

Thursday – September 21, 2023 - 11:00 a.m.

Agenda Briefing Worksession - For September 26, 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.

At 12:18 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – September 26, 2023 - 3:00 p.m.

Thomas Wolfe Auditorium Worksession

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

Absent: Councilwoman Sheneika Smith

Director of Community & Regional Entertainment Facilities Chris Corl provided the following key takeaways from his presentation (1) the Thomas Wolfe Auditorium (TWA) has significant facility needs; (2) short term full capacity repairs suggested; (3) long term renovation suggested focused on patron/performer experience; and (4) will return with more in depth information after stakeholder input, understanding debt capacities, and funding feasibility.

Mr. Corl then gave a brief history of the TWA, starting with the City auditorium in 1902, to the municipal auditorium in 1904, to the Asheville Auditorium in 1939, and now the TWA in 1975-present.

He then gave statistics of the TWA today, with 41.1% being concerts, 21.7% being sports events, 24.8% being the Asheville Symphony, and 12.4% being other meetings, conferences and non-entertainment events. The economic impact is \$29.5 Million, the guests and attendees being 97,500 thousand, and usage days of 129 (35.3% of the year).

He then provided Council with the past challenges and investments, along with current challenges and timeline. The costs to repair for a (1) quick fix - estimated cost is \$188,000 for unit parts, repair, ductwork, scaffolding, labor, etc.; (2) full capacity HVAC repair - estimated cost is \$1.2 Million for fall arrest and catwalk installation; air handler, electrical, plumbing repairs, and contingencies.

He said the renovation options have been very well studied and evaluated; and he gave recent examples of different venues, their construction costs, when they opened/reopened, and their capacity. He said that facilities such as these are funded in a wide variety of methods, typically a combination of the following: property/income tax, state funding, occupancy tax, philanthropic donations, corporate sponsorships, prepared food tax, General Obligation bonds, TIF, revenue bonds or tuition fees (University venues).

Mr. Corl then reviewed different renovation and expansions options, along with their estimated cost and pros and cons of each. Those options are Broadway/major renovations & expansion; Patron-Driven/significant renovations; Improved Raked Floor Arrangement; Multi-Purpose Flat Floor Arrangement; Infrastructure & Code Update; and Do Nothing.

Staff suggests further investigation of the “Patron-Driven and Signification Renovations” project. And, approval to approach the Tourism Development Authority LIFT fund process to match repairs for funding toward design. The “Patron-Driven/Significant Renovations” would have an estimated 2028 project cost of \$130-150 Million (includes design costs of \$30,000 Million); and an estimated construction debt service of \$8.7 Million a year/20 years.

Next steps of further investigation include stakeholder partnerships, public input, economic business plan, and financing capabilities and feasibility. For immediate next steps, staff suggests moving forward with the “full capacity” repair process. They will approach the City Council in October and request \$1.4 Million from the HCCA Enterprise Fund Balance to cover repairs. If Council approves that funding, it would have a future retained balance of \$1,940,089.

Mr. Corl responded to various questions/comments from Council, some being, but are not limited to: is it feasible to do a longer catwalk to get to other equipment; will the seating capacity change with each different option; does the Asheville Symphony have a preferred option; what options address the loading docks; the flat floor arrangement will not benefit the community as it will complete with other local venues; need for the business plan and financial plan to be fleshed out; request for possible business partners; discussion about folding the “pit of hope” renovation into the renovation of the TWA; is it possible for us to be a partner in the performing arts space; and what shows are we missing in the market, i.e., R&B, Jazz, Hip Hop, etc.

After discussion, it was the consensus of Council to take the “do nothing”, the “Broadway” option, and the “flat floor arrangement” options off the table for consideration. It was the consensus of Council to have staff move forward with the short-term fix with a budget amendment coming to Council in October for the full capacity repairs; and move forward with the options of “patron-driven” and “improved rake floor arrangement” options with additional information to be forthcoming before any final decision is made.

At 4:00 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – September 26, 2023 - 5:00 p.m

Regular 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

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING OCTOBER, 2023, AS “FIRE PREVENTION MONTH”

Mayor Manheimer read the proclamation proclaiming October, 2023, as "Fire Prevention Month " in the City of Asheville. She presented the proclamation to Fire and Life Safety Educator Jeremy Brooks, who briefed City Council on some activities taking place during the month..

II. CONSENT AGENDA:

- A. APPROVAL OF THE MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON SEPTEMBER 7, 2023, AND THE FORMAL MEETING HELD ON SEPTEMBER 12, 2023**

- B. RESOLUTION NO. 23-209 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTI-YEAR AGREEMENT WITH PAYMENTUS FOR THE WATER RESOURCES DEPARTMENT INTERACTIVE VOICE RESPONSE PAYMENT ACCEPTANCE AND ELECTRONIC BILLING AND PAYMENTS SYSTEM**

Action Requested: Adoption of a resolution authorizing the City Manager to retroactively execute a multi-year agreement with Paymentus for the Water Resources Department's Interactive Voice Response Payment Acceptance and Electronic Billing and Payments system.

Background:

- Customers can currently pay utility bills via interactive voice response (IVR), one time online payment, auto pay, scheduled payments and pay by text.
- Customers may also sign up for paperless billing online.
- These options were initially implemented in 2018 by the Water Resources Department (WRD) and have been successful.
- The WRD desires to continue this service to meet the needs and expectations of customers by offering user-friendly, up to date technology and flexible ways to view and pay their utility bills.
- The current contract with Paymentus expires 9/13/2023. Services are scheduled to continue beyond the expiration date of the current contract.
- WRD wishes to enter into a new contract that will begin retroactively on 9/14/2023.

Vendor Outreach Efforts:

- On May 22, 2023 the WRD posted RFP #: 298-IVRRFPFY23. This was posted to the NC IPS advertisement site, which includes HUB/Minority vendors.
- In addition, the RFP was posted on the City's website.
- Following a review of proposals received via the RFP process, City Staff selected Paymentus.
- Paymentus was selected as the best product through a scoring process via a review committee.
- It is also the current vendor and will continue to offer services seamlessly for WRD customers.
- Paymentus is not a Minority or Women-owned Business Enterprise.

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- None

Pro(s):

- This agreement will continue to provide customers with interactive methods to pay their utility bills via phone, text, email, and web.
- This product will integrate with our upcoming AMI customer portal which is currently in the implementation phase.

Con(s):

- None

Fiscal Impact:

- The annual cost of this service is estimated at \$375,000 and includes both a service fee for credit/debit card transactions and a fee for electronic checks
- Funding for this contract is available in the Water Resources Department operating budget.
- Future years, including the cost of inflationary increases, will be planned for during the annual budget development process.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a three year agreement with Paymentus starting retroactively on September 14, 2023 with an option to renew annually for an additional two one year extensions for the Water Resources Department Interactive Voice Response Payment Acceptance and Electronic Billing and Payments system for an amount not to exceed \$1,300,000 for the initial three-year term of the contract and not to exceed \$2,400,000 for the full five years.

RESOLUTION BOOK NO. 44 - PAGE 249

C. RESOLUTION NO. 23-210 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES SUPPLEMENTAL AGREEMENT WITH SCHNABEL ENGINEERING SOUTH P.C. FOR THE NORTH FORK DAM - 12" UTILITY PIPE BACKFILL AND GROUTING REPAIRS PROJECT

Action Requested: Adoption of a resolution for the professional services supplemental agreement with Schnabel Engineering South P.C. for the North Fork Dam - 12" Utility Pipe Backfill and Grouting repairs project.

Background:

- The original problem began when the 12" Utility Pipe was installed as part of the first phase of the North Fork Spillway and Dam Improvement project.
- The first phase was designed to stabilize the access tunnel under the North Fork Dam and included the installation of a 48" steel line for access, a 12" steel drain, and the 12" PVC Utility Pipe to carry intake sample lines and electrical power.
- These lines were encased within cellular concrete to further stabilize this site and to provide long term protection.
- As the cellular concrete cured it produced significant heat and pressure, which deformed the PVC Utility Pipe.
- This was discovered and the contractor used a bore to return the pipe to its original diameter.
- After the 12" Utility Pipe was bored the original wall was breached to concrete which has allowed water to intrude.
- Approximately 2 years ago, City of Asheville Water Production staff noticed a water leak from the 12" Utility Pipe in the North Fork Dam access tunnel. This leak increased over time and was transporting fine sediments from the internal dam outward.

- Schnabel Engineering South P.C. was notified and visited the site to investigate the problem. This investigation ultimately required the use of a camera that could travel through the 12" utility pipe to document where the leaks were occurring and how serious these leaks were.
- Leaks were noted at 267' and 520" from the entrance of the utility pipe where the pipe had been damaged by the first contractor at the start of the North Fork Spillway and Dam Improvement project.
- Schnabel Engineering and their subcontractor Goettle will install packers at both the upstream and downstream 12" Utility Pipe openings that will allow sample lines and electrical lines to pass through each opening.
- Once the 12" Utility Pipe has been sealed, grout will be injected into the 12" Utility line under pressure. This grout will continue to be injected under pressure until the line is completely filled and the pressure inside the line is stabilized.
- Goettle will monitor this pressure to make sure it is stable and allow the grout to dry. If the pressure doesn't stabilize, Goettle will continue to inject grout until pressures are stable. This method will ensure that all voids within the 12" Utility Pipe have been filled.

Vendor Outreach Efforts:

- This is a professional services agreement that utilizes the On Call Dam Engineer, Schnabel Engineering South P.C.

Council Goal(s):

- Provide a resilient water system.
- This project aligns with Council's desire to improve/expand core services through continued investment to create resilience and mitigate outages

Committee(s):

- N/A

Pro(s):

- A professional services agreement with Schnabel Engineering South P.C. will provide high quality engineering services to design and conduct a successful 12" Utility Pipe repair project at the North Fork Water Treatment Plant.
- Provides resilience and increased effectiveness for essential assets.
- Ability to continue to treat and deliver drinking water to the COA customers.

Con(s):

- None

Fiscal Impact:

- Funding for this project (\$232,300) is available in the Water Resources operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a professional services agreement with Schnabel Engineering South P.C. for \$232,300 for the North Fork WTP 12" Utility Pipe Backfill Grouting Project.

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- D. RESOLUTION NO. 23-211 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUPPLEMENTAL PROFESSIONAL SERVICES AGREEMENT WITH BLACK & VEATCH INTERNATIONAL COMPANY FOR THE REHABILITATION OF THE NORTH FORK AND**

WILLIAM DEBRUHL WATER TREATMENT PLANTS FILTER REHABILITATION PROJECT PHASE 2

Action Requested: Adoption of a resolution authorizing the City Manager to execute a Professional Services supplemental Agreement with Black & Veatch International Company for the Rehabilitation of the North Fork and William DeBruhl Water Treatment Plants Water Purification Filters and Filter Media.

Background:

- The North Fork and William DeBruhl Water Treatment Plants are two of the City of Asheville's three water treatment plants.
- Together these two plants provide 85% of the drinking water for the City of Asheville water customers.
- Together these two water treatment plants have 8 water purification filters that filter the impurities from the water and make it safe for consumption.
- These filters are between 30 to 47 years in age and are in need of rehabilitation including the replacement of the filter underdrains, pipe penetrations, resurfacing and coating of the walls.
- The filter media within these 8 filters has been in use since 2007 and has reached the end of life.
- This media will need to be changed as part of the rehabilitation project to provide the added benefit of enhanced treatment.
- The filter rehabilitation project is essential to the continued successful operation of both the North Fork and William DeBruhl Water Treatment Plants and will ensure added life for these valuable assets.

Vendor Outreach Efforts:

- This is a professional services agreement and was advertised through Request for Qualifications.
- City Staff selected Black & Veatch International Company.
- Black & Veatch International Company is not a Minority or Women-owned Business Enterprise

Council Goal(s):

- A financially Resilient City, A Clean and Healthy Environment
- This project aligns with Council's desire to improve/expand core services through continued investment to create resilience and mitigate outages

Committee(s):

- None.

Pro(s):

- A professional services agreement with Black & Veatch International Company will provide high quality engineering services to design and conduct a successful filter rehabilitation project at the North Fork and William DeBruhl Water Treatment Plants.
- Provides resilience and increased effectiveness for essential assets.
- Ability to continue to treat and deliver drinking water to the COA customers.

Con(s):

- None.

Fiscal Impact:

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

Motion:

- Adopt a resolution authorizing the City Manager to execute a professional services supplemental agreement with Black & Veatch International Company for \$1,697,500.00 the North Fork WTP and William DeBruhl WTP Filter Rehabilitation Project.

RESOLUTION BOOK NO. 44 - PAGE 251

E. RESOLUTION NO. 23-212 - RESOLUTION AUTHORIZING THE CITY MANAGER OR HER ASSIGNS TO APPROVE THE DONATION OF ASHEVILLE POLICE DEPARTMENT SURPLUS RADIOS TO THE WOODFIN POLICE DEPARTMENT

Action Requested: Adoption of a resolution authorizing the City Manager or her assigns to donate used police radios to the Woodfin Police Department

Background:

- The radios have been removed from deadlined Asheville Police Department cars.
- The radios are not compatible with the Asheville Police Department's radio management system.
- Equipment to be donated consists of 14 Motorola APX Radios, at an estimated cost of \$300 each for a total of \$4,200.

Council Goal(s):

- Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Build partnership with a local agency who has expressed a need for the radios.

Con(s):

- None

Fiscal Impact:

- While this equipment has nominal resale value as surplus property, this donation will enhance the capacity of another local law enforcement agency to perform its duties.
- Donated items are not compatible with other equipment utilized by the Asheville Police Department.

Motion:

- Motion to authorize the City of Asheville to donate used police radios to the Woodfin Police Department

RESOLUTION BOOK NO. 44 - PAGE 252

F. RESOLUTION NO. 23-213 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING CONTRACT WITH LABOR FINDERS FOR TEMPORARY STAFFING AT HARRAH'S CHEROKEE CENTER - ASHEVILLE

Action Requested: Adoption of a resolution authorizing the City Manager to amend the Harrah's Cherokee Center Asheville's (HCCA) contract with Labor Finders, to increase the total contract not to exceed value to \$360,000, for temporary staffing.

Background:

- Temporary staff supplied by Labor Finders are utilized to support major events at the HCCA.
- This service contract has been in place since February 2023 and expires in 2026.
- The initial budget associated with this contract was set based on available funds in Fiscal year 2023. This request will add funds for fiscal year 2024.
- The funds for this contract will be paid from the HCCA Enterprise Contracted Services line item over three fiscal years, there is no requested change to the HCCA General Fund Support.
- Due to current vacancies (seven positions totaling 70% of the operations crew), HCCA operations are heavily reliant on temporary staffing.
- The total additional funding of \$280,000 with a new not to exceed value of \$360,000 will allow the HCCA to continue the contract with Labor Finders through the upcoming fiscal years as we continue to work towards a full staff of City Employees.
- Staff anticipates use of \$140,000 in FY24 while refilling numerous vacant positions, followed by approximately \$70,000 in FY25 & 26 respectively as major event support.
- When fully staffed, temporary staffing utilization will decrease to major events only, however will not be eliminated completely.

Vendor Outreach Efforts:

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

Council Goal(s):

- A Thriving Local Economy
- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Creates the ability to fully staff event related needs at the facility through the end of the contract.

Con(s):

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

Fiscal Impact:

- Funding for this contract is available in the Harrah's Cherokee Center - Asheville operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the Harrah's Cherokee Center Asheville's (HCCA) contract with Labor Finders, to increase the total contract not to exceed value to \$360,000, for temporary staffing.

G. RESOLUTION NO. 23-214 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND SUBMIT TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT THE CITY OF ASHEVILLE'S PLANNING AND HOMELESS MANAGEMENT INFORMATION SYSTEM GRANT APPLICATIONS IN THE FEDERAL FISCAL YEAR 2022-23 CONTINUUM OF CARE COMPETITION, AND ACCEPT ANY FUNDS AWARDED

Action Requested: Adoption of a resolution authorizing the City Manager to sign and submit the City of Asheville's Planning and Homeless Management Information System grant applications in the Federal Fiscal Year (FY) 2022-23 Continuum of Care Competition and accept any funds awarded.

Background:

- The U.S. Department of Housing and Urban Development (HUD) Continuum of Care program provides federal resources to local communities for homeless and housing programs.
- Communities access funding by applying together through a designated lead agency, called the Collaborative Applicant.
- The City of Asheville is the Collaborative Applicant for the NC-501 Asheville-Buncombe Continuum of Care and is responsible for submitting the Consolidated Application to HUD, which consists of individual project applications submitted by local agencies and a narrative application describing the community's collective efforts to end homelessness.
- Each Continuum of Care has a designated Governance Board responsible for reviewing and ranking local project applications and making funding recommendations to HUD.
- The Homeless Initiative Advisory Committee (HIAC) serves as the Governance Board for the NC-501 Asheville-Buncombe Continuum of Care.
- The notice of funding opportunity was posted on the City's website July 11, 2023 and distributed widely.
- Project applications were received from Homeward Bound, Helpmate, and the City of Asheville.
- Project applications were reviewed, scored, and ranked by the Funding Allocations Work Group of HIAC.
- At its September 12, 2023 meeting, HIAC unanimously approved the Funding Allocations Work Group's recommendation to submit project applications totalling \$2,166,409 to HUD, as follows:

Rank	Applicant	Project	Amount
1	Helpmate	Housing Support for Domestic Violence Survivors (RRH)	\$198,626
2	Helpmate	<i>DV Bonus:</i> Housing Support for Domestic Violence Survivors 2 (RRH)	\$86,883
3	Homeward Bound	Bridge to Recovery (PSH)	\$433,473
4	Homeward Bound	Shelter Plus Care (PSH)	\$447,472
5	Homeward Bound	PSH 1	\$297,458
6	City of Asheville	HMIS	\$63,744
7	Homeward Bound	PSH 5	\$217,381

8	Homeward Bound	PSH 2	\$87,892
9	Homeward Bound	PSH 3	\$110,674
10	Homeward Bound	<i>CoC Bonus: Rapid Rehousing 1</i>	\$129,970
N/A	City of Asheville	Planning	\$92,836
Total			\$2,166,409

- The recommendation includes renewal funding of existing grants awarded to the City of Asheville to operate the Homeless Management Information System on behalf of the community (\$63,744) and a non-competitive Planning Grant to fulfill its duties as Collaborative Applicant (\$92,836).

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Quality Affordable Housing
- Connected and Engaged Community

Committee(s):

- Homeless Initiative Advisory Committee - unanimously voted to approve the Consolidated Application, including recommending specific funding amounts for each applicant, at its September 12, 2023 called meeting.
- Housing & Community Development Committee - unanimously voted to recommend that City Council authorize the City Manager to sign and submit the City of Asheville's Planning and Homeless Management Information System grant applications in the FY2023 Continuum of Care Competition and accept any funds awarded at its September 19, 2023 meeting.

Pro(s):

- Renews federal resources for housing programs that help people exit homelessness
- Supports Council priority on Houselessness Strategies

Con(s):

- None noted

Fiscal Impact:

- If awarded, the grant will fund \$92,836 in planning costs for the City to fulfill its role as CoC Lead and \$63,744 to operate the Homeless Management Information System (HMIS).
- Both grants are renewals of existing grants.
- These grants would take effect January 1, 2025 and are budgeted as part of the annual budget process.

Motion:

- Motion to adopt a resolution authorizing the City Manager to sign and submit the City of Asheville's Planning and Homeless Management Information System grant applications in the Fiscal Year 2022-23 Continuum of Care Competition and accept any funds awarded.

RESOLUTION BOOK NO. 44 - PAGE 254

H. ORDINANCE NO. 5037- ORDINANCE AMENDING SECTION 19-213 OF THE CODE OF ORDINANCES REGARDING THE USE OF WHEEL LOCKS AND MAKING THE FEE CONSISTENT WITH THE FEES & CHARGES MANUAL

Action Requested: Adoption of an amendment to Section 19-213, Notice of Immobilization, of the City of Asheville's Code of Ordinances to change the vehicle immobilization fee to correspond with the approved Fees & Charges Manual.

Background:

- Section 19-213 currently lists a wheel lock removal fee as being \$25.
- However, the current City Council approved fee is \$50.
- This action would revise the ordinance so that the outdated fee amount is removed and replaced with a reference to the current fee in the adopted City of Asheville Fees & Changes Manual.
- The City of Asheville Fees & Charges Manual is the mechanism by which fees are established for the City. The Manual contains information for each fee and charge external to City operations.
- As part of the budget development process, fees and recovery principles outlined in the Fees & Charges Manual are reviewed and updated as necessary.
- Proposed revisions to the Fees & Charges Manual are generally presented to City Council for their consideration and approval as part of the annual budget development and approval process.

Vendor Outreach Efforts:

- None - the recommended action is an Ordinance Amendment only.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- This action will ensure that the ordinance links the fee to the City of Asheville Fees and Charges Manual to ensure consistency going forward.

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to adopt an amendment to Section 19-213, Notice of Immobilization, of the City of Asheville's Code of Ordinances to change the vehicle immobilization fee to correspond by reference to the approved Fees & Charges Manual.

ORDINANCE BOOK NO. 35 - PAGE 59

I. RESOLUTION NO. 23-215 - RESOLUTION AUTHORIZING THE CITY

MANAGER TO EXECUTE A CONTRACT WITH BAKER GRADING AND LANDSCAPING INC. FOR THE SWANNANOA RIVER GREENWAY PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a construction contract with Baker Grading and Landscaping, Inc. of Old Fort, NC for the project known as the Swannanoa River Greenway, in the amount of \$2,860,536.80 plus an approximately 10% construction contingency of \$287,000.00 for a total not to exceed contract of \$3,147,536.80

Background:

- This Swannanoa River Greenway Construction Project will install approximately one mile of greenway along the Swannanoa River where no bicycle or pedestrian facilities currently exist.
- Once completed, the constructed greenway will connect the one mile stretch along the Swannanoa River from Glendale Ave. to Bleachery Blvd.
- The City of Asheville entered into a design contract with Equinox in July 2018 for a feasibility analysis of potential greenway routes within the Swannanoa River area.
- In June of 2020, a contract amendment with Equinox was issued for completing design, construction documents and permitting.
- During this design process additional opportunities for improved bicycle and pedestrian access across the Bleachery Blvd. bridge were explored beyond the original design scope, and a design contract amendment was approved in January 2023 that included structural bridge design calculations, traffic signal timing, additional accessibility improvements and circulation design at the adjacent intersection and roundabout.
- The project was originally advertised on August 17, 2023 but only received one bid.
- Because a minimum of three bids are required, the bid was returned unopened.
- The project was readvertised and the second bid opening was held on August 31, 2023.
- One bid was received from Baker Grading and Landscaping, Inc. of Old Fort, NC.
- The bid included pricing for the Greenway construction (including allowances) in the amount of \$2,860,536.80 and pricing for the Bleachery Blvd bridge improvements in the amount of \$1,026,081.15
- Because the project budget will support awarding the greenway portion of the project, but not the Bleachery Blvd. improvements, staff is recommending that only the greenway portion of the construction bid be awarded.
- The Bleachery bridge has existing accessible sidewalks on both sides and existing bicycle lanes which cross it in both directions of travel.
- Construction is anticipated to span approximately one year.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes using the State's Interactive Purchasing System and requesting prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Baker Grading and Landscaping, Inc. has committed to utilize Hickory Sealing & Striping, a woman owned business in Connelly Springs, NC for approximately \$176,973.35, or 6.2% of the awarded contract amount.

Council Goal(s):

- Enhances alternative transportation goals and vision.
- Provides safe travel ways

Pro(s):

- Increases access to the City's growing inventory of greenways
- Works towards defining Asheville as a recreation destination

- The City of Asheville is being awarded through the Tourism Product Development Fund \$2.3 million for construction costs.

Con(s):

- Eventual construction will be disruptive to the area.

Fiscal Impact:

- Funding for this contract, including a \$2.3 million grant from the Buncombe County Tourism Development Authority, was previously budgeted and is available in the General Capital Projects Fund.

Motion:

- Motion authorizing the City Manager to execute a construction contract with Baker Grading and Landscaping, Inc. of Old Fort, NC for the project known as the Swannanoa River Greenway Construction Project, in the amount of \$2,860,536.80 plus an approximately 10% construction contingency of \$287,000.00 for a total not to exceed contract of \$3,147,536.80.

RESOLUTION BOOK NO. 44 - PAGE 255

J. RESOLUTION NO. 23-216 - RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN EASEMENTS NEEDED FOR THE SWANNANOA RIVER GREENWAY PROJECT

Action Requested: Adopt a resolution authorizing the City Attorney's Office to condemn easements needed for the Swannanoa River Greenway Construction Project.

Background:

- This Swannanoa River Greenway Construction Project will install approximately one mile of greenway along the Swannanoa River where no bicycle or pedestrian facilities currently exist.
- The City of Asheville entered into a design contract with Equinox in July 2018 for a feasibility analysis of potential greenway routes within the Swannanoa River area.
- Construction bids for the greenway were received August 31, 2023.
- All property owners were provided with offers of financial compensation for the needed easements, based on assessed value or appraisals obtained from a North Carolina licensed appraiser.
- Despite best efforts, the City has exhausted all opportunities to acquire the needed property rights through voluntary acquisition, therefore condemnation is necessary in order to protect the project schedule.

Council Goal(s):

- Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Will facilitate the completion of a needed greenway installation project and safeguard the project schedule.

Con(s):

- Will result in the commencement of eminent domain actions against eight properties.

Fiscal Impact:

- The expected value of the needed easements is approximately \$340,000. The appraisal value for the needed easements on each parcel is as follows:
9658-32-2985: \$139,900; 9658-23-0140, 9658-13-9185, 9658-23-1310, 9658-23-1153, 9658-12-7767 combined: \$154,200; 9658-22-6896: \$20,275; 9658-23-3003: \$23,750
- Funding for these easements were previously budgeted and is available in the General Capital Projects Fund.

Motion:

- Motion to adopt a resolution authorizing the City Attorney's Office to condemn easements needed for the Swannanoa River Greenway Construction Project.

RESOLUTION BOOK NO. 44 - PAGE 256

K. RESOLUTION NO. 23-217 - RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN EASEMENTS NEEDED FOR THE NEW HAW CREEK ROAD SIDEWALK PROJECT

Action Requested: Adopt a resolution authorizing the City Attorney's Office to condemn easements needed for the New Haw Creek Sidewalk Construction Project.

Background:

- New Haw Creek Sidewalks are part of the 2016 Transportation Bond funded sidewalk improvements.
- The City of Asheville entered into a design contract with Mattern & Craig, Inc. in November 2017 for the engineering and design for sidewalks along New Haw Creek Road.
- This project will install a +/-1 mile of sidewalk along New Haw Creek Rd. from Beverly Rd. to Bell Rd., where no safe pedestrian facilities currently exist.
- Bidding for construction of the sidewalk is anticipated to occur in late calendar year 2023.
- All property owners were provided with offers of financial compensation for the needed easements, based on assessed value or appraisals obtained from a North Carolina licensed appraiser.
- Despite best efforts, the City has exhausted all opportunities to acquire the needed property rights through voluntary acquisition, therefore condemnation is necessary in order to protect the project schedule.

Council Goal(s):

- Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Will facilitate the completion of needed safe pedestrian improvements and safeguard the sidewalk construction schedule.

Con(s):

- Will result in the commencement of eminent domain actions against six properties.

Fiscal Impact:

- The expected value of the needed easements is approximately \$82,000. The appraisal value for the needed easements on each parcel is as follows:
9658-89-3272: \$12,426; 9658-88-1974: \$20,274; 9659-91-0573: \$21,475; 9659-91-2503:

- \$2,000; 9659-92-1190: \$6,075; 9658-89-8193: \$19,450.
- Funding for these easements were previously budgeted and is available in the General Capital Projects Fund.

Motion:

- Motion to adopt a resolution authorizing the City Attorney's Office to condemn easements needed for the New Haw Creek Sidewalk Construction Project.

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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 Roney moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Turner and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

Cease the Harm Audit Update

Equity & Inclusion Director Brenda Mills outlined some key takeaways from her presentation (1) The Commission passed an immediate recommendation for an audit to be conducted to assure the cessation of harms to African-Americans in the City of Asheville and Buncombe County; (2) City Council authorized city staff to develop a scope of work for an official audit and conduct a competitive process to select a vendor in response to the CRC immediate recommendation; and (3) The Audit process kicked off in August for both the City of Asheville and Buncombe County.

Regarding the Community Reparations Commission recommendation to reduce harms, (1) The CRC passed an immediate recommendation on December 5, 2022 to request an official audit of both the City of Asheville and Buncombe County which would include compliance with federal and state laws, regulatory bodies, codes of conduct, court orders and consent decrees; (2) The intent from the CRC is for the City and County to select an independent third-party firm to conduct the audit per the immediate recommendation; (3) The audit is to assure the African-American community that the City of Asheville and Buncombe County have ceased harms that continue to injure and, in turn, intensify disparities; and (4) And that effective measures are taken that end ongoing and current harms due to intentional or unintentional policies, programs, practices and procedures.

Regarding the scope of work and Request for Proposal process, (1) On January 24, 2023, City Council authorized the City Manager to develop a scope of work for an official audit in response to the Community Reparations Commission's Immediate Recommendation to cease harm to the African-American Community; (2) City and County staff along with four (4) members of the Community Reparations Commission completed the scope of work and issued an RFP for qualified firms to conduct the audit; (3) Staff from both local governments and representatives from the CRC participated in the review and selection process; (4) Buncombe County contracted with the selected firm for the audit and through an interlocal agreement (approved July 25, 2023) the City of Asheville will share equally in the costs of the audit, up the total amount of \$174,375 (the City's total share is \$87,187.50); and (5) The selected firm is [Carter Development Group](#).

About the audit process, (1) An Initial planning meeting with Carter Development Group was held on August 2; (2) The firm met with City and County staff and attended the August 21 CRC meeting; (3) On September 6, City staff was introduced to the firm, provided an overview of the project and a review of the data matrix requests; (4) The firm is looking at seven areas to include the five (5) Impact Focus Areas (Criminal Justice, Economic Development, Education, Health & Wellness and Housing) and additional areas of focus includes Internal Workforce (Human Resources) and the Equity Department operations; (5) Data matrix requests were completed and provided to the firm on September 25; (6) There will be cohort meetings in the areas noted above; (7) There will be an interim update to the CRC in December; and (8) The audit is scheduled to be completed February 2024.

There was a brief discussion, initiated by Councilwoman Mosley, about the plan for gathering data about African American women who work in the City who have expressed frustration for the inability to be promoted or being unfair in salaries. City Manager Campbell said that the disparity study consultant, the Carter Development Group consultant for Cease the Harm Audit, and Raftelis are all working together to provide assessment, recommendations and a path forward.

City Manager Campbell responded to Councilwoman Roney on how the City is working on getting better outcomes in our contracting process.

Employee Recognition

City Manager Campbell was pleased to note that Director of Equity & Inclusion Brenda Mills was recognized as Western Carolina MPA Alumni of the Year for her contributions to the field of public service. She said that Brenda Mills has been an invaluable professional resource for the City of Asheville for 18 years, with 33 years of experience in local government. Brenda joined the City of Asheville in 2005 serving in multiple roles including: Minority Business Program Manager, American Recovery and Reinvestment Act Project Manager, Administrative Services Manager, Economic Development Specialist, Neighborhood & Community Engagement Specialist, and most recently Director of Equity & Inclusion. About the Award: Beginning in 2020, the WCU Master of Public Affairs program established the Alumni of the Year Award to honor program graduates whose careers have made significant and lasting impacts in the field of public affairs. The award recognizes alumni whose outstanding leadership, commitment to public service, and legacy of professional accomplishments have strengthened the communities and organizations where they live and work. Award recipients are nominated and selected by a committee of current faculty members and presented with an engraved plaque. Their achievements serve as an inspiration to current students and other alumni following the path of public service. This year Brenda Mills is the award recipient. We so appreciate the work that you are doing and your tireless commitment over the course of her public career.

Dr. Heather Rimes presented Brenda with the award.

Toddler Prom

City Manager Campbell said that the Parks & Rec Department put together another fantastic Community event bringing parents and toddlers together to share a little sparkle! The 1st Annual Toddler Prom was held last Saturday at the Shiloh Community Center. She thanked Tameka Crudup and all the Parks staff involved in such a wonderful event. The Parks and Recreation Department has hosted many elegant affairs for participants ranging in age from school age to adults and they did not want to leave the Toddlers out! The event was a huge success and Parks looks forward to it continuing for years to come.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONALLY ZONING 115 FAIRVIEW ROAD FROM URBAN VILLAGE TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE

At the request of the applicant's attorney, Councilwoman Turner moved to continue this public hearing until December 12, 2023. This motion was seconded by Councilwoman Ullman and carried unanimously.

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

ORDINANCE NO. 5038 - ORDINANCE TO CONDITIONALLY ZONE 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

Urban Planner Clay Mitchell said that this is the consideration of an ordinance to conditionally zone 4 Grandview Place, 2 Grandview Place and 1177 Tunnel Road from RS-8 Residential Single Family High Density District and Community Business I District to Community Business 1/ Conditional Zone. This public hearing was advertised on September 1 and 8, 2023. On September 12, 2023, this public hearing was continued to this date.

Project Location and Contacts:

- The project site totals 0.87 acres located at 4 Grandview PI, 2 Grandview PI, and 1177 Tunnel Rd (PINs 9648-09-4109, 9648-09-3101, and 9648-09-1095)
- Owner: Pegasus Holdings LLC, Applicant: Eugene W. Ellison

Summary of Petition:

Project Site

- The project site consists of three properties totaling 0.87 acres located at 4 Grandview PI, 2 Grandview PI, and 1177 Tunnel Rd.
- The properties are currently zoned Residential Single-Family High Density (RS-8) and Community Business I (CB-I).
- The zoning of abutting and nearby properties include Community Business I (CBI) to the north along Tunnel Rd, Residential Single-Family High Density (RS-8) to the south, and Highway Business (HB) to the west and east along Tunnel Rd.
- The Living Asheville Comprehensive Plan designates the Future Land Use of the project site as "Urban Corridor" and "Residential Neighborhood".
- The project sites consist of an existing restaurant use: the East Village Grille, a surface parking lot, and vacant property across the three parcels.

Overall Project Proposal

- The petitioner seeks a rezoning of the parcel at 4 Grandview PI from from Residential Single-Family High Density (RS-8) to Community Business I - Conditional Zone (CBI - CZ) in order to construct additional parking to support the existing commercial use (East Village Grille) on the parcel to the north. Surface parking is not an allowed principal use within the RS-8 zoning district.
- The parcels at 2 Grandview PI and 1177 Tunnel Rd are not proposed for any change of

use and are included in the proposed rezoning in order to fulfill the ADA accessible parking space and bicycle parking requirements for the proposed surface parking lot at 4 Grandview Pl.

- The proposed Community Business I - Condition Zone (CBI-CZ) would allow for more diverse uses unless limited. Such uses allowed in the CBI zone include duplex, multi-family, and a wide range of impactful commercial uses that are not compatible with the surrounding single-family development.
- Project conditions that limit uses to a surface parking lot for the exclusive use of adjacent parcels and only to future uses that are permitted in the RS-8 district support a legislative finding that the conditional zoning is consistent with the Comprehensive Plan.
- As part of stormwater compliance, the applicant has considered adjacent common development parcels (1177 Tunnel Road and 2 Grandview Place) in order to assure required management of stormwater impacts.

Access, Sidewalks and Parking

- The project proposal includes detailed plans for a single-loaded 11 space parking lot. Spots face to the north - toward the adjacent parking lot and East Village Grille.
- Access to the site is shown via a single access point onto Grandview Place, a City-maintained street.
- There are no sidewalks existing or proposed.
- The aisle and surface of the parking location is to be constructed with pervious pavers.

Landscaping

- A 30' landscape buffer is shown along the eastern and southern boundary of the parcel.
- Required street tree and street buffer plantings further screen the lot.
- Landscaping species selection and location should maximize reduction in noise and light-wash from vehicles entering and leaving the site given the nature of the restaurant use and the hours of operation.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed rezoning supports the following goals in the Living Asheville Comprehensive Plan, including:
 - **Encourage Responsible Growth** - by providing infill development in targeted growth areas.
 - **Enhance Parking Management Strategies** - by considering zoning strategies that locate surface parking areas to the rear of buildings in identified innovation districts and along transit-supportive corridors.
 - **Promote Small and Independent Business, Entrepreneurship and the Maker Economy** - by supporting small business growth and a local maker-based economy.
- The proposed rezoning is partially compatible with the Future Land Use designation of "Residential Neighborhood" which describes areas "Mainly consisting of single family housing, the types of housing in residential neighborhoods generally offer little variation of building types throughout the neighborhood, such as a townhomes, duplexes or an apartment complex."
 - Staff recommends against amending the Future Land Use map because the "Residential Neighborhood" designation of the property serves as a constraint on the future use of the parcel beyond just a parking lot serving specific abutting uses and properties. Wider and more intense commercial uses located adjacent to the neighborhood may not be appropriate in the future on this site.

Compatibility Analysis:

- The proposed surface parking lot is compatible with the surrounding land uses, including:
 - Commercial uses located along Route 70/Tunnel Road and parking on the parcel immediately to the north of the site.
 - Single-family residential neighborhoods located to the south, east and west of the project site.

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) - July 17, 2023 - approved with conditions.
- Planning and Zoning Commission - August 2, 2023 - approved 4-0.

Staff Recommendation:

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

Mr. Mitchell reviewed the existing and proposed zoning, the aerial imagery and the future land use map. About the site plan, for 4 Grandview Place, (1) The site is undeveloped in its current state; (2) Surface parking is not an allowed use in the RS-8 district; (3) Parking as a use would be linked to the related properties and not stand alone; (4) All landscaping and 30' buffer requirements have been met; (5) Parking lot construction is entirely made of pervious pavement; (6) 2 Grandview Place is an existing parking lot serving the East Village Grille; and (7) 1170 Tunnel Road is the site of East Village Grille and shows new bicycle parking and accessible spaces. The conditions are: (1) The use of parking on 4 Grandview Place property zoned Community Business I - Conditional Zone (CBI - CZ) is limited to surface parking to serve uses on the properties subject to the conditional zoning (2 Grandview Place & 1177 Tunnel Road). Other uses permitted on 4 Grandview Place are limited to permitted uses in the RS-8 district; and (2) Uses permitted on 2 Grandview Place & 1177 Tunnel Road are as permitted in the Community Business I district. He said the Technical Review Committee approved the project with conditions. The Planning & Zoning Commission voted unanimously to approve the project. He then explained how the project was consistent with the Living Asheville Comprehensive Plan. He said with the proposed project conditions that limit uses to a surface parking lot exclusive to the use of the adjacent parcels and future uses restricted to those permitted in the RS-8 district, staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning with the Exhibit E - Project Conditions.

In response to Councilwoman Roney, Mr. Mitchell explained how this helps with our sustainability goals. Mr. Mitchell also noted that because of the merging of all three parcels, there is additional Americans with Disabilities compliance and bicycle infrastructure on the front parcel.

Mayor Manheimer opened the public hearing at 5:34 p.m., and when no one spoke, she closed the public hearing at 5:34 p.m.

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

Councilwoman Roney moved to approve the conditional zoning request for the property located at 4 Grandview Pl, 2 Grandview Pl, and 1177 Tunnel Rd from Residential Single-Family High Density (RS-8) and Community Business I (CBI) to Community Business I - Conditional Zone (CBI-CZ). and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan and meets the development needs of the community in that the request: 1) provides infill development in targeted growth areas; 2) locates surface parking areas

to the rear of buildings in identified innovation districts and along transit-supportive corridors; and, 3) supports small business growth and a local maker-based economy. This motion was seconded by Councilwoman Mosley and carried unanimously.

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

ORDINANCE NO. 5039 - ORDINANCE 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 September 12, 2023. On September 12, 2023, this public hearing was continued to this date.

Staff Report:

“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

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.
 - 50% of all affordable housing units will be reserved HACA Housing Choice Vouchers, unless said vouchers are not available.
- 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.

Project Conditions added/amended since 9/12/23 Council hearing

- 50% of all affordable housing units will be reserved HACA Housing Choice Vouchers, unless said vouchers are not available.
- In the event that the minimum required affordable housing is not provided in Phases 1 and 2 of the development, the Project will contribute \$6,000 per constructed hotel guestroom to the Affordable Housing Trust Fund, the Reparations Fund, or the Community Land Trust.
- The Project will not include any short-term vacation rentals, unless the regulation of such use is prohibited by NC State law, or unless such use is allowed by the City of Asheville.
- The Project will not use any gates or other barriers that permanently restrict access, unless as needed for access to parking garages.
- Given the nature of a phased development proposal, the developer shall maintain an ongoing dialogue and collaboration with the surrounding community throughout the development process including the process and agreements made to date with the East End neighborhood.
- The Project will foster diversity and inclusion by creating meaningful connections to include hosting a Minority and Women-Owned Business Enterprise (MWBE) outreach program for connection with MWBE Vendors, connecting prime contractors with subcontractors, and providing project information to qualified MWBE participants in advance to help align opportunities.
- 1,800 maximum off-street parking spaces.
- The Project will provide electric vehicle charging stations in the proposed parking garages.

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 1,800 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.

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 1,800 spaces. Phase 1 of 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. 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 then reviewed the height zone map of the Buncombe County Courthouse (17 stories - 230' tall); the Arras Hotel (19 stories, 208' in height); the Battery Park Hotel (14 stories - 155' tall); and the Hotel Indigo (13 stories, 165' tall, 144' in height). He said the height is the vertical distance measured from a single point beginning at the primary pedestrian entrance to the surface level of the highest occupied floor.

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 - 50% of all affordable housing units will be reserved HACA Housing Choice Vouchers; (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.

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.

Mr. Palmquist said the project conditions added/amended since the September 12, 2023, Council meeting are (1) 50% of all affordable housing units will be reserved HACA Housing Choice Vouchers, unless said vouchers are not available; (2) In the event that the minimum required affordable housing is not provided in Phases 1 and 2 of the development, the Project will contribute \$6,000 per constructed hotel guestroom to the Affordable Housing Trust Fund, the Reparations Fund, or the Community Land Trust - at the advise of the City Attorney, this condition was removed - Under our current Unified Development Ordinance, as well as North Carolina law, he does not believe inclusion of such a condition meets the legal criteria for inclusion as part of a

conditional rezoning; (3) The Project will not include any short-term vacation rentals, unless the regulation of such use is prohibited by NC State law, or unless such use is allowed by the City of Asheville; (4) The Project will not use any gates or other barriers that permanently restrict access, unless as needed for access to parking garages; (5) Given the nature of a phased development proposal, the developer shall maintain an ongoing dialogue and collaboration with the surrounding community throughout the development process including the process and agreements made to date with the East End neighborhood; (6) The Project will foster diversity and inclusion by creating meaningful connections to include hosting a Minority and Women-Owned Business Enterprise (MWBE) outreach program for connection with MWBE Vendors, connecting prime contractors with subcontractors, and providing project information to qualified MWBE participants in advance to help align opportunities; (7) 1,800 maximum off-street parking spaces; and (8) The Project will provide electric vehicle charging stations in the proposed parking garages. A revised condition regarding housing choice vouchers is that 50% of these affordable housing units will be reserved for HACA Housing Choice Vouchers, and voucher holders will receive priority as to the leasing of said units. To this end, developer will notify HACA of the actual or pending availability of eligible units on a monthly basis. If no voucher holder is able to commence tenancy when an eligible unit becomes available, that unit may be leased as an affordable unit, and the next available unit shall be reserved and marketed to a voucher holder under the same terms and conditions.

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.”

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.

In response to Councilwoman Mosley, Mr. Palmquist said that the condition did not change to reduce the height of the hotel.

Steve Navarro, President and CEO of The Furman Co.; and Jennifer Murphy, Chief Administrative Officer of the YMCA of Western North Carolina spoke about the new programs the YMCA will be able to offer and how they want to make sure they have a sustainable project with a positive impact on the City.

Councilwoman Mosley asked how the community could be assured that their input will be heeded from the beginning, since their request to reduce the height of the hotel has not happened. Mr. Navarro said that the track records of the YMCA and First Baptist Church show investment into the community and their interest in outreach over the last year. They met with the East End neighborhood and asked them for comments. They provided the community with a written document on what they would be willing to do and they will welcome their response when they are ready.

In response to Councilwoman Mosley, Mr. Navarro said that there will be space for an expanded conference center in the building, for meeting and office space.

Councilwoman Mosley said that when she hears people discuss how unaffordable it is now and how it was fine 20 years ago, she is able to draw a direct line from redlining to the lack of affordable housing today. It is because of those policies that she leans into Black Legacy Ashevilleians. Even though we purport to be a progressive City, she said that she has never seen a time when people who purport to support racial equity, if they are part of the majority community, have ever deferred to the wishes of the minority or marginalized community if the desires of that marginalized community is under direct opposition to what the majority community wants.

Mayor Manheimer opened the public hearing at 6:14 p.m.

Nine individuals spoke against the conditional zoning of 1 Oak Street for several reasons, some being, but are not limited to: more should be done to include not only the East End community, but the entire the African American community in Asheville; height of the hotel is too tall; too much parking; area is already too congested; it will raise property taxes on the East End community; possible support for 2, 10-story hotels; and too much office space.

Twenty-nine individuals spoke in support of the conditional zoning of 1 Oak Street for several reasons, some being, but are not limited to: mixed-use development; affordable housing; more capacity at the YMCA to serve children and teens; tax benefits; full service health center at the YMCA; safe green space; and will lessen urban sprawl.

Mayor Manheimer closed the public hearing at 8:06 p.m.

Councilwoman Roney said "As my students and their families are here tonight, I feel deep accountability: does this part, the hotel use of the project leave people behind, does it help or harm the future, does it represent healing and a hopeful future for our youth? Since we're talking about how and why we're here: I'm a neighbor, a settler on this ancestral land of the Cherokee, and a modern gentrifier who moved here in 2006. My great-grandmother was born

down the street from this project in 1910 while my great great grandparents worked here with our Indigenous Cherokee neighbors. I share the same concerns in my ancestor's writings from their work over a hundred years ago—concern about the high cost of tourism in displacing working, poor, and vulnerable people. I appreciate many of the aspirational goals in this transformational Project Aspire, health and wellness, childcare, and housing goals. It's a lot of parking. I hope there's awareness that bike lockers will be a great way to repurpose this space when this very expensive, structured parking isn't fully utilized, and I don't think we should consider future tax dollars to fund parking structures. At the end of the day, I have to vote yes or no, a binary that doesn't reflect the complexity of life. This decision tonight is about conditional zoning for 1 Oak Plaza --Why? because of the choice not to build a smaller hotel that works within the hotel overlay map's community benefits table this lot is eligible for. That said - an incomplete story was told about that overlay map, I did not vote to include this lot for the hotel overlay map because I did not think surrounding our historic Black neighborhoods of EEVS and Southside was appropriate, we wouldn't do that to other neighborhoods. Climate, racial, and economic justice for EEVS is a personal and collective responsibility I take seriously. My questions about land use for 1 Oak Plaza, it's about a 20 story hotel skipping the community benefits table - tonight I have to say no on this land use and hope the project will come back with an improved phase 1 that reflects the needs of the East End Valley Street."

Councilwoman Smith listened to all the reasons to vote in favor of this project, but she also had to take into consideration the diminished quality of life for the East End community. She said she would support the project; however, if it's feasible to reduce the height of the hotel, she would support that. The neighborhood has gone through years of trauma, so she urged the developers to make a concerted effort to reduce the height of the hotel.

Vice-Mayor Kilgore understood the concerns of the East End community and felt the one major concern is the height of the hotel. She said that our Code sets parameters and the developer is within those set by City Council. She said the hotel will make money; however, it takes money to operate a hotel of this size. She understood the community's pain; but we can't stop progress.

In response to Councilwoman Turner, City Attorney Branham said that the only way the Design Review Committee can expand its scope of review would be through an ordinance amendment.

Councilwoman Turner said that as a member of the Design Review Committee and a member of the Downtown Commission she would try to get reduced parking and a shorter building within the parameters of scope of her committees. She outlined all the additional conditions the developer and the City have agreed to. She said the City does need more housing and we are the economic hub for 5 counties. We want to ensure that growth is guided and where we put that growth matters. She felt that the downtown is the right place for a project like this.

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

Vice-Mayor Kilgore moved to approve the conditional zoning request for the properties located at 1 Oak St from Central Business District (CBD) to Central Business District Expansion - Conditional Zone (CBD EXP-CZ) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan and meets the development needs of the community in that the request: 1) provides infill development in targeted growth areas; 2) increases the supply of affordable housing in proximity to schools, transit and parks; and, 3) expands bicycle facilities and removes gaps in the city's bicycle network. This motion was seconded by Councilwoman Turner and carried on a 5-2 vote, with Councilwoman Mosley and Councilwoman Roney voting "no".

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 23-218 - RESOLUTION TO ADOPT THE PACK SQUARE PLAZA VISION PLAN

Planning & Urban Design Director Stephanie Dahl, said that this is the consideration of a resolution to adopt the Pack Square Plaza Vision Plan.

Background:

- This initiative has its roots in the work of the Joint City-County Vance Monument Task Force, and the resulting March 2021 City Council resolution to remove the Vance Monument.
- Asheville City Council and the Buncombe County Commissioners contributed funding for a planning process to develop a vision for the future of the site.
- On 6/14/2022 City Council authorized a contract with McAdams Company to lead the engagement process and assemble the Vision Plan.
- The project kicked off in late summer 2023, included significant [public engagement](#), and is now complete.
- In June of 2023, [the City was awarded a \\$3,000,000 grant from the Mellon Foundation's Monuments Project](#) to perform the following activities identified through the Pack Square Plaza Vision planning process: 1) design and engineering that advances the vision for a more inclusive Pack Square; 2) community organizing, community design, and construction that promotes the unique narrative of The Block; and 3) county-wide programming and education efforts that deepen storytelling and oral and video history efforts in our community.
- Buncombe County staff will continue to partner on the grant- funded initiative by contributing staff time.

Plan Summary:

- Overall, The Vision states that Pack Square Plaza in the future should: be more usable and accessible; provide new experiences and amenities; be a place for sharing stories and addressing past harm; and better connect to The Block.
- The Plan recommends: how to reuse the site of the former Vance Monument; how to use design and programming to make Pack Square Plaza more welcoming and inclusive in the future; how to consider public-private partnerships in the future; how to connect The Block and Pack Square Plaza; and the potential cost and phasing of projects suggested.
- The Plan organizes community input into ten themes that can guide any future improvement projects: Equitable and Welcoming Places/Spaces; People Centered; Elevated, Supported, and Connected; Safe Environment; Authentic + Elevates Local Pride; Re-envisioning the Vance Monument; Healing and Addressing Past Harm; Telling the Stories; Prioritizing Pedestrians; and Maintenance and Operations.
- The Plan provides ten design-based ideas for moving the community themes for improvement forward.
- These ideas range from projects that can be easily implemented in the short term to items that would take significant additional planning and consideration over many years.
- They are:
 - Improve or create new spaces in the plaza for civic engagement and expression, storytelling, oral history, public art and a central gathering space;

- Move the crosswalk near Patton Avenue and Broadway Street to improve pedestrian access to Pack Square Plaza;
 - Remove the base of the Vance Monument, subject to a ruling by the North Carolina Supreme Court; Redesign and activate the ground floor of the Biltmore Building which serves as the northern edge of the Plaza;
 - Reposition the elevated lawn on the eastern edge of the Plaza to create a meditation grove/space for healing and reflection; Close North Pack Square to vehicular traffic to increase the accessible space of the plaza for pedestrians;
 - Convert College Street from one-way to two-way traffic;
 - Redesign S. Market Street as an active cultural corridor to improve connections to The Block; Improve wayfinding to The Block from Biltmore Avenue; and
 - Reimagine the long-term use of the Municipal Building.
- The final Vision Plan contains edits to the originally released draft plan.
 - The changes derive from public input received and include corrections to maps, elimination of redundant information, and minor text changes for clarity.

Plan Alignment and Consistency:

- The Plan is consistent and aligns with all themes from Living Asheville, the City's Comprehensive Plan:
 - Livable Built Environment- The plan recommends continued investments in our public realm to provide more sustainable places for living, working and recreating.
 - Resilient Economy- The plan recommends commercial activation of underused public space that can support increased economic health, foster business growth, and reliance on local assets.
 - Healthy Community- The plan recognizes that the public provision of parks and public space provides an important framework for public health.
 - Interwoven Equity- The plan recommends improvements that repair inaccessible or unwelcoming spaces and considers all groups in our community.
 - Harmony with the Natural Environment- The plan recommends the creation of a mediation grove where people's mental health is supported through a direct connection with our natural resources.
 - Responsible Regionalism- The plan was developed using a regional context for design, programming, and maintenance needs and will be implemented under a partnership with Buncombe County.
- The Plan aligns with and supports five of the seven Downtown Master Plan themes:
 - Sustain Downtown's dynamic culture and economy
 - Enhance Downtown's role as a center of community
 - Preserve and Enhance Diverse Architecture, historic resources, public realm and view corridors that create downtown's unique legacy
 - Provide good, interconnected transportation choices for better access and for better health
 - Make downtown a national model of sustainable development and operations at every level.

Council Goal(s):

- An Equitable and Diverse Community
- A Well Planned and Livable Community

Committee(s):

- Planning and Economic Development Committee of City Council: 8/14/2023 voted 2-0 to recommend City Council hear presentation of plan on 9/12/2023 and consider adoption of plan on 9/26/2023
- Downtown Commission: 8/26/2023 Voted 9-0 to recommend Council adopt the plan
- Planning and Zoning Commission: 9/14/2023 - voted 7-0 to move to City Council
- City Council heard a presentation on this on 9/12/23

Pro(s):

- Provides recommendations for future investments
- Adoption of the plan will strengthen the ability to receive grant or partner funding in the future.

Con(s):

- None

Fiscal Impact:

- While Council adoption of this plan requires no additional City resources, implementing the recommendations requires significant capital and operating investments over time.
- Staff will work to assess City funding capacity and identify other funding opportunities (beyond the existing Mellon Foundation grant) to implement the plan as part of annual budget development processes.

In response to Councilwoman Mosley, City Manager Campbell said that she would look into a comment made about taking South Charlotte Street from five lanes to three lanes with bike lanes.

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

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

Councilwoman Ullman moved to adopt Reimagining Pack Square: A Vision Plan and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan and other adopted plans, and meets the needs of the community in that the plan: 1) builds on the existing assets and history of the study area in context of the pending legal decision regarding the site of the former Vance Monument 2) creates a vision that values diversity, equity and inclusion and considers how the future of the area can support our growing county; 3) provides a framework for future capital improvements and improvements to programming; and, 4) outlines both short term and long term considerations for the area. This motion was seconded by Councilwoman Roney and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Two individuals spoke to City Council about various matters, some being, but are not limited to: request for adoption for a Medicare for All resolution; and reputational harm.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:09 p.m.

CITY CLERK

MAYOR