

Thursday – March 9, 2023 - Noon

Agenda Briefing Worksession - For March 14, 2023 Council Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: Councilwoman S. Antanette Mosley and Councilwoman Sheneika Smith - Both with unanticipated scheduling conflicts

City Council held an agenda briefing worksession to discuss the upcoming and future agenda items. In addition, City Council reviewed upcoming City Council committees that will be taking place during the next two weeks.

Discussion occurred on the following other issues and updates:

- HOME-ARP Funding Allocation Plan
- Supportive Service Funding Request for Gov. Cooper's Budget
- Homeless Initiative Advisory Committee Update
- Council Retreat Follow-Up
- Update on McCormick Field

At 12:40 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – March 14, 2023 - 3:00 p.m.

Budget Worksession

Present: Mayor Esther E. Manheimer, Presiding; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sheneika Smith; Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: Vice-Mayor Sandra Kilgore

City Manager Campbell said that we will focus a lot on what we think are the key drivers this budget year will be, and a lot of that will be on the compensation side and a major decision which needs to be made regarding McCormick Field. At this worksession, we will provide you with more detailed information on McCormick Field and on other capital items.

Finance Director Tony McDowell said that today's key takeaways will be (1) Rising cost to provide existing services will use up revenue growth; (2) Opportunities exist to strategically invest one-time revenues; (3) Direction on how to attract and retain a talented workforce key to budget development; and (4) Latest plan for McCormick Field incorporates community concerns, broader facility use and responsible financial plan.

He then reviewed the budget development process, along with City Council priorities and their guiding principles.

Mr. McDowell said the General Fund revenue growth is (1) Additional revenue above current year estimates: (a) Property tax \$1.5M (+2%) with no rate increase; and (b) Sales tax \$3.2M (+5%); (2) Growth is needed to cover the increasing cost of existing service delivery,

including compensation; and (3) Estimates will continue to change as more information is available.

Regarding available Fund Balance (1) Responsible financial management and strong sales tax growth have put the City in a positive financial position; and (2) Current estimate of up to \$5.0M in fund balance available for use in next year's General Fund budget.

Additional revenue resources include (1) American Rescue Plan Act (ARPA) (a) Unlikely to need \$2M budgeted in current year to support the General Fund; and (b) Additional \$1.3M currently uncommitted; and (2) Opioid settlement (a) Received and budgeted planning grant from Dogwood Health Trust (\$375k) - Currently utilized to fund position; (b) First round of settlement (\$1.5M) not budgeted - Paid over 16 years, received \$200k to date; and (c) Second round of settlement (estimated at \$1.2M) not finalized.

The revenue summary is (1) Growth in property and sales tax revenue continues, but not at the same pace as the cost to deliver services; (2) Opportunity to fund one-time strategic investments with one-time revenues; and (3) Economic uncertainty is always a factor.

Budget Manager Taylor Floyd said that regarding compensation and benefits baseline changes for the General Fund (1) Full year cost of mid-year adjustments and APD incentives; (2) Mandated increase in employer state retirement contribution: \$550k; (3) Increase in employer health care contribution: \$1-1.5M; and (4) Evaluating health plan design and employee contribution. Compensation under consideration includes (1) Just Economics "Pledged" Living Wage; (2) Differential salary increases; (3) Certification incentive pay; (4) Increased night shift and on-call pay; (5) Wellness incentive; (6) Signing bonuses; (7) Career ladder for trades; and (8) 401(k) retirement account match. The impact of changes are (1) Each 1% increase in pay costs approximately - APD: \$175k; Other General Fund: \$575k; and (b) Increasing current minimum salary from \$36,816 to Just Economics Living Wage \$41,808 is 13.5% increase. - \$10M+ impact to General Fund in order to maintain compression adjustments. He reviewed the comparative data being (1) Consumer Price Index for Urban Consumers (Jan 2023): 6.4% headline; 5.6% core (not including food and energy); (2) Other NC local governments considering combinations of COLA, merit and market adjustments totaling at least 3%.; and (3) APD request for 6% increase. Compensation under consideration includes (1) Need to consider increase of 3.5 - 5.0%; (2) Increase of 3.5% would result in: (a) Minimum salary over Just Economics "Buncombe County Pledged Living Wage Rate."; and (b) Additional cost of approximately \$2.75M in the General Fund; (3) Just Economics "Pledged" Living Wage; (4) Differential salary increases (including 6% for APD); (5) Certification incentive pay; (6) Increased night shift and on-call pay; (7) Wellness incentive; (8) Signing bonuses; (9) Career ladder for trades; and (10) 401(k) retirement account match.

Mr. Floyd then reviewed other investments under consideration. One-time operating requests are (1) Solid Waste Master Plan (\$350k); (2) Downtown Design Guidelines (\$50k); (3) Pack Square Plaza Phase II (\$200k); (4) ADA coordination, redevelopment, planning support; (5) Additional streets, sanitation, traffic engineering staffing; (6) Core service needs: (a) Grant coordination; (b) Capital asset management; and (c) Facilities grounds & parks maintenance.

Regarding Water, (1) waiting to approve fee changes until after Independent Review Committee recommendations; (2) still making up for loss of capital fee; and (3) Other potential investments (with fee increase) (a) Communications staffing; (b) Maintenance crew; (c) Plant maintenance engineer; (d) Billing support for meter replacement project; and (e) Enhanced water treatment plant staffing.

Regarding parking, (1) Current year revenue from parking garages and meters performing as expected and in line with budget; (2) Revenue forecast for FY24 similar to current

year; (3) Parking facility assessment underway that will inform future needs; and (4) No service changes planned.

Regarding transit, (1) Cost of existing service increases annually (\$400k); (2) Transit management contract expires in 2025 (\$100k); (3) City-County master plan needed to determine service delivery and long-term funding strategy (\$300k); and (4) Not currently planning previously funded service enhancements due to staffing and fleet.

Regarding stormwater, (1) Ongoing consultant-led service review; and (2) Recommended fee change would fund: (a) Additional maintenance crew; (b) Additional staffing to enhance inspections of constructed stormwater devices; (c) System mapping to improve asset management; and (d) Vehicle and equipment purchases.

The operating summary is (1) Compensation decisions will determine capacity to fund new requests; (2) Opportunities exist to strategically invest one-time revenues to support operating; and (3) Fee changes, if approved, will support service enhancements for enterprise funds.

Regarding capital investments and planning, (1) Current Capital Improvement Program (CIP) primarily consists of maintenance projects; (2) Limited capacity to add projects/costs to plan within existing resources; (3) Significant needs and additions have already been identified; and (4) Critical path is decision on McCormick Field.

Throughout the presentation by Mr. McDowell and Mr. Floyd, staff responded to various questions/comments from Council, and those that could not be readily answered would be provided to Council via a memorandum. Some questions/comments were: if City staff were given a 5% increase and Police were given a 6% increase, how many would fall below the \$41,808 Just Economics Living Wage; confirmation that the pay increase will include firefighters; what the amount will be for the City if employees were given a 5% increase and the Police were given a 6% increase; confirmation that we will be doing the property tax mitigation program again this year; request for a list of all department vacancies; update on internal police training; are our parking revenues increasing; what will the major components be for the City-County Transit Master Plan and request that it be taken to the Planning & Economic Development Committee prior to discussion by full Council; request to make sure there is discussion surrounding transit coverage for students in Buncombe County; how much money is left in the Land Use Incentive Grant program; confirmation that the City is looking at an annual percentage growth to the Reparations Fund; and request to find out what Buncombe County's annual percentage growth is to the Reparations Fund.

City Manager Campbell asked for Council's concurrence on the (1) Just Economics Pledges" Living Wage and (2) differential salary increases (including 6% for APD).

Director of Community & Regional Entertainment Facilities Chris Corl said the key takeaways from this McCormick Field presentation are (1) McCormick Field is an important regional asset, currently owned by the City that over the years has not been adequately invested in; (2) Facility has been leased out and principally used by a Minor League Baseball team, the Tourists; (3) This facility should and can be used for many other purposes to derive broader community benefit; (4) A funding plan will require assistance from the Team, County, TDA and possibly the State; and (5) To retain Major League Baseball (MLB) affiliation in Asheville, significant renovation is required in order to meet the impending deadline to submit a commitment letter to MLB - April 1, 2023 - Vote for approval of a commitment requested today.

He reviewed the chart below for the project:

Home Clubhouse, batting tunnels, weight room, commissary, female facilities	\$7,938,211
Clubhouse Conversion, Wall Padding, Playing Field, Bullpens, potable water	\$6,223,765
Scoreboard, Video Displays, Structure (Video display & scoreboard)	\$6,369,235
Video Surveillance systems	\$143,129
New Suites and expand press box to Player Development League standards	\$1,949,511
LED Sport Lighting, anti skid surfaces, batter's eye	\$1,169,840
Third baseline, fencing, picnic space rebuild & expansion, First baseline wall, access, picnic & netting	\$4,277,625
Concourse Expansion - bullpen access, entra plaza and gates	\$3,865,091
Deferred Maint upkeep - Civil/structural/general/Mechanical Plumbing Electrical	\$5,564,187
Estimated Total project cost	\$37,500,594

At the February 14 Work Session, there was a (1) request for community engagement; (2) request further information related to non-baseball event revenue potential; and (3) request to further explore financial model - Seek additional inputs to project; and Limit impact on current Capital Improvement Program (CIP).

He then briefed Council on the community engagement piece. The East End and Oakhurst community concerns were (1) Parking/Traffic (including Memorial Stadium events) (a) Request for more/better traffic management; (b) Expand traffic management to North side of stadium; (c) Clear desire for the team to operate traffic plan; and (d) Enforcement support by the City of Asheville; (2) Noise (a) Request to not allow additional nights of fireworks; (b) Request to ensure fireworks are shot earlier than previously shot; (c) Other loud events (concerts) to abide by the Noise Ordinance; and (d) Request to keep the number of additional 'loud' events under 12-15 events; and (3) Communication/Notification (a) Create one location for programming calendar; (b) Enhance notification process for all programming.; and (c) Continue text notification process for fireworks, expand beyond text for residents who struggle with tech. Deal point adjustments were (1) Parking/Traffic (a) Club to manage all McCormick events, in talks for Memorial; and (b) Additional support from city for enforcement; (2) Noise/Fireworks (a) Revoke request for additional fireworks nights; (b) Amend request for back to back nights to apply only when July 4th falls on a Saturday (2026, 2037 & 2043); and (c) Pitch clock and earlier start times has improved firework timing, average 2022 shoot was 9:26 p.m.; and (3) Communication/Notification - Text/Email notification process from team.

He then reviewed the current and future facility usage using an historical attendee origin chart. He said over 75% of Tourist attendees live outside of the City of Asheville and nearly half live outside of Buncombe County. "Visitor" spending both inside and outside McCormick Field generates economic impacts for the City and County economies.

Mr. Corl then reviewed the funding plan. The adjustments to deal points - which have

been negotiated changes from the last presentation:

Year	Lease Payment	Notes
2023	\$ 25,000	Team investing ~\$100k for temporary women's facilities and other
2024	\$100,000	
2025 - 2029	\$450,000	Plus \$1.00 per paid attendee over 175k
2030 - 2040	\$475,000	Plus \$1.00 per paid attendee over 175k
2031 - 2040	\$475,000	Plus \$1.00 per paid attendee over 175k

The following are negotiated changes from the last presentation:

Non-baseball attendance

- **35,000 non-baseball attendance minimum years 1 - 10**
- **40,000 non-baseball attendance minimum years 11 - 20**
- \$0.50 penalty per attendee if target is missed

Capital investment

- Club: \$75k per year; unused balance owed to City
- City: \$25k per year upkeep & repairs; unused balance rolled to capital.
- **City: \$2M capital investments in year 5.**
- **City: \$4M capital investments in year 15**

Regarding the exploration of funding opportunities, (1) **State Funding (No bill yet introduced)** - Potential for one-time grant funding IF Minor League Baseball Infrastructure Grant Program passes with the upcoming State budget; (a) Stadium owners must apply; (b) Awarded based on demonstrated need & merit; (c) \$30M available (\$28M for affiliated stadiums); (d) 20% maximum of total awarded to single project; (e) Likely requires 1:1 match; and (f) Est. \$5.4M maximum single project grant potential; (2) **City Funding** (a) Opportunity to approve facility fees on tickets sold at the stadium - Potential revenue of \$75k - \$110k per year; Recommended if State funding does not occur; (b) Consider utilizing ARPA funding (up to \$2M) for operational needs in FY24, freeing up fund balance to support McCormick Field project; (c) Focus on additional non-baseball City-owned events with partner organizations; (d) Potential for \$175k - 500k in annual revenue; and (e) Variables - weather, neighborhood tolerance, competition, access (parking/traffic) and availability of touring events.

He outlined the estimated funding structure below:

Team	\$468,750/year, 20 years (average)
County	\$250,000/year, 20 years
TDA	\$1.95M Reallocated grant (Coxe Ave)
	\$1.4M/year, 15 years
City	\$875,000*/year, 20 years covers the 'gap'

**worst case scenario*

He then reviewed the potential City contribution chart seen below:

Scenario	City Annual Payment
No change from partners + facility fee	\$ 875,000
No change from partners + facility fee + \$2M Fund Balance +	\$ 715,000
No change from partners + \$2M Fund Balance + \$1M State grant	\$ 715,000
No change from partners + \$2M Fund Balance + \$2M State grant	\$ 636,000
No change from partners + \$2M Fund Balance + \$3M State grant	\$ 560,000
No change from partners + \$2M Fund Balance + \$4M State grant	\$ 485,000
No change from partners + \$2M Fund Balance + \$5M State grant	\$ 410,000
No change from partners + \$2M Fund Balance + \$5.4M State grant	\$ 380,000
*No indication as of today of State funding commitment towards Minor league Baseball Infrastructure Grant Program	

Regarding the impact of CIP Projects, (1) If utilizing Fund Balance - no effect on currently planned projects; (2) Increase CIP contribution incrementally over next 2-3 years (up to total debt burden for project, estimated at a maximum of \$875k annually); and (3) All currently planned/budgeted projects move forward as scheduled.

Throughout the presentation, Mr. Corl responded to various questions/comments from Council, some being, but are not limited to: confirmation that we will have a guarantor to guarantee the financial commitment of DeWine Seeds in case of default; even though pedestrian safety was a neighborhood concern, since it is a much bigger conversation than just McCormick Field, it will be worked through over time; how can we make sure that we have gender inclusive

bathrooms at McCormick Field; if the State contributes, what is the possibility Buncombe County will want to share in the reduction of the funds; and some revenue possibilities of programming were described.

Councilwoman Roney noted that it was a hard sell to use ARPA funds especially since we have other high and important needs.

At 4:34 p.m., Mayor Manheimer adjourned the budget worksession.

Tuesday – March 14, 2023 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sheneika Smith; Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: Vice-Mayor Sandra Kilgore

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MARCH 2023 AS “RED CROSS MONTH”

Mayor Manheimer read the proclamation proclaiming March 2023 as "Red Cross Month" in the City of Asheville. She presented the proclamation to Board member Rob Petrone; Executive Director Mariana Vimbela; and Board Chair Jerri Goldberg, representing the Red Cross, who briefed City Council on some activities taking place during the year.

II. CONSENT AGENDA:

At the request of Councilwoman Roney, Consent Agenda Item “B” was removed from the Consent Agenda for discussion and/or individual votes.

- A. APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON FEBRUARY 23, 2023, AND THE FORMAL MEETING HELD ON FEBRUARY 28, 2023; THE MINUTES OF THE LEGISLATIVE BREAKFAST ON FEBRUARY 24, 2023; THE MINUTES OF THE JOINT ASHEVILLE AREA CHAMBER OF COMMERCE AND BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY MEETING HELD ON MARCH 1, 2023; AND THE MINUTES OF THE CITY COUNCIL ANNUAL RETREAT ON MARCH 2-3, 2023**

- B. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PARK FACILITY AND MANAGEMENT AND LICENSE AGREEMENT WITH CAROLINA DAY SCHOOL FOR THE SHARED USE AND MAINTENANCE OF THE SGRO ATHLETIC COMPLEX FOR EXPANDED PUBLIC RECREATION PROGRAMS**

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

C. RESOLUTION NO. 23-44 - RESOLUTION TO RATIFY THE CONTRACT WITH EVIDENCE IQ TO ALLOW FOR THE RENEWAL FOR AN ADDITIONAL THREE YEARS FOR CONTINUING THE SUBSCRIPTION, SERVICE AGREEMENT AND PURCHASE OF ADDITIONAL VIRTUAL CORRELATION CENTER (VCC) CARTRIDGE CASES FOR THE ASHEVILLE POLICE DEPARTMENT'S BALLISTICS IQ TRIAGE SOLUTION

Action Requested: Adoption of a resolution to ratify the contract with Evidence IQ to allow for the renewal for an additional three years for continuing the subscription, service agreement and purchase of additional Virtual Correlation Center (VCC) cartridge cases for the Asheville Police Department's Ballistics IQ Triage Solution, now valued at \$309,300.

Background:

- The Asheville Police Department (APD) entered into a contractual agreement with Evidence IQ on February 1, 2022 for the purchase of a Ballistics IQ Triage Solution which included a camera box, associated licensing, training, and unlimited Virtual Correlation Center (VCC) cartridge cases.
- The first year of the contract included unlimited VCC case packs.
- A subscription, service agreement and additional VCC case packs are needed annually to continue use of the Ballistics IQ Solution.
- Evidence IQ offers discounted annual rates when contracting for longer term periods.
- In the first year of use, Ballistic IQ was used to examine 630 cases including cases from years prior to 2022. As a result they were able to produce 137 investigative leads.
- APD's Forensic Unit has determined the appropriate annual package to move forward with to meet their needs.
- APD is requesting approval to renew and amend the current contract valued at \$70,800 for three additional years at \$79,500 per year, for a total contract value of \$309,300, thus requiring Council approval to proceed.
- APD is asking for ratification of the renewal to February 1st, 2023.

Council Goal(s):

- Smart City

Committee(s):

- Environment and Safety Committee - February 28, 2023

Pro(s):

- Produces investigative leads

Con(s):

- Continued annual cost of contracting

Fiscal Impact:

- Funding for this contract is available in the Asheville Police Department operating budget.

Motion:

- Motion to approve a resolution to ratify the contract with Evidence IQ to allow for the renewal for an additional three years for continuing the subscription, service agreement and purchase of additional Virtual Correlation Center (VCC) cartridge cases for the Asheville Police Department's Ballistics IQ Triage Solution, now valued at \$309,300

RESOLUTION BOOK NO. 44 - PAGE 2

D. RESOLUTION NO. 23-45 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH US ISS AGENCY LLC FOR A POLICE APPLICANT BACKGROUND CHECK AND POLYGRAPH TESTING PROVIDER

Action Requested: Adoption of a resolution to allow the City Manager to execute on behalf of the City of Asheville a contract not to exceed \$360,000 with US ISS Agency, LLC for a Police Applicant Background Check and Polygraph Testing Provider, to include the option to renew annually for two one-year extensions, upon budgetary approval by Council for each fiscal year.

Background:

- The Asheville Police Department (APD) is requesting approval from Council to contract with US ISS Agency, LLC to provide police applicant background checks and polygraph testing services.
- US ISS Agency, LLC was identified for award based on a Request for Proposal process.
- All Police Officer candidates and Civilian employees that work for APD must pass a background investigation and polygraph test before they are hired.
- APD is currently understaffed and does not have sworn administrative staff available to complete these hiring functions given the volume of new personnel needing to be vetted for hire.
- APD has also found having a dedicated vendor performing these processes has shortened turnaround time from APD working these internally with current limited staff.
- APD will execute a contract to include two optional renewals, planning to encumber \$120,000 each year.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- Environment and Safety Committee - February 28, 2023

Pro(s):

- Ensures the ability to better protect the safety of the residents of Asheville and Buncombe County by allowing as many sworn staff as possible to be available for patrol duties.

Con(s):

- Continued annual cost of contracting

Fiscal Impact:

- Funding for this contract is available in the Asheville Police Department operating budget.

Motion:

- Motion to allow for the adoption of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract not to exceed \$360,000 with US ISS Agency, LLC for a Police Applicant Background Check and Polygraph Testing Provider, to include the option to renew annually for two one-year extensions, upon budgetary approval by Council for each fiscal year.

RESOLUTION BOOK NO. 44 - PAGE 3

E. RESOLUTION NO. 23-46 - RESOLUTION SUPPORTING A GRANT AWARDED TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FROM THE N.C. DEPT. OF TRANSPORTATION TO PREPARE A FEASIBILITY STUDY FOR THE SWANNANOA RIVER GREENWAY

Action Requested: Adoption of a resolution supporting a grant awarded to the French Broad River Metropolitan Planning Organization from the North Carolina Department of Transportation to prepare a feasibility study for the Swannanoa River Greenway corridor.

Background:

- The French Broad River Metropolitan Planning Organization (FBRMPO) was recently awarded a \$72,100 grant to prepare a feasibility study for a future section of the Swannanoa Greenway from the North Carolina Department of Transportation (NCDOT) through its "Paved Trails and Sidewalks Feasibility Study" Grant Program.
- Although the grant was previously awarded, the NCDOT has asked the FBRMPO to obtain a resolution of support from the Local Government Agency in which the study will be located prior to proceeding with the study.
- This action will fulfill that request.
- The study will be managed and administered by the FBRMPO and does not require any City funding.
- Throughout study development, staff in the City's Transportation, Parks and Recreation, and Public Works departments may be asked to attend a limited number of meetings.
- The Swannanoa River Greenway corridor is 7.5 miles long and spans from the Amboy Road / Meadow Road intersection to the Azalea Road / Tunnel Road intersection.
- It is the top priority greenway project in the GAP Plan.
- Two feasibility studies were completed in 2020 to study the corridor from Biltmore Avenue to the Azalea / Tunnel intersection.
- The City is currently preparing for the construction of a section of the corridor from the Glendale / Thompson intersection to the Bleachery Road / Swannanoa River Road intersection.

- Construction of this project is anticipated to begin in fall 2023 and is funded with General Obligation Bond funds and Tourism Product Development Funds.
- The study that FBRMPO has planned will focus on the section along Meadow Road between Short McDowell and Swannanoa River Road, and includes the intersection of Biltmore Avenue.
- Since this area has many constraints, the feasibility study will examine route alternatives, develop cost estimates, and make recommendations for use by both the City and NCDOT in developing designs for the Swannanoa River Greenway, as well as for future improvements to Swannanoa River Road, Meadow Road, and their intersection with Biltmore Avenue.

Council Goal(s):

- Improve / Expand Core Services

Committee(s): N/A

Pro(s):

- The feasibility study will be managed by the FBRMPO.
- No funds from the City are required.
- Findings from the study will be beneficial to the City in planning for the design and future implementation of the Swannanoa Greenway.

Con(s):

- A limited amount of staff time will likely be required to attend occasional meetings and review materials related to the FBRMPO's study.

Fiscal Impact:

- This action requires no City resources and will have no immediate fiscal impact.
- Any future sections of the greenway corridor will be planned and funded through the City's Capital Improvement Plan process.

Motion:

- Adopt a resolution supporting a grant awarded to the French Broad River Metropolitan Planning Organization from the N.C. Department of Transportation to prepare a feasibility study for the Swannanoa River Greenway corridor.

RESOLUTION BOOK NO. 44 - PAGE 4

- F. RESOLUTION NO. 23-47 - RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE ALL DOCUMENTS NECESSARY TO ENTER INTO OPIOID SETTLEMENT AGREEMENTS WITH WALMART, WALGREENS, CVS, ALLERGAN, AND TEVA; AND TO EXECUTE THE SUPPLEMENTAL AGREEMENT TO THE ORIGINAL MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS RELATING TO ADDITIONAL SETTLEMENTS OF OPIOID LITIGATION**

Action Requested: Adoption of a resolution authorizing the execution of all documents necessary to enter into opioid settlement agreements with Walmart, Walgreens, CVS, Allergan, and Teva; and to execute the Supplemental Agreement to the Original Memorandum of Agreement between the State of North Carolina and Local Governments relating to additional settlements of Opioid Litigation.

Background:

- In June, 2021, the City Council, along with other municipalities and counties across the state approved a Memorandum of Agreement which permitted the City to share in the proceeds of the original national settlement with five companies over their role in fueling the opioid epidemic.
- The North Carolina Attorney General, in collaboration with other states, has now negotiated a second settlement with the following entities: CVS, Walgreens, Walmart, Allergan, and Teva.
- The second settlement will result in approximately \$21 billion in new settlement funds to be distributed to state and local governments.
- In order to share in the receipt of the funds, North Carolina local governments must join in the settlements.
- The total of funds to be distributed to state and local governments in North Carolina depends on the percentage of those entities which agree to join in the settlements, with a maximum total for the entire state being more than \$600 million.
- The City of Asheville's maximum share is \$1,215,879.92.
- These second wave of settlement funds are expected to begin flowing to local governments in the second half of 2023.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Allows the City to take part in, and share in the proceeds of, the second national opioid settlement to provide funding to combat the epidemic locally.

Con(s):

- None.

Fiscal Impact:

- If authorized, the City could receive over time up to \$1.2M in settlement proceeds to address the local impact of the opioid epidemic starting in Fiscal Year 2024.

Motion:

- Motion to authorize the City Attorney to execute all documents necessary to enter into opioid settlement agreements with Walmart, Walgreens, CVS, Allergan, and Teva; and to execute the Supplemental Agreement for Additional Funds; and to provide such documents to Rubris, the Implementation Administrator.

RESOLUTION BOOK NO. 44 - PAGE 5

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 Mosley moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda "B". This motion was seconded by Councilwoman Turner and carried unanimously.

ITEM REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

B. RESOLUTION NO. 23-43 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PARK FACILITY AND MANAGEMENT AND LICENSE AGREEMENT WITH CAROLINA DAY SCHOOL FOR THE SHARED USE AND MAINTENANCE OF THE SGRO ATHLETIC COMPLEX FOR EXPANDED PUBLIC RECREATION PROGRAMS

Action Requested: Adoption of the Park Facility and Management Agreement between Carolina Day School and the City Asheville for the use and maintenance of the Sgro athletic facility.

Background:

- Parks and Recreation athletic facilities are limited and in high demand by other user groups.
- Carolina Day School has an underutilized athletic complex.
- Carolina Day School is the owner and primary operator of the athletic complex with secondary access offered to Asheville Parks and Recreation (APR).
- The agreement gives APR access to 17.96 acres with two athletic fields, an outdoor shelter, a storage shed, a 8,900 square foot building with bathroom facilities, women's and men's locker rooms, a large community room, and parking.
- The initial term will be eight (8) years with the option of two (2) extensions of five (5) years each.
- Carolina Day School will be responsible for maintenance related to items such as turf, buildings, bathroom janitorial services, pest control, building systems, alarm and fire protection services, property infrastructure, fencing, and parking areas.
- The Parks and Recreation Department will be responsible for respecting the facility during program use, and assume expenses related to lighting and electricity.
- Opportunity to provide additional athletic recreation programming and expand accessibility to adjacent historically underserved neighborhoods in South Asheville.
- Reduces competition with other athletic groups for use of a limited supply of athletic recreation facilities.
- Carolina Day School will be the primary owner and operator of the athletic complex with secondary access to the Parks and Recreation Department.

Vendor Outreach Efforts:

- None

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- None

Pro(s):

- Establishes a new school partnership.
- Increases recreational athletic programs to more participants.
- Enhances recreation athletic program opportunities in South Asheville.
- The agreement will not impact existing user group access to City athletic facilities.

Con(s):

- None

Fiscal Impact:

- Per the agreement, the City will pay electricity and other costs estimated at \$9,500 annually. Funding for this agreement is available in the Parks and Recreation operating budget.

Motion:

- Motion to authorize the City Manager to enter into a Park Facility and Management Agreement with Carolina Day School for the use and maintenance of the Sgro athletic facility.

Councilwoman Roney said we spent \$2 Million for the property next door and now we are paying \$171,000 over the life of the 18-year lease. Without her understanding what the programming would look like, she could not support this lease.

Director of Parks & Recreation Director D. Tyrell McGirt explained the heavy demand of programs in Memorial Stadium and other sites, and being able to have an additional space in another part of town helps parks and recreation to provide more services.

Mr. McGirt also responded to Councilwoman Roney when she asked if we charge utilities when private schools use our public facilities.

Councilwoman Ullman moved for the adoption of the resolution authorizing the City Manager to enter into a Park Facility and Management Agreement with Carolina Day School for the use and maintenance of the Sgro athletic facility. This motion was seconded by Councilwoman Mosley and carried on a 5-1 vote, with Councilwoman Roney voting “no.”

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III. PRESENTATIONS & REPORTS:

A. MANAGER’S REPORT

American Rescue Plan Act (ARPA) Update

ARPA Project Manager Kim Marmon-Saxe provided the following key takeaways from this presentation: (1) A robust evaluation and scoring process based on council approved categories and criteria was used to select projects; (2) 24 external projects, 3 COA projects funded to-date for a total of \$24.9 Million (18 from May 22 Council Resolution); (3) 18 projects under contract, 6 still in process; and (4) Response to Kick offs and Performance Management structure has been positive and the City continues to work closely with the county.

She said that City Council Approved Funding Categories (Approved September 14, 2021): Affordable Housing; Care for Aging Residents; Homelessness Services; Small Business Recovery; Food Systems; City Infrastructure; Domestic Violence Prevention and Assistance; Community Communication; Climate Change; and Workforce Development. The Proposal Scoring Criteria Developed based on Council Approved Categories: Equity Community Impact - 40%; Project Plan and Evaluation - 40%; and Organization's Qualifications - 20%.

Ms. Marmon-Saxe then reviewed the ARPA timeline:

May 10, 2022	Council makes initial funding awards
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July 2022 - September 2022	Orientation meetings and finalize contracts with funding recipients
September 2022 - November 2022	Project kick-off meetings and performance management meeting with funding recipients
December 2022- March 2023	Getting projects through contracting and underway
February 2023 onward	Funds rolling out and projects starting/continuing

She then reviewed the ARPA implementation process overview: Divide sub-recipient/partners into groups to stagger onboarding; Each group went through orientation/draft contracts/requirements; Kick-off meeting - performance/reporting and compliance agreed and signed; Contract finalized and signed; Projects initiated; and Ongoing weekly/monthly support/partnership/reporting/compliance and learning.

She then reviewed the following ARPA contracting and disbursement process: Draft Contract sent to all recipients; Developed scope of work with recipients; Edited and amended draft contract, sent for review internally and externally; When draft contract agreed, kick off meeting scheduled; Upon completion of kick off meeting, performance metrics and agreed reporting process added to draft contract; Final internal and external review (including Treasury); Contracts ready to be sent to partners for signature; Before contracts sent to partners: (1) Documentation needed to complete contracting process: (a) Certificate of Insurance with Crime Liability; (b) Registered on the SAMs System (System for Awards Management); and (c) Registered as a vendor for City of Asheville; Final Contracts sent to partners; Reviewed and signed by partners; Fully executed then loaded onto Munis and Treasury Portal; Funding disbursed upon request; and Process took from end of September 22 - February 23.

She then reviewed a chart of the ARPA projects progress to date. Total funds \$26.3 Million; # of projects - 27; Total awarded - \$24,917,469; Percent awarded - 94.74%; Total Spent - \$6,974,931; and percentage of awards spent 28.0%. She then provided a detailed chart of project name; organization; award; funds spent; percent spent; category; and project status.

Regarding Dogwood funding, (1) The City Council's ARPA allocations awarded partial funding to the affordable housing projects submitted by Asheville Habitat for Humanity and ABCCM; (2) The City was awarded \$1.6 Million from Dogwood Health Trust to provide additional funding for both programs to leverage affordable housing; (3) Additional funding will be reported and managed using same the process as ARPA for continuity; and (4) Council passed a resolution for using these funds in February 2023. Both contracts are fully executed in addition to ARPA contracts.

In response to Councilwoman Smith, Ms. Marmon-Saxe said we are confident that all

awards will be made.

Councilwoman Roney said that contracting took 5 months between September-Feb. If there are additional funds that remain unallocated, what timeline are we up against to be able to pivot? To save time, is it possible to revisit high ranked applications like the application to pilot staffing and services addressing public safety issues at the transit center? Ms. Marmon-Saxe said that the timeline could be cut down to 2-3 months, noting we need to have expended the funds by December, 2026. If there are remaining funds, we will need to go through a process on how we will reallocate the funds.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER SUBMISSION TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT THE HOME-ARP ALLOCATION PLAN

RESOLUTION NO. 23-48 - RESOLUTION ACKNOWLEDGING THE PUBLIC HEARING AND SETTING THE FINAL DATE TO CONSIDER APPROVAL AND SUBMISSION OF THE HOME ARP ALLOCATION PLAN AS A SUBSTANTIAL AMENDMENT TO THE 2021-2022 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Community & Economic Development Director Nikki Reid said that this is a public hearing concerning the HOME-ARP Allocation Plan for submission of and amendment to the Fiscal Year (FY) 2021-2022 Annual Action Plan (AAP) to the U.S. Department of Housing and Urban Development (HUD) and set the final City Council vote for acceptance on March 28, 2023. This public hearing was advertised on March 3, 2023.

Background:

- The Asheville Regional Housing Consortium (ARHC) consists of contiguous units of local governments that come together to qualify for a direct allocation of HOME Investment Partnership Program (HOME) funds from the US Department of Housing & Urban Development (HUD).
- The Consortium consists of Buncombe County, Henderson County, Transylvania County, and Madison County and several member municipalities from those counties, including the City of Asheville. The City of Asheville serves as the participating jurisdiction (PJ) and administers the HOME program (also known as the lead entity).
- Annual HOME funds provide formula grants to states and localities to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing or providing direct rental assistance to low-income individuals and families.
- The City of Asheville received notification from HUD of a special allocation of HOME funds, known as the HOME Investment Partnerships American Rescue Plan Program (HOME-ARP), in the amount of \$4,699,862.
- This special allocation of HUD HOME-ARP funds is targeted specifically to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations.
- These grant funds are to be administered by the City of Asheville as the PJ through the HUD HOME program, with up to 15% of the allocation available for the planning and administration of the grant.
- HUD requirements provide a specific framework for the expenditure of these funds.
- The first major requirement is for the PJ to submit a HOME-ARP Allocation Plan by March 31, specifying how much funding will be dedicated to each eligible use.
- HUD requires that allocation plans be data driven and include public engagement and consultation with agencies and service providers that address the needs of the qualifying populations.

- The City engaged a consultant, Baker Tilly, to develop the allocation plan in compliance with HUD requirements.
- The draft HOME-ARP Allocation Plan represents the final results of the public survey, stakeholder and focus-group feedback sessions, and the needs assessment and gap analysis within the four county region.
- Based on that information, the plan indicates the amount of HOME-ARP funding to be allocated for each eligible activity type across the four counties of the ARHC that best addresses the needs of qualifying populations.

Recommendations from HOME-ARP Allocation Plan:

- HUD identified certain activities as eligible HOME-ARP uses in order to reduce homelessness and increase housing stability, specifically: the construction or preservation of affordable housing, tenant-based rental assistance (TBRA), supportive services (e.g. homeless prevention services, and housing counseling), and /or acquisition and development of non-congregate shelter.
- Consultations with service providers during the development of the HOME-ARP Allocation Plan revealed that while TBRA and other HOME-ARP eligible activities would be beneficial for the community, they would have limited impact due to the scarcity of available affordable housing units.
- Non-congregate shelter was a stated need, yet it was noted that the limited amount of funding may not cover the high costs of acquiring and renovating a non-congregate shelter.
- Further, operational costs are not eligible expenses for this funding, which represent significant ongoing costs without an identified funding source.
- The data collected from the Citizen Participation Survey indicates that the public is in support of constructing new affordable rental housing units.
- Additionally, there is a need for permanent supportive housing and the community shows strong support of increasing mental health services.
- The needs assessment and gap analysis, including Census and Point-in-Time data from the four county region, concluded that close to 23,650 households are at great risk of housing instability within the Asheville Metropolitan Area.
- Rapidly rising rental prices and limited availability of affordable housing stock is impacting persons with incomes at 30% and below median income as well as those with incomes at 50% of the median but who also meet one of the definitions of at-risk of homelessness.
- Overall, the analysis concluded that the most significant unmet housing need for homeless persons and those at risk of homelessness is access to affordable housing units and supportive services including case management, mental health, and substance abuse services to connect these individuals to housing.
- Therefore, HOME-ARP Allocation Plan focuses on new affordable rental housing units and funds additional supportive services to allow for a greater utilization of existing unused housing vouchers and TBRA funding.
- The plan also outlines that the City will issue a special notice of funding availability (NOFA) via the Request for Proposals (RFP) process to solicit proposals from qualified organizations capable of administering supportive services and from affordable housing developers to produce housing units which will be available for rent to the qualifying populations.
- The proposal evaluation process will include the requirement that all proposals must have a Letter of Support from the Continuum of Care (CoC) for the county or counties where the project will be located or where services will be provided.

	Funding Amount	Percent of Grant	Statutory Limit
Supportive Services	\$1,000,000.00	21%	-

Acquisition and Development of Non-Congregate Shelters	\$0.00	0%	-
Tenant-Based Rental Assistance (TBRA)	\$0.00	0%	-
Development of Affordable Rental Housing	\$3,100,000.00	66%	-
Non-Profit Operating	\$0.00	0%	5%
Non-Profit Capacity Building	\$0.00	0%	5%
Administrative and Planning	\$599,862.00	13%	15%
Total	\$ 4,699,862.00	100%	

- In terms of immediate next steps, the public comment period for the draft HOME-ARP Allocation Plan is March 06, 2023 - March 20, 2023.
- A public hearing at Asheville City Council will be held March 14, 2023, with final voting and acceptance of the HOME-ARP Allocation Plan on March 28, 2023.
- Once adopted, the plan will be added to the FY 21-22 Annual Action Plan as a substantial amendment by the March 31, 2023 deadline and will be subject to final HUD approval.
- Once HUD approval has been granted, the City will issue a special notice of funding availability (NOFA) via a Request for Proposals (RFP).
- This RFP will request applications from agencies and developers within the four county region.
- The funding availability will be based on the amounts indicated in the table above for the selected eligible activities, with letters of support required from CoCs for the county or counties where the project will be located or where services will be provided.
- Qualifying applications will be reviewed by the HOME Consortium for recommendations and ultimately brought forward to Asheville City Council for final approval.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- The Asheville Regional Housing Consortium reviewed this item at their meeting on March 6, 2023 and recommended approval.

Pro(s):

- One-time funding source available to assist people experiencing homelessness, to reduce homelessness and to increase housing stability across the Consortium Counties.

Con(s):

- None

Fiscal Impact:

- This special allocation is fully funded from HUD and authorized by the American Rescue Plan Act.
- Staff costs to administer the program are also fully paid from federal sources.
- Timeline of Funding - Per HUD instructions, a local allocation plan must be submitted as an amendment to the FY21-22 Annual Action Plan by March 31, 2023.
- All funds must be spent before September 30, 2030.
- Specific allocation of \$4,699,882 of HOME-ARP funds will be made in accordance with the proposed HOME-ARP Allocation Plan as outlined above.

Director of Community & Economic Development Nikki Reid introduced Eli Mathis, Manager at Baker Tilly, and Baron Bell, Partner with CDE.

Mr. Mathis provided an overview of the HOME-ARP. Key takeaways include (1) The Asheville Regional Housing Consortium allocation is \$4,699,862 in one-time HOME-ARP funding; (2) This special allocation of HUD HOME-ARP funds is targeted specifically to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations; (3) Allocation plans must be data driven and include public engagement and consultation with agencies and service providers that address the needs of the qualifying populations. Plans are due to HUD on March 31, 2023; and (4) Overall, the analysis concluded that the most significant unmet housing need for homeless persons and those at risk of homelessness is access to affordable housing units and supportive services including case management, mental health, and substance abuse services to connect these individuals to housing.

He then reviewed the eligible populations, along with the eligible activities.

Mr. Bell then outlined the HOME-ARP definitions. He reviewed the eligible activities of supportive services.

Mr. Mathis then reviewed the key components of the HOME-ARP Allocation Plan include consultation (stakeholder meetings and surveys); public participation (public surveys and public comment period); needs assessment and gap analysis; HOME-ARP activities; HOME-ARP production housing goals; preferences; and HOME-ARP refinancing guidelines. He reviewed the stakeholder focus group meetings, and the stakeholder survey results.

Mr. Bell and Mr. Mathis then reviewed the public participation feedback, the homeless needs inventory, and the HOME-ARP allocation recommendations.

Mr. Bell and Mr. Mathis responded to various questions/comments from Council.

Mayor Manheimer opened the public hearing at 6:13 p.m.

Sheryl Sirmans spoke to Council about her need for housing assistance.

Mayor Manheimer closed the public hearing at 6:17 p.m.

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

Councilwoman Turner moved to acknowledge that the requisite public hearing concerning the HOME-ARP Allocation Plan for submission of an amendment to the FY 2021-2022 Annual Action Plan (AAP) to the U.S. Department of Housing and Urban Development (HUD) has been held this day; and to set the final vote for approval of the plan by City Council on March 28, 2023. This motion was seconded by Councilwoman and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 23-49 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A FUNDING LETTER OF COMMITMENT ADDRESSED TO MAJOR LEAGUE BASEBALL REGARDING THE CITY'S INTENT TO BRING MCCORMICK FIELD INTO COMPLIANCE WITH NEW PLAYER DEVELOPMENT LEAGUE FACILITY STANDARDS

Department of Community & Regional Entertainment Facilities Director Chris Corl said that this is the consideration of a resolution authorizing the City Manager to sign a funding letter of commitment addressed to Major League Baseball regarding the City's intent to bring McCormick Field into compliance with new Player Development League facility standards.

Background:

- The City of Asheville has owned the property located at 30 Buchanan Place, known as McCormick Field, for 89 of the past 100 years with exception being 1984 - 2005 while the property was owned by Buncombe County government.
- The majority of these years, the stadium has housed a Major League Baseball (MLB) affiliated minor league team.
- The economic Impact of the Asheville Tourists baseball team is very positive for local business at \$9.8 Million annually to Buncombe County.
- Having the team downtown contributes to the continued revitalization of the South Slope district, making additional walkable options for pre and post game food and beverage customers for downtown businesses.
- In 2020, MLB issued new 'Facility Standards' requirements for their Professional Development League (PDL) team facilities, formerly known as the Minor League.
- These requirements must be met by April 1, 2023.
- McCormick Field does not meet these standards.
- In 2020, MLB issued license agreements with team owners of the 120 remaining PDL teams, Asheville's license is owned by DeWine Seeds - Silver Dollar Baseball LLC.
- If standards are not met, MLB reserves the right to revoke the affiliation license, effectively relocating the team to another market.
- The team and City staff have negotiated with MLB, allowing for the City to simply commit to funding upgrades to meet MLB facility standards by April 1, 2023.
- This will allow the affiliation license to remain with Asheville over the next two years while a renovation project is completed to upgrade the facility.
- In January 2010, the current owner of the team, DeWine Seeds - Silver Dollar Baseball LLC, was assigned the existing lease by the previous team owner.
- That lease has been extended four times by amendments and is now set to expire on December 31, 2023.
- DeWine Seeds - Silver Dollar Baseball LLC, has agreed to new lease terms associated with the commitment to bring McCormick Field into compliance with Major League Baseball standards.
- A new lease will void the current lease with a term commencing on the date of execution of the lease.
- Staff has communicated with the surrounding neighborhoods and feels that plans and operations can be set in place to alleviate concerns in regards to parking, noise and cleanliness surrounding baseball and non-baseball events at McCormick Field.

- The team has agreed to manage parking operations for all events held at McCormick Field, baseball and non-baseball, additionally the team is in conversations with City staff on the topic of managing parking operations at Memorial Stadium on behalf of the City.
- The team has agreed to revoke their request for additional fireworks nights and will continue to comply with the current Noise Ordinance which allows for 12 shows per year, plus celebrations of Federal Holidays, and amends the request to shoot fireworks on back to back nights to apply only on July 4th weekend, when July 4th falls on a Saturday. This would apply in 2026, 2037 & 2043.
- A separate resolution will be requested, approving the final lease terms and length in the summer of 2023.

Council Goal(s):

- Thriving Local Economy
- Well Planned & Livable City

Committee(s):

- None

Pro(s):

- DeWine Seeds-Silver Dollar Baseball, LLC is committed to keeping minor league baseball in Asheville for the next 22 or more.
- A new lease will commit the team to lease payments of \$450,000 per year or greater for twenty years.
- A new lease will commit the team to invest a minimum of \$75,000 per year for twenty years in capital improvements to the facility.
- The presence of the Tourists team has a positive economic impact on the local economy
- A renovated facility will be a multi-purpose facility hosting more events than Tourists baseball games.

Con(s):

- Under the currently proposed plan, which includes funding from partner organizations, a renovation to the facility and associated debt service payments will potentially cost the City up to \$1,000,000 per year for 20 years.
- Additional events at the facility will have additional impact on the surrounding neighborhoods.
- This project was not previously planned in the City's Capital Improvement Program.

Fiscal Impact:

- The current funding plan for this project would potentially require the City to commit up to \$1,000,000 per year for 20 years to the capital program.

Mr. Corl outlined the key takeaways from this presentation being (1) McCormick Field is an important regional asset, currently owned by the City that over the years has not been adequately invested in; (2) Facility has been leased out and principally used by a Minor League Baseball team, the Tourists; (3) This facility should and can be used for many other purposes to derive broader community benefit; (4) A funding plan will require assistance from the Team, County, TDA and possibly the State; and (5) To retain Major League Baseball (MLB) affiliation in Asheville, significant renovation is required in order to meet the impending deadline to submit a commitment letter to MLB - April 1, 2023 - Vote for approval of a commitment requested today.

He then gave a brief history of the asset - Opened in 1924; Last Renovated in 1992; 4,000 seats; 8.25 acres; and Replaced stadium on Choctaw Street. He said (1) in 2020 - MLB issues new facility standards and rubric scoring system will apply beginning in 2023; (2) 2022 -

COA & Team - Negotiate lease structure based on facility renovation to meet facility standards; and (3) 2/14/2023 - Council Worksession - deep dive - Reviewed options; and Recommended Direction.

He reviewed the chart below for the project.

Home Clubhouse, batting tunnels, weight room, commissary, female facilities	\$7,938,211
Clubhouse Conversion, Wall Padding, Playing Field, Bullpens, potable water	\$6,223,765
Scoreboard, Video Displays, Structure (Video display & scoreboard)	\$6,369,235
Video Surveillance systems	\$143,129
New Suites and expand press box to Player Development League standards	\$1,949,511
LED Sport Lighting, anti skid surfaces, batter's eye	\$1,169,840
Third baseline, fencing, picnic space rebuild & expansion, First baseline wall, access, picnic & netting	\$4,277,625
Concourse Expansion - bullpen access, entra plaza and gates	\$3,865,091
Deferred Maint upkeep - Civil/structural/general/Mechanical Plumbing Electrical	\$5,564,187
Estimated Total project cost	\$37,500,594

At the February 14 Work Session, there was a (1) request for community engagement; (2) request further information related to non-baseball event revenue potential; and (3) request to further explore financial model - Seek additional inputs to project; and Limit impact on current Capital Improvement Program (CIP).

He then briefed Council on the community engagement piece. The East End and Oakhurst community concerns wer (1) Parking/Traffic (including Memorial Stadium events) (a) Request for more/better traffic management; (b) Expand traffic management to North side of stadium; (c) Clear desire for the team to operate traffic plan; and (d) Enforcement support by the City of Asheville; (2) Noise (a) Request to not allow additional nights of fireworks; (b) Request to ensure fireworks are shot earlier than previously shot; (c) Other loud events (concerts) to abide by the Noise Ordinance; and (d) Request to keep the number of additional 'loud' events under 12-15; and (3) Communication/Notification (a) Create one location for programming calendar; (b) Enhance notification process for all programming.; and (c) Continue text notification process for fireworks, expand beyond text for residents who struggle with tech. Deal point adjustments were (1) Parking/Traffic (a) Club to manage all McCormick events, in talks for Memorial; and (b) Additional support from city for enforcement; (2) Noise/Fireworks (a) Revoke request for additional fireworks nights; (b) Amend request for back to back nights to apply only when July 4th falls on a Saturday (2026, 2037 & 2043); and (c) Pitch clock and earlier start times has improved firework timing, average 2022 shoot was 9:26 p.m.; and (3) Communication/Notification - Text/Email notification process from team.

He then reviewed the current and future facility usage using an historical attendee origin chart. He said over 75% of Tourist attendees live outside of the City of Asheville and nearly half live outside of Buncombe County. "Visitor" spending both inside and outside McCormick Field generates economic impacts for the City and County economies.

Mr. Corl then reviewed the funding plan. He outlined the estimated funding structure below:

Team	\$468,750/year, 20 years (average)
County	\$250,000/year, 20 years
TDA	\$1.95M Reallocated grant (Coxe Ave)
	\$1.4M/year, 15 years
City	\$875,000*/year, 20 years covers the 'gap'

**worst case scenario*

He then reviewed the potential City contribution chart seen below:

Scenario	City Annual Payment
No change from partners + facility fee	\$ 875,000
No change from partners + facility fee + \$2M Fund Balance +	\$ 715,000
No change from partners + \$2M Fund Balance + \$1M State grant	\$ 715,000
No change from partners + \$2M Fund Balance + \$2M State grant	\$ 636,000
No change from partners + \$2M Fund Balance + \$3M State grant	\$ 560,000
No change from partners + \$2M Fund Balance + \$4M State grant	\$ 485,000
No change from partners + \$2M Fund Balance + \$5M State grant	\$ 410,000
No change from partners + \$2M Fund Balance + \$5.4M State grant	\$ 380,000
*No indication as of today of State funding commitment towards Minor league Baseball Infrastructure Grant Program	

Regarding the impact of CIP Projects, (1) If utilizing Fund Balance - no effect on currently planned projects; (2) Increase CIP contribution incrementally over next 2-3 years (up to total debt burden for project, estimated at a maximum of \$875k annually); and (3) All currently planned/budgeted projects move forward as scheduled.

In response to Councilwoman Smith, Mr. Corl said the owner of the stadium would apply for the state grant.

In response to Councilwoman Roney, City Attorney Branham explained that there is always a certain amount of risk with any contract. However, City staff will work to mitigate that risk in this contract to the greatest possible degree. To do so, the city will include in the contract a guarantee provision which will serve as a sort of insurance policy in the case of default by the tenant.

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

Councilwoman Turner moved to approve a resolution authorizing the City Manager to sign a funding letter of commitment addressed to Major League Baseball regarding the City's intent to bring McCormick Field into compliance with new Player Development League facility standards. This motion was seconded by Councilwoman Ullman.

Mayor Manheimer spoke in support of the action and noted that one of the functions of the City is to provide opportunities to provide people a place to get together for fun.

Councilwoman Ullman explained her concerns and reasons why she ultimately would support this action. We do have infrastructure needs, but we will still make improvements to our infrastructure. We also have a long list of needs and so many challenges in our community, but we can't focus only on the problems. We need to invest to keep us Asheville. In addition, the Tourists are investing back into the team and into the community.

Councilwoman Turner said that of the over 1700 emails she has received, the majority talk about a family experience or a memory of going to a Tourists game. The games have impacted lives over and over. Also, over the 35 pages of public comment received via public input, only three people were opposed to the City funding improvements.

Councilwoman Roney said that Asheville has been pitched a narrative: it's either Tourists or no baseball at our public McCormick Field. There's more to the game, including how and when our public park facility is used and who benefits. She's a baseball fan with major league baseball players on 3 branches of my family tree. She's enjoyed Tourist games at McCormick Field with friends and neighbors of all ages! If we lose the Tourists, we've negotiated guarantees to ensure financial stability, and we can still program baseball activity on our McCormick Field. Considering urgent priorities in our community, she struggled to put this on the front burner. So, she took a behind the scenes tour of the facility, and read every single email, which inform the more than 50 questions she presented to staff including issues around Council's goals to address: Neighborhood Resiliency, Equity & Engagement especially of the historic East End Valley Street, and Economic Development as well as funding, logistics, and the history of baseball in Asheville and this facility - including the champion Asheville Blues of 1946-1947. She thanked everyone pitching ideas and calling for support of affordable, family-friendly spaces and events. She knows that we can't save minor league baseball, which honestly as an industry extracts labor of their players, and she knows that we can't save the Tourists, which is up to the management of the owners of the team. She can root for the home team and support a vastly-improved contract for the people of Asheville and maintenance of our facility, which is why she is calling for and ready to support a better contract at Asheville's McCormick Field!

Eight individuals spoke in support of the City's commitment to bring McCormick Field into compliance with the new Player Development League facilities, for several reasons, some being, but are not limited to: it is safe and affordable entertainment for our community; they bring economic benefits to our community; the ballpark is the center of the community; families bond;

the ballpark adds quality of life to our community; need to save and preserve the future of baseball in Asheville; wonderful legacy to leave our children; historical park; and renovations needed to be competitive in the industry.

Four individuals were opposed to spending this amount of money to bring McCormick Field into compliance with the new Player Development League facilities, for several reasons, some being but are not limited to: it does not align with our needs and priorities; need to spend funds on more affordable housing and transit; stadium funding generally is not a reliable source of economic benefit to cities; increase the financial participation by the owner of the Tourists; naming rights should be retained by the City; reject contractual requirements for future unspecified capital improvements; Tourism Development Authority should pay for this renovation and not the City; and should build a new stadium and leave this one for the surrounding community.

Councilwoman Turner noted that the Tourism Development Authority has put in as much as they can legally put forth under a financing mechanism.

Mayor Manheimer felt that there is good data about who visits McCormick Field and as we think about a relationship with the broader community and experience positive things, we continue to maintain a good relationship.

The motion made by Councilwoman Turner and seconded by Councilwoman Ullman to approve a resolution authorizing the City Manager to sign a funding letter of commitment addressed to Major League Baseball regarding the City's intent to bring McCormick Field into compliance with new Player Development League facility standards carried unanimously.

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B. BOARDS & COMMISSIONS

Regarding the Homeless Initiative Advisory Committee (HIAC), the following individuals applied for the vacancy: Elena Mansour, William Hansen, Cristy Streeter, Luke Rose, Jason Pickering, Sarah Frances Edgens, Michael Reardon, Jordan Mayhew and Kathleen Beane. It was the recommendation of the Board liaison, and the consensus of the Boards & Commissions Committee and City Council to postpone appointment in order for HIAC to work on a proposed transition plan (recommendation from the National Alliance to End Homelessness) which will include who's on the board and how they are appointed.

Councilwoman Roney also noted that the Boards & Commissions Committee voted unanimously to support a change in the appointment process from monthly appointments to appointments 4 to 5 times a year. In addition, Planning and Zoning Commission and Buncombe County Tourism Development Authority appointments will remain in August, due to the more robust application process for these boards. The new process will begin with advertising of summer cycle appointments this week for appointments in June; April appointments will take place as usual so as not to delay planned appointments without full and robust communication of the new process.

RESOLUTION NO. 23-50 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

Councilwoman Roney, member of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Asheville Area Riverfront Redevelopment Commission (AARRC).

The term of Tim Schaller (district business or district property owner seat) expired on January 1, 2023.

The following individuals applied for the vacancy: Daniel Ratner, Joseph Hackett and Anne Phillip.

The Chair and Vice-Chair of the AARRC recommended, and the Boards & Commissions Committee concurred, to appoint Joseph Hackett (district business or property owner seat).

Councilwoman Roney moved to appoint Joseph Hackett (district business or property owner seat) to serve as a member of the AARRC, to serve a three-year term, term to expire January 1, 2026, or until Joseph Hackett's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

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RESOLUTION NO. 23-51 - RESOLUTION APPOINTING A MEMBER TO THE AUDIT COMMITTEE

Councilwoman Roney, member of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Audit Committee.

Susan Darnell (CPA seat) has resigned from the Audit Committee, thus leaving an unexpired term until May 1, 2023. In addition, Amy Kemp (CPA seat) resigned, thus leaving an unexpired term until May 1, 2024.

The following individual applied for the vacancy: Debbie Evenchik

The Chair of the Audit Committee recommended, and the Boards & Commissions Committee concur, to appoint Debbie Evenchik; and to re-advertise for the other CPA seat.

Councilwoman Roney moved to appoint Debbie Evenchik as a member of the Audit Committee, to serve the unexpired term of Susan Darnell, term to expire May 1, 2023, and then a full three-year term, term to expire May 1, 2026, or until Debbie Evenchik's successor has been appointed. This motion was seconded by Councilwoman Ullman and carried unanimously.

RESOLUTION BOOK NO. 44 – PAGE 10

RESOLUTION NO. 23-52 - RESOLUTION APPOINTING MEMBERS TO THE DOWNTOWN COMMISSION

Councilwoman Roney, member of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Downtown Commission.

Kimberly Hunter has resigned from the Downtown Commission, thus leaving an unexpired term until December 31, 2023. In addition, Guillermo Rodriguez passed away, thus leaving an unexpired term until December 31, 2024.

The following individuals applied for the vacancy: Ben Gladstone, Tom Hunter, Billy Cooney, David Moritz, Nur Edwards, Eva-Michelle Spicer, Douglas Buchalter, Chad Roberson and Clarissa Hyatt-Zack.

The Chair of the Downtown Commission recommended appointing Nur Edwards and Eva-Michelle Spicer. Since the Boards & Commissions Committee could not reach a consensus on appointment, (their recommended appointments being Nur Edwards, Eva-Michelle Spicer or Billy Cooney), it was the consensus to bring it forward to the full Council.

Councilwoman Turner, member of the Downtown Commission, explained the Downtown Commission's recommendation of needing a representative from the storefront businesses. She was pleased that there were so many amazing applicants for these seats.

Council then each voted for two members: Nur Edwards received 6 votes; Eva-Michelle Spicer received 4 votes; David Moritz received 1 vote and Billy Cooney received 1 vote. Therefore, (1) Nur Edwards was appointed as a member of the Downtown Commission, to serve the unexpired term of Kimberly Hunter, term to expire December 31,, 2023, or until Nur Edward's successor has been appointed; and (2) Eva-Michelle Spicer was appointed as a member of the Downtown Commission, to serve the unexpired term of Guillermo Rodriguez, term to expire December 31, 2024, or until Eva-Michelle Spicer's successor has been appointed.

RESOLUTION BOOK NO. 44 – PAGE 11

RESOLUTION NO. 23-53- RESOLUTION APPOINTING A MEMBER TO THE MULTIMODAL TRANSPORTATION COMMISSION

Councilwoman Roney, member of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Multimodal Transportation Commission.

Maggie Ullman (representing the bike/ped interest) has resigned from the Multimodal Transportation Commission, thus leaving an unexpired term until July 1, 2024.

The following individuals applied for the vacancy: Lance Ball, Abigail Griffin, Tom Hunter, Elyse Marder, Shelley McKechnie, Marian Ladner, Joseph Barker, Scott Lewandowski; Jerad Crave, Brendan Connor, Jaik Smith, Prabhu Kannan and Jonathan Robinson.

The Multimodal Transportation Commission recommends the appointment of (in ranked order) Elyse Marder, Shelley McKechnie, Abigail Griffin, Lance Ball, or Tom Hunter. The Boards & Commissions Committee recommended the appointment of Elyse Marder.

Councilwoman Roney moved to appoint Elyse Marder as a member of the Multimodal Transportation Commission (bike/ped interest), to serve the unexpired term of Maggie Ullman, term to expire July 1, 2024, or until Elyse Marder's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 44 – PAGE 12

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council about various matters, some being, but are not limited to: need compassion for the homeless and remembering they are human beings too; request for red light cameras and other speed reducing tools on Hendersonville Road; and need to stop causing harm to the African American community.

Closed Session

At 7:53 p.m., Councilwoman Ullman 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). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, the handling the following matters: Matthew Rous v. City of Asheville and Brett L. Foust, Civil Action No.: 1:22-CV-00005. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Councilwoman Turner and carried unanimously.

At 8:19 p.m., Councilwoman Roney moved to come out of closed session. This motion was seconded by Councilwoman Smith and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:19 p.m.

CITY CLERK

MAYOR