to be placed to the side or rear of all buildings located along the internal access routes.
- The project is proposing the parking lots to be located in front of the Ingles grocery store and Retail 1, 2, and 3.
- A total of 421 parking spaces are proposed, 15 of which are handicap spaces, which is less than the min/max (428/749 spaces) required parking for the project.
- A total of 22 bicycle parking spaces is provided, which is the minimum required based on the number of automobile parking spaces being provided.
- Patton Avenue supports high frequency transit service. The nearest bus stop is located less than 200 feet west of the main entrance near the intersection with Louisiana Avenue, with a second stop located approximately 1/4 mile east near the intersection with Florida Avenue.
- Additional transit service is along N. Louisiana Avenue.
- The project proposes to improve the two bus stops located on N. Louisiana Avenue adjacent to the project site to bus shelters to the standard city specifications.
- The improvement of the bus stop on the west side of N. Louisiana Avenue is subject to that property owner’s granting of an easement.
- The minimum front setback of 35 feet and rear setback of 25 feet are met. No side setbacks apply.
- The maximum impervious surface requirement is 80%; this project proposes a max impervious surface amount of about 64%.
- The COM EXP district requires sidewalks along frontages to be 10 feet-wide and sidewalks within the development to be 8 feet-wide.
- The project will include an 8-foot wide sidewalk with 5-foot wide planting strips along Patton Ave, and a minimum 5-foot wide sidewalk along Hawkins Ln.
- No new sidewalk will be constructed on N. Louisiana Avenue though a fee-in-lieu payment will be required.
- A sidewalk already exists on the west side of N. Louisiana Avenue.
- Sidewalks within the development will vary between 5 feet-wide and 6 feet-wide, with the exception of the sidewalk on the north side of the main east-to-west access drive which will be 10 feet-wide.
- The COM EXP district requires fenestration along the building facade(s) facing the primary access corridor, for a minimum of 40 percent of the ground floor horizontal dimension, which the proposed project complies with.
- The COM EXP district requires that all buildings shall include a well-defined operable entrance at regular intervals not exceeding 75 feet on each primary facade to encourage access by pedestrians.
- The Ingles store and retail spaces number 1, 2, and 3 are proposed with entrances in

- excess of 75 foot intervals.
- Street tree, property line buffer and building impact landscape requirements are required and satisfied as proposed.
- Open space shall be required at a rate of 15% of the total parcel, and is proposed at 17.6%.
- The subject property is classified as “Urban” under the tree canopy preservation standards with a classification of “Class B” resulting in a 10% tree canopy requirement. This requirement is met with existing tree canopy located in the northeast of the site.
- The project is seeking technical modifications to development standards through the conditional zoning process including:
  - Eight foot-wide sidewalk with a five foot-wide planting strip along Patton Ave, and a minimum five foot-wide sidewalk along Hawkins Ln. No new sidewalk will be constructed on N. Louisiana Avenue.
  - Sidewalks within the development will vary between five-foot wide and six-foot wide, with the exception of the sidewalk on the north side of the main east-to-west access drive which will be ten feet-wide.
  - Parking lots to be located to the front of the buildings fronting the primary street.
  - Loading berths limited to two for the Ingles Market and one per each future development onsite that is over 20,000 square feet.
  - Three driveways into the site, each from a separate roadway.
  - 421 total parking spaces instead of the required 428 spaces.
  - Building entrance spacing in excess of the required 75-foot distance.
  - No bike lanes into the development.

**Consistency with the Comprehensive Plan:**

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan including by:
  - supporting the development/redevelopment of sites that are underutilized,
  - establishing accessible and well-connected commercial nodes, and
  - eliminating gaps in the city-wide sidewalk network while prioritizing construction in underserved communities that have no sidewalks.
- The proposed development is partly compatible with the Future Land Use designation of “Urban Center”, which is described, in part that, “...while they may currently be the location of commercial and office uses, the future focus of urban centers will be mixed-use development including higher density residential development providing a wide range of multifamily housing types”.
- The subject property was originally included in the city’s proposal to rezone several nodes along commercial corridors, such as Patton Avenue, into the new Urban Place Form District as recommended by Living Asheville.
- However, city staff removed the subject property from rezoning consideration due to concerns from adjacent neighborhoods about future increased property values and the potential impacts of displacement in their neighborhoods.

**Compatibility Analysis:**

- The proposed project is located directly on Patton Avenue (US Hwy 19/23) between N. Louisiana Avenue and Hawkins Lane, and is compatible with the suburban-style commercial development in the immediate vicinity, as well as the residential neighborhood to the north due to the vegetated area in the north of the project site which serves as a buffer.
- The city has received a letter of support for the project from the Emma Neighborhood Council/PODER Emma, which is located to the north of the subject property.

**Council Goal(s):**

- The council goal of *A Well-Planned and Livable Community* is most applicable.

**Committee(s):**

- Technical Review Committee (TRC) - January 10, 2022 - approved with conditions.
- Planning & Zoning Commission (PZC) - May 4, 2022 - approved (Vote: 5-1) with the following conditions: 1) That the bus shelters proposed at N. Louisiana Avenue be relocated internally to the site if agreed to by the City's Transportation Department; and, 2) That the applicant engage with the neighboring community to identify local businesses that meet community needs and could be located within the new development.

**Staff Recommendation:**

- Staff recommends approval of the project, for the reasons stated above.

Mr. Palmquist showed several maps associated with the project. Regarding the site plan, (1) demolition and redevelopment of vacant Kmart; (2) total 150,000 square feet of commercial; (3) Ingles Grocery Store, four retail spaces, and gas fueling; (4) 421 parking spaces total; (5) 3 driveway access points; (6) sidewalks 8'-wide and 5'-wide planting strip along Patton Avenue, 5'-wide along Hawkins Lane, no sidewalk along North Louisiana Avenue, varying internal widths of 5'-wide to 10'-wide; (7) improved two bus stops to shelters on North Louisiana Avenue; and (8) landscaping, open space, tree canopy preservation standards. He showed several building elevations, along with how the project complies with the Living Asheville Comprehensive Plan (partly). He then reviewed the review process noting at on May 4, 2022, the Planning & Zoning Commission approved the project on a 5-1 vote, with the following two conditions: (1) That the bus shelters proposed at North Louisiana Avenue be relocated internally to the site if agreed to by the City's Transportation Department; and (2) That the applicant engage with the neighboring community to identify local businesses that meet community needs and could be located within the new development. He then highlighted the following conditions: (1) Two electric vehicle charging stations will be installed; (2) The two bus stops located on N. Louisiana Avenue adjacent to the Project will be improved to bus shelters to the standard city specifications. The improvement of the bus stop on the west side of N. Louisiana Avenue is subject to that property owner's granting of an easement; and (3) That the applicant engage with the neighboring community to identify local businesses that meet community needs and could be located within the new development. Technical modifications consist of (1) 8'-wide sidewalk with a 5'-wide planting strip along Patton Ave, and a minimum 5'-wide sidewalk along Hawkins Ln. No new sidewalk will be constructed on N. Louisiana Avenue; (2) Sidewalks within the development will vary between 5'-wide and 6'-wide, with the exception of the sidewalk on the north side of the main east-to-west access drive which will be 10'-wide; (3) Parking lots to be located to the front of the buildings fronting the primary street; (4) Loading berths limited to two for the Ingles Market and one per each future development onsite that is over 20,000 square feet; (5) Three driveways into the site, each from a separate roadway; (6) 421 total parking spaces instead of the required 428 spaces; (7) Building entrance spacing in excess of the required 75-foot distance; and (8) No bike lanes into the development. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning.

When Councilwoman Turner asked about the project partly being consistent with the Future Land Use Map (Urban Place), Mr. Palmquist said that it means that the Urban Place District included housing, and this project does not.

In response to Councilwoman Wisler, Mr. Palmquist said that Highway Business District is an older model of commercial development that is slowly being phased out; however, it is still a current zoning district in the Unified Development Ordinance.

Councilwoman Roney said that some of the things she has heard from the Legacy Neighborhoods around gentrification or anti-displacement measures are opportunities to invest in

long-term safety strategies, which includes investment in pre-K, investment in community gardens, investment in community land trust and investment in equitable public services. Those are still opportunities that we have to invest in community health, well-being, sustainability and resilience. We have a long way to go as partners in the region, like coordinating between the City and the County.

Mr. Palmquist responded to Councilwoman Wisler when she questioned if the positives of this project outweigh the negatives, noting that she was disappointed with the lack of creativity by the developer.

Mayor Manheimer opened the public hearing at 7:48 p.m.

Rocio Alviter, representative of the Emma Neighborhood Council, spoke in full support of the Ingles request for conditional zoning on the previous K-Mart site on Patton Avenue. They believe that affordable housing, small local businesses, intergenerational community ties, and resilient community infrastructure in their neighborhood must have the opportunity to be protected and stabilized before being put at such a risk of the Urban Center development pressure. Ingles has been extremely communicative and accessible throughout this process. Their services as a grocery store, as well as other retail businesses that will be brought to the area are vital to our community. They have requested the opportunity to give input on their community priorities for the future tenants of the retail spaces on the property, to advocate for businesses that will meet the needs of the surrounding community, and in good faith trust that Ingles will be a collaborative partner in the process.

Mayor Manheimer closed the public hearing at 7:57 p.m.

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

Councilwoman Mosley moved to approve the conditional zoning request for the property located at 1001 Patton Ave from Highway Business (HB) to Commercial Expansion (COM EXP-CZ) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan or other adopted plans, and meets the development needs of the community in that the request: 1) supports the development/redevelopment of sites that are underutilized; 2) establishes accessible and well-connected commercial nodes; and, 3) eliminates gaps in the city-wide sidewalk network while prioritizing construction in underserved communities. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

#### **ORDINANCE BOOK NO. 34 - PAGE 168**

#### **V. UNFINISHED BUSINESS:**

#### **VI. NEW BUSINESS:**

#### **A. RESOLUTION NO. 22-114 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND IF AWARDED, RECEIVE GRANT FUNDS FROM THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY**

Urban Design and Place Strategies Manager Stephanie Dahl said that this is the consideration of adoption of resolution authorizing the City Manager to apply for Tourism Product Development Fund (TPDF) grants and receive awarded funds up to the amount of \$7,867,000 for the following capital projects: 1) Municipal Golf Course, 2) Swannanoa Greenway, 3) WNC Nature Center Farm and Butterfly Experience, and 4) Coxe Avenue Green Street.

**Background:**

- The Buncombe County Tourism Authority provides grants for projects that support tourism in Buncombe County.
- This is an excellent source of funding to supplement municipal projects.
- The City has a developed list of capital projects, many of which not only improve the quality of life for residents but they also support tourism and thus are eligible for TPDF funding.
- The following four projects have been identified as candidates for this year's funding request and are listed in priority order.

**1. Asheville Municipal Golf Course Improvements - \$1,000,000 requested**

- Revitalization of a historic Donald Ross designed golf course
- First integrated golf course in the south which hosts the longest running Black owned/operated professional tournament in the Country
- Improvements needed include stormwater infrastructure, water collection, tee box upgrades, green and sand trap improvements
- Improvements will help to restore the original course design and will include historic/educational markers.

**2. Swannanoa Greenway Phase One - \$2,300,000 requested**

- First phase of a 7.5 mile greenway that will connect with the Wilma Dykeman (RADTIP) greenway
- This project is nearly shovel ready. The funds will be used to make up a funding gap.
- If awarded, the TDA funds will allow the City to complete the whole project on one timeline, rather than breaking it into two projects in order to wait for more funds.
- This section of greenway will connect the intersections of Glendale Ave and Thompson St. to the existing greenway at Bleachery Rd.
- The Swannanoa River Greenway is an important greenway for our City; but also the greenway plans for the County, the region and the state.

**3. WNC Nature Center Gateway to the Southern Appalachians Enhancement - \$567,000**

- This exhibit will help to improve the gateway experience at the Nature Center and continues the renewal of the facility.
- Improvements will help to develop space that will accommodate large events and gatherings. This will help this facility to become more marketable as a regional attraction.
- Previous improvements to the facility, which have been funded in part, using TPDF funding have resulted in immediate and sustained increases in attendance.

**4. Coxe Avenue Green Street**

- This is the full infrastructure reconstruction of Coxe Ave from north of the Transit Center to where Coxe Ave meets Southside Ave.
- The project will support public art, entertainment, and local businesses.
- Pedestrian and bicycle safety are also important considerations for this corridor and will be incorporated into the design and construction.
- Infrastructure improvements are also a key piece of this project. While replacing and restoring deteriorated infrastructure is necessary, modern green infrastructure solutions will also be included, making this project a show piece.



- Additions to the African American Heritage trail are also planned for this project.

**Vendor Outreach Efforts:**

- This is a request for grant funding. Although outreach is not applicable for the funding request, efforts will be made to be inclusive in the design and construction of these projects.

**Council Goal(s):**

- Equitable and Diverse Community
- A well-planned and livable community
- A clean and healthy environment
- A thriving local economy

**Committee(s):**

- N/A

**Pro(s):**

- The use of grant funds allows the City to complete more projects with its limited resources
- These funds help the City to complete some much needed projects
- These funds utilize a source of revenue that is generated from the hotel and occupancy tax which is only available to the City of Asheville through this program.

**Con(s):**

- Focusing the funding request on these projects prevents other projects from receiving funding

**Fiscal Impact:**

- TPDF grants require one-for-one matching funds be provided by the City in order to qualify for grant awards.
- This requirement is met for the individual projects in the following way:
  - Municipal Golf Course - funding match is included in the Proposed FY23 Capital Budget
  - Swannanoa River Greenway - matched with currently budgeted General Obligation Bond (GO) funds
  - WNC Nature Center - matched with a combination of City capital funds that are already budgeted and funds from friends of the Nature Center
  - Coxe Avenue Green Street - matched with a combination of capital funds that are already planned and MPO funding

Ms. Dahl said that the key takeaways from this presentation are: (1) Eligible projects based on current legislation; (2) interdepartmental evaluation group; (3) Created and followed a process to select eligible projects; and (4) prioritized selected projects for recommendation.

Regarding the Buncombe County occupancy tax, (1) Buncombe County levies a 6% tax on “the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State.” (2) “This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.” Any accommodation that collects sales tax must also collect occupancy tax. This includes short term rentals; (3) Three-fourths of the funds may be used only to further the development of travel, tourism, and conventions in the county through state, national, and international advertising and promotion.”; and (4) The

limitation on state, national and international advertising and promotion has been consistently interpreted as excluding local advertising and promotion. Regarding the Tourism Product Development Fund (TPDF), (1) "TDA shall create a Tourism Product Development Fund and, in order to further economic development in the county, shall credit the remainder of the funds to the TPDF." ; and (2) "The purpose of the fund shall be to provide financial assistance for major tourism projects in order to significantly increase patronage of lodging facilities in Buncombe County."

Regarding the current legislation and potential legislative changes, (1) Existing legislation requires 75% of total revenue to be invested in marketing and promotion and 25% to be invested in tourism-related projects; (2) The \$15 million projected to be available in the Fund has been collected under existing legislation. Legally it must be used according to those legislative guidelines; (3) Reports say the hospitality community is supportive of and advocating for a change to the Buncombe County occupancy tax legislation in the current short session which began in Raleigh on May 18; (4) Split of funding dedicated to marketing vs community projects could move from 75%-25% to 66%-33%; and (5) Broadening of usage of 25% (or 33%) split to maintenance for projects could broaden in type and scope. The TPDF fund balance available as of latest financials - \$11.1 Million; and the TPDF fund balance projected to be available by Fiscal Year end (June 2022) is \$15.1 Million. He then reviewed the TPDF 2022 cycle timeline. TPDF core criteria is (1) Funding must be for capital investments only; (2) Project must demonstrate that it will create substantial new and incremental overnight lodging in Buncombe County; and (3) Restricted to nonprofit organizations including municipal partners - \*Additional Criteria considered to assess if projects are in alignment with the BCTDA's strategic pillars. TPDF strategic pillars are (1) Deliver Balanced Recovery & Sustainable Growth; (2) Encourage Safe & Responsible Travel; (3) Engage & Invite More Diverse Audiences; and (4) Promote & support Asheville's Creative Spirit.

The City project selection criteria used were (1) deliver balanced recovery and sustainable growth; (2) encourage safe and responsible travel; (3) engage and invite more diverse audiences; and (4) promote and support Asheville's creative spirit.

Director of Community & Regional Entertainment Facilities Chris Corl said that regarding the Municipal Golf Course, (1) Donald Ross designed course; (2) First Public Golf Course in NC; (3) First Integrated Course in the SouthEast; (4) Home of the Skyview Tournament; (5) Last remaining 'affordable' public fee course in Asheville; (6) Significant stormwater repairs needed - assessed & estimated in 2020 @ \$2.2M; (7) Water retention & irrigation; (8) Tree adjustments; and (9) Bunkers, fairways & green repairs \*where required due to stormwater repairs\*. A survey of the Municipal Golf Course resulted in (1) 68% - Course is in terrible or poor condition; (2) Current Fees - Fair; (3) Support increase - If & when improvements are made; (4) 77% - feel COA should invest \$1M or more; and (5) 90% - support thinning of trees at direction of design team. The TPDF Requested amount - up to \$2,000,000 ; City of Asheville - \$1,000,000; New Operator - up to \$1,000,000; and Estimated overall project budget is \$2 - \$4,000,000.

Regarding the Swannanoa River Greenway, this project will be shovel ready by 10/2022. The TPDF funding would allow the City to build the whole project seamlessly without breaking it into two projects: (1) Maximize cost efficiencies; (2) Minimize environmental impacts to area; and (3) Minimize impacts to businesses in project area. The Swannanoa River Greenway Corridor is 7.5 miles long. There are two active projects for greenway opportunities. The Swannanoa River Greenway is an essential part of Asheville's Greenway Network but also an important corridor in: (1) [Buncombe County's Master Plan](#); (2) [The Wilma Dykeman RiverWay Plan](#); (3) The Regional Trail Plan (aka [Hellbender Trail](#)); and (4) [The Fonta Flora State Trail](#). This project is the first phase of a very important greenway for the City, the County, the Region and the State. TPDF Requested amount - \$2,300,000; Current budget - \$3,835,819; Current budget is 100% GO Bond Funds; and Total estimated project cost - \$6,135,819.

Regarding WNC Nature Center, he showed a chart of their attendance since 2009. TPDF Requested amount - \$ 567,000; Friends of the Nature Center - committed - \$150,000; City of Asheville \$ 480,000; and Estimated overall project cost - \$ 1,197,000.

Ms. Dahl said that regarding the Coxe Avenue Complete Street Program, (1) Transform Coxe Ave in Accordance with the Community-Developed South Slope Vision Plan; (2) Design from Patton Ave to Southside Ave; (3) Construction - Based on Available Construction Funds; (4) Approximately .6 miles; (5) Bike/Pedestrian Safety & ADA concerns; (6) Public Space Capacity/Connectivity; (7) Failing Stormwater Infrastructure/Impact on Southside Neighborhood; (8) Climate Related Threats; (9) Safer Places for Pedestrians, Arts, Commerce, History and Culture; (10) Bike Lanes; (11) Stormwater Improvements Benefitting Neighbors Downstream; (12) Green Infrastructure; and (13) Increased Tree Canopy. TPDF Requested amount - \$3,000,000; City of Asheville - \$2,365,000; NCDOT Grant - \$9,460,000; and Estimated overall project budget - \$14,825,000.

The total TPDF grant amount requested is as follows:

1.	Municipal Golf Course	\$2,000,000
2.	Swannanoa Greenway	\$2,300,000
3.	WNC Nature Center	\$567,000
4.	Coxe Avenue	\$3,000,000

Total request: \$7,867,000

Mr. Corl and Ms. Dahl responded to various questions/comments from Council.

When Mayor Manheimer asked for public comments, none were received.

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

Councilwoman Wisler moved to adopt a resolution authorizing the City Manager to apply for Tourism Product Development Fund (TPDF) grants and receive awarded funds up to the amount of \$7,867,000 for the following capital projects: 1) Municipal Golf Course, 2) Swannanoa Greenway, 3) WNC Nature Center Farm and Butterfly Experience, and 4) Coxe Avenue Green Street. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

#### **RESOLUTION BOOK NO. 43 – PAGE 144**

#### **B. RESOLUTION NO. 22-115 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION REGARDING ITS 4-3 LANE CONVERSION OF MERRIMON AVENUE BETWEEN W.T. WEAVER BOULEVARD AND MIDLAND ROAD**

Transportation Director Ken Putnam said that this is the consideration of a resolution authorizing the City Manager to enter into an agreement with the N.C. Dept. of Transportation regarding its 4-3 lane conversion of Merrimon Avenue between W.T. Weaver Boulevard and Midland Road.

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into and execute a construction and maintenance agreement with the North Carolina Department of Transportation (NCDOT) in order to implement a four lane to three lane (4/3) conversion along US 25 (Merrimon Avenue) from Midland Road to WT Weaver Blvd as a part of a resurfacing project that will be completed by the NCDOT during Calendar Year 2022.

**Background:**

- As requested in Resolution #18-37 that was approved by City Council on February 13, 2018, City staff and NCDOT staff have been working together to develop alternatives for Merrimon Avenue that would accommodate all users and that would align with city goals and adopted plans.
- Through an "express design" process (Project # H191814) conducted by NCDOT, three alternatives were developed including a 4/3 lane conversion alternative from SR 2230 (Beaverdam Road) to I-240.
- When NCDOT programmed a maintenance project to resurface US 25 (Merrimon Avenue, Broadway Street, Biltmore Avenue) from Midland Road to US 25 (Southside Avenue), City staff sent a letter dated August 26, 2019 requesting NCDOT to work with the City to explore the potential for implementing a 4/3 lane conversion on Merrimon as part of the resurfacing project.
- An engineering consulting firm, contracted by the NCDOT, prepared a Capacity Analysis Report dated June 2021 to analyze the 4/3 lane conversion alternative developed in the "express design."
- The Capacity Analysis Report indicated that a 4/3 lane conversion could be implemented between Midland Road and WT Weaver while maintaining acceptable levels of traffic congestion and reducing vehicle crashes.
- In December 2021, the NCDOT and the City decided to seek public input on the proposed 4/3 lane conversion.
- A public meeting was held on February 28, 2022 and a public survey was open between February 23 and March 23.
- Over 300 people attended the public meeting and more than 3,000 surveys were completed. Results of the survey indicated that 59% of the respondents support a 4/3 lane conversion.
- Based on the results of the Capacity Analysis Report, the public meeting, and the survey, NCDOT and City staff have agreed to move forward with a 4/3 lane conversion along US 25 (Merrimon Avenue) from Midland Road to WT Weaver Blvd and to partner on the implementation.
- The resurfacing project has a total estimated cost of \$2,500,000 and is anticipated to be completed by December 31, 2022.
- The NCDOT has requested that the City contribute \$275,000 toward the project to cover the cost for adjusting traffic signal heads at each of the existing signalized intersections between Midland and WT Weaver.
- Although NCDOT and City staff fully expect the 4/3 lane conversion to be successful, the proposed construction and maintenance agreement includes a clause that establishes the criteria and conditions for which the 4/3 lane conversion would be evaluated if various safety issues occur, and if removal of the 4/3 lane conversion would be considered.
- If the removal clause is exercised, the City would be responsible for the appropriate traffic signal adjustments and pavement markings up to a maximum cost of \$300,000.
- The NCDOT will be responsible for all maintenance activities, including the street sweeping as a part of their ongoing maintenance activities.
- If the City would like the street sweeping activities to be performed more frequently, the City would be responsible.

**Council Goal(s):**

- Transportation and Accessibility

**Committee(s):**

- Multi Modal Transportation Commission - April 27, 2022 - Approved unanimously

**Pro(s):**

- Expected to decrease crashes
- Expected to reduce vehicle speeds
- Aligns with the city's complete streets goals (multi modal users)
- Leverages funding associated with the planned NCDOT resurfacing project

**Con(s):**

- Peak hour congestion (rush hour AM and PM) is expected to slightly increase delay and travel time
- Transit vehicles could cause congestion (traffic backup) when loading and unloading passengers
- Community disagreement on whether or not to implement the project

**Fiscal Impact:**

- The cost to the City is estimated to be \$275,000.
- Funding for this cost is not included in the current adopted budget.
- A Capital Improvement Program (CIP) request for Fiscal Year (FY) 2023 is being prepared, and will be considered along with other CIP requests as part of preparing the Manager's Recommended FY 2023 Budget.
- After an appropriate time frame, if the 4/3 conversion is to be reversed, the maximum cost to the City is estimated to be \$300,000.

Transportation Director Ken Putnam provided the following key takeaways: (1) the NCDOT has programmed a project to resurface Merrimon Avenue during calendar year 2022 at a total anticipated cost of \$2.5 Million; (2) the proposed project includes converting a section of Merrimon Avenue between Midland Road and W.T. Weaver Boulevard from 4 lanes to 3 lanes (4/3 lane conversion); (3) the purpose of the project is to improve safety and provide options for all multimodal users; (4) align with the City's and NCDOT's complete streets goals to accommodate multimodal users; (5) the City's cost share to implement the 4/3 lane conversion is \$375,000; (6) the requested action is to approve an agreement between the City and NCDOT; and (7) although the City and NCDOT staff fully expect the 4/3 lane conversion to be successful, the agreement includes a removal clause that establishes the criteria and conditions to evaluate if safety issues occur. He then provided the following background information: (1) City and NCDOT staff have been discussing the possibility of converting Merrimon Avenue from 4 lanes to 3 lanes (4/3 lane conversion project) since 2018 as requested by Resolution No. 18-37; (2) the NCDOT adopted a complete streets policy during August of 2019; (3) when the resurfacing project was programmed in 2019, City staff asked NCDOT to explore the potential of implementing the 4/3 lane conversion as part of the resurfacing project; (4) during December 2021, City and NCDOT staff initiated a public input process; (5) the public meeting was held on February 28, 2022 (300+ attendees); (6) a public survey was open for 30 days (3,000+ surveys completed); (7) 59% of the survey respondents supported a 4/3 lane conversion; (8) City and NCDOT staff agreed to move forward with a 4/3 lane conversion as a partnership opportunity; (9) the 4/3 lane conversion would begin at Midland Road and end at W.T. Weaver Boulevard; and (10) although City and NCDOT staff fully expect the 4/3 lane conversion to be successful, the agreement includes a removal clause that establishes the criteria and conditions to evaluate if safety issues occur. Project goals consisted of (1) expected to decrease crashes; (2) expected to reduce vehicle speeds; (3) aligns with the City's and NCDOT's complete streets goals (multimodal users); and (4) leverage funding associated with the planned NCDOT resurfacing project. Other concerns include (1) peak hour congestion (rush hour AM and PM) is expected to

slightly increase delay and travel time; (2) transit vehicles could cause congestion (traffic backup) when loading and unloading passengers; and (3) community disagreement on whether or not to implement the project. He reviewed the Charlotte Street outcomes (1) crashes have decreased by 59%; and (2) vehicle speeds have decreased by 3%. Regarding emergency vehicle response times, (1) The Asheville Fire Department does not anticipate any negative impacts to response times based on research and its experience with Charlotte Street; (2) due to current limited resources, the Asheville Police Department (APD) initially expressed concerns about response times for service calls but are now comfortable with the proposed project due to the potential for the street to be converted back to four lanes if safety issues occur; and (3) the APD will closely monitor response times after project completion. He said the agreement (1) includes construction and maintenance responsibilities; (2) a removal clause; (3) includes total project cost and cost-sharing amounts; and (4) NCDOT and City staff will meet on a quarterly basis following implementation to review safety and operations data including response time data provided by the APD to assess impacts of the 4/3 lane conversion. The fiscal impact to the City is \$275,000 (Fiscal Year 2023); and a maximum of \$300,000 if removal clause is exercised (Fiscal Year 2025). Regarding maintenance, the NCDOT will be responsible for all maintenance activities including street sweeping per standard maintenance cycles. The City would be responsible to perform more frequent street sweeping activities. The staff recommendation is to approve an agreement between the City and NCDOT to convert Merrimon Avenue from 4 lanes down to 3 lanes from Midland Road to W.T. Weaver Boulevard as a part of a resurfacing project.

In response to Councilwoman Wisler, Mr. Putnam explained that it will be the portion of Merrimon Avenue from W.T. Weaver Boulevard to Midland Road (the most southern part of Midland Road where it connects to Merrimon Avenue).

Councilwoman Kilgore stated several of the following concerns: it may cost the City more than \$275,000 since that is only the anticipated cost to the City for traffic signal changes; the addresses are not available for the 4,000 participants in the survey to determine if they were local or not; public safety issue when you introduce bicycles in a high traffic area; not fair to use traffic comparison of Charlotte Street with Merrimon Avenue as study was done in 2016 and the traffic patterns are so different and heavier traffic now; about six bus stops on Merrimon and people will not wait for the bus to move, but get into the center lane to pass the bus; increase in actual travel minutes; should wait until I-26 is completed so we can judge how the traffic is affected; not sure how many municipalities have agreements with the NCDOT that have removal clauses; crash history for this portion of Merrimon Avenue; bottleneck when the lane conversion occurs; and community meeting in February was not soliciting public comment, but only showed what the project would look like.

Mayor Manheimer spoke in support of this 4/3 lane conversion for several reasons, some being, but are not limited to: the section to be a 4/3 conversion does have a similar count to Charlotte Street; commute time is only 2-3 minutes longer; emergency vehicles use the center lane on Charlotte Street; this conversion is a safety issue, especially for bicyclists; number of accidents on Merrimon Avenue is very high compared to similar roads in North Carolina; we have a duty to make this road safer for our community; excited that NCDOT has completed their Complete Streets Policy; the City has done other road diets with more in the pipeline; just continuing to widen roads is not compatible with a growing city; business owners realize this lane conversion is good for business; and NCDOT engineers feel this lane conversion can work.

Councilwoman Wisler said that she asked the Metropolitan Planning Organization about the removal clause and they identified at least two other municipalities that have that provision in their agreement.

Councilwoman Turner questioned if people are allowed to use the turn lanes in order to pass a bus or another stopped vehicle in the travel lane.

Mr. Mark Gibbs, PE - NCDOT Western Deputy Chief Engineer (Divisions 7 & 9-14), responded to various questions from Council, some being, but are not limited to: what is the travel time expectations for this section of lane conversion on Merrimon Avenue; and provided background information on how the 2018 NCDOT design was for 5 lanes, and now it is a conversion to 3 lanes.

Councilwoman Roney said that if we are going to get serious about reducing our fatal crashes, this is the opportunity to do it. The Pedestrian & Bike Task Force, along with the Multimodal Transportation Commission, unanimously supported this conversion, and felt it should also extend to Chestnut Street for safety reasons.

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

Councilwoman Roney moved to approve a resolution authorizing the City Manager to enter into and execute a construction and maintenance agreement with the NCDOT in order to implement a 4/3 lane conversion along US 25 (Merrimon Avenue) from Midland Road to WT Weaver Blvd as a part of a resurfacing project that will be completed by the NCDOT during Calendar Year 2022. This motion was seconded by Councilwoman Wisler.

Four individuals spoke in support of the 4/3 lane conversion.

Five individuals spoke in opposition of the 4/3 lane conversion.

The motion made by Councilwoman Roney and seconded by Councilwoman Wisler carried on a 6-1 roll call vote, with Councilwoman Kilgore voting "no."

#### **RESOLUTION BOOK NO. 43 – PAGE 145**

#### **C. DIRECTION TO CITY MANAGER TO PROVIDE INFORMATION ON THE MAINTENANCE OF JONES PARK AND RENAMING PROCESS FOR THE PARK**

Mayor Manheimer briefly explained that when the Asheville City Schools tore down Jones Park they said when funds were available they would rebuild it. However, community members raised the funds for the Park to be rebuilt. Now the School System will not rebuild the Park, but offered the City the opportunity to take this park onto its rolls. She explained that Buncombe County is responsible for capital and maintenance of school facilities. The County Manager said that they would project manage the rebuild of the park working with the donors, and once the Park was complete, the School System would deed or lease the land to the City - at which time it becomes the City's obligation to maintain it and eventually replace it. That is the proposal on the table. She explained that we don't have any particular process for this because it is not City land and it wasn't a City park.

After a brief discussion, it was the consensus of Council to ask the City Manager to evaluate the proposal and bring back the information to Council.

Councilwoman Mosley noted that she has had contact with the Pickens family and they are interested in renaming the Park.

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

Several individuals spoke to Council on various topics, some being, but are not limited to: a hybrid Council meeting should be available to everyone; all Council is doing is upholding the same system when they say they are reimagining public safety; stop criminalizing mutual aid volunteers; institute sanctuary camping for the homeless; need for dedicated pickleball courts; there is institutional racism in the Police Department; and decrease funding in the Police Department and put it toward public transit.

**Closed Session**

At 10:07 p.m., Councilwoman Roney 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.G.S. 143-318.10 (e); and (2) To discuss matters relating to the location or expansion of industries or other businesses in the City of Asheville, including on a list of potential economic development incentives. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(4); and (3) To establish, or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. The statutory authorization is contained in N. C. Gen. Stat. sec. 154-318.11 (a) (5). This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

At 11:15 p.m., Councilwoman Kilgore moved to come out of closed session. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 11:15 p.m.

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CITY CLERK

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MAYOR