

Thursday – September 7, 2023 - 11:00 a.m.

#### Agenda Briefing Worksession - For September 12, 2023 Council Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; 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

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:

- Thomas Wolfe Auditorium Worksession - September 26, 2023 at 3:00 pm
  - Sign up sheet for tours will be shared with Council members
- Comprehensive Facilities Study Worksession - October 10, 2023 at 3:30 pm
- Comprehensive Facilities Study Worksession Part II - Tentatively November 14, 2023
- CIP/Initial GO Bond - Tentatively December 12, 2023

At 12:30 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – September 12, 2023 - 3:30 p.m

#### Special Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney (remote and present, but not voting); Councilwoman Sheneika Smith; Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

#### Closed Session

At 3:30 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)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6). This motion was seconded by Vice-Mayor Kilgore and carried unanimously.

At 4:41 p.m., Councilwoman Turner moved to come out of closed session. This motion was seconded by Councilwoman Ullman and carried unanimously.

Tuesday – September 12, 2023 - 5:00 p.m

#### Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney (remote and present, but not voting); Councilwoman Sheneika Smith; Councilwoman Sage Turner; Councilwoman Maggie Ullman; 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.

Mayor Manheimer read the following statement: "The city council has completed its annual review of its appointees, the City Manager, the City Attorney, and the City Clerk. In addition, as the manager's contract is approaching its first renewal period, the council has worked together to set goals and priorities with the manager as we move into the two-year renewal period beginning December 2023. The council recognizes Manager Campbell's strong leadership and strategic focus during historically challenging times and celebrates accomplishments and has identified ongoing city challenges. The council looks forward to continuing our work with Manager Campbell and building upon our work to date and focusing on our ongoing efforts to address the needs of the community and the city."

## **I. PROCLAMATIONS:**

### **A. PROCLAMATION PROCLAIMING SEPTEMBER 12, 2023, AS "MANNA FOODBANK DAY"**

Councilwoman Turner read the proclamation proclaiming September 12, 2023, as "MANNA Foodbank Day " in the City of Asheville. She presented the proclamation to Dr. Claire Neak, MANNA's Chief Executive Officer, who briefed City Council on some activities taking place during the day.

## **II. CONSENT AGENDA:**

### **A. APPROVAL OF THE MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON AUGUST 17, 2023 AND THE FORMAL MEETING HELD ON AUGUST 22, 2023**

Grace Barron spoke in opposition to the ordinance amendment regarding solicitation.

### **B. RESOLUTION NO. 23-202 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH DAUPLER FOR AFTER-HOURS/EMERGENCY ANSWERING SERVICES**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a contract with Daupler for an initial three year term with the option for two one-year renewals, for after hours/emergency answering services.

#### **Background:**

- The Water Resources Department requires after hours, weekend, and holiday answering services.
- The service must also be able to interpret and dispatch incoming calls to the proper emergency responder (i.e. Meter Service or Maintenance Calls).
- On June 1, 2023, Water Resources posted RFP298-AnsweringSvcFY23.
- Water Resources received six responsive proposals.

- Staff scored the proposals using a city approved matrix and selected Daupler as the highest-rated proposal.
- The initial contract amount will be \$90,000 with a total not to exceed contract amount of \$150,000 for the five year term.

**Vendor Outreach Efforts:**

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- A HUB search was also conducted.
- One MWBE vendor responded but their proposal was non-responsive.
- The selected vendor will self-perform all services.

**Council Goal(s):**

- Improve/Expand Core Services

**Committee(s):**

- None

**Pro(s):**

- Adoption of this Resolution will provide continuous, 24/7 responsive services to the community.

**Con(s):**

- N/A

**Fiscal Impact:**

- Funding for the first year of this contract is available in the Water Resources Department operating budget.
- Future years will be planned for during the annual budget development process.

**Motion:**

- Motion authorizing the City Manager to contract with Daupler for an initial three year term with the option for two one-year renewals for after hours/emergency answering services.

**RESOLUTION BOOK NO. 44 - PAGE 240**

**C. RESOLUTION NO. 23-203 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH SCHNABEL ENGINEERING SOUTH FOR BEE TREET DAM ASSESSMENT SERVICES**

**Action Requested:** Adoption of a resolution authorizing the City Manager to sign a contract with Schnabel Engineering for \$603,603 (includes a 10% contingency of \$54,873) for Bee Tree Dam Assessment Services

**Background:**

- This project is part of the Water Resources Department's ongoing Capital Improvement Program and will assess the condition of one of the City's High Hazard dams.
- The objectives include assessing the seismic risk and potential impacts to the safety of the dam, identifying conditions at the site which merit future rehabilitation or repair, and the installation of monitoring equipment that will assist engineers and staff in the maintenance of the dam.

**Vendor Outreach Efforts:**

- Through a qualifications based selection process beginning in November of 2021 the City of Asheville selected Schnabel Engineering South to provide on-call professional services for Dam Inspections and Improvements Projects.
- The City of Asheville entered into a master agreement with Schnabel Engineering South on April 5, 2022 for on-call professional services for Earthen Dams and Related Asset projects valid for three years with the option to renew for two additional years.
- City of Asheville Water Resources Staff determined that utilizing the on-call professional services for Dam Inspections and Improvement Projects was the best method to deliver this project and Schabel Engineering South was specifically qualified to provide the required engineering services.
- If approved, the proposed engineering services described here within will be developed into a subcontract under the conditions of the master agreement.
- No other vendor outreach was performed.

**Council Goal(s):**

- Improve and Expand Core Services
- Neighborhood and Climate Resilience

**Committee(s):**

- None.

**Pro(s):**

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects.
- The project will help provide safe and reliable service to our consumers.
- Schnabel Engineering South has successfully provided engineering services for other water system improvement projects.
- Their experience with the department's earthen dams and expertise in dam construction and improvement projects will lead to a successful project with lesser negative impacts to customers and the City's water system.

**Con(s):**

- Failure to award an engineering services contract would prevent the Water Resources Department from completing the water system capital improvement project in a timely manner.

**Fiscal Impact:**

- Funding for this contract was previously budgeted and is available in the Water Resources Capital Projects Fund.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute a professional services contract with Schnabel Engineering to provide engineering design services for a water system improvement project known as the Bee Tree Dam Assessment \$603,603.

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**D. RESOLUTION NO. 23-204 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL AGREEMENT FOR THE AUTOMATIC AID SERVICE WITH REEM'S CREEK FIRE DEPARTMENT**

**Action Requested:** Adoption authorizing the City Manager to renew the automatic aid agreement between the City of Asheville and Reems Creek Fire Department.

**Background:**

- In August 2013, City Council approved a resolution authorizing a multi-year agreement with Reem's Creek Fire Department for automatic aid service.
- The City of Asheville has a need to strengthen its standard of response and cover in the Beaverdam Valley and the Reem's Creek Fire Department is the most appropriate organization to provide the service.
- The initial agreement costs were \$82,656 and as stipulated in the agreement, the costs are to be adjusted every year based on the consumer price index.
- After 10 years of positive consumer price index increases, the renewal for Fiscal Year (FY) 2023-24 services cost and are budgeted at \$110,081.83.
- The term of the renewal agreement will end June 30, 2024.

**Vendor Outreach Efforts:**

- No other vendors are able to provide this service.
- There are no Minority & Women-Owned Business Enterprise (MWBE) firms able to provide this service.

**Council Goal(s):**

- Connected and Engaged Community

**Committee(s):**

- None

**Pro(s):**

- Allows the standard of cover to be met greater than 90% of the time.

**Con(s):**

- Increasing cost to maintain existing level of service.

**Fiscal Impact:**

- Funding for this agreement is available in the Fire Department's operating budget.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to enter into a renewal agreement for automatic aid service between the City of Asheville and Reems Creek Fire Department.

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- E. RESOLUTION NO. 23-205 - RESOLUTION TO ACCEPT GRANT FUNDS FROM THE NORTH CAROLINA RECREATION AND PARK ASSOCIATION FOR A PARKS AND RECREATION DEPARTMENT DIVERSITY EQUITY AND INCLUSION INITIATIVE; AND TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT**

**ORDINANCE NO. 5035 - BUDGET AMENDMENT FROM THE NORTH CAROLINA RECREATION AND PARK ASSOCIATION**

**Action Requested:** Adoption of a resolution to accept grant funds from the North Carolina Recreation and Park Association (NCRPA) for a Parks and Recreation Department Diversity

Equity and Inclusion initiative; to authorize the City Manager to enter into a grant agreement; and to approve the associated budget amendment in the amount of \$3,000.

**Background:**

- NCRPA is committed to combating the corrosive effects of oppression in Parks and Recreation.
- In June, NCRPA announced the availability of five \$3,000 grants to NCRPA members across the state for DEI projects or training.
- Funds will be used to support the Parks and Recreation Department development of an equity core team, which supports the Fiscal Year 2023-24 Equity Action Plan goals.
- The development of a departmental equity core team will provide the foundational training needed to continue carrying out this equity work.
- Once developed, the department equity core team will be able to provide training to additional staff and increase the amount of staff engaged in this work.
- The department will engage with equity professionals to review and understand our policies and practices as they relate to racial equity in Parks & Recreation.
- The department will engage with Parks & Recreation professionals performing equity work.
- Funds must be used by December 31, 2023, unless otherwise requested to extend the deadline.

**Vendor Outreach Efforts:** N/A

**Council Goal(s):**

- Improve/Expand Core Services

**Committee(s):**

- None

**Pro(s):**

- Assist in the development of a departmental equity core team.
- Provide additional resources and learning opportunities for staff.

**Con(s):**

- None

**Fiscal Impact:**

- Matching funds are not required for this grant.

**Motion:**

- Motion to adopt a resolution to accept grant funds from the North Carolina Recreation and Park Association for a Parks and Recreation department DEI initiative; to authorize the City Manager to enter into a grant agreement; and approval of the associated budget amendment in the amount of \$3,000.

**RESOLUTION BOOK NO. 44 - PAGE 243  
ORDINANCE BOOK NO. 35 - PAGE 57**

**F. RESOLUTION NO. 23-206 - RESOLUTION OF INTENT TO PERMANENTLY  
CLOSE AN EXCESS RIGHT-OF-WAY ADJACENT TO 100 CRAVEN STREET  
AND SET A PUBLIC HEARING FOR OCTOBER 10, 2023**

**Action Requested:** Adoption of a resolution to set a public hearing for October 10, 2023, to permanently close an excess right-of-way adjacent to 100 Craven Street.

**Background:**

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- The statute requires City Council to consider whether the closure of the right of way has a negative impact to the public interest and whether the closure would impede access to parcels, utilities, and other public infrastructure.
- 9999 Hazel Mill Rd, LLC, Owner, petitioned for this closure to develop a five story multi-family dwelling with 23-30 units.
- The unopened right-of-way is a triangle-shaped area located along the west edge of Craven Street.
- The closure does not impede any future transportation connections nor does it conflict with any utility access.

**Council Goal(s):**

- A Well-Planned and Livable Community

**Committee(s):**

- Technical Review Committee, July 17, 2023, unanimously recommended approval.
- Multimodal Transportation Commission, August 23, 2023, unanimously recommended approval.

**Pro(s):**

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

**Con(s):**

- None.

**Fiscal Impact:**

- This action requires no City resources and has no fiscal impact.

**Motion:**

- Motion to adopt a resolution to set a public hearing for October 10, 2023, to permanently close an excess right-of-way adjacent to 100 Craven Street.

In response to Councilwoman Roney, Assistant Transportation Director Jessica Morriss said that she did not believe we have plans at this moment for sidewalks on the north side of Hazel Mill, but there are sidewalks across the street on both sides of Craven Street. She said the project will be a level 2 project which requires sidewalk on both frontages - Craven and Hazel Mill. She said that she will provide additional information regarding sidewalks in this area at the public hearing on October 10, 2023.

**RESOLUTION BOOK NO. 44 - PAGE 244**

**G. MONTHLY MUNICIPAL PROPERTY TAX REFUNDS OR RELEASES PER N.C. GEN. STAT. SEC. 105-381**

**Action Requested:** Adoption of City of Asheville property tax refunds and releases for the month of July 2023.

**Background:**

- Buncombe County currently bills and collects City property taxes.

- At the August 22, 2023, meeting, City Council approved an addendum to the existing tax collection agreement with Buncombe County to ensure that it fully conforms to the provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.
- As part of that compliance, the City Council must, on a monthly basis, approve all property tax releases and refunds that have been approved by the Buncombe County Board of Commissioners.
- City of Asheville refunds and releases for July 2023 are provided to City Council.

**Council Goal(s):**

- A Financially Resilient City

**Pro(s):**

- Ensures compliance with provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.

**Con(s):**

- None

**Fiscal Impact:**

- None.

**Motion:**

- Motion to adopt City of Asheville property tax refunds and releases for the month of July 2023.

- H. RESOLUTION NO. 23-207 - RESOLUTION AMENDING THE 2023 CITY COUNCIL MEETING SCHEDULE TO (1) ADD WORKSESSIONS ON SEPTEMBER 26, 2023, AT 3:00 P.M. IN THE COUNCIL CHAMBER, LOCATED ON THE 2ND FLOOR OF CITY HALL, TO DISCUSS THE THOMAS WOLFE AUDITORIUM; (2) ADD A WORKSESSION ON OCTOBER 10, 2023, AT 3:30 P.M. IN THE COUNCIL CHAMBER, LOCATED ON THE 2ND FLOOR OF CITY HALL, TO DISCUSS THE COMPREHENSIVE FACILITIES STUDY; AND (3) CANCEL THE NOVEMBER 28, 2023, CITY COUNCIL FORMAL MEETING**

**RESOLUTION BOOK NO. 44 - PAGE 246**

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Turner moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Ullman and carried unanimously on a 6-0 vote.

**III. PRESENTATIONS & REPORTS:**

**A. MANAGER'S REPORT**

**Pack Square Plaza Visioning Concept Plan**

Principal at Urban Planning Mitchell Silver said the key takeaways from his presentation are (1) The City and County investment in this planning process resulted in a Vision Plan that can successfully be used for all the purposes originally intended; (2) The community's input has been



refined into ten themes or values that can guide future decision making in this area; (3) There are ten community-supported design ideas or projects that can be used to further the community's short and long term vision for the area; and (4) The momentum behind the vision will be continued via a City/County partnership funded by the Mellon Foundation. The purpose of the plan is (1) Issues/ideas associated with repurposing of the former Vance monument area; (2) How equity and inclusion can be advanced at Pack Square Plaza, now and in the future; (3) Guidance on a future design/design process for capital improvements to Pack Square, including budgetary considerations; (4) Recommendations on a public private partnership to support future improvements to the area (including operations and management); and (5) Ideas to better connect both physically and mentally packed square to The Block . He reviewed the engagement summary and what they heard.

Mr. Silver then went through the following ten design ideas: (1) Improve or create new spaces in the plaza for civic engagement and expression, storytelling, oral history, public art and a central gathering space; (2) Move the crosswalk near Patton Avenue and Broadway Street to improve pedestrian access to Pack Square Plaza; (3) Remove the base of the Vance Monument, subject to a ruling by the North Carolina Supreme Court; (4) Redesign and activate the ground floor of the Biltmore Building which serves as the northern edge of the Plaza; (5) Reposition the elevated lawn on the eastern edge of the Plaza to create a meditation grove; (6) Close North Pack Square to vehicular traffic to increase the accessible space of the plaza for pedestrians; (7) Convert College Street from one-way to two-way traffic; (8) Redesign S. Market Street as an active cultural corridor to improve connections to The Block (9) Improve wayfinding to The Block from Biltmore Avenue; and (10) Reimagine the long-term use of the Municipal Building. Other considerations include (1) Assess elements in the Plaza to be relocated; (2) Perform inventory or audit of memorials, markers and storytelling; (3) Participate in the process to create a Municipal Service District; and (4) Promote inclusive and equitable programming.

Suggested phasing plan for cost estimating purposes for the Pack Square Plaza improvements are (1) Phase 1 - re-design Pack Square per vision and begin executing quick wins; (2) Phase 2 - establish cultural corridor; (3) Phase 3 - construction of Pack Square; and (4) Phase 4 - re-working the municipal building.

He said the October 1, 2023, Mellon Foundation Grant official start date is (1) Priority 1: City MOU with the Block Collaborative; (2) Priority 2: City RFQ Pack Square Plaza and The Block; (3) Priority 3: Sharing our Stories Program Development; and (4) Priority 4: Long Term Funding Partnership Development.

### **Asheville Fire Department Staff Ride**

City Manager Campbell said that the Asheville Fire Department in conjunction with the National Fallen Firefighters Foundation (NFFF) conducted staff rides at 445 Biltmore Avenue (1 Hospital Dr) to discuss the building fire which took the life of Captain Jeff Bowen on July 28, 2011. A staff ride is an immersive learning technique that consists of walking through the actual building and hearing first-hand accounts from AFD members who were there and operated that day. Staff rides give an understanding of the challenges that were faced on July 28, 2011, and how the AFD has improved from the incident. There were 2 days of staff rides, one held for any AFD member who could attend and the other held for outside departments and agencies.

She said that over 40 firefighters from across the country attended this event and included firefighters from New York, Boston, Chicago, Washington D.C., Dallas, Atlanta, Charlotte, and Miami. These staff rides are another unique and positive opportunity for the Asheville Fire Department, its members, and the city of Asheville to continue to honor the memory of Captain Jeff Bowen who died in the line of duty on July 28, 2011. The staff ride promotes continuous improvement for our fire department and for the fire service nationally.

Examples of support have been developing and implementing such things as increased minimum firefighter staffing, implementation of behavioral and physical health programs, and additional training opportunities. The City of Asheville would like to extend a special thank you to the National Fallen Firefighters Foundation for conducting this staff ride; and HCA - Mission for allowing the staff ride to be conducted at their facility.

### **Neighborhood Matching Grant Awardee Celebration**

Community & Engagement Manager Christina Israel said \$159,110 has been allocated since the program inception in 2021; 23 participating neighborhoods; more than 2,500 volunteer hours; and projects include community events, invasive species removal, park improvements, and capacity building.

### **GIS Migration to the Cloud**

Information Technology Director Holly Barham said that Asheville is one of the first municipalities to have our entire GIS infrastructure in the cloud. The vision is faster response times, more accurate data for decision making, and better customer service. A talented in-house team of women built out the cloud infrastructure and deployed the software (1) Saved \$100k in consulting fees; (2) We own it, can maintain it; and (3) Eliminated fragile infrastructure - we can focus on the real work. Community Impact includes (1) Better information for Community and Staff for decision making - Dashboards, Map Asheville, Simplicity; (2) Improved access to maps & data from anywhere and any device, whether it's Public Safety or water crew - can access data over the internet/cell, don't have to be in City Hall; (3) Better asset management; (4) Modern: more secure and scalable, creating opportunities for departments like water and fire to take advantage of better tools and more accurate data; (5) Resiliency especially in Emergency situations; and (6) Disaster Recovery-ready: can access data from anywhere, and it's faster.

## **IV. PUBLIC HEARINGS:**

### **A. PUBLIC HEARING TO CONDITIONALLY ZONE 1 OAK STREET FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS EXPANSION DISTRICT/CONDITIONAL ZONE**

Principal Planner Will Palmquist said that this is the consideration of an ordinance to conditionally zone 1 Oak Street from Central Business District to Central Business Expansion/Conditional Zone for the purpose of approving a conceptual master plan for the development of several multi-story buildings consisting of residential, hotel, retail and office uses. This public hearing was advertised on August 11 and 18, 2023. On August 22, 2023, this public hearing was continued to this date.

#### **Project Location and Contacts:**

- The project site totals 10.5 acres (PINs 9649-51-0876, 9649-51-5764, and 9649-51-7393)
- Owners: First Baptist Church of Asheville, YMCA of Asheville

#### **Summary of Petition:**

##### **Review Process**

- The project will be reviewed as a conceptual master plan and follow the typical conditional zoning process for projects located in the CBD, as prescribed in UDO Sec. 7-5-9.1.
- Specific design details, building heights, number of residential units, and square footage of other uses are not required for this phase of review, but are defined as an appropriate range of uses to allow for appropriate review by approving bodies.

- Following the adoption of the conditional zoning, which will define the general parameters of the development and its programming, the project will be reviewed in multiple phases through Final TRC Review.
- Each project phase would not need to return to City Council for a conditional zoning amendment as long as the plans meet the zoning parameters established in the prior conceptual master plan entitlement process.
- Each project phase would require review and approval by the Design Review Committee, as well as ministerial site plan review and approval by the Planning & Zoning Commission.

#### Project Site

- The project site consists of three properties totalling 10.5 acres.
- The site is bound by Charlotte St to the east, College St to the south, Oak/Woodfin St to the southwest, Central Ave to the west, and the I-240 east offramp to the north.
- The site currently consists of the following uses:
  - YMCA of Asheville on the northern parcel (30 Woodfin St)
  - First Baptist Church of Asheville on the middle parcel (5 Oak St)
  - State Employees Credit Union (SECU) building on the southern parcel (1 Oak St).
  - Large surface parking lots are located around and between these existing uses.
- The site is currently zoned Central Business District (CBD).
- Given the size of the project (over 100,000 s.f.) a conditional zoning to the Central Business District Expansion - Conditional Zone (CBD-EXP) district is required.
- The site is designated "Downtown" on the city's Future Land Use (FLU) Map. A change in the FLU designation will not be required.
- The project site is located outside of the Traditional Downtown Core.
- The southern parcel at 1 Oak St where SECU is located is within the Hotel Overlay District allowing small and large hotels.
- The subject property is located within both the Intermediate Height Zone and Tallest Height Zone. The Intermediate Height Zone covers the majority of the middle parcel at 5 Oak St where the First Baptist Church is located and allows for maximum building heights of 145'. The Tallest Height Zone covers the northern and southern parcels on either side of the First Baptist Church and allows for a maximum height of 265'.
- Oak/Woodfin St, Charlotte St, and College St are identified as Key Pedestrian Streets.
- The First Baptist Church is identified as an Existing Visual Landmark.

#### Overall Project Proposal

- New building construction includes a total of five new buildings totaling approximately 1,120,000 s.f. including approximately 400-650 residential units, 133,000-250,000 s.f. of office, 75,000 - 120,000 s.f. of commercial, 165-300 hotel lodging guestrooms, and 60,000-75,000 s.f. of YMCA space.
- Other site improvements include a seven-level parking garage with approximately 800 spaces and an eight-level parking garage with approximately 900 spaces, as well as new interior roadways, sidewalks, surface parking, and on-street parking.
- The proposed building heights and uses for each building is as follows:
  - Building 1: 6 stories tall with YMCA space, residential, and retail.
  - Building 2: 20 stories tall with hotel/lodging.
  - Building 3: 6 stories tall with office and commercial.
  - Building 4: 19 stories tall with residential and commercial.
  - Building 5: 6 stories tall with residential and commercial.

#### Site Layout and Design

- There are no density, structure size, impervious surface, lot size, or lot width requirements in the CBD.

- Minimum and maximum front yard setbacks in the CBD district are 0', with exceptions made for buildings that front on sidewalks and other urban streetscape amenities.
  - The project is seeking a technical modification for front yard setbacks.
- A stepback of a minimum 10' in depth is required at the street wall height along at least two-thirds of the length of the street-side façade. The requirement only applies along rights-of-way less than 75' wide, and therefore only Building 4 on Central Ave is required to provide this stepback.
  - The project is seeking a technical modification for no stepback for Building 4 along Central Ave.
- For buildings taller than 75', a side step-back that equals one-half of the width of the façade above 75' is required.
  - The project is seeking a technical modification for required step-backs for buildings taller than 75'.
- The maximum horizontal wall dimension in any direction is limited to 145' for additional floors above 75' in height.
  - The project is seeking a technical modification for maximum horizontal wall dimensions for floors above 75' in height, but not to exceed the following:
    - Building 1: 250'
    - Building 2: 260'
    - Building 3: 260'
    - Building 4: 300'
    - Building 5: 260'
- The building frontages along Oak/Woodfin St, which are designated as a Key Pedestrian Street, are required to cover 80% of the property's frontage.
  - The project is seeking a technical modification for the minimum 80% frontage coverage requirement.

#### Landscaping and Open Space

- Landscape requirements are minimal and limited to street trees, and street buffers.
- Tree Canopy Preservation requirements are required.
- The site is located in the "Downtown" Resource Management District and the project is classified as "Class A." Tree Canopy Preservation requirements vary based on the existing tree canopy preserved, and can be met through on-site preservation, new plantings, or payment of fee-in-lieu.

#### Access, Sidewalks and Parking

- Access to the site is provided by a series of curb cuts and internal roadways, including a roadway/driveway connection between Charlotte St and Woodfin St.
- Sidewalks exist with varying widths along all street frontages of the site. New sidewalks are proposed along all street frontages at widths wider than the required 10'-wide minimum.
- Off-street bike facilities ("cycletracks") are proposed at a minimum width of 5'-wide along Charlotte and College Streets.
- Off-street parking is not required in the CBD, except for lodging uses with a minimum of 1 space per 2 bedrooms, plus additional spaces as required for other uses within the hotel, and a maximum of 1 space per 1 bedroom, plus additional spaces as required for other uses within the hotel/motel.
  - The project is proposing a maximum of 2,000 parking spaces with the majority located in parking garages.
- Parking garages placed on a Key Pedestrian Street shall provide a full habitable story and use along the street-side facade with a minimum depth of 15 feet and an average minimum depth of 20 feet, or shall comply with the design and operation standards for openings and design organization requirements for new construction.

- Charlotte and College Streets are served by bus transit. There is a bus stop on College St near the corner of Oak St with a minimal bus shelter, as well as a bus stop on Charlotte St near the corner of the I-240 east off ramp with no shelter.
  - The project proposes to improve both of these transit stops into bus shelters, to be designed based on standard City specifications.

#### Project Conditions

- Affordable housing is proposed as part of the project:
  - A minimum of 20% of the residential units provided in Phase 1 will be designated affordable to those earning at or below 80% of Area Median Income (AMI) for a minimum of 20 years.
  - A minimum of 20% of the residential units provided in Phase 2 will be designated affordable to those earning at or below 80% Area Median Income (AMI) for a minimum of 20 years.
- The project proposes ground-floor commercial/retail uses in substantial conformance with that demonstrated on the site plan drawings, including a minimum of 50-75% (excluding vehicular access areas) on the public street-facing, ground-floor facade for each building. Vehicle access and service area are excluded from the total.
- The project will preserve trees identified for preservation on the master site plan drawings that are deemed healthy by the City arborist and shall protect trees during construction as per UDO Sec. 7-11-3(c)(2). If any designated trees are damaged or lost as a result of construction activities associated with the Project, the Project will replace them with the same or similar species in the same place, or other location within the Project area determined by the City arborist.
- The Project shall meet stormwater requirements found in Sec. 7-12-2(f). The maximum pre-development runoff coefficient value/curve number to be applied shall be calculated according to existing survey conditions at the time of Conditional Zoning adoption. The Project shall utilize green stormwater infrastructure devices including rain gardens, green roofs, bioswales, pervious surfaces, underground detention equipment, etc. to manage stormwater quality treatment for a minimum of 20% of the Project's requirements.
- A Traffic Impact Analysis (TIA) will be required through the NCDOT process. The Project shall implement any recommendations identified through the TIA review process. In addition, the TIA will include the following:
  - Analysis and mitigation of any access points to the Project that are shown to negatively impact adjacent intersections.
  - Consideration of freight and service delivery access to minimize impacts to adjacent roadways.
  - Consideration of a Transportation Demand Management (TDM) and parking management plan to discourage single-occupancy vehicle usage.
  - Evaluation of improvements to the pedestrian connectivity network, including the consideration of new crosswalks as necessary.

#### Technical Modifications

- The project is seeking technical modifications to development standards through the conditional zoning process including:
  - Front yard building setbacks greater than 0' to allow for an enhanced public realm and streetscape.
  - No building setback at the streetwall height along Central Ave where a 10' setback across two-thirds of the facade would otherwise be required.
  - Maximum horizontal wall dimensions in excess of the standard maximum linear distance of 145' for floors above 75' in height, but not to exceed the following:
    - Building 1: 250'
    - Building 2: 260'
    - Building 3: 260'

- Building 4: 300'
- Building 5: 260'
- No side setbacks for the facade above 75 feet, instead of the required side setback equal to one-half of the facade width.
- The Project will not have to comply with the minimum building coverage of 80% along the frontage line for the primary Key Pedestrian Street frontage of Oak/Woodfin St.
- No separate storefronts for the hotel building, where 50% of the street-facing facades would be required to be a separate, occupiable storefront with a separate entrance, and have a minimum depth of 15' and average minimum depth of 20'.
- No full habitable story and use along the street-side facade for the parking garage fronting on Charlotte St and associated with the hotel use, where this would otherwise be required at a minimum depth of 20'.

**Consistency with the Comprehensive Plan and Other Plans:**

Living Asheville Comprehensive Plan (2018)

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan, including:
  - **Encourage Responsible Growth** - by providing infill development in targeted growth areas.
  - **Increase and Diversify the Housing Supply** - by increasing the supply of housing, including affordable housing in proximity to schools, transit and parks.
  - **Increase Access to Safe Bicycling** - by expanding bicycle facilities and removing gaps in the city's bicycle network.
- The proposed development is compatible with the Future Land Use designation of "Downtown", which is proposed in part, that:
  - "Downtown continues to expand with new development and revitalization opportunities along the edges of the downtown core and via infill development."
  - "Downtown is also an important residential area and it benefits from having year-round full time residents. Opportunities for growing this sector of the downtown population through new development is important for the future including market rate and affordable residential housing."
  - "Downtown represents a version of Asheville's sustainable and resilient future as a place to live, work, relax and visit among a vibrant and engaging urban environment. With its rising popularity and recognition, management of its public spaces is paramount to ensure the downtown continues to be a desirable place for those that live in and visit Asheville."
  - Downtown is also the hub of the city transit system and in support of this, pedestrian and bicycle facilities should be a priority for getting into and around the downtown area. Toward this end, further enhancement of traditional and green infrastructure, such as sidewalks, stormwater, tree canopy, public spaces, broadband and multimodal connectivity should be prioritized and supported by sound urban design and placemaking principles."

**Compatibility Analysis:**

- The proposed mixed-use project is generally compatible with the surrounding land uses, including:
  - The existing Four Points hotel located to the west of the project site across Central Ave, which has received approval for a large addition and site improvement.
  - The surface parking, TD bank building, office building, and First Congregational Church located to the southwest of the project site across Oak/Woodfin St.

- The Hilton Garden Inn located to the south of the project site across College St.
- The office and institutional uses located to the east of the project site across Charlotte St.
- The East End Valley Street neighborhood to the southeast which is buffered from the project by topography and vegetation.

**Council Goal(s):**

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

**Committee(s):**

- Technical Review Committee (TRC) - March 6, 2023 - Approved with conditions.
- Design Review Committee (DRC) - Informal review on March 23, 2023.
- Multimodal Transportation Commission (MMTC) - Informal review on April 26, 2023.
- Downtown Commission (DTC) - Informal review on May 12, 2023.
- Design Review Committee (DRC) - May 18, 2023 - The project was formally reviewed by the DRC on May 18, 2023, where the project was approved with the following conditions:
  - 1) That the proposed architectural precedence include a broad range of architectural styles and contextual responses;
  - 2) That the proposed design exceed the UDO requirements for minimum sidewalk widths, where appropriate and as shown in the conceptual master plan documents;
  - 3) That the project prioritize greenwater stormwater infrastructure over conventional underground stormwater detention, at-grade and at rooftops;
  - 4) That the project protect as many trees as practical and that any future plantings exceed the size and number as required in the UDO;
  - 5) That the project considers the buildings' pedestrian scale, articulation and engagement along Central Ave, College St, and Charlotte St;
  - 6) That the applicant develop a relationship with the East End Valley neighborhood, and other neighborhoods as appropriate, to mitigate construction impacts and help building community capacity;
  - 7) In the event that the property line and existing intersection at Charlotte and College Streets is modified, that the project has the ability to better activate and engage with that corner of the site;
  - 8) That the project's request for a modification to the streetwall stepback be granted upon judicious use of building articulation and streetwall activation, on a per building basis; and,
  - 9) That the project utilize their property to enhance the public realm with elements such as wider sidewalks and bike lanes, as applicable with the conceptual master plan.
- Review by the Planning & Zoning Commission (PZC) - July 19, 2023 - Continued to the August 2, 2023 meeting.
- Review by the Planning & Zoning Commission (PZC) - August 2, 2023 - Approved (Vote 4:0) with the following condition: That the applicant work with staff to amend the Exhibit E - Project Condition #3 regarding the review criteria of future phases by the Design Review Committee, as necessary.

**Staff Recommendation:**

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

Mr. Palmquist reviewed the existing and proposed zoning, the aerial imagery and the future land use map. About the concept site plan, approx. 1.1M s.f.; Residential: 400 - 650 units; Community/Recreational: 60,000 - 75,000 s.f.; Office: 133,000 - 250,000 s.f.; Commercial: 75,000 - 120,000 s.f.; Hotel: 165 - 300 guestrooms; and Parking: Maximum 2,000 spaces. The following are the building specifications - Building 1: 6 stories tall with YMCA space, residential, and retail; Building 2: 20 stories tall with hotel/lodging; Building 3: 6 stories tall with office and commercial; Building 4: 19 stories tall with residential and commercial; and Building 5: 6 stories tall with residential and commercial. He described the Phase 1 and Phase 2 development phasing. The concept plan for Phase 1 is Residential: 100 - 200 units; Commercial: 6,000 - 14,000 s.f.; Hotel: 165 - 300 guestrooms; and Community/Recreational: 60,000 - 75,000 s.f. The concept plan for

Phase 2 is: Phase 2 Residential: 300 - 450 units; Office: 125,000 - 225,000 s.f.; and Commercial: 30,000 - 90,000 s.f. Regarding the review process, (1) The project will be reviewed as a conceptual master plan and follow the typical conditional zoning process for projects located in the CBD, as prescribed in UDO Sec. 7-5-9.1; (2) Specific design details, building heights, number of residential units, and square footage of other uses are not required for this phase of review, but are defined as an appropriate range of uses to allow for appropriate review by approving bodies; (3) Following the adoption of the conditional zoning, which will define the general parameters of the development and its programming, the project will be reviewed in multiple phases through Final TRC Review; (4) Each project phase would not need to return to City Council for a conditional zoning amendment as long as the plans meet the zoning parameters established in the prior conceptual master plan entitlement process; (5) Each project phase would require review and approval by the Design Review Committee, as well as ministerial site plan review and approval by the Planning & Zoning Commission; and (6) DRC review, as proposed, would be limited to design and appearance and would not: "not reduce the height, square footage, or mass of any structure, or materially affect any requirements, specifications, building setback, setbacks, density or siting within the overall context established by the conditional zoning ordinance, without the consent of the developer." Regarding transportation, (1) Sidewalks exist with varying widths along all street frontages of the site. New sidewalks are proposed along all street frontages at widths wider than the required 10'-wide minimum: Charlotte St: 11'-wide sidewalk with tree grates; College St: 14'-wide sidewalk with tree grates, 8'-wide bus stop; Oak/Woodfin St: 15'-wide sidewalk with 7'-wide planting strip; and Central Ave: 20'-wide sidewalk with tree grates; (2) Sidewalks internal to the Project and not within the public right of way shall be a minimum of 10' in width; (3) Off-street bike facilities ("cycletracks") are proposed at a minimum width of 5'-wide (6'-wide typical) along Charlotte and College Streets; and (4) Charlotte and College Streets are served by bus transit. There is a bus stop on College St near the corner of Oak St with a minimal bus shelter, as well as a bus stop on Charlotte St near the corner of the I-240 east off ramp with no shelter - The project proposes to improve both of these transit stops into bus shelters, to be designed based on standard City specifications. He then explained the project conditions as follows: (1) A minimum of 20% of residential units in both Phase 1 and Phase 2 to be designated affordable to those earning at or below 80% AMI - For Phase 2, 20% of these affordable units will accept HACA Housing Choice vouchers if it does not include Low Income Housing Tax Credit (LIHTC) units; (2) The project proposes ground-floor commercial/retail uses in substantial conformance with that demonstrated on the site plan drawings, including a minimum of 50-75% (excluding vehicular access areas) on the public street-facing, ground-floor facade for each building; (3) The project will preserve trees identified for preservation on the master site plan drawings that are deemed healthy by the City arborist and shall protect trees during construction as per UDO Sec. 7-11-3(c)(2). If any designated trees are damaged or lost as a result of construction activities associated with the Project, the Project will replace them with the same or similar species in the same place, or other location within the Project area determined by the City arborist; and (4) The Project shall meet stormwater requirements found in Sec. 7-12-2(f). The maximum pre-development runoff coefficient value/curve number to be applied shall be calculated according to existing survey conditions at the time of Conditional Zoning adoption. Project shall utilize green stormwater infrastructure devices including rain gardens, green roofs, bioswales, pervious surfaces, underground detention equipment, etc. to manage stormwater quality treatment for a minimum of 20% of the Project's requirements. Technical modifications for the Central Business District Form Code are: (1) Front yard building setbacks greater than 0' to allow for an enhanced public realm and streetscape; (2) No building setback at the streetwall height along Central Ave where a 10' setback across two-thirds of the facade would otherwise be required; (3) Maximum horizontal wall dimensions in excess of the standard maximum linear distance of 145' for floors above 75' in height, but not to exceed the following: Building 1: 250'; Building 2: 240'; Building 3: 260'; Building 4: 280'; and Building 5: 240'; (4) No side setbacks for the facade above 75 feet, instead of the required side setback equal to one-half of the facade width; and (5) The Project will not have to comply with the minimum building coverage of 80% along the frontage line for the primary Key Pedestrian Street frontage of Oak/Woodfin St.



Technical modifications for the hotel overlay are: (1) No separate storefronts for the hotel building, where 50% of the street-facing facades would be required to be a separate, occupiable storefront with a separate entrance, and have a minimum depth of 15' and average minimum depth of 20'; and (2) No full habitable story and use along the street-side facade for the parking garage fronting on Charlotte St and associated with the hotel use, where this would otherwise be required at a minimum depth of 20'. He then explained how the project was consistent with the Living Asheville Comprehensive Plan; and how the project proceeded through the review process of the Technical Review Committee, Design Review Committee, Multimodal Transportation Committee, Downtown Commission, Design Review Committee again, and the Planning & Zoning Commission, which were approved with conditions. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning.

Steve Navarro, President and CEO of The Furman Co.; Robert Poppleton, Vice President at The Furman Co.; Rev. Mack Dennis of First Baptist Church of Asheville, and Paul Vest, President & CEO of the YMCA of Western North Carolina all spoke about the vision of First Baptist Church and the YMCA, describing their need for expanded programs for our community.

There was considerable discussion amongst City Council, Mr. Palmquist and Mr. Navarro and Mr. Poppleton. Discussion consisted of whether the bottom floor of the hotel will be activated; will Phase 1 accept vouchers; justification for the 2,000 parking spaces and how was that number determined; concern over the height of the 20 story hotel and 19 story residential and commercial building with a suggested 15-story maximum on those buildings; prohibition of short-term rentals unless prohibited by state law; internal bike lane; given the nature of a phased development proposal, the developer shall maintain an ongoing dialogue in collaboration with the surrounding community throughout the development process consistent with the process and agreements made to date with the East End neighborhood; agreement to no gated communities; if the developer was unable to complete all phases and/or residential, would the developer revert back to some type of community benefits table; and ped/bike pathway internal to the project; will public parking be available in the parking deck.

Councilwoman Roney said that “Our Council rules do not allow me to vote while attending remotely, but I want to share my position for transparency and accountability then pose a question. Through this process, I was contacted by a representative of the development team that asked me to consider this for a unanimous vote. When voting, I have two choices, yes or no. This binary does not reflect the complex reality of issues our community faces or the path to healing and repair we desire from the history of harmful, racist zoning practices. There is a tale of two Ashevilles, one where outside investors, and owning class neighbors benefit from our extractive tourism industry, and another where working, poor, renters and households vulnerable to gentrification are displaced by unchecked tourism while our ecosystem and infrastructure are burdened. Regarding Project Aspire, I agree with this sentiment at our agenda briefing on Thursday that we’re not yet ready to make the decision on Conditional Zoning to ensure success of this transformational project. More time is needed to address land use impact concerns identified by the adjacent East End/Valley Street neighborhood. When the hotel overlay map passed in 2021, I did not vote to approve it because of concerns including land use that surrounds some of our historic Black neighborhoods of East End/Valley Street and Southside at every entrance with lodging/hotel use—we would not do that to other neighborhoods in the City. Another issue is that this project does not have to comply with the benefits table because it is too large. I’m grateful to hear community input tonight and remain hopeful that the development team that includes First Baptist Church and the YMCA can meet at this moment to respond to concerns and find solutions. I appreciate the health and childcare facilities, and appreciate commitment to address my concern that this won’t be a gated community. As proposed and as a precedent moving forward, I would *not* vote to approve the hotel use, and my question is: is the development team willing to pause and come back once neighborhood concerns are addressed?”

Councilwoman Roney, Councilwoman Turner and Councilwoman Ullman requested additional time to review the project, along with a firm list of project conditions agreed upon by both parties. Mr. Navarro said that they do want Council's support for this project, and if more time is needed, they would be willing to delay for two weeks.

When Councilwoman Roney suggested public comment be allowed by those present at the meeting because the public might raise some concerns that are not apparent, Mayor Manheimer said that if the public hearing is continued, public comment should be taken at that time.

Councilwoman Turner moved to continue the public hearing on the conditional zoning for 1 Oak Street until September 26, 2023. This motion was seconded by Councilwoman Smith and carried unanimously on a 6-0 vote.

**B. PUBLIC HEARING TO CONSIDER A CONDITIONAL ZONING 4 GRANDVIEW PLACE, 2 GRANDVIEW PLACE AND 1177 TUNNEL ROAD FROM RS-8 RESIDENTIAL SINGLE FAMILY HIGH DENSITY DISTRICT AND COMMERCIAL BUSINESS I DISTRICT TO COMMERCIAL BUSINESS I/CONDITIONAL ZONE**

At the request of the applicant, Councilwoman Turner moved to continue this public hearing until September 26, 2023. This motion was seconded by Vice-Mayor Kilgore and carried unanimously.

**V. UNFINISHED BUSINESS:**

**A. ORDINANCE NO. 5033 - SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTIONS 11-4 AND 11-15 OF THE CODE OF ORDINANCES RELATING TO SOLICITATION, IN ORDER TO REMAIN COMPLIANT WITH EXISTING FEDERAL AND STATE LAW; TO REMOVE AMBIGUITIES; AND INCLUDE MORE DETAILED DESCRIPTIONS OF PROHIBITIONS**

Mayor Manheimer said that public comment was taken on the first reading of this ordinance on August 22, 2023, so there will be no additional comment taken.

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

Councilwoman Ullman moved to adopt the proposed amendments to the City's public solicitation ordinances, specifically Sections 11-5 and 11-14, in accordance with the changes represented in the August 22, 2023, staff report. This motion was seconded by Vice-Mayor Kilgore and carried unanimously on a 6-0 vote.

**ORDINANCE BOOK NO. 35 – PAGE 50**

**VI. NEW BUSINESS:**

**A. RESOLUTION NO. 23-208 - RESOLUTION AUTHORIZING THE CITY MANAGER TO (1) UTILIZE CITY OF ASHEVILLE AMERICAN RESCUE PLAN ACT (ARPA) FUNDING FOR SHORT TERM SHELTERS; (2) ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO ADMINISTER THEIR PREVIOUSLY APPROVED \$875,000 IN ARPA FUNDING FOR THE PROJECT; AND (3) ENTER INTO SERVICE AGREEMENTS WITH THE**

**SALVATION ARMY, SAFE SHELTER, AND HAYWOOD STREET  
CONGREGATION TO PRESERVE 45 EXISTING AND CREATE 43 NEW  
HIGH-ACCESS SHELTER BEDS**

**ORDINANCE NO. 5036 - BUDGET AMENDMENT REGARDING SHORT TERM  
SHELTERS**

Homeless Strategy Division Manager Emily Ball said that this is consideration of adoption of a resolution authorizing the City Manager to utilize City of Asheville American Rescue Plan Act (ARPA) funding for short term shelters; enter into an interlocal agreement with Buncombe County to administer their ARPA funding for the project; enter into service agreements with Salvation Army, Safe Shelter, and Haywood Street Congregation to preserve 45 existing and create 43 new high-access shelter beds; and approve the associated budget amendment.

**Background:**

- In January 2023, the National Alliance to End Homelessness (NAEH) recommended adding 95 high-access beds to the community's shelter inventory to respond to the increase in unsheltered homelessness.
- The Homeless Initiative Advisory Committee (HIAC) initiated a Shelter Work Group to develop a strategy to produce the additional recommended shelter beds. Through a competitive bidding process that included specific outreach to existing shelters, the Shelter Work Group identified three service providers who are collectively prepared to add 43 new shelter beds in alignment with NAEH recommendations: Salvation Army (20), Safe Shelter (20), and Haywood Street Congregation (3).
- The Shelter Work Group also identified a need to preserve 45 beds at risk of closure at the Salvation Army due to the end of federal CARES Act funding.
- HIAC has submitted a request to the City of Asheville and Buncombe County to a) make available a collective \$1,750,000 to fund these 43 new beds and 45 continuing beds for a period of 15 months, and b) participate in a taskforce to plan a new high-access shelter.
- At their September 5, 2023 meeting, Buncombe County Commissioners authorized \$875,000 in ARPA funding for the 43 new beds and 45 continuing beds and authorized an interlocal agreement to provide those funds to the City to administer through contracts with shelter providers.
- As part of the American Rescue Plan Act that was signed into law in March 2021, the City of Asheville was allocated \$26,293,853 million designated as Coronavirus State and Local Fiscal Recovery Funds.
- The City currently has an unallocated ARPA balance of \$1,376,384. In alignment with the continued commitment to implement NAEH recommendations, staff is recommending that the City Council match the County's contribution and authorize up to \$875,000 of its remaining ARPA funding for the 43 new high-access shelter beds and 45 continuing beds.
- For administrative efficiency and to streamline the contracting process, staff also recommend approval of an interlocal agreement with Buncombe County for the City to serve as the primary contract administrator with shelter providers and manage reporting requirements for the City's and County's short-term shelter ARPA contributions, totaling \$1,750,000 (\$875,000 from each organization).

**Council Goal(s):**

- Quality Affordable Housing
- Connected and Engaged Community

**Committee(s):**

- This funding request was initiated by the Homeless Initiative Advisory Committee (HIAC) as part of their implementation of the recommendation from the National Alliance to End

Homelessness to add 95 shelter beds in the Continuum of Care. HIAC's Shelter Work Group identified these three shelter providers through their competitive bidding process focused on shelter expansion within the community's existing provider network.

- On July 27, 2023, HIAC unanimously approved the Shelter Work Group's recommendations to a) approve these 3 providers and 43 new beds and 45 continuing beds, b) seek funding for this initiative from the City and County, and c) begin a planning process focused on building a new shelter site to secure additional beds long term.

**Pro(s):**

- Provides immediate capacity expansion to meet a critical shelter need.
- ARPA local government funding is a unique opportunity to make significant investments in addressing disparate impacts of the COVID-19 pandemic and to build future resilience of our communities in an equitable way.
- At every stage of this process, the City of Asheville has focused on ensuring successful outcomes, from initial selection of categories to ongoing performance management and partnership.
- The use of ARPA funds for short-term shelter funding is aligned with one of the primary focuses of ARPA funds.
- Allows the City to focus on partnerships in the community, along with capacity building, support and networking to build a more collaborative approach to addressing unsheltered homelessness.

**Con(s):**

- A funding source has not been identified to sustain operations past the initial 15-month period.

**Fiscal Impact:**

- The City's \$875,000 contribution to this project would be funded using unprogrammed ARPA funding. If approved, \$501,384 of the City's \$26,293,853 million ARPA allocation would remain available for other uses.

Ms. Ball said the key takeaways from her presentation are (1) Unsheltered homelessness has increased significantly during the pandemic. Based on a comprehensive needs assessment, the National Alliance to End Homelessness recommended adding 95 shelter beds to meet the need; (2) Our community's planning body, the Homeless Initiative Advisory Committee (HIAC), has identified 3 shelter providers who can collectively add a total of 43 new beds; (3) HIAC has asked the City and County for a combined \$1,750,000 to fund this initiative; (4) Buncombe County has authorized \$875,000 to fund this effort; (5) Beds would be available this fall, and would complement upcoming permanent supportive housing developments and Code Purple to meaningfully expand community capacity to respond to unsheltered homelessness; and (6) Staff are recommending that \$875,000 in City ARPA funds be allocated to match Buncombe County funding for this initiative.

She said the short-term emergency shelter expansion is (1) Unsheltered homelessness has increased significantly during the pandemic; (2) In January 2023, the National Alliance to End Homelessness recommended adding 95 high-access beds to the community's shelter inventory to respond to the increase in unsheltered homelessness.; (3) The Homeless Initiative Advisory Committee (HIAC) initiated a Shelter Work Group to develop a strategy to produce the recommended beds. Through a Request for Partnership, the work group identified 3 shelter providers able to add capacity - Haywood Street Respite: 3 beds; Safe Shelter: 20 beds; and Salvation Army: 20 beds; (4) The Shelter Work Group also identified a need to preserve 45 beds at risk of closure at the Salvation Army due to the end of federal CARES Act funding; (5) HIAC submitted a request to the City of Asheville and Buncombe County to: (a) Provide \$1,750,000 in funding to add 43 beds and preserve 45 beds; and (b) Participate in a taskforce to plan a new,

permanent high-access shelter; (6) At their September 5, 2023 meeting, Buncombe County Commissioners authorized (a) \$875,000 in ARPA funding for these beds; and (b) An interlocal agreement to provide those funds to the City to administer through contracts with shelter providers; (7) The City of Asheville received \$26,293,853 in ARPA funding and has an unallocated balance of \$1,376,384; and (8) In alignment with continued commitment to implement NAEH recommendations, staff is recommending that City Council match the County's contribution and authorize: (a) Up to \$875,000 in remaining ARPA funding to add 43 beds and preserve 45 beds; and (b) An interlocal agreement to receive and administer the County's matching funds for this initiative.

In response to Councilwoman Roney, City Attorney Branham said that the funding source for this contract is proposed to come from the ARPA funds. Because of that it falls under the contractual provision requirements as established by the federal government, which includes a specific provision regulating and prohibiting discriminatory activities as part of the contract. So there will be a non-discrimination provision included in this and every other ARPA contract. In addition, the City will also cite the City's non-discrimination ordinance as a binding effect on this contract as well. Ms. Ball also noted that all three entities are aware of that provision and feel confident they can comply.

Nina Tovish spoke in support of these actions and wondered if the City might pilot a program to see what happens if you just give cash to people and let them find their own housing.

Michael Reardon, Associate Rector at Grace Episcopal Church, expressed his gratitude for the City to provide these funds for this needed purpose.

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

#### **RESOLUTION BOOK NO. 44 – PAGE 247**

Councilwoman Ullman moved to authorize the City Manager to utilize City of Asheville ARPA funding for short term shelters; enter into an interlocal agreement with Buncombe County to administer their previously approved \$875,000 in ARPA funding for the project; enter into service agreements with Salvation Army, Safe Shelter, and Haywood Street Congregation to preserve 45 existing and create 43 new high-access shelter beds. This motion was seconded by Councilwoman Smith and carried unanimously on a 6-0 vote

Councilwoman Ullman moved to approve the budget amendment for the short term shelters. This motion was seconded by Councilwoman Smith and carried unanimously on a 6-0 vote.

#### **ORDINANCE BOOK NO. 35 – PAGE 58**

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

Several individuals spoke to City Council about various matters, some being, but are not limited to: request for Council to adopt a resolution to support Medicare for All; observance of the International Day of Peace on September 21, 2023, and the International Day of Nonviolence on September 23, 2023; campaign to lobby the Tourism Development Authority (TDA) for funds to be used for affordable housing and to appoint a service worker to the TDA Committee who will be awarding the funds; need to broaden the community conversation regarding panhandling and engage those who are actually soliciting or panhandling; need to cut bushes in front of the Woodfin Apartments; support for Pack Square Plaza Vision Plan to have no car access; don't

harm the Black community by action or non-action; and support for renewing City Manager Campbell's contract.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 8:41 p.m.

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CITY CLERK

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MAYOR