

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; 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

**PLEDGE OF ALLEGIANCE**

Mayor Manheimer led City Council in the Pledge of Allegiance.

**I. PROCLAMATIONS:**

**II. CONSENT AGENDA:**

It was requested that Consent Agenda Item “1” was removed from the Consent Agenda for discussion and/or individual votes.

**A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 26, 2022**

**B. RESOLUTION NO. 22-174 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TP HOWARD’S PLUMBING COMPANY INC. FOR THE CARTER-ANN STORMWATER IMPROVEMENT PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a contract with TP Howard’s Plumbing Company, Inc. in the amount of \$2,943,000.00 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of \$588,600.00 (20%) for a total budget of \$3,531,600.00 for the Carter Ann Stormwater Improvements Project.

**Background:**

- Moderate to heavy rain storms create localized flooding near the intersection of Carter Street, Patton Avenue, and S. Ann Street due to an undersized and aging stormwater system.
- The proposed improvements include installation of approximately 1,700 linear feet of a new stormwater system within the right-of-way of Carter Street, S. Ann Street and Patton Avenue to improve drainage and reduce excessive stormwater on the roadway, as well as the associated resurfacing of the roads impacted by the installation of the proposed improvements.
- This project will also replace sidewalks, some trees and tree grates along Patton Avenue, and add crosswalks to meet ADA requirements.
- The complete resurfacing of Patton Avenue from S. French Broad Ave. to Clingman Ave. is a planned paving project within the Public Works Streets Division.
- This project has two funding sources:
  - The Stormwater Capital Fund is contributing \$2,295,500 to install new stormwater infrastructure.
  - The General Capital Projects Fund is contributing \$1,236,100 from savings from prior years' resurfacing projects for the paving of Patton Avenue, and the replacement of sidewalks and ramps to meet ADA requirements.

- Street lighting along this section of Patton Avenue will be upgraded by the City of Asheville Transportation Division through an ongoing contract with Duke Energy.
- NCDOT is partnering with the City of Asheville to modify and add additional pedestrian controls for the new crosswalks to be installed at Patton Avenue and Clingman Avenue.
- Outreach and coordination with all stakeholders has been ongoing with the assistance of CAPE.
- Additional outreach and coordination efforts have included a community walking tour of the project, and meetings with Homeless Service Providers such as AHOPE, the Rescue Mission, and Homeward Bound.
- The project was advertised on May 25, 2022.
- A total of four (4) contractors attended the mandatory pre-bid meeting on June 7, 2022.
- A formal bid opening occurred on July 7, 2022 at 3:00 pm.
- Two (2) bids were received. Because less than three (3) bids were received, bids were not able to be opened.
- On July 12, 2022 the bid was re-posted.
- A total of three (3) contractors attended the non-mandatory, virtual pre-bid meeting on July 18, 2022.
- A formal bid opening occurred on August 4, 2022, at 3:00 pm. Three (3) bids were received:
  - TP Howard's Plumbing Company Inc., Fairview, NC \$2,943,000.00
  - Moore & Son Site Contractors Inc., Mills River, NC \$3,130,303.00
  - Thomas Construction Company Inc., Johnson City, TN \$6,460,821.00
- The lowest responsive, responsible bidder was TP Howard's Plumbing Company, Inc.
- Construction is anticipated to start in Fall 2022, weather permitting. The project should be completed in approximately sixteen (16) months.

**Vendor Outreach Efforts:**

- Staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System, the City of Asheville website, and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Stormwater staff also reached out to MWBE contractors that were identified through Yoruba Life, NCDOT HUB certified website, and The Color of Asheville directory.
- Past contractors who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement.
- During preparation for advertising this contract, the contract was shared with the Business Inclusion Manager in the Community & Economic Development Department.
- Of the three (3) bids received, none self-identified as a MWBE business owner.
- All three (3) bidders indicated that they would be utilizing a MWBE sub-contractor.
- The lowest responsive, responsible bidder - TP Howard's Plumbing Company, Inc. - provided documentation on their outreach.
- The current Asheville Business Inclusion Committee approved the good-faith effort by the contractor on 8/5/2022.
- TP Howard's Plumbing Company, Inc. submitted documentation that they would use New Dimensions, which is a Black-owned striping business.

**Council Goal(s):**

- A Financially Resilient City
- A Clean and Healthy Environment

**Committee(s):**

- Urban Forestry Commission

- UFC suggestions were incorporated into plans.

**Pro(s):**

- The project will provide a properly designed drainage system and stormwater conveyance inside the right-of-way to help alleviate flooding and too much water on the roadway.
- Additionally, sidewalks and ramps will be replaced so they are ADA compliant, and trees will be updated for safety and tree health.
- The project will improve public safety in the neighborhood with new crosswalks and pedestrian routes.

**Con(s):**

- Construction may be somewhat disruptive to nearby businesses, service providers, residences, and travelers to downtown Asheville. Efforts will be made to notify residents and other stakeholders, and to minimize disruptions.
- Approximately two weeks of night work will be scheduled to limit impacts to traffic as the project installs a large stormwater pipe across Patton Avenue.

**Fiscal Impact:**

- Funding for this project is already budgeted in the Stormwater Capital Fund (\$2,295,500.00). Funding for the paving portion of the project will come from savings from prior years' street resurfacing projects in the General Capital Projects Fund (\$1,236,100.00).

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute a contract with TP Howard's Plumbing Company, Inc. in the amount of \$2,943,000.00 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of \$588,600.00 (20%) for a total budget of \$3,531,600.00 for the Carter Ann Stormwater Improvements Project.

**RESOLUTION BOOK NO. 43 - PAGE 228**

**C. RESOLUTION NO. 22-175 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SIDEWALK MAINTENANCE AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION (NCDOT) FOR A NEW SECTION OF SIDEWALK THAT NCDOT WILL CONSTRUCT ALONG TUNNEL ROAD BETWEEN BEAUCATCHER TUNNEL AND OLD CHUNNS COVE ROAD**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into and execute a sidewalk maintenance agreement with the N.C. Dept. of Transportation (NCDOT) for the NCDOT to construct a sidewalk along US 70/US 74A (Tunnel Road) between Beaucatcher Tunnel and Old Chunns Cove Road.

**Background:**

- The NCDOT has identified a project to make certain pedestrian improvements at three specific locations along US 70 (Tunnel Road) and US 74A (South Tunnel Road).
- As a part of the project, a section of new sidewalk will be constructed along US 70/US74A (Tunnel Road) between Beaucatcher Tunnel and Old Chunns Cove Road.
- The NCDOT has developed the plans and specifications in accordance with their standard policies and procedures for pedestrian facilities.
- The NCDOT is fully funding the project.
- The City will be responsible to maintain the sidewalk when the project is completed.

**Council Goal(s):**

- Transportation and Accessibility

**Committee(s):**

- Multi-Modal Transportation Committee - July 27, 2022 - Approved unanimously

**Pro(s):**

- Increases the inventory of completed sidewalk sections.
- NCDOT is fully funding the construction of the sidewalk section.
- Enhances pedestrian flow and safety through a high traffic volume corridor area.

**Con(s):**

- The City is responsible for maintaining the sidewalk.

**Fiscal Impact:**

- There is no immediate fiscal impact to the City and future maintenance activities would be addressed with the Public Works Department's annual operating budget along with other existing sidewalk needs.
- Currently, the Public Works Department budgets about \$1.5 million for sidewalk maintenance and repair which is equivalent to \$1.56 per linear foot.

**Motion:**

- Motion to authorize the City Manager to enter into and execute a sidewalk maintenance agreement with the N.C. Department of Transportation (NCDOT) for the NCDOT to construct a sidewalk along US 70/US 74A (Tunnel Road) between Beaucatcher Tunnel and Old Chunns Cove Road.

**RESOLUTION BOOK NO. 43 - PAGE 229**

**D. RESOLUTION NO. 22-176 - RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO EXECUTE A CHANGE ORDER TO INCREASE THE AMOUNT OF THE ORIGINAL PURCHASE OF THREE 30-FOOT GILLIG DIESEL BUSES TO PAY FOR COST INCREASES ASSOCIATED WITH INFLATION AND SUPPLY CHAIN ISSUES**

**Action Requested:** Adoption of a resolution authorizing the Purchasing Manager to execute a change order to add \$122,691 to the amount of the original purchase order for three 30-foot Gillig diesel buses for a total amount of \$1,461,883, to pay for cost increases associated with inflation and supply chain issues.

**Background:**

- The City Council authorized the previous purchase of three 30-foot Gillig diesel buses via Resolution 21-255 on December 14, 2021 for \$1,399,122, as well as authorized an additional \$250,000 for bus related accessories to be purchased from other transit vendors, for a total amount of \$1,649,122.
- The purchase order for the Gillig buses was issued in January 2022 under a cooperative purchasing agreement with the State of Washington for transit bus purchases.
- In July 2022, City transit staff received communications, including a letter, from Gillig alerting the City that additional funds would be required to complete the purchase of the three Gillig diesel buses due to the ongoing global economic crisis.
- Specifically, Gillig provided information regarding increases to materials and parts required for transit bus production due to recent inflationary pressures.
- Gillig has requested an additional \$122,691 (\$40,897 per bus), which is an 8.8% increase to the original cost. Gillig provided a detailed breakdown of the increases in cost

associated with each material, part, or component to demonstrate the basis for the additional cost.

- This percentage increase is less than the Producer Price Index for Transportation Equipment - Truck and Bus Bodies, which was up 12.7% as of May 2022 over May 2021.
- The index is produced by the Bureau of Labor and Statistics, Department of Labor.
- The original purchase was to be funded through two grant sources, including funds received from the MPO in 2018 for bus purchases, and 5339 funds from FTA.
- The required matching funds of 20% for each grant were programmed in the City's adopted Capital Improvement Program.
- Staff proposes to use Fiscal Year (FY) 2023 capital funds allocated for bus expenses to be used for the added match.
- The buses are expected to be delivered by the end of calendar year 2022.

**Council Goal(s):**

- Transportation and Accessibility

**Committee(s):**

- N/A

**Pro(s):**

- Purchasing new buses annually is necessary to maintain the ART fleet in a state-of-good repair and allows the City to continue to provide transit service.
- Existing grant funds are available to cover 80% of the increase in cost.

**Con(s):**

- The City must pay for 20% of the increased cost, which is the required match.
- The grant funds that will be used will no longer be available for future purchases.

**Fiscal Impact:**

- Additional \$122,691 required from the City for the purchase of three (3) Gillig Diesel buses ordered in January 2022.
- There is additional funding within the existing grants that can be used to cover the cost increase, however the required 20% matching funds from the City will need to be increased by \$24,538.
- Staff proposes to use FY 2023 capital funds allocated for bus replacement as the match, potentially limiting future investment in the ART fleet.

**Motion:**

- Motion to authorize the Purchasing Manager to execute a change order to add \$122,691 to the amount of the original purchase order for three 30-foot Gillig diesel buses for a total amount of \$1,461,883, to pay for cost increases associated with inflation and supply chain issues.

**RESOLUTION BOOK NO. 43 - PAGE 230**

**E. RESOLUTION NO. 22-177 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH IPS GROUP INC. FOR ENSURED CONTINUED USE OF IPS PARKING METERS**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into a final renewal period, and increase the total value of the contract with IPS Group, Inc. from \$900,000.00 to \$1,000,000.00 for parking meter services.

**Background:**

- In February 2017, the City of Asheville issued a request for proposals for parking meters and associated monthly service fees.
- A contract was awarded to IPS Group, Inc. in September 2017.
- The original contract was issued for \$900,000.00.
- This amount was based on the estimated total number of parking meters to be purchased over the life of the contract, and the estimated associated monthly service fees.
- The contract can be renewed for a final period (July 1, 2022 - June 30, 2023).
- The Contractor has agreed to provide services during the negotiations for the final renewal.
- The increase in contract value reflects the increase in material and service costs for items covered under the contract since its inception.

**Council Goal(s):**

- Improve/Expand Core Services

**Committee(s):**

- None

**Pro(s):**

- Allows the City to continue to utilize parking meters provided by IPS Group, Inc.

**Con(s):**

- If the suggested action is not taken, the City risks an interruption in service with current parking meters.

**Fiscal Impact:**

- The funds required to execute the requested contract renewal are included in the Parking Services Enterprise Fund Operating Budget.

**Motion:**

- Motion to authorize the City Manager to enter into a final renewal period, and increase the total value of Contract #91800108 with IPS Group, Inc. from \$900,000.00 to \$1,000,000.00 for parking meter services.

**RESOLUTION BOOK NO. 43 - PAGE 231**

**F. RESOLUTION NO. 22-178 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GREEN BUILT ALLIANCE TO IMPLEMENT AND MANAGE THE BLUE HORIZONS PROJECT AND BLUE HORIZONS PROJECT COMMUNITY COUNCIL**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute an annual contract with the Green Built Alliance to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council.

**Background:**

- On January 28, 2020 City Council authorized [Resolution 20-18](#) and created the Blue Horizons Community Council to achieve the community-wide renewable energy goal.
- On January 28, 2020 City Council approved [Resolution 20-19](#) and authorized an interlocal agreement with Buncombe County to issue a joint request for proposals (RFP) to implement and manage the [Blue Horizons Project](#) and Blue Horizons Project Community Council for the next three years, depending on availability of funding.

- This will be the third year of the three-year period before reissuing an RFP for this work.
- The RFP was advertised by Buncombe County on May 6, 2020, and the County received responses on June 12, 2020.
- The County received one response from the Green Built Alliance.
- The City and County contracted with Green Built Alliance in fiscal year 2021 and 2022 to implement the Blue Horizons Project but are required to renew annually based on budget availability.
- This contract is for fiscal year 2023.
- The Blue Horizons Project will continue to engage our community to provide cost effective services, programs and products they value through investment in clean renewable ways to power Buncombe County and the City of Asheville to support the community-wide renewable energy goal and climate emergency resolution.
- In 2022 Green Built Alliance was awarded \$250,000 from City of Asheville ARPA funds to support energy efficiency upgrades in low income housing.
- While the ARPA funded project supports the community-wide renewable energy goal and climate emergency resolution, it will be administered through a separate contract.

**Vendor Outreach Efforts:**

- The Business Inclusion Manager conducted outreach through social media, community and business partners. City and County staff also conducted an optional virtual Q&A meeting.
- No MWBE firms submitted bids.

**Council Goal(s):**

- A Clean and Healthy Environment

**Committee(s):**

- None

**Pro(s):**

- The Green Built Alliance has been managing and implementing the Blue Horizons Project for the past four years therefore there will be continuity with the continued program management.
- Buncombe County is providing \$100,000 for the implementation of the Blue Horizons Project in partnership with the City of Asheville.

**Con(s):**

- None

**Fiscal Impact:**

- The contract will total \$100,000 from the FY23 Office of Sustainability budget.
- Funding is already budgeted and available.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute a contract with the Green Built Alliance to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council.

**RESOLUTION BOOK NO. 43 - PAGE 232**

**G. RESOLUTION NO. 22-179 - RESOLUTION AUTHORIZING THE SALE OF ONE 2011 XPEDITOR GARBAGE TRUCK WHICH IS BEYOND ITS USEFUL LIFE AND DEEMED SURPLUS**

**Action Requested:** Approval of a resolution authorizing the sale of one (1) 2011 Autocar Xpeditor Garbage Truck which is beyond its useful life and deemed surplus City personal property.

**Background:**

- The City's Sanitation Division of the Public Works Department identified one (1) garbage truck as surplus personal property, with no anticipation of future utilization by the City.
- The 2011 Autocar Xpeditor Garbage Truck is expected to sell for more than \$30,000.
- All bids are solicited through GovDeals online auction.
- Pursuant to N.C.G.S. §160A-266, the Sale and Disposal of Personal Property valued at \$30,000 or more must be approved by the City Council.
- The City's Purchasing Manager has authority to dispose of personal property valued at less than \$30,000 by private negotiation and sale.

**Vendor Outreach Efforts:**

- Not Applicable

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- None

**Pro(s):**

- Prudent asset management
- Space utilization eliminates the need to store large, unused equipment
- Competitive process yielded market price

**Con(s):**

- None

**Fiscal Impact:**

- The garbage truck is fully depreciated and the General Fund will recognize the entire amount as revenue. An estimate of the annual revenue from the sale of fixed assets is already included in the Adopted General Fund Budget.

**Motion:**

- Move to adopt a resolution authorizing the sale of one (1) 2011 Autocar Xpeditor Garbage Truck which is beyond its useful life and deemed surplus City personal property.

**RESOLUTION BOOK NO. 43 - PAGE 233**

**H. ORDINANCE NO. 4962 - BUDGET AMENDMENT TO ALLOCATE INSURANCE RECOVERY FUNDS TO REIMBURSE EXPENSES TO REPAIR A STRUCTURE DAMAGED AT THE NORTH FORK WATER TREATMENT PLANT**

**Action Requested:** Adoption of a budget amendment, in the amount of \$150,000, to allocate Insurance Recovery Funds to reimburse expenses to repair a structure damaged at the North Fork Water Treatment Plant.



**Background:**

- On April 27, 2020, a third party damaged a North Fork Water Treatment Plant structure.
- The City pursued subrogation for the damage against the at-fault party's insurance carrier seeking reimbursement for the property damage and received \$150,000 in consideration for the property damage.
- The City seeks to allocate the recovered insurance funds to reimburse the Water Resources Department for contracted services expenses paid to repair the damaged property.

**Vendor Outreach Efforts:**

- N/A

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- N/A

**Pro(s):**

- Reimburse the Water Resources Department for expenses incurred to repair a structure damaged by a third party.

**Con(s):**

None.

**Fiscal Impact:**

- Revenue will be received in the Property & Liability Fund and transferred to the Water Resources Operating Fund, which necessitates a budget amendment in both funds.

**Motion:**

- Move to adopt budget amendments in both the Water Resources Operating Fund and the Property and Liability Fund in the amount of \$150,000 obtained from third party auto liability insurance subrogation to reimburse Water Resources Department expenses incurred to repair third party property damage.

**ORDINANCE BOOK NO. 34 - PAGE 231**

**I. BUDGET AMENDMENT TO ESTABLISH A BUDGET FOR THE ASHEVILLE POLICE DEPARTMENT'S STATE AND FEDERAL FORFEITURE FUNDS ALREADY RECEIVED BY THE CITY**

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

**J. RESOLUTION NO. 22-180 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE-YEAR CONTRACT EXTENSION WITH DAIKIN APPLIED AMERICAS INC. FOR CHILLER MAINTENANCE AT HARRAH'S CHEROKEE CENTER - ASHEVILLE**

**Action Requested:** Adoption of a resolution authorizing the City Manager to amend the Harrah's Cherokee Center Asheville's (HCCA) contract with Daikin Applied Americas, Inc. to increase the contract amount by \$26,772, for a revised total maximum price amount of \$155,406.00 and to extend the contract for an additional year.

**Background:**

- This contract has been in place since August 11, 2017, for the service & maintenance of the Chiller unit at the Harrah's Cherokee Center.
- The contract is a service contract.
- Daikin Applied Americas, Inc. performs preventative maintenance for the chiller.
- The contract includes 40 hours of repair service time to cover any emergency repairs.
- The City is responsible for parts.
- City Council approved a one year extension in 2021, revising the total contract amount to a total of \$128,634.00.

**Vendor Outreach Efforts:**

- When initially contracted, staff performed an informal bidding process which included outreach to Minority & Women-Owned Business Enterprise (MWBE) service providers for services.
- No MWBE service providers responded.

**Council Goal(s):**

- A Thriving Local Economy
- A Clean and Healthy Environment

**Committee(s):**

- None

**Pro(s):**

- Reduced energy consumption with well maintained equipment with intelligent controls.
- Immediate, contractual service response for potential outage repairs that are not in the skill set of current facility staff.

**Con(s):**

- None.

**Fiscal Impact:**

- Funds are budgeted within the Harrah's Cherokee Center's contracted services account (\$26,772).

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to amend the contract with Daikin Applied Americas, Inc. to increase the contract amount by \$26,772, for a revised total maximum price amount of \$155,406.00 and extend the contract for an additional year.

**RESOLUTION BOOK NO. 43 - PAGE 234**

**K. RESOLUTION NO. 22-181 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSING AND MANAGEMENT/OPERATIONS AGREEMENT WITH COMMONWEALTH GOLF PARTNERS II - ASHEVILLE FOR THE PURPOSE OF MANAGEMENT OF THE ASHEVILLE MUNICIPAL GOLF COURSE.**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a licensing & management/operations agreement with Commonwealth Golf Partners II - Asheville, LLC. for the purpose of management of the Asheville Municipal Golf Course.

**Background:**

- The City of Asheville assumed ownership of the Golf Course in 2006.

- In 2012 the City leased the property to Pope Golf LLC for a total term of 10 years.
- This lease expires on September 30, 2022.
- Throughout the duration of the Pope Golf lease, the course has steadily degraded to a point that operators are not interested in leasing the property without a significant renovation commitment from the City.
- In February of 2022 an RFQ was issued, in total twelve companies submitted responses for varying types of operations agreements.
- A license & management agreement provides the City with the ability to dictate maintenance levels for the course and retain control of maximum allowable green fee and passholder rates.
- A license & management agreement requires the City to assume some financial risk related to the annual operation of the Course.
- The agreement with Commonwealth Golf Partners II Asheville, LLC. (CGP) shares financial risk/reward with the private operator.
  - In the case of a quarterly loss, the City will be responsible for 65% of losses, CGP responsible for 35%.
  - In the case of a quarterly profit CGP will earn 100% of the first \$5,000 and then 55% of remaining earnings, City earning 45% of all earnings after the first \$5,000.
- CGP will manage & execute capital projects at the course on behalf of the City, charging a 4% management fee on capital projects exceeding \$25,000.
- CGP will receive commission incentives based on confirmed hotel room nights with new business tournaments and events.
- A new Facility Management Fee of \$1 will be assessed to all 'non-annual passholder' green fees.
- This fee (after taxes) will be directly deposited into a capital account for future capital projects at the course.
- It is anticipated that this fee should generate approximately \$29,000 per annum.

**Vendor Outreach Efforts:**

- A request for qualifications was issued in February of 2022.

**Council Goal(s):**

- Neighborhood Resilience
- Equitable & Diverse Community
- Thriving Local Economy
- Financially Resilient City
- Connected & Engaged Community

**Committee(s):**

- NA

**Pro(s):**

- Allows the City to dictate maximum allowable rates & maintenance levels
- Provides a reliable funding stream into a dedicated golf course capital account
- Set the standards of operation to assure quality maintenance practices to meet community expectations
- Sets requirements to continue and grow youth on course programs
- Requires the CGP to act as project manager for planned capital improvements, freeing time for City Capital Projects staff to work on other projects

**Con(s):**

- Places the City in a 'risk position' financially with the annual operating budget.

- Anticipation that partial/periodic closures to the course over the next 24 months will necessitate an operating subsidy in the first two fiscal years.

**Fiscal Impact:**

- A budget amendment will be required to provide start-up funding to the licensee (currently estimated at \$75,000) and budget for related revenues and expenses through the end of the current fiscal year.
- Staff anticipates returning to Council at the second meeting in September for consideration of the budget amendment once estimates are finalized.
- A fund balance appropriation will likely be required to offset a portion of the start-up and operating costs in the current fiscal year.
- The agreement minimizes financial risk of annual operation on the City of Asheville by sharing any operating losses with the licensee.
- It is anticipated that the course may require an operating subsidy in the first two fiscal years due to revenue loss associated with periodic closures required to complete capital projects.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute a licensing & management/operations agreement with Commonwealth Golf Partners II - Asheville, LLC. for the purpose of management of the Asheville Municipal Golf Course.

**RESOLUTION BOOK NO. 43 - PAGE 235**

**L. RESOLUTION NO. 22-182 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE CONTRACT WITH THE ASHEVILLE CITY SCHOOLS FOUNDATION TO ADMINISTER THE CITY OF ASHEVILLE YOUTH LEADERSHIP ACADEMY (CAYLA) SCHOLARSHIP FUND FOR AN ADDITIONAL PERIOD OF 5 YEARS**

**Action Requested:** Adoption of a resolution authorizing the City Manager to renew the contract with the Asheville City Schools Foundation to administer CAYLA scholarship fund for an additional period of 5 years.

**Background:**

- The CAYLA program implements the City Council 2036 Vision in that it increases access to education and workforce development opportunities for students from low-wealth families, in addition to addressing the achievement gap in Asheville City Schools.
- Buncombe County is a partner in this program and funds \$65,000 to the program each year.
- The CAYLA program typically enrolls 30-35 students each year; this year there are 38 students.
- There are a mix of sophomores and juniors accepted into the program.
- Students enter the program at those particular ages so the program director can assist with the college application process during their senior year.
- As part of the program, a scholarship fund was established where each student that graduates receives a \$2,000 scholarship paid directly to their college.
- The Asheville City Schools (ACS) Foundation has administered the CAYLA scholarship fund since 2008, which was the inaugural class of senior CAYLA graduates.
- The existing Memorandum of Understanding (MOU) between the City and ACS Foundation was last renewed in 2017 for a period of five years.
- The MOU has now expired and staff is seeking a renewal of the agreement for an additional five year period.
- The terms of the agreement include a 3% administration fee from ACS Foundation; the

City provides documentation of the graduating CAYLA student and scholarship information for each student (including information regarding college to be paid); ACS Foundation is responsible paying the \$2000 to the colleges for the CAYLA Students and for the appropriate financial reporting to the IRS; ACS maintains bonding in the amount of \$50,000; the services agreement includes other terms as required by the City's legal and risk department. The total contract amount annually for this agreement is \$50,000 plus a 3% administrative fee for a total of \$51,500.

**Vendor Outreach Efforts:**

- N/A

**Council Goal(s):**

- An Equitable and Diverse Community
- A Connected and Engaged Community

**Committee(s):**

- None

**Pro(s):**

- Provides an efficient process for distributing CAYLA scholarships directly to the colleges at which CAYLA graduates are enrolled.
- Clearly outlines the contractual relationship between the City of Asheville and the Asheville City Schools Foundation.

**Con(s):**

- None noted

**Fiscal Impact:**

- The actual cost of scholarships fluctuates year-to-year based on the number of graduating students.
- ACS Foundation charges a 3% service fee to support their administrative costs. The total contract amount annually for this agreement is \$50,000 plus a 3% administrative fee for a total of \$51,500.
- The budget for the CAYLA program totals approximately \$250,000 annually, including Buncombe County's \$65,000 contribution which partially offsets the cost of the scholarship program.

**Motion:**

- Motion to approve a resolution authorizing the City Manager to renew the contract with the Asheville City Schools Foundation to administer CAYLA scholarship fund for an additional period of 5 years.

**RESOLUTION BOOK NO. 43 - PAGE 237**

- M. RESOLUTION NO. 22-183 - RESOLUTION AMENDING THE 2022 CITY COUNCIL MEETING SCHEDULE TO RESCHEDULE THE TUESDAY, NOVEMBER 8, 2022, CITY COUNCIL FORMAL MEETING UNTIL TUESDAY, NOVEMBER 15, 2022.**

**RESOLUTION BOOK NO. 43 - PAGE 238**

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 Wisler moved for the adoption of the Consent Agenda, minus Consent Agenda Item "I". This motion was seconded by Councilwoman Turner and carried unanimously.

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

**I. ORDINANCE NO. 4963 - BUDGET AMENDMENT TO ESTABLISH A BUDGET FOR THE ASHEVILLE POLICE DEPARTMENT'S STATE AND FEDERAL FORFEITURE FUNDS ALREADY RECEIVED BY THE CITY**

**Requested:** Adoption of a budget amendment in the amount of \$419,214.47 in the Special Revenue Fund to establish an expenditure budget for funds already received by the City.

**Background:**

- The Asset Forfeiture Program is an equitable sharing program which divides the illegal proceeds from criminal activities between the state and federal governments and local law enforcement agencies.
- It is designed to help off-set the considerable cost of drug enforcement, and other applicable joint investigations by allowing local law enforcement agencies to use seized monies for equipment, training, and improvements that might not necessarily be budgeted for by the agency.
- Shared funds must be used to increase or supplement the resources of the receiving state or local law enforcement agency.
- Shared funds shall not be used to replace or supplant the appropriated resources of the recipient.
- The recipient agency must benefit directly from the sharing and the shared funds must increase the entire law enforcement budget.
- Permissible uses of Forfeiture funds include law enforcement operations and investigations, law enforcement training and education, law enforcement equipment and law enforcement travel.
- Impermissible uses include endowments or scholarships, personal or political use of funds, salaries, bonus, transfers to or purchases for other law enforcement agencies.
- The Police Department has \$419,214.47 in shared asset forfeiture funding which has been collected but not added to the budget for use.
- This proposed budget amendment would authorize the use of this funding for a new DNA Analyzer system, replacing an end of life bomb robot, and advanced Forensic training for four Forensic Technicians.
- None of these were budgeted in the Police Department's Fiscal Year (FY) 2023 Operating Budget.
- These are costly items that will help ensure the safety of the community without having a direct impact on taxpayer money.
- The funds are the result of State and Federal seizures received since 2019.
- In order to spend the funds that have been received, a budget amendment is required in the City's Special Revenue Fund.

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- Public Safety Committee - August 23, 2022

**Pro(s):**

- Provides expenditure authorization for funding that has already been received by the Asheville Police Department (APD).

**Con(s):**

- None.

**Fiscal Impact:**

- Accepting and allocating these State and Federal Forfeiture Funds is a financial benefit to the City and the Police Department by allowing it to be better equipped and providing additional safety measures to protect the public.
- There is no impact to the General Fund Police Department budget.

Vice-Mayor Smith felt that while we can't direct the Asheville Police Department on how we spend these funds, there should be a community vision around the spending.

In response to Mayor Manheimer, City Attorney Branham said that the Department of Justice Manual prescribes that the criminal prosecution should conclude before seeking a judicial order for the forfeiture of those funds.

Mayor Manheimer said that the funds for third party organizations can be allocated, but with a cap of \$25,000, and they cannot be used for internal agency salaries. The potential uses for these funds are very narrow. City Council only has the authority to accept the recommendations of the Police Department on what these funds should be used for.

Councilwoman Roney said that the ACLU has warned in general around asset seizure, cautioning against policing for profit which risks integrity and trust as it becomes the burden of residents to challenge asset seizure even before they are found guilty. Asheville's own participation in missing evidence room items during Ron Moore's tenure is not forgotten. This is a lot of cash, and we need to know where it came from and how it will help us reach goals. These resources were extracted in part from neighborhoods most impacted by the failed War on Drugs, and it's our responsibility to ensure equitable services that return those resources from the neighborhoods they were extracted from. We have limited staff and deep needs in addressing root causes of violent crime. She is supportive of training, and in fact asked if more of these resources might support training to address youth mentorship and violence interrupter programming, and her ask remains to return this discussion to the Public Safety Committee next month with more information. If this goes to vote at this time, she is of the opinion that not enough information on demographics impacted by asset seizure has been made available or will be used, so she will not support asset seizure as a matter of principle.

Councilwoman Wisler moved that this item be delayed in order that the Public Safety Committee be provided with additional information. This motion was seconded by Councilwoman Roney.

Vice-Mayor Smith felt that there was considerable discussion at the Public Safety Committee and felt it's time for a vote.

Councilwoman Wisler withdrew her motion to delay the item.

Nina Tovish understood that this money can only be spent in certain ways, but suggested that going forward we consider setting aside \$100,000 a year as an incentive for improvement and retention of Asheville Police Officers, i.e., to subsidize rental fees. She would like to see the people charged with protecting our community be able to afford to live in it.

Councilwoman Turner moved to adopt a budget amendment in the amount of \$419,214.47 in the Special Revenue Fund to establish an expenditure budget for funds already received by the City. This motion was seconded by Councilwoman Wisler and carried on a 5-2 vote, with Vice-Mayor Smith and Councilwoman Roney voting “no.”

## **ORDINANCE BOOK NO. 34 - PAGE 232**

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

#### **A. MANAGER’S REPORT**

##### **Employee Recognition**

City Manager Campbell said that City of Asheville employees are heroes in lots of ways. She was pleased to acknowledge their exemplary work all the time but especially when an employee does something extraordinary. We would like to recognize Captain Anna Pigman in our Fire Department for saving a man’s life while off-duty. On August 7, Asheville Fire Department Captain Anna Pigman came across a house fire on Fairfax Avenue while driving by. Although off-duty, Captain Pigman left her car and headed toward the burning building in civilian clothes when she heard a call for help that someone was still inside. She noticed her Asheville Fire Department colleagues had not yet arrived and knew she needed to take action. Captain Pigman immediately approached the burning house and walked around to the side where she found a man crawling out of a door from a room full of smoke. She quickly ascended the stairs and assisted in pulling the man out of the door, away from the building. The man was transported to the hospital for smoke inhalation and burn injuries. He was later released from the hospital and is expected to make full recovery.

She said the actions of Captain Pigman undoubtedly saved this man’s life. Chief Scott Burnette presented Captain Pigman with a Chief’s Challenge coin for her exemplary service. She will also be recognized at their annual awards banquet. The City is proud of Captain Anna Pigman and the exemplary courage she displayed.

##### **Facilities Management Update**

Project Manager Walter Ear said the the key takeaways from this presentation will be (2) Prioritization Lens - Maintenance needs + Growth presented as A lens for facilities & project prioritization; (2) Long-term Capital Forecasting - Gaining tools to think in increments of 5 year and 10+ years; and (3) Preparation Time - Large scale multi-year projects exceed CIP funding, and need preparation work to propose and acquire resources. The overview of the presentation will be (1) A recap of why we’re doing this study; (2) what we’re currently working on; and (3) timelines and the bigger picture implications of this work.

He said facilities are a platform for services. As the City grows and expands services, additional facilities may be needed to accommodate that growth. In an ideal world, growth in services would occur in a planned sequence with the facilities needed to provide those services. Expanding service may require additional facilities And, expanding service beyond facility capacity may lead to decline in services across the board.

Regarding the current state of City facilities, we have inherited a situation in which 70% of City buildings are more than 50 years old, which is generally known to be the expected useful life of a building. Some of those buildings have received life extending major renovations, but not all improvements extend life of a building as a whole, and we can't say for certain yet whether those investments were in facilities that we *want* to keep for another 20, 30 or 50 year. This study will



help the City determine which buildings we want to breathe an additional 20-to-30 years of life back into.

In June, City Council authorized two contracts. Staff intended to award these as one contract, but for the benefit of the project and the city we decided to award parts of the study to two separate firms. Brightly is the company that will perform the facility condition assessments to grade the state of our buildings. We already use their facility *maintenance* software, so this work will integrate quickly, and will provide us with ongoing capital forecasting tools. Creech & Associates is a highly qualified architectural design and planning firm that is leading the overall study. They will develop space needs and growth plans, and help us to develop and curate our capital plans. The result will be a handful of different scenarios to consider. Those scenarios will help us to understand the impact of various decisions and various funding strategies. To be clear, we will propose some scenarios that will require additional funding.

He said the study will develop a Facility Condition Index or “FCI” similar to the Pavement Condition Index used by the Public Works department. It’s a metric that is easy to communicate. This will inform which buildings we should invest in, which to replace, or to remove from our portfolio altogether. There are other lenses that can be used, but we believe that this is an essential starting point for facilities. The study will also evaluate facilities growth as it relates to population and staff growth, (1) It will incorporate past studies that evaluated facility needs associated with proposed service expansions, and (2) The study will evaluate and confirm whether we’re planning future fire & police projects in the right areas of the City, Growth and expanded service delivery will provide another *layer* to the prioritization lens.

Regarding timelines, using a chart, he showed an example timeline for a large scale multi-year project. For projects on the scale, with the exception of land acquisition, a significant amount of preparation work needs to happen before construction ever begins. The work we’re doing now, will help support that effort.

In summary, the study deliverables are (1) Facility Condition Index (FCI) for ~900,000 sq. ft. of city facilities, with maintenance schedules; (2) Growth Projections for staff and facilities with GIS location based analysis for fire and police facilities; (3) Capital Forecasting software; (4) Facilities Master Plans for select facilities; (5) Facilities Capital Plans - 10 year; and (6) Comprehensive Facilities Management Plan.

City Manager Campbell, along with Mr. Ear, responded to various questions/comments from Council, some being, but are not limited to: has a deconstruction ordinance been considered; at what point will we have a lens around equity; will there be collaboration with The Preservation Society; reasons for the City to hire consultants, especially on a project of this size; and have there been any other studies or assessments on this project.

City Manager Campbell said that we will keep City Council informed at key milestones in this project.

### **Memorial Stadium & Mountainside Park Improvements**

Director of Parks & Recreation D. Tyrell McGirth said the following are the key takeaways (1) community reviewed current site plan and supports this project as shown; (2) the project is currently at 60% design; (3) the project, as currently proposed, is being advanced to design completion; (4) Council will be asked to award the project for construction in March 2023.

For the Mountainside Park Playground and walking trail improvements, there are walking trails; trike track; poured-in-place surfacing; swing replacement; bench and table seating; and shade trees.

For the Memorial Stadium new restroom and storage facility, there is demolition of the current concession stand and restroom facilities; construction of new combined restroom and storage facility; improvement of accessibility; security lighting; and scoreboard improvements.

Regarding the Memorial Stadium new track, there will be 6-lane competitive track; 400 meter; Rubber track surfacing; Reduce largest turf field to 65 yards X 120 yards; Replace existing restroom; Replace western bleachers with concrete plaza to allow for temp. seating expansion; and Modify existing stormwater pipes to accommodate track.

Capital Projects Director Jade Dundas said that regarding the site plan, there is 60% design confirmation. Regarding public engagement, (1) invitations: Neighborhood Associations - East End/Valley Street and Oak Hurst; stakeholder groups, and public announcements; (2) chill and spill; and (3) information share. Community members that have been vocally in favor of the track concept, have reviewed this plan, and shown support for the site layout and the included amenities.

Regarding next steps, the construction award is March 2023; and the construction and anticipated completion date is May 2023 - May 2024.

#### IV. PUBLIC HEARINGS:

**A. PUBLIC HEARING TO REZONE 645 BREVARD ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL BUSINESS II DISTRICT**

At the request of the applicant, Councilwoman Roney moved to continue this public hearing until September 13, 2022. This motion was seconded by Councilwoman Turner and carried unanimously.

**B. PUBLIC HEARING TO REZONE 651 BREVARD ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL BUSINESS II DISTRICT**

At the request of the applicant, Councilwoman Roney moved to continue this public hearing until September 13, 2022. This motion was seconded by Councilwoman Turner and carried unanimously.

**C. PUBLIC HEARING RELATIVE TO ADOPTION OF THE SOUTH SLOPE: A SOUTHSIDE NEIGHBORHOOD VISION PLAN**

At the request of the applicant, Councilwoman Roney moved to continue this public hearing until October 11, 2022. This motion was seconded by Councilwoman Kilgore and carried unanimously.

#### V. UNFINISHED BUSINESS:

#### VI. NEW BUSINESS:

**A. RESOLUTION NO. 22-184 - RESOLUTION APPROVING A PURCHASE AND SALES AGREEMENT WITH LAUREL STREET RESIDENTIAL FOR THE DEVELOPMENT OF A MIXED INCOME AND AFFORDABLE HOUSING AT 319 BILTMORE**

Director of Community & Economic Development Nikki Reid, along with Affordable Housing Officer Sasha Vrtunski, said that this is the consideration of a resolution approving a Purchase and Sales Agreement with Laurel Street Residential for the development of mixed income and affordable housing at 319 Biltmore

**Background:**

- As part of the affordable housing bond initiative, the City embarked on the development of City-owned land for affordable housing.
- To assist with this process, the City hired Lord Aeck Sargent (LAS) to conduct a site suitability assessment for City-owned properties.
- LAS presented their final report to the City Council in December of 2018.
- That study recommended that the 319 Biltmore site include housing for a mix of incomes.
- Because the 319 Biltmore site adjoins Maple Crest Apartments, the goal has always been to develop multifamily units that will complement the income mix at Maple Crest Apartments.
- The apartments at Maple Crest are a Rental Assistance Demonstration conversion of the former Lee Walker Heights, serving a mix of incomes, all under 60% Area Median Income (AMI).
- In winter 2020, the City released a request for proposals (RFP) for development of the 319 Biltmore property.
- Nine proposals were received and Homes Urban was selected as the top ranked firm.
- Following the scoring process, the City initiated negotiations with Homes Urban.
- In February 2022, Homes Urban withdrew their proposal.
- The City then approached Laurel Street Residential (LSR), which was the second ranked firm.
- The City signed a Letter of Intent with LSR on February 21, 2022, and began negotiating terms of an agreement.
- Staff is seeking approval of a resolution in support of the proposed deal points for a Purchase and Sales Agreement with LSR.
- The proposed Purchase and Sales Agreement will contractually bind the City to sell the property to LSR on certain terms and conditions listed below, namely for the production of the promised affordable units in exchange for conveying the property at below market value (\$1).
- Since the beginning of the 319 Biltmore project, market conditions have changed substantially.
- Construction costs have increased 30-40% over the past three years, and interest rates have also risen.
- LSR initially thought that they would need a Housing Trust Fund loan and a Land Use Incentive Grant, but re-worked their model to reduce the per unit subsidy and now are asking for only the land as the subsidy for the affordable units.

**Proposal**

- Laurel Street Residential (LSR) and City staff have negotiated terms of a Purchase and Sales Agreement, to include multifamily rental housing comprising:
  - At least 215 rental units, with 20% (43 units) being affordable at 60% AMI or below for a period of 30 years.
  - Half of the 60% AMI affordable units will accept vouchers - either project based or Housing Choice vouchers.
  - The developer is pursuing project based vouchers with the Housing Authority, which helps with the project underwriting.
  - Another 10% (22 units) will be affordable at 80% AMI or below
  - The project will have a mix of one, two, and three bedrooms in all income brackets.

- LSR is committing to a 30 year affordability period.
- The affordability mix includes:

Incomes Served	Studio / 1 bedroom	2 bedrooms	3 bedrooms	Totals
60% AMI & below	22 (11 accept vouchers)	15 (7 accept vouchers)	6 (4 accept vouchers)	43
80% AMI & below	7	9	6	22
Market rate	102	38	10	150
<b>Total</b>	<b>131</b>	<b>62</b>	<b>22</b>	<b>215</b>

- Total number of bedrooms in the proposed development is approximately 321.
- Laurel Street Residential, the proposed development company, is among the very few black and female owned for profit development companies in North Carolina.
- The company has an additional Minority / Women-owned Business (MWB) participation of 30% in the development and construction of the project.
- Commercial space of approximately 1,000 s.f.
- Construction to be completed within 24 months of closing on financing.
- Land conveyed to LSR for \$1, in consideration of the affordability with accompanying deed restrictions.
- In addition to the development of units and buildings, the sale of the land to LSR is contingent on several benchmarks being met:
  - Approval of the Conditional Zoning (CZ) application giving entitlement to the development.
  - The City to fund the construction of a traffic signal at White Fawn Drive.
- Once the Purchase and Sales Agreement is final, LSR will begin their site planning process, working towards a Technical Review Committee submittal and CZ approval process. This will include community input into the design of the project.
- After the CZ is approved, the City and LSR will enter into a development agreement based on the terms approved by City Council and the Conditional Zoning conditions.
- The actual sale of the land will occur after all approvals have been obtained and construction is ready to begin.
- With the City's initial land purchase price, the proposed per unit subsidy is currently estimated to be approximately \$81,500 per affordable unit.
- This total is reflective of the City being the sole partner in subsidizing the affordability.

**Council Goal(s):**

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

**Committee(s):**

- Housing & Community Development (HCD) - July 19, 2022 - procedural discussion; and
- HCD - August 16, 2022 - recommended approval 3-0.

**Fiscal Impact:**

- Approval of a Purchase and Sales Agreement will obligate the City to sell the land to LSR for the purchase prices of \$1.
- The City purchased the land from Duke Progress for \$5.3 million in 2020 with bond funding and spent an additional \$400,000 in bond funding to prepare the site for development.
- The proposed agreement will also obligate the City to complete the traffic signal at the intersection of White Fawn Drive, John Walker Avenue, and Biltmore Avenue.
- A large portion of the funding for the signal has already been identified and has been committed by a grant.
- The City expects to allocate additional infrastructure bond funding of at least \$400,000 to complete the signal.

**Pros:**

- The proposal complies with policy for implementing affordable housing on city owned land.
  - The project will have a minimum of 20% of units affordable at 60% AMI for 30 years and accept vouchers for half of those units.
  - The developer is also providing an additional 22 units at 80% AMI for 30 years.
- As for additional community benefits, the developer is providing low-cost space to a non-profit or community development organization and has committed to 30% MWBE participation in the project's construction.
- The City accomplishes the goal for this site of creating a mixed income community that complements and supports the Maple Crest (formerly Lee Walker Heights) public housing community.
- The City will gain approximately 65 new affordable housing units for a period of 30 years.
- The approval of the proposal will allow the developer to move forward with design and conditional zoning application for the property.
- Utilizes City-owned land to produce affordable housing in a public/private partnership with a for-profit developer.

**Cons:**

- The total number of units is less than what was initially set forth in the City's vision process, due to the site constraints and increased construction costs.

**Staff Recommendation:**

- Staff recommends approval of the Purchase and Sales Agreement based on the following:
  - Staff supports the development in concept, however the per unit cost is comparatively high.
  - The project will result in a mixed-income development adjacent to Lee Walker Heights, which aligns with the initial vision for the property.
  - Complies with Policies for Implementing Affordable Housing on City-owned Land.
  - Develops 215 total units in a highly sought after location, with 65 of those units being affordable.
  - Provides affordability across 1, 2 and 3 bedroom units, allowing opportunities for families.

Ms. Reid said that (1) this is a mixed income project that will deliver 215 units, with 65 affordable units - affordability is spread across 1, 2 and 3 bedroom units; (2) Laurel Street is proposing the following terms and financing (a) land purchase price of \$1; (b) 30 years of affordability; and (c) City to fund the construction of a traffic signal at White Fawn Drive/John Walker Avenue; and (3) staff recommends approval. Regarding the background, (1) the original Request for Proposals was issued based on the proposed development of a mixed income and affordable community to complement Maple Crest Apartments; (2) the Proposed Purchase and

Sales Agreement with Laurel Street Residential is the next step in developing the property; (3) Laurel Street Residential has continued to refine the project, including additional units and parking spaces; and (4) the Housing & Community Development Committee voted 3-0 in favor of approval of the agreement on August 16, 2022. A background of City investments at 319 Biltmore include (1) property acquisition - \$5.3 Million of Bond funds in January 2020; (2) demolition of building, environmental site remediation, and infrastructure investments - \$400,000 of Bond funds; and (3) future investments include a traffic signal at the intersection of White Fawn Drive, John Walker Avenue, and Biltmore Avenue - the total investment to be determined after traffic study, current estimate is \$400,000. The City invested \$4.2 Million in the construction of Maple Crest at Lee Walker Heights.

Ms. Vrtunski said the proposal is approximately 215 units - 20% @ 60% AMI, approximately 43 units, half accept Housing Choice Vouchers; and 10% @ 80% AMI, approximately 22 units. The unit mix would be 1, 2 and 3 bedrooms. In the proposed purchase and sales agreement (1) number of units is approximately 215 minimum - - 20% @ 60% AMI, approximately 43 units, half accept Housing Choice Vouchers; and 10% @ 80% AMI, approximately 22 units; (2) the real estate and financial terms (a) 30 years affordability minimum, deed restriction; and (b) land price at \$1, as subsidy for affordable housing; and (3) other conditions (a) construction to be completed within 24 months of closing on financing; (b) inclusion / MWB participation - 30% goal; and (c) commercial space: 1,000 square feet non-profit / community development. The policy analysis is (1) policies for implementing affordable housing on City-owned land - project proposal complies with policies. Minimum of 20% of units affordable at 60% AMI for 20 years with a strong preference for 30 years; and (2) other considerations (a) City's major source of subsidy is the land purchase cost of \$5.3 Million; (b) cost of per unit subsidy is higher due to the land price (\$81,500/unit); and (c) land acquisition and infrastructure investments benefitted Lee Walker Heights' connection to Biltmore Avenue and overall site development. The Housing & Community Development Committee received the project at both their July and August meetings. The Committee voted 3-0 to recommend approval of the project on August 16, 2022. The staff recommends approval based on the following (1) staff supports the development proposal; (2) mixed income development adjacent to Lee Walker Heights aligns with initial vision for property; (3) complies with Policies for Implementing Affordable Housing on City-owned Land; (4) develops 215 total units in a prime location, with 65 of those units being affordable; and (5) provides affordability across 1, 2 and 3 bedroom units, allowing opportunities for families.

Mr. Ronn Stewart, Senior Vice-President of Laurel Street, said that this project complements the Maple Crest Apartments. He reviewed the current market conditions; the development program; the unit and income mix; the development budget; and the milestone schedule - with the 4th quarter of 2023 being closing/construction commencement and 4th quarter of 2025 construction completion. The development program consists of approximately 215 units - Unit Mix: 1-, 2- and 3-bedrooms units; Project Amenity Spaces; Onsite Leasing; Residents Lounge; Fitness Center' Mail/Package Room; Business/Computer Center; Outdoor Green Space/Seating; Onsite parking; Commercial Space; Approximately 1,000 gross square feet; Leased at or below-market rents to non-profit/community group; and parking structure in combination with on-site surface parking sufficient to reasonably accommodate the Project. Regarding the Project Financing Plan, (1) financing consists of conventional debt and private equity; (2) leverages city-owned land by committing 10% of all units to households at 80% AMI, 20% of all units to households at 60% AMI and accepting Housing Choice Vouchers; and (3) 30-year deed restriction on all affordable units.

In response to Councilwoman Kilgore, Mr. Stewart said that once they get the full design of the project, they will take a multi-prong approach on the commercial tenant, like a convenience store.

Mayor Manheimer noted that this action is about the sale of the property. The developer will come back to City Council for their conditional zoning request, with hopefully the flexibility for other options, i.e. additional units and more commercial space.

Mr. Stewart noted that they are not asking for a Housing Trust Fund loan or a Land Use Incentive Grant. Their goal is to keep this project simple and be a success so that other projects might follow.

In response to Councilwoman Roney, Mr. Stewart said that they are not that far along into the design of the project regarding a renewable energy plan; however, an electric vehicle charging station is standard, and everything from construction to design is aligned with green building.

When Vice-Mayor Smith asked what is the developer's plan to create a sense of community with Maple Crest Apartments, Mr. Stewart said that there are only conceptual plans at this time, but they will not create barriers and will survey the Maple Crest community about their thoughts.

Councilwoman Mosley was pleased that this is the first time in Asheville that the City will partner with a majority African American development firm.

Three individuals spoke in support of the agreement with Laurel Street.

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

Councilwoman Mosley moved to authorize the City Manager to negotiate and enter into a Purchase and Sales agreement with Laurel Street Residential for the development of 319 Biltmore. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

#### **RESOLUTION BOOK NO. 43 – PAGE 239**

#### **B. RESOLUTION NO. 22-185 - RESOLUTION APPROVING A HOUSING TRUST FUND LOAN TO MOUNTAIN HOUSING OPPORTUNITIES FOR THE PURCHASE OF PROPERTY AT 16 RESTAURANT COURT**

Affordable Housing Officer Sasha Vrtunski said that this is the consideration of a resolution to authorize an \$850,000 Housing Trust Fund (HTF) loan to Mountain Housing Opportunities (MHO) with 0% interest and deferred for a period of 40 years and secured with a deed of trust, for the purpose of purchasing the land for affordable housing at 16 Restaurant Court.

#### **Background:**

- MHO is pursuing a Low Income Housing Tax Credit development project for property located at 16 Restaurant Court.
- The project will build 50-60 new affordable rental apartments in close proximity to Tunnel Road, with convenient access to jobs, transit, grocery stores, and other retail.
- The project site is 1.31 acres.
- The proposed development includes a mix of 1 and 2 bedrooms and will have an affordability mix for households at or below 60% Area Median Income (AMI) with a number of units at 50%, 40% and 30% AMI or below.
- Affordability period will be at least 40 years, but the developer generally intends for the project to be affordable for the life of the buildings.

- Project will also have 20% of the units (10-12) reserved for young adults aging out of foster care.
- Researchers have found that between 31% and 46% of youth exiting foster care experience homelessness by age 26 (National Alliance to End Homelessness).
- MHO is going to apply for Foster Youth to Independence vouchers to assist with the housing for those aging out of foster care.
- Additionally, the developer plans to have Project Based Vouchers from the Housing Authority for the City of Asheville (HACA) for the remainder of the units that will support overall operating costs and reserves for the project.
- Environmental review will take place in fall 2022 (Sept - Oct) before the loan closing.
- MHO anticipates that construction will be completed and the property will open in summer 2025.
- The total estimated project cost is \$11.1 million, ranging from \$187,000 to \$224,000 per unit depending on the final number of units.
- MHO has requested \$850,000 from the Housing Trust Fund (HTF) to purchase the property with 0% interest and deferred for a period of 40 years and secured with a deed of trust.
- While not a part of the regular review process, the Affordable Housing Advisory Committee (AHAC) discussed the proposal at their August 4 meeting and voted to recommend that City Council support the request.
- After purchasing the property, MHO intends to pursue funding from the following sources for the development (note that the total City request is equivalent to the total future requests of Buncombe County and Dogwood Health Trust):

<b>Funding Source</b>	<b>Amount</b>
City of Asheville HTF (current request)	\$850,000 (reduced from \$950,000)
City of Asheville HTF (potential future request)	\$661,100
Buncombe County	\$1,511,100
Dogwood Health Trust	\$1,511,100
Bank loan	\$3,100,000
Equity	\$3,528,000
<b>ESTIMATED TOTAL</b>	<b>\$11,161,300</b>

### **Proposal**

- MHO has requested \$850,000 from the Housing Trust Fund (HTF) to purchase the property.
- The request is to have the funding structured as a deferred loan to MHO with 0% interest for 40 years.
- The loan will be due and repaid at the end of the 40 years.
- For land acquisition, the City uses three tools to secure the affordable housing investment:
  - (1) Deed restrictions for affordable housing that carry with the land to protect funds;



- (2) Deed of trust in first position until construction, that sets forth the terms of repayment; and
- (3) a funding agreement that states if construction does not commence within three years of the property purchase, the city will recoup its investment either through loan repayment or other legal redress pursuant to the Deed of Trust. .
- This City retains sole discretion regarding legal remedies.
- If tax credits are approved for the project within the three (3) year time period, this deadline can be extended up to 2 more years.
- Previously, the City approved \$1 million in HTF funding for an affordable housing project at this location by another developer.
- The development did not occur, and the City has not spent any funds at this site.
- This previous funding approval would need to be rescinded as a condition of closing on the HTF Loan to MHO.

**Council Goal(s):**

- Quality Affordable Housing
- An Equitable and Diverse Community

**Committee(s):**

- Housing and Community Development Committee (HCD) - July 19, 2022 - procedural discussion
- HCD - August 16, 2022 - recommended approval 2-1

**Pro(s):**

- This funding will support the purchase of 1.3 acres for the construction of 50-60 new affordable apartments, with approximately 20% of those units reserved for youth aging out of foster care.
- This is a vulnerable population at risk of becoming homeless after leaving the foster care system.
- The affordability period will be 40 years, and the developer has the intention of keeping the units affordable for the life of the building.
- The subsidy per unit in this request is \$17,000 per unit, which is a good value given the incomes served by the development.
- This redevelopment aligns with the City of Asheville's Consolidated Plan goals of prioritizing rental housing affordable to 60% AMI and below.
- The Consolidated Plan is a U.S. Department of Housing and Urban Development required planning document that is updated every five years.
- The development is located in a corridor with access to both jobs and amenities.
- The \$850,000 loan will be secured with a Deed of Trust, and if the project is not built, the City will be paid back by the sale of the parcel.

**Con(s):**

- The request does not fall easily into the Housing Trust Fund Policy.
- The upfront City investment (before other funding commitments are secured) and the delayed repayment are the two main issues of non-compliance. The upfront investment is perhaps the largest risk, but will be secured with a Deed of Trust.

**Fiscal Impact:**

- The project would require \$850,000 from the City's HTF to be distributed in Fall 2022.
- MHO has expressed their intention to apply for additional Housing Trust Funds for construction in the amount of \$661,100.

**Staff Recommendation:**

- Staff recommends approval based on the following:
  - The policy gives room for negotiation on repayment when extremely low income households are being served.
  - The provision of 10-12 units for youth coming out of foster care, who are vulnerable to becoming homeless.
  - Staff also recommends having the affordability period match the loan term at 40 years and MHO has agreed to this term.
  - Staff also recommends having a clause in the Loan Agreement that gives MHO three to five years from the purchase of the property to begin construction, or else MHO will be required to repay the loan and/or the city may seek other legal redress pursuant to the Deed of Trust.
  - MHO has committed to securing investments from Buncombe County and Dogwood Health Trust before returning to the City for any additional funding requests.

Ms. Vrtunski said that (1) MHO is requesting an \$850,000 Housing Trust Fund Loan for an affordable housing project at 16 Restaurant Court - the requested loan includes 0% interest and deferred for a period of 40 years, secured with a Deed of Trust; (2) Project is for 50-60 units, all affordable at 60% AMI and below, 10-12 units (20%) would be reserved for young adults aging out of foster care; (3) Proposed City funding is for site acquisition (\$850,000); (4) MHO's pro forma indicates they may request an additional \$661,100 from the City for the project at a later date, plus funding requests of other partners, bank financing, and tax credit equity - this would exceed the current policy limit of \$1 million; and (5) Staff recommends approval by City Council. The site has a previously approved Housing Trust Fund loan of \$1 Million with a different developer. The development did not occur and the City has not spent the funds. This previous funding approval would need to be rescinded as a condition of closing on a future Housing Trust Fund loan. The proposal is that MHO will build 50-60 new affordable rental apartments close to Tunnel Road, where there is access to jobs, transit, grocery stores, and other retail. The site is 1.31 acres. The units will be a mix of 1 and 2 bedrooms and will have an affordability mix for households at or below 60% AMI with a number of units at 50%, 40% and 30% AMI or below. The affordability period will be at least 40 years to match the term of the loan. The project will also have 20% of the units (10-12) reserved for young adults aging out of foster care. Between 31% and 46% of youth exiting foster care experience homelessness by age 26 (National Alliance to End Homelessness). She then showed a chart of the income and bedroom mix. Regarding the request, MHO is requesting \$850,000 to purchase the site. The City's investment would be secured by a Deed of Trust. The loan will be due at the end of 40 years. She then explained the funding MHO intends to seek. An analysis of the Housing Trust Fund policy resulted in (1) project is in an optimal location near Tunnel Road where there are jobs, amenities, and transit; (2) land acquisition is an eligible expense per the policy; (3) under the current proposal for \$850,000, the subsidy per unit is \$17,000 (a) the application indicates that MHO will come back for an additional \$661,000, totalling \$1,511,000 which is over the \$1 Million policy threshold; (b) under the total request, the requested HtF subsidy will be \$30,222 per unit; and (c) this is a reasonable per unit request, given the advantageous location and the mix of affordability at 60% AMI and below; (4) the policy is clear that some form of payback is required. At the same time, under Special Terms, the policy states: "It is expected that all borrowers will make regular payments on Housing Trust Fund loans. Waiver of any payment during the loan term will be considered only if extremely low income households are being served by the project, and the project could not be developed without that concession."; (5) MHO has stated that this is true for this project; (6) over the past 20 years, the vast majority of loans in the HTF have payments of either interest or principal; and (7) the HTF policy requires that other funding commitments be secured before closing - MHO will not be able to fulfill this requirement as they want to close on the property in October of 2022 and the Buncombe County funding cycle is not until December of 2022. Staff recommends approval based on the following (1) the policy gives room for negotiation on repayment when extremely low income households are being served; (2) the project includes 10-12 units for youth aging out of

foster care, a population that is vulnerable to becoming homeless; (3) the affordability period will match the loan term to 40 years; (4) commitment from MHO to secure investments from Buncombe County and Dogwood Health Trust before returning to the City for any additional funding requests; and (5) staff will review the HTF policy, benchmarking against other N.C. cities, incorporating lessons learned from recent applications, and provide recommended policy revisions to HCD.

In response to Councilwoman Kilgore, City Attorney Branham said that the resolution has been amended to read: "WHEREAS, if the project does not commence construction within (3) three years of the property purchase, MHO will be required to sell the property and the City shall be entitled to the full proceeds of the sale, even if in excess of the loan amount, less any value attributable to improvements made by MHO as well as due diligence costs expended by MHO in an amount not to exceed \$100,000. If the property is not sold, or if the proceeds from the sale are not enough to repay the loan, the city may seek any other legal remedies pursuant to the Deed of Trust in order to ensure repayment. If tax credits are approved for the project within the three (3) year time period, this deadline may be extended up to 2 more years." He felt this change allows the City a great deal of protection.

Ms. Vrtunski responded to Councilwoman Turner when she asked why this project is not good for a Land Use Incentive Grant.

There was a brief discussion around streamlining the funding process so that it coincides with other partners so we are all on the same timeline.

Mr. Geoffrey Barton, Director of Real Estate Development of MHO, spoke in support of the project and explained that they will be seeking other partnership funding. He said that it normally takes multiple times and multiple applications to complete the funding to build the project; however, he was confident that the site fits all the requirements of the potential funding partners. He said they will seek all other funding options before they ask the City for the final funding gap. He also reviewed the site plan, noting the mix of units and how the project aligns with the Tunnel Road Corridor Study. He felt this is a unique opportunity to build affordable housing for a vulnerable population.

In response to Councilwoman Roney, Mr. Barton said that MHO has a deep commitment to renewable energy, noting that they will explore solar at this site. He committed to explore more renewable energy options.

In response to Councilwoman Roney, Mr. Barton said that part of their exploration process is to identify community partners for support services and their space needs so they can build it into the design of the facility. They have maintenance agreements with property management companies and are committed to maintaining the properties long-term.

Nina Tovish spoke in support of the project, especially with the revised language regarding the City's protection if the project is not constructed.

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

Councilwoman Mosley moved to approve Mountain Housing Opportunities' request for \$850,000 Housing Trust Fund loan to construct 50-60 multifamily apartments for households at or below 60% AMI at 16 Restaurant Court, including 10-12 units for young adults aging out of foster care, with the amendment that "If the project does not commence construction within (3) three years of the property purchase, MHO will be required to sell the property and the City shall be entitled to the full proceeds of the sale, even if in excess of the loan amount, less any value

attributable to improvements made by MHO as well as due diligence costs expended by MHO in an amount not to exceed \$100,000. If the property is not sold, or if the proceeds from the sale are not enough to repay the loan, the city may seek any other legal remedies pursuant to the Deed of Trust in order to ensure repayment. If tax credits are approved for the project within the three (3) year time period, this deadline may be extended up to 2 more years.” This motion was seconded by Councilwoman Kilgore and carried unanimously.

## **RESOLUTION BOOK NO. 43 – PAGE 241**

### **C. BOARDS & COMMISSIONS**

Regarding the Audit Committee, no one applied for the vacancy. Therefore, it was the consensus of the Boards & Commissions Committee and City Council to re-advertise.

Regarding the Human Relations Commission, the following individuals applied for the vacancies: Edie Weichert, Bethany Duke and Diamond Slone Couch. It was the recommendation of the Human Relations Commission, and concurrence of the Boards & Commissions Committee. to readvertise in an attempt to fill the vacancies with City residents.

## **RESOLUTION NO. 22-186 - RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE**

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Affordable Housing Advisory Committee.

The terms of Andy Barnett, Jo Ikelheimer, Margie Bukowski, Paul Heathman (bank/lender seat), Barbara Ann Philip and David Bartholomew will expire on September 1, 2022. In addition, Brandy Woodard (Housing Authority staff seat) has resigned, thus leaving an unexpired term until September 1, 2024.

The following individuals applied for the vacancies: Andrew Garrard, Jessica Phelan, Doug Brown, Evan Quirk-Garvan, Nnweyna Smith, Joseph McGuire and Francina Edmonds.

The Affordable Housing Advisory Committee recommended reappointing Andy Barnett, Margie Bukowski, Paul Heathman (banker/lender seat), Barbara Ann Philip and David Bartholomew; and appointing Nnweyna Smith. Housing Authority Executive Director David Nash recommended appointing Tara Irby to the Housing Authority staff seat. The Boards & Commissions Committee concurred with the Affordable Housing Advisory Committee's and Mr. Nash's recommendations.

Vice-Mayor Smith moved to (1) reappoint Andy Barnett as a member of the Affordable Housing Advisory Committee, to serve an additional three-year term, term to expire September 1, 2025, or until Andy Barnett's successor has been appointed; (2) reappoint Margie Bukowski and Paul Heathman (banker/lender seat) as members of the Affordable Housing Advisory Committee, to each serve an additional three-year term, terms to expire September 1, 2025, or until their successors have been appointed; (3) reappoint Barbara Ann Philip and David Bartholomew as members of the Affordable Housing Advisory Committee, to each serve a three-year term, terms to expire September 1, 2025, or until their successors have been appointed; (4) appoint Nnweyna Smith to serve as a member of the Affordable Housing Advisory Committee, to serve a three-year term, term to expire September 1, 2025, or until Nnweyna Smith's successor has been appointed; and (5) appoint Tara Irby (Housing Authority staff seat) as a member of the Affordable Housing Advisory Committee, to serve the unexpired term of Brandy woodard, term to expire September 1, 2024, or until Tara Irby's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

**RESOLUTION BOOK NO. 43 – PAGE 243**

**RESOLUTION NO. 22-192 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT**

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a regular member to the Board of Adjustment.

Pratik Bhakta resigned as a regular member of the Board of Adjustment, thus leaving an unexpired term until January 21, 2023.

The following individual applied for the vacancy: Elliott Smith.

The Boards & Commissions Committee recommended appointing Elliott Smith.

Vice-Mayor Smith moved to appoint Elliott Smith as a regular member of the Board of Adjustment, to serve the unexpired term of Pratik Bhakta, term to expire January 21, 2023, or until Elliott Smith's successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously.

**RESOLUTION BOOK NO. 43 – PAGE 249**

**RESOLUTION NO. 22-187 - RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY**

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Buncombe County Tourism Development Authority.

The term of Larry Crosby (representing an owner or operator of a hotel, motel, bed and breakfast, or vacation rental management company with 100 rental units or less) expires on August 31, 2022.

The following individual applied for the vacancy: Scott Kerchner.

The Chair of the Buncombe County Tourism Development Authority recommended, and the Boards & Commissions Committee concur, to reappoint Larry Crosby.

Vice-Mayor Smith moved to reappoint Larry Crosby as a member of the Buncombe County Tourism Development Authority representing an owner or operator of a hotel, motel, bed and breakfast, or vacation rental management company with 100 rental units or less to serve a three-year term, term to expire August 21, 2025, or until Larry Crosby's successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously.

**RESOLUTION BOOK NO. 43 – PAGE 244**

**RESOLUTION NO. 22-188 - RESOLUTION APPOINTING A MEMBER TO THE DESIGN REVIEW COMMITTEE**

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a regular member to the Design Review Committee.

Ben Williamson resigned as a member of the Design Review Committee, thus leaving an unexpired term until January 1, 2024. On January 25, 2022, by Ordinance No. 4926, City Council

revised the membership terms so that all members serve three-year terms. In order to get this appointment in line, this seat will expire on December 31, 2025.

The following individuals applied for the vacancy: Michael McDonough, Thomas P. McLaughlin, Adam Torrey, Laruen McKinney, Emily Richter and Marie Deisasi.

The Design Review Committee Chair and the staff liaison recommends the appointment of Thomas McLaughlin or Maria Deisasi. The Boards & Commissions Committee recommended the appointment of Thomas McLaughlin.

Vice-Mayor Smith moved to appoint Thomas McLaughlin as a member of the Design Review Committee, to serve the unexpired term of Ben Willimason, term to expire December 31, 2025, or until Thomas McLaughlin's successor has been appointed. This motion was seconded by Councilwoman Turner and carried unanimously.

#### **RESOLUTION BOOK NO. 43 – PAGE 245**

#### **RESOLUTION NO. 22-189 - RESOLUTION APPOINTING A MEMBER TO THE HISTORIC RESOURCES COMMISSION**

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Historic Resources Commission.

Georgene Falcon resigned as a member of the Historic Resources Commission, thus leaving an unexpired term until July 1, 2024. In addition the term of James Vaughn expired on July 1, 2022.

The following individual applied for the vacancy: Maria Delsasi.

The staff of the Historic Resources Commission recommend, and the Boards & Commissions Committee concur, to reappoint Maria Deisasi to serve the unexpired term of Georgene Falcon, term to expire July 1, 2024; and to re-advertise for the other vacant seat.

Vice-Mayor Smith moved to appoint Maria Deisasi as a member of the Historic Resources Commission, to serve the unexpired term of Georgene Falcon, term to expire July 1, 2024, or until Maria Deisasi's successor has been appointed; and to re-advertise for the other vacant seat. This motion was seconded by Councilwoman Roney and carried unanimously.

#### **RESOLUTION BOOK NO. 43 – PAGE 246**

#### **RESOLUTION NO. 22-190 - RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE**

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Homeless Initiative Advisory Committee.

Randy Stoudt has resigned from the Homeless Initiative Advisory Committee, thus leaving an unexpired term until November 1, 2022. In addition, Jason Desai has resigned, thus leaving an unexpired term until November 1, 2023.

The following individuals applied for the vacancy: Angelique Brickner, Emily Kirchmeyer, Louisa Shipnuck Jones, Barry Shoor, Sim Wilkes, Sydney Brodhead, Michael I. Fulbright, Jo Golson, Cheryl Antoncic, Kenny Hancock, Sherri M. Bagwell, William Snoddy, Jimmi Lang, Andrew Garrard, Josh Houde, Elena Mansour, William M. Hansen and Rick Freeman.

The Homeless Initiative Advisory Committee Nominating Committee recommended appointing Rick Freeman and Andrew Garrard. The Boards & Commissions Committee recommended appointing Rick Freeman and re-advertising for the other seat in the hope of getting applicants with some experience in some of the HUD sectors currently missing from membership.

Vice-Mayor Smith moved to appoint Rick Freeman as a member of the Homeless Initiative Advisory Committee, to serve the unexpired term of Randy Stoudt, and then a full three-year term, term to expire November 1, 2025, or until Rick Freeman's successor has been appointed; and to readvertise for the other vacant seat in the hope of getting applicants with some experience in some of the HUD sectors currently missing from membership. This motion was seconded by Councilwoman Turner and carried on a 6-1 vote, with Councilwoman Wisler voting "no."

**RESOLUTION BOOK NO. 43 – PAGE 247**

**RESOLUTION NO. 22-191 - RESOLUTION APPOINTING MEMBERS TO THE NOISE ADVISORY BOARD**

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Noise Advisory Board.

Charles Beck has resigned from the Noise Advisory Board (one of three city residents representing different geographic areas of the city (north or central), thus leaving an unexpired term until November 1, 2024. In addition, James Harwood has resigned (representing the restaurant industry), thus leaving an unexpired term until November 1, 2023.

The following individuals applied for the vacancies: Jeffrey Fromson, Maria Burril, Larry Holt, Sharron Davis, Fletcher Maffett, Nancy Curtis, Eric Riffe, Lillian Woody, Selden Porter Haizlip, Michael Fulbright, Catherine Reed, Elliott Eichler, Elizabeth Whalen Tallent, Cade Justad-Sandberg, Tony Micocci and Mary Ann West.

The Chair of the Noise Advisory Board recommended appointment of Lilianna Woody to represent the restaurant industry; however, City staff recommended readvertising in order to gather a wider pool of candidates. Regarding the north or central seat, staff recommends appointment of Maria C. Burril; however, the Chair recommends appointment of Reb Hazlip or Jeffrey Fromson. The Boards & Commissions Committee recommended appointment of Lilianna Woody to represent the restaurant industry and appointment of Reb Hazlip to the north or central seat.

Vice-Mayor Smith moved to (1) appoint Reb Hazlip as a member of the Noise Advisory Board (representing one of three city residents representing different geographic areas of the city (north or central) to serve the unexpired term of Charles Beck, term to expire November 1, 2024, or until Reb Hazlip's successor has been appointed; and (2) appoint Lilianna Woody as a member of the Noise Advisory Board (representing the restaurant industry) to serve the unexpired term of James Harwood, term to expire November 1, 2023, or until Lilianna Woody's successor has been appointed. This motion was seconded by Councilwoman Turner and carried unanimously.

**RESOLUTION BOOK NO. 43 – PAGE 248**

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

City Manager Campbell gave a progress update on the issue of banning plastic bags in the City - noting that the issue will be brought to the Governance Committee on September 13, 2022.

City Manager Campbell provided Council with an update on the Biltmore Avenue bike lane proposal. She said this project is only delayed. However, she noted that multimodal transportation is a key City policy and we are not giving up on bike lanes. Phase I is to address loading issues on Biltmore Avenue. The City will ultimately come back and add bike lanes to Biltmore Avenue and other streets for connectivity for our bike lanes.

Several individuals spoke to Council on various matters, some being, but are not limited to: need for access to basic amenities in the River Arts District; request for Council to commit to allow the Realignment Working Group to see the results of the survey to be sent out so they can analyze the results and provide a recommendation; Southside Recreation Opportunity survey results; glad the South Slope Vision Plan was continued; need for dedicated pickleball courts in Asheville; and support for ban on single-use plastic bags.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 8:16 p.m.

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CITY CLERK

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MAYOR