

Thursday – January 4, 2024 - 11:00 a.m.

Agenda Briefing Worksession - For January 9, 2024, Council Meeting

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

Absent: Councilwoman Sheneika Smith and Councilwoman Sage Turner

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

Discussion occurred on the following other issues and updates:

- City Council Retreat - Debra Campbell
 - February 22 & 23, 2024
 - Harrah's Cherokee Center
 - Facilitator Dr. Amy Climer (Climer Consulting)
 - Facilitator will be scheduling one on one meetings with Council week of 1/22 and 1/29.
- Missing Middle Housing Study update

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

Tuesday – January 9, 2024- 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 Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: Councilwoman Sage Turner

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

- A. APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON DECEMBER 7, 2023, AND THE FORMAL MEETING HELD ON DECEMBER 12, 2023**
- B. RESOLUTION NO. 24-1 - RESOLUTION AUTHORIZING CITY COUNCIL TO ACCEPT A LEAD SERVICE LINE REPLACEMENT GRANT THROUGH THE N.C. DEPT. OF ENVIRONMENTAL QUALITY - DIVISION OF WATER INFRASTRUCTURE; AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY RELATED DOCUMENTS**

**ORDINANCE NO. 5055 - BUDGET AMENDMENT TO ACCEPT THE LEAD
SERVICE LINE REPLACEMENT GRANT AWARDED BY THE N.C. DEPT. OF
WATER INFRASTRUCTURE**

Action Requested: Adoption of a resolution authorizing City Council to accept a Lead Service Line Replacement Grant through the N.C. Dept. of Environmental Quality - Division of Water Infrastructure and authorize the City Manager to execute any related documents; and the associated budget amendment.

Background:

- On April 25, 2023, City Council authorized the City Manager to apply for lead service line replacement funding with the N.C. Dept. of Environmental Quality - Division of Water Infrastructure to meet service line inventory goals.
- The grant/loan was awarded in the amount of \$1,995,500.
- The loan is 0% interest and 70% of the loan up to a maximum of \$1,396,850 will be forgiven.
- Water Resources is required to build a service line inventory and submit the inventory to the NC Department of Environment Quality (NCDEQ) by October 16, 2024.
- Funds awarded through the NCDEQ Division of Water Infrastructure (DWI) will be used to help identify both private and public water service line material.
- Any lead service lines, lead connections or galvanized service lines will be replaced on both the public and private side if found during the inspection process.
- Funds can be used for both sides of the service line.
- One hundred percent of the project will be performed in areas deemed underserved by the NCDEQ Community Mapping and City of Asheville Climate Justice Map.

Vendor Outreach Efforts: NA

Council Goal(s):

- Improve/Expand Core Services

Committee(s): NA

Pro(s):

- Any lead service lines, galvanized iron pipe service lines or lead connectors in the project area will be replaced.
- Customers will not have to pay for replacement.
- Will help improve the confidence score of service line inventory as required by state and federal regulations.

Con(s):

- There are no con(s) with accepting the grant.

Fiscal Impact:

- If accepted, this program will provide a \$1,995,500 interest free loan with 70% principal forgiveness for water system improvements that are not currently funded or planned. The remaining 30% of the 0% interest loan will be funded through the Water Resources Capital Improvement fund.
- Matching funds are not required for this program.

Motion:

- Motion for the City Council to accept a Lead Service Line Replacement Grant through the N.C. Dept. of Environmental Quality - Division of Water Infrastructure, and authorizing the

City Manager or her designee to sign and execute related documents; and approving the associated budget amendment.

**RESOLUTION BOOK NO. 44 - PAGE 329
ORDINANCE BOOK NO. 35 - PAGE 154**

C. RESOLUTION NO. 24-2 - RESOLUTION TO APPROVE THE WATER SHORTAGE RESPONSE PLAN 2022 AFTER APPROVAL BY THE N.C. DEPT. OF ENVIRONMENTAL QUALITY

Action Requested: Adoption of a resolution to approve the Water Shortage Response Plan (WSRP) 2022 after approval from the N.C. Dept. of Environmental Quality (NC DEQ).

Background:

- Environmental permits for the North Fork Spillway and Embankment Improvements project required the City to review and update the WSRP. **(Drought Plan)**
- The Water Shortage Response Plan is typically enacted when drought conditions exist, and is triggered by specific levels in the source water reservoir(s).
- NC Department of Environmental Quality Division of Water Infrastructure and NC Wildlife Commission have both reviewed and approved this updated version.
- 15A NC Admin. Code 02E .0606 requires the water systems to update the WSRP every five years.
- It has been the practice to seek Council approval if significant changes in the plan have occurred.
- Public Comment was sought through social media posts, Public Input app, and the department's website.
- On February 14, 2023, City Council adopted Resolution No. 23-21 adopting the WSRP 2022 with the following significant changes to the WSRP 2022:
 - Rebalancing of the water treatment plant production levels during the three levels of drought management. Maximizing the water from the Mills River Water Treatment Plant (WTP) to reduce the demand on the Wm. DeBruhl WTP.
 - Phase III - Rate Surcharge (Emergency): Due to highly efficient appliances and plumbing fixture improvements during the past 20 years, the total percentage of water that customers were asked to cut back was reduced from 25% to 15%.
 - Implementation of drought triggers were updated.
 - Changes to the action levels regarding the probability of drought at a certain time period in the future were made.
 - Clarification of the process for less restrictive conservation levels based on lake level increases.
 - More stringent penalties for the use of irrigation meters during mandatory and emergency drought conditions.
 - Addition of a seamless doc form to request a variance.
 - The document clarified that the Director or designees is responsible for all subsequent revisions and the process to follow for full approval and implementation.
- The NC DEQ, Division of Water Resources approved the plan on March 16, 2023.
- City Council passed Resolution #23-21 prior to NC DEQ approval and the resolution did not include reference to N.C. Gen. Stat. sec. 143-355.2(a) and 15A NCAC 02E.0606 - 0607.
- NC DEQ has requested that the City pass a new resolution approving the WRSP 2022 adding the minor revision.
- No other substantive revisions to the Water Shortage Plan 2022 itself have been made since February 14, 2023.

Vendor Outreach Efforts:

- n/a

Council Goal(s):

- Improve/Expand Core Services

Committee(s):

- n/a

Pro(s):

- Complies with NC State Statutes and increases the resilience to provide potable water to customers in times of drought.

Con(s):

- n/a

Fiscal Impact:

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

Motion:

- Motion to approve the Water Shortage Response Plan 2022 including the revision as requested by the North Carolina Department of Environmental Quality.

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D. RESOLUTION NO. 24-3 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE MUNICIPAL AGREEMENTS WITH THE N.C. DEPT. OF TRANSPORTATION (NCDOT) FOR WATERLINE RELOCATION COST REIMBURSEMENT ASSOCIATED WITH NCDOT I-2513 AA AND AB I-16 CONNECTOR PROJECTS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a Municipal Utility Construction Agreement with the N.C. Dept. of Transportation (NCDOT) for an amount not to exceed \$809,020.98 for the NCDOT I-2513 AA and AB; I-26 Connector Projects

Background:

- NCDOT I-2513 AA and AB projects will provide roadway modifications and improvements along I-40 and I-240 between I-40 exit 44 and the I-40 / I-240 interchange.
- I-2513 AA and AB are two project phases of the NCDOT's overall I-26 widening effort.
- The City of Asheville owns and maintains municipal water lines within the right-of-way of the project area that will be impacted by the NCDOT improvements.
- These improvements will impact and require relocating approximately 100 feet of 6" waterline along Montgomery St and 705 feet of 24" waterline along Sand Hill Rd.
- As a condition of the installation, operation and maintenance of said waterlines within the NCDOT right-of-way, the City of Asheville Water Resources Department is responsible for 50% of the engineering and construction cost associated with adjustment or relocation of said waterlines should the need arise.
- For the purpose of construction coordination and efficiencies, the City of Asheville Water Resources Department wishes to enter into this Utility Construction Agreement with NCDOT, which allows the waterline utility work to be performed as part of the NCDOT's construction contract.
- NCDOT has estimated that the cost to the City of Asheville for the relocation and adjustment of municipally owned water lines for this project will be \$809,020.98.

- This project will become part of the Water Resources Department's ongoing Capital Improvement Program.

Vendor Outreach Efforts:

- No vendor outreach was performed for this Municipal Agreement for reimbursement, as it is to provide reimbursement for a NCDOT contract, and they are responsible for all vendor or contractor selection.

Council Goal(s):

- Improve / Expand Core Services
- A Financially Resilient City

Committee(s):

- None.

Pro(s):

- Execution of the agreement allows the City of Asheville Water Resources Department to meet its obligations to NCDOT for the adjustment or relocation of municipal water lines within the NCDOT right-of-way.
- Execution of the agreement allows the required adjustment or relocation of municipal water lines to be performed under the NCDOT construction contract, which will provide construction efficiencies producing cost savings and allow construction schedules to be met.
- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con(s):

- There are no cons with entering this agreement.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a Municipal Utility Construction Agreement with the N.C. Dept. of Transportation (NCDOT) for an amount not to exceed \$809,020.98 for the NCDOT I-2513 AA and AB; I-26 Connector Project

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- E. **RESOLUTION NO. 24-4 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BENTLEY ADVANCED INFRASTRUCTURE RELATED TO SOFTWARE AND RELATED HARDWARE AT THE NORTH FORK WATER TREATMENT FACILITY OUTSIDE OF COMPETITIVE BIDDING REQUIREMENTS FOR STANDARDIZATION AND COMPATIBILITY REASONS**

Action Requested: Adoption of a resolution authorizing the City Manager to execute approval for a contract with Bentley Advanced Infrastructure related to IoT software and related hardware, which includes annual subscriptions, technical support costs, and prior products and service rendered, at the North Fork Water Treatment Facility and to approve that contract outside of competitive bidding requirements for standardization and compatibility reasons.

Background:

- Bentley Advanced Infrastructure IoT software provides data management and analytics for sensors used in asset condition monitoring on the North Fork Dam.
- Bentley Advanced Infrastructure IoT products provide comprehensive management of sensory data for visualization and reporting.
- This information is used to monitor current and changing conditions within the North Fork Dam, and to report any concerns to management.
- The original equipment and sensors were installed in the North Fork Dam as part of the Spillway and Dam Improvement project that was conducted to provide resilience and added safety for the North Fork Dam.
- The company that had provided the equipment and sensors was called Sensemetrics.
- The Water Production division of the Water Resources Department continues to use the software to collect data to monitor the condition and stability of the North Fork Dam.
- Sensemetrics transferred ownership and responsibility of the hardware and software to Bentley Advanced Infrastructure on July 14, 2021.
- To date, a new contract has not been established for the services provided by Bentley Advanced Infrastructure even though services have been provided for 2021 and 2022.
- Bentley Advanced Infrastructure is the sole developer and sole distributor of the IoT software solutions.
- Bentley Advanced Infrastructure is also the sole provider of Support and Maintenance Agreements for the IoT Software and hardware.
- Other options are available but require new equipment, hardware and software, which would create higher costs and could take multiple years to accomplish, which is not feasible.
- Therefore, staff would like to contract with Bentley outside of normal competitive bidding requirements because standardization and compatibility are the overriding considerations with this contract.
- Staff intends for this contract to be backdated to cover unpaid past costs and to extend for five years into the future, for eight total years.
- Before this contract ends, staff intends to examine whether a different vendor could feasibly offer the same products or services for a future contract.
- Bentley has estimated an annual cost of \$8,650 for future years, plus \$17,299 for past products and services rendered.
- Staff intends to add a contingency amount for future years to cover potential pricing changes.

Vendor Outreach Efforts:

- None. The City is seeking a standardization and compatibility exemption from competitive bidding, given the challenges with using hardware and software technology and support from any other vendor at present..

Council Goal(s):

- Improve/Expand Core Services
- Maintain and ensure a resilient water system.

Committee(s):

- N/A

Pro(s):

- Software provides the Water Production Division with a program to monitor the condition of the North Fork Dam.
- Dashboards with reports and graphics will help monitoring efforts for the North Fork Dam.

Con(s):

- There are no cons with this agreement.

Fiscal Impact:

- Funding for this contract (\$10,000 annually, including an \$8,650 annual estimated cost and a contingency, and \$17,299 for past products and services rendered) is available in the Water Resources operating budget.

Motion:

- Adoption of a resolution authorizing the City Manager to execute a contract with Bentley Advanced Infrastructure related to IoT software and related hardware, which includes annual subscriptions, technical support costs, and prior products and services rendered, at the North Fork Water Treatment Facility and to approve that contract outside of competitive bidding requirements for standardization and compatibility reasons.

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F. RESOLUTION NO. 24-5 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CDM SMITH FOR CONSTRUCTION ADMINISTRATION AND OBSERVATION SERVICES FOR THE MILLS RIVER WATER TREATMENT PLANT MISCELLANEOUS UPGRADES (REHABILITATION) PHASE II PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a professional services contract with CDM Smith for construction administration and observation services (CAOS) for the Mills River Water Treatment Plant (WTP) Miscellaneous Upgrades (Rehabilitation) Phase II project, in the amount of \$2,086,060

Background:

- Mills River WTP Miscellaneous Upgrades - Phase II is a large-scale project that requires the services of an outside consulting engineering firm to ensure the success of the project.
 - Aspects of the project include: additional off-stream storage; third wastewater lagoon; additional finished water storage; replacement of several bulk chemical storage tanks and associated equipment; replacement of filter controls; replacement of mixers, flocculators, and various transferring pumps; and updating all lighting for more energy efficiency
- The City has a Master Agreement for On-call Services (09/04/2020) with CDM Smith.
- CDM Smith provided design services for the project and is best suited for performing the construction administration and observation services that will ensure success.
- Bidding for the construction of the Mills River WTP Miscellaneous Plant Improvements - Phase 2 has begun.
- Construction is anticipated to begin in the summer of 2024.
- This project has a current budget of \$10 million, including a \$5 million State Revolving Fund (SRF)/ARPA grant.
- Current estimates are that the project will require a total of \$20 million to complete, with the additional \$10 million likely funded via debt.
- The additional debt needed has been included in rate modeling for the Water Fund.

Vendor Outreach Efforts:

- Through a qualifications based selection process beginning in February of 2020, the City of Asheville selected four consulting firms to provide on-call professional services for Water Treatment Projects.
- CDM Smith Inc. was one of the selected firms due to their expertise in areas of water distribution projects, water system analysis and project development.

- The City of Asheville entered into a master agreement with CDM Smith Inc. on September 4, 2020 for on-call professional services for Water Distribution and Storage Projects, valid for three years and has been renewed for an additional year on September 4, 2023 with the option to renew for an additional year.
- If approved, the proposed engineering services described here within will be developed into a subcontract under the conditions of the master agreement.
- City of Asheville Water Resources Staff determined that utilizing the on-call professional services for Water Treatment Projects was the best method to deliver this project and CDM Smith Inc. was specifically qualified to provide the required engineering services.
- No other vendor outreach was performed.

Council Goal(s):

- Clean, Safe and Healthy Environment

Committee(s):

- n/a

Pro(s):

- Construction Administration and Observation Services by CDM Smith will ensure the successful completion of the phase II project.
- The contract will provide guidance to City staff to ensure all requirements of the SRF/ARPA grant are adhered to and provide oversight and guidance on reimbursement from the SRF/ARPA grant.

Con(s):

- There are no cons to entering this contract.

Fiscal Impact:

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

Motion:

- Motion to approve a resolution authorizing the City Manager to enter into a contract with CDM Smith for construction administration and observation services (CAOS) for the Mills River Water Treatment Plant (WTP) Miscellaneous Upgrades (Rehabilitation) Phase II project, in the amount of \$2,086,060

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G. RESOLUTION NO. 23-6 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH JEFFERSON WELLS FOR INTERNAL AUDIT PROGRAM SERVICES FOR A TERM OF ONE YEAR, WITH TWO ADDITIONAL ONE YEAR RENEWAL OPTIONS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract for internal audit program services with Jefferson Wells for a term of one year, with two additional one year renewal options.

Background:

- The mission of the City's Internal Audit division is to promote efficient, effective, and accountable city government by conducting financial, operational and compliance audits of all City departments, divisions and programs.
- Due to staff turnover within the division and ongoing recruitment challenges, which are prevalent throughout the industry, the City has decided to move to a co-sourced model for

Internal Audit Services in which most of the audits are contracted out with a City staff position being maintained as project manager for the program.

- To facilitate this new service model, contracted Internal Audit Services were sought via a Request for Proposals (RFP) in the fall of 2023.
- The City received nine RFP responses which were reviewed by a team consisting of City staff and the Chair of the City's Audit Committee.
- Jefferson Wells was the highest scoring RFP responder.
- Jefferson Wells has put together a first year audit plan for up to four internal audits during calendar year 2024 at a cost not to exceed \$115,000.
- Actual costs will be billed on a per-hour basis.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes following the City's ABI process and posting to the State's Electronic Vendor Portal (eVP) and the HUB.
- Specific staff outreach also included email contact with one MWBE who had previously responded to similar RFP's.
- Of the nine RFP responses reviewed by staff, one was a MWBE (the same one that staff contacted via email about the opportunity).
- The MWBE was not chosen based on the scoring rubric utilized by staff to evaluate the nine RFP's.
- Eight of the nine firms that responded to the RFP chose the Self-Performing Option on the City's ABI forms.
- The one firm that chose the Sub-Contracting Outreach Option on the City's ABI forms was Jefferson Wells, which was also the highest scoring firm on the City's scoring rubric, provided extensive information on their outreach efforts.

Council Goal(s):

- Financially Resilient City

Committee(s):

- None.

Pro(s):

- Provides services to support and enhance the City Internal Audit program.

Con(s):

- Will require additional budget resources in future years to continue the co-sourced service model.

Fiscal Impact:

- Funding for the \$115,000 in first year costs for this contract is available in the Internal Audit division operating budget utilizing vacancy savings.
- Future years will be planned during the annual budget development process.
- The contract is contingent on budget appropriations in future fiscal years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract for internal audit program services with Jefferson Wells for a term of one year, with two additional one year renewal options.

H. RESOLUTION NO. 24-7 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PMA MANAGEMENT CORPORATION TO PROVIDE THIRD PARTY LIABILITY CLAIMS ADMINISTRATIVE SERVICES FOR A THREE YEAR TERM RUNNING FROM JULY 1, 2023 - JUNE 30, 2026, AND FOR TWO ADDITIONAL ONE YEAR RENEWAL OPTIONS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a liability claims services agreement with PMA Management Corporation (PMA) for a three year term running from July 1, 2023 - June 30, 2026, and for two additional one year renewal options.

Background:

- The City of Asheville (City) Risk Management Division administers the City liability claims program and since 2010, PMA has provided liability claims handling services (Services), including: claims adjusting, record keeping and check issuance.
- In 2018, Services were sought via a Request for Proposals and PMA was the best proposer.
- In 2023, Services were sought via a Request for Proposals and PMA was the best proposer.
- Historically, Services total approximately \$25,000 annually but Service contracts are encumbered for \$70,000 annually in order to ensure adequate available funds.
- Charges are incurred per claim handling service, which varies annually.
- As a result of seeking multiple years of PMA Service provision, the aggregate value of PMA's Service contract will exceed \$90,000 in Fiscal Year 2025, necessitating City Council authorization.

Vendor Outreach Efforts:

- Funding for this on-going contracted service is provided annually through the City Property & Liability Fund.
- As a result, outreach and engagement for the service followed the City's Request for Proposals (RFP) and business inclusion processes.
- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Below are the responses:

Proposer	City/State of Domicile	Estimated Cost to Provide Services
Brentwood Services Administrators	Brentwood, TN	\$116,200
Innovative Claims Services	Piscataway, NJ	No Estimate Provided
Johns Eastern	Lakewood Ranch, FL	\$68,175
PMA Management Corporation	Blue Bell, PA	\$42,118
SCA	Greenville, SC	\$65,000 + \$200/open claim
Tristar	Long Beach, CA	\$86,856
USIS, Inc.	Orlando, FL	No Estimate Provided

Council Goal(s):

- Financially Resilient City

Committee(s):

- None.

Pro(s):

- Ensures service continuity to support the City liability program.

Con(s):

- None.

Fiscal Impact:

- Contracted Services expenses are budgeted within the Property & Liability Fund and adopted with the Fiscal Year 2024 budget. The contract is contingent on budget appropriations in future fiscal years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a liability claims services agreement with PMA to provide Services for a term of three years running from July 1, 2023 - June 30, 2026, with two additional one year renewal options.

RESOLUTION BOOK NO. 44 - PAGE 343

I. RESOLUTION NO. 24-8 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PMA MANAGEMENT CORPORATION TO PROVIDE THIRD PARTY WORKERS' COMPENSATION ADMINISTRATIVE SERVICES FOR A THREE-YEAR TERM RUNNING FROM JULY 1, 2023 - JUNE 30, 2026, AND FOR TWO ADDITIONAL ONE YEAR RENEWAL OPTIONS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a workers' compensation claims services agreement with PMA Management Corporation (PMA) for a three year term running from July 1, 2023 - June 30, 2026, and for two additional one year renewal options.

Background:

- The City of Asheville (City) Risk Management Division administers the City workers' compensation program, and since 2012, PMA has provided workers' compensation claims handling services (Services), including: claims adjusting, record keeping and check issuance.
- In 2018, Services were sought via a Request for Proposals and PMA was the best proposer.
- In 2023, Services were sought via a Request for Proposals and PMA was the best proposer.
- Historically, Services total approximately \$36,000 annually but Service contracts are encumbered for \$70,000 annually to ensure adequate available funds.
- Charges are incurred per claim handling service, which varies annually.
- As a result of seeking multiple years of PMA Service provision, the aggregate value of PMA's Service contract will exceed \$90,000 in Fiscal Year 2025, necessitating City Council authorization.

Vendor Outreach Efforts:

- Funding for this on-going contracted service is provided annually through the City Workers' Compensation Fund.
- As a result, outreach and engagement for the service followed the City's Request for Proposals (RFP) and business inclusion processes.
- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Below are the responses:

Proposer	City/State of Domicile	Estimated Cost to Provide Services
Brentwood Services Administrators	Brentwood, TN	\$116,200
Innovative Claims Services	Piscataway, NJ	No Estimate Provided
Johns Eastern	Lakewood Ranch, FL	\$68,175
PMA Management Corporation	Blue Bell, PA	\$42,118
SCA	Greenville, SC	\$65,000 + \$200/open claim
Tristar	Long Beach, CA	\$86,856
USIS, Inc.	Orlando, FL	No Estimate Provided

Council Goal(s):

- Financially Resilient City

Committee(s):

- None.

Pro(s):

- Ensures service continuity to support the City workers' compensation program.

Con(s):

- None.

Fiscal Impact:

- Contracted Services expenses are budgeted within the Workers' Compensation Fund and adopted with the Fiscal Year 2024 budget. The contract is contingent on budget appropriations in future fiscal years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a workers' compensation claims services agreement with PMA to provide Services for a three year term running from July 1, 2023 - June 30, 2026, and for two additional one year renewal options.

J. RESOLUTION NO. 24-9 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SOLE-SOURCE CONTRACT WITH IPS GROUP INC., BACKDATED TO JULY 1, 2023, AND CONTINUING UNTIL JUNE 30, 2025, TO PAY FOR PAST SERVICES RENDERED, RETAIN EXISTING IPS PARKING METERS, AND CONTINUE TO PROVIDE PARKING METER MANAGEMENT SERVICES FOR THE CITY'S REMAINING EXISTING IPS PARKING METERS THROUGH THE REMAINDER OF THE CITY'S TRANSITION FROM IPS TO MACKAY

Action Requested: Adoption of a resolution authorizing the City Manager to execute a sole-source contract in an amount not to exceed \$179,000 with IPS Group Inc., backdated to July 1, 2023 and continuing until June 30, 2025, to pay for past services rendered, retain existing IPS parking meters, and continue to provide parking meter management services for the City's remaining existing IPS parking meters through the remainder of the City's transition from IPS to MacKay.

Background:

- IPS parking meters were originally purchased in 2017 as part of a continuing effort to improve and enhance customer service.
- A power problem with the solar panels that would not allow the batteries to fully charge was discovered that led the City to begin searching for a new service provider.
- The City of Asheville began transitioning to MacKay parking meters in 2021.
- Supply chain issues have delayed the transition and led to an extended need for IPS parking meter management services.
- There are approximately 450 remaining IPS meters and staff have placed an order with MacKay to replace them.
- While the transition continues, it is necessary for the City to continue to utilize the IPS meters and the backend software provided by IPS to ensure they remain operational while needed.
- Supply chain issues have prolonged the transition, however staff is confident that the full transition will be completed by June 30, 2025.
- The previous contract with IPS expired on June 30, 2023.
- Staff is requesting a contract backdated to July 1, 2023 and extending to June 30, 2025 to cover services rendered since the contract expired and to ensure continued support while the transition to MacKay is completed.

Vendor Outreach Efforts:

- None, this is a current contractor. IPS is both the manufacturer and service provider for the parking meters and has been in place since 2017.
- Staff is requesting exemption from competitive bidding requirements because, for standardization and compatibility reasons, staff will need to continue to contract with IPS to keep meters running during the transition to MacKay.

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- None

Pro(s):

- Provides the continued use of over 250 meters in the Central Business District.

Con(s):

- Cost of running two different meter management systems.

Fiscal Impact:

- Funding for this contract is available in the Parking Services operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a sole-source contract in an amount not to exceed \$179,000 with IPS Group Inc., backdated to July 1, 2023 and continuing until June 30, 2025, to pay for past services rendered, retain existing IPS parking meters, and continue to provide parking meter management services for the City's remaining existing IPS parking meters through the remainder of the City's transition from IPS to MacKay.

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K. RESOLUTION NO. 24-10 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR ADDITIONAL CONSTRUCTION WORK WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE I-26 CONNECTOR PROJECT SECTIONS I-251B AND I-2513D

Action Requested: Adoption of a resolution authorizing the City Manager to enter into and execute an agreement for additional construction work with the North Carolina Dept. of Transportation (NCDOT) for the I-26 Connector project sections I-2513B & I-2513D.

Background:

- The I-26 Connector Project is a transformational \$1.35 billion NCDOT construction project.
- City Council approved Resolution No. 23-31 on February 14, 2023 authorizing the City Manager to sign a funding letter of commitment to the NCDOT regarding the city betterments and aesthetics treatments for project sections I-2513B and I-2513D.
- The funding letter of commitment was sent to NCDOT on February 15, 2023.
- At the time the funding letter of commitment was sent, the anticipated cost of the aesthetic treatments was \$5,889,024 and the betterments was \$1,412,900, for a total of \$7,301,924.
- The estimated cost of the aesthetics treatments remains at \$5,889,024.
- The estimated cost of the betterments has been adjusted to account for the NCDOT's complete street policy and a design-build cost factor.
- It is now at \$1,129,400, which is \$283,500 less than the previous estimate.
- The latest estimate of \$1,129,400 will not change.
- The anticipated award date is during February 2024, with construction anticipated to begin in February 2025.
- The City has an interest-free time period of three years from the anticipated start of construction date to pay for the additional construction work.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Provides an opportunity for the City to enhance the pedestrian and bicyclist experience by providing wider multi-use transportation paths and sidewalks.
- Provides an opportunity for the City to enhance the aesthetic appeal to a major transformational project that will be constructed by the NCDOT.

Con(s):

- Cost of the aesthetics treatments and betterments.

Fiscal Impact:

- The estimated cost of the aesthetics treatments (\$5,889,024) is planned in the General Capital Improvement Program (CIP) for FY 2026-27 and is anticipated to be paid to NCDOT in February 2027.
- The estimated cost of the betterments (\$1,129,400) was previously budgeted and is available in the General Capital Projects Fund.
- It is anticipated to be paid to NCDOT in February 2028.
- These estimated costs are not subject to change.

Motion:

- Adoption of a resolution authorizing the City Manager to enter into and execute an agreement for additional construction work with the NCDOT for the I-26 Connector Project sections I-2513B & I-2513D.

RESOLUTION BOOK NO. 44 - PAGE 347

L. RESOLUTION NO. 24-11 - RESOLUTION TO AMEND THE CURRENT CONTRACT WITH RESTOCON INC. TO INCREASE THE FUNDING TO COMPLETE THE REQUIRED REPAIRS AND INSPECTIONS IN THE HARRAH'S CHEROKEE CENTER PARKING GARAGE, AND TO EXTEND TIME FOR COMPLETION UP TO JUNE 1, 2024

Action Requested: Adoption of a resolution to amend the current contract between the City of Asheville and Restocon, Inc. to increase the funding by \$60,903.72, for a total contract amount of \$448,140.92, to complete the required repairs and inspections for the central stairwell in the Harrah's Cherokee Center parking garage, and to extend time for completion up to June 1, 2024.

Background:

- The City of Asheville has a current contract with Restocon, Inc. for the replacement of the center stairwell in the Harrah's Cherokee Garage as well as lighting repairs within the garage.
- The center stairwell of the garage has been inaccessible to the public since 2019.
- The project has been delayed due to several factors, including supply chain disruptions, contractor staffing turnover, and complications experienced throughout the design of the replacement stairwell as well as the design and installation of some of the garage's lighting structural supports.
- Restocon has completed necessary design and permitting to finish the remaining work required to reopen the stairwell.
- This action will provide the additional funding necessary for Restocon to complete construction, have final inspections conducted, open the stairwell, and ultimately close the contract.
- The project is estimated to be completed prior to June 1, 2024.

Vendor Outreach Efforts:

- None, this is a current contract with Restocon, Inc.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- This action will provide the additional funding necessary for Restocon to complete the project, complete final inspections, open the stairwell, and ultimately close the contract with Restocon.

Con(s):

- None.

Fiscal Impact:

- Funding for this contract was previously budgeted and is available in the Parking Services Capital Project Fund.

Motion:

- Adoption of a resolution to amend the current contract between the City of Asheville and Restocon, Inc. to increase the funding by \$60,903.72, for a total contract amount of \$448,140.92, to complete the required repairs and inspections in the Harrah's Cherokee Center parking garage, and to extend time for completion up to June 1, 2024.

RESOLUTION BOOK NO. 44 - PAGE 348

M. RESOLUTION NO. 24-12 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH J. BARTHOLOMEW CONSTRUCTION LLC FOR THE STEPHENS-LEE PHASE 2 RESTROOM RENOVATIONS PROJECT; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY CHANGE ORDERS THAT MAY ARISE DURING THE PROJECT UP TO THE CONTINGENCY AMOUNT OF 10%

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with J. Bartholomew Construction, LLC for the Stephens-Lee Phase 2 Restroom Renovations project in the amount of \$121,500; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$12,150 (10%).

Background:

- The Capital Projects Department is a subrecipient of the City's Community Development Block Grant (CDBG) award from the U.S. Department of Housing and Urban Development to make improvements to the Stephens-Lee Recreation Center.
- Earlier this year, under the Stephens-Lee Recreation Center Capital Improvements project, grant funds were used to renovate the showers in the second floor restrooms, implement acoustical improvements in the multi-purpose room, alleviate water infiltration into the stairwells and clean and repair the water damaged walls and stairs.
- Remaining contingency funds from the annual CDBG award have been identified, and allocated for additional improvements at the Stephens-Lee Recreation Center.
- The remaining grant funds will be used to complete the renovation of the second floor restrooms, including resized Americans with Disabilities Act (ADA) accessible toilet stalls, new toilet partitions and accessories, new plumbing fixtures, and new floor and wall tile.
- Bid 298-CP24-D2401-BID was advertised on December 11, 2023.
- Bids were due on December 29, 2023, and the following bids were received:

○ J. Bartholomew Construction, LLC of Hendersonville, NC	\$121,500
○ Carolina Cornerstone Construction, Inc. of Asheville, NC	\$154,634
○ Haynes Industrial of Asheville, NC	\$177,109
○ Patton Construction Group, Inc. of Asheville, NC	\$163,500

- J. Bartholomew Construction, LLC was deemed to be the lowest responsive and responsible bid.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State’s Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Staff also performed outreach to Section 3 low- and very low-income businesses, and required bidders to do the same.
- A woman-owned subcontractor, Noble Specialties of Weaverville, NC, submitted a bid with this prime contractor.

Council Goal(s):

- A Well-Planned and Livable Community; A Thriving Local Economy; & A Financially Resilient City

Committee(s):

- None

Pro(s):

- This project is fully funded by federal grant dollars.
- The terms of the grant funding require efforts to include neighborhood businesses and workers in the project to maximize the localized benefits of the federal dollars.
- The improvements will improve the function and enjoyment of the recreation facilities, and will extend the useful life of the building.

Con(s):

- None

Fiscal Impact:

- Funding for this contract was previously budgeted and is available in the Community Development Block Grant (CDBG) Fund.
- The project is entirely funded by a federal grant, with no additional City resources required.

Motion:

- Motion authorizing the City Manager to enter into a contract with J. Bartholomew Construction, LLC for the Stephens-Lee Phase 2 Restroom Renovations project in the amount of \$121,500; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$12,150 (10%).

RESOLUTION BOOK NO. 44 - PAGE 349

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

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

Background:

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

Council Goal(s):

- A Financially Resilient City

Pro(s):

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

Con(s):

- None

Fiscal Impact:

- None.

Motion:

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

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 Mosley and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - INTRODUCTION OF NEW STAFF AND NEW STAFF TITLES

Assistant Fire Chief Chris Budinski and Fire Department Public Information Officer Kelly Klope updated City Council on the weather and weather preparedness, and how we communicated with our community.

City Manager Campbell was pleased to introduce and welcome several new staff members as well as new staff titles as follows: (1) Asheville's new Fire Chief Michael Cayse; (2) Director of Equity and Inclusion Sala Menaya-Merritt; (3) Interim Transportation Director Jessica Morris; and Interim Chief of Police Mike Lamb.

On January 2nd 2024, Chief Cayse began serving the City of Asheville and Leading the Asheville Fire Department. Chief Cayse began his journey in fire service in 1990 and comes to Asheville last serving as the District Chief of Special Operations for the Cincinnati Fire Department where he spent much of his 34 year public service career. He also held numerous other positions at the Cincinnati Fire Department including Fire Suppression and Human Resources. Chief Cayse has a Bachelor of Science in Fire Safety Engineering and an Associate of Applied Science in Fire Science Technology from the University of Cincinnati and a Master of Public Administration from Northern Kentucky University. Throughout his career, Chief Cayse has also obtained a long list of fire-related certifications, along with receiving numerous awards and publishing many articles in professional journals. She then thanked Interim Fire Chief Chris Budzinski for his invaluable support and leadership during this transition!

On January 8th 2024, Sala officially began her duties with the City of Asheville! Sala has 25 years of professional experience in government, ranging from City, County and State agencies. Her roles included the Diversion Services Program Manager with Buncombe County, the Organizational Development Administrator for the City of Savannah's Human Resources Department, and the Savannah Impact Director with the Savannah-Chatham Metropolitan Police Department. Currently, Ms. Menaya-Merritt serves as the Impact Focus Area Administrator for the Community Reparations Commission, a contracted position where she has worked closely with commission members and both City and County staff.

On January 1st 2024, Jessica was named as the new Interim Transportation Director. Jessica has nearly twenty years of experience in transportation planning, engineering, and operations and recently celebrated her fifth anniversary with the City of Asheville. She has worked in local government for over seventeen years and has broad experience in project management, policy development and working with City partners such as the North Carolina Department of Transportation, French Broad River Metropolitan Planning Organization, and others. Jessica received her Bachelor's degree in Civil Engineering and Master's degree in Transportation Engineering from the University of Florida, as well as a Master's degree in Public Administration from the University of Montana.

On December 18, 2023, Mike Lamb was named Interim Chief of Police. Chief Lamb is a native of Asheville and has served the Asheville community in the Asheville Police Department (APD) for more than 25 years. He rose through the ranks beginning as a patrol officer and was most recently promoted to Deputy Chief in June, 2023. Prior to his promotion to Deputy Chief in June, 2023, he held the rank of Captain, Lieutenant, and Sergeant. He received his Bachelor of Arts in Criminal Justice from Western Carolina University in 1997 and is an A.C. Reynolds High School graduate. He is also a graduate of the Police Executive Research Forum (PERF) Senior Management Institute for Police.

She was also pleased to introduce Chris Cairns, the City's Interim City Engineer; Jeremy Knighton, Assistant Fire Chief; and Stephanie Monson-Dahl, Director of Planning & Urban Development.

IV. PUBLIC HEARINGS:

- A. PUBLIC HEARING TO AMEND THE CONDITIONAL ZONING ORDINANCE (ORDINANCE NO. 4702) FOR PROPERTY LOCATED AT 141 AND 147 S. BEAR CREEK ROAD TO MAKE CHANGES TO THE PROJECT CONDITIONS**

ORDINANCE NO. 5056 - ORDINANCE TO AMEND THE CONDITIONAL ZONING ORDINANCE (4702) FOR PROPERTY LOCATED AT 141 AND 147 S. BEAR CREEK ROAD TO MAKE CHANGES TO THE PROJECT CONDITIONS

Principal Planner Will Palmquist said that this is the consideration of an ordinance to amend the conditional zoning ordinance (Ordinance No. 4702) for property located at 141 & 147 S. Bear Creek Road for the purpose of removing a restriction prohibiting drive-through facilities. This public hearing was advertised on December 29, 2023, and January 5, 2024.

Project Location and Contacts:

- The project site totals 2.97 acres located at 141 & 147 S. Bear Creek Rd
- Owners: Bear Creek Holdings LLC

Summary of Petition:

- Ordinance No. 4702 was adopted October 9, 2018 rezoning the property located at 141 & 147 S. Bear Creek Rd (formerly known as 511 Brevard Rd) from Highway Business (HB) to Lodging Expansion - Conditional Zone (LODG EXP-CZ) and Highway Business - Conditional Zone (HB-CZ).
- The site is designated “Urban Corridor” on the city’s Future Land Use (FLU) Map.
- The purpose of the rezoning was to permit the construction of a 106 room hotel with associated site improvements (surface parking, sidewalks, landscaping, etc.) on approximately 2 acres, and to reserve a one acre parcel to the north for future outparcel development.
- The hotel has since been constructed and is under operation.
- The outparcel remains undeveloped.
- Included in the project conditions for the 2018 conditional zoning was a restriction prohibiting drive-through facilities, prioritizing a pedestrian environment and sidewalk connectivity.
- Condition #12 from the 2018 adopted ordinance reads:
12. Future uses on Lot 2 shall conform to uses permitted in the Highway Business District and comply with all applicable standards as required in the UDO and other technical standards. No drive-throughs will be permitted on Lot 2 [Emphasis].
- Other multi-modal requirements included:
 - A new five-foot sidewalk with a five-foot landscape strip shall be constructed along the entire frontage of Lot 1 (hotel) and Lot 2 (outparcel) along S. Bear Creek and Brevard Roads.
 - A sidewalk and crosswalk will connect the sidewalk on S. Bear Creek to the hotel building.
 - A transit shelter installed at the stop on Brevard Rd.
 - A shuttle service to guests.
 - A pedestrian signal across S. Bear Creek Rd, pending NCDOT approval.
 - Right-of-way to be set aside for a pedestrian crossing on Brevard Rd, pending NCDOT approval.
 - A 5-15’ wide greenway easement, pending Buncombe County approval.
- The request for a conditional zoning amendment to remove the drive-through facility was heard by the Planning & Zoning Commission on October 6, 2021 and was unanimously denied. The main concerns expressed by the commission included that there was no site plan proposed to show how a drive-through facility would minimize potential impacts with pedestrians and other uses of Brevard and S. Bear Creek Roads.
- The applicant has proposed a revised site plan showing the new commercial building and drive-through and is requesting that the prohibition of drive-through facilities be lifted on Lot 2.

Revised Site Plan

- The revised site plan proposes a new 6,000 s.f. commercial building located on Lot 2 with

- a drive-through facility.
- Access to the new commercial building is proposed off the project's internal driveway approximately 50 feet south of S. Bear Creek Road.
- 48 new parking spaces are proposed where 30 spaces are required.
- A new sidewalk connection is proposed between this new building and Brevard Rd, as well as between the new building and the existing hotel building.
- The crosswalk at the project's driveway off of S. Bear Creek Rd is proposed to be improved to a high-visibility crosswalk.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed development supports goals in the Living Asheville Comprehensive Plan, including:
 - **Encourage Responsible Growth** - by providing infill development in targeted growth areas.
 - **Facilitate Real Estate Development that Maximizes Public Benefit** - by establishing accessible and well-connected commercial nodes.
- The proposed development is *partially compatible* with the Future Land Use designation of "Urban Corridor", which is proposed, in part, that "there would be a lot of benefit from refocusing their development and land use patterns, especially including multi-modal access and transit facilities, as well as building and parking placement that enhances the pedestrian experience along and connecting to these corridors, while providing continuity between the urban and town centers to which they link".

Compatibility Analysis:

- The proposal is generally consistent with the adjacent RB zoning, and with the Buncombe County zoning of Commercial Service. The site is also located near Interstate 40 and controlled access right-of-way where drive-through facilities are commonly located.

Council Goal(s):

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

Committee(s):

- Planning & Zoning Commission (PZC) - December 6, 2023 - approved (Vote 7:0) with the following conditions: 1) That the crosswalk at the project's entrance on S. Bear Creek Rd be improved to a high visibility crosswalk; 2) That a pedestrian connection be provided in the form of a sidewalk between the existing hotel and future building on the outparcel; and, 3) That the project make best efforts to minimize potential conflicts between the drive aisles and drive-through queue with pedestrians.

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 site plan and the site plan with sidewalks. Conditions include (1) Future uses on Lot 2 shall conform to uses permitted in the Highway Business District and comply with all applicable standards as required in the UDO and other technical standards. ~~No drive-throughs will be permitted on Lot 2;~~ (2) indicated on the revised site plan, incorporated herein by reference: (a) Access to future uses on Lot 2 will be from the existing driveway to the site; (b) A new, minimum 5'-wide sidewalk will connect Lot 2 to Brevard Rd; (c) A new, minimum

5'-wide sidewalk will connect the existing hotel to Lot 2, with the final location to be agreed upon by the owners of the hotel and future building on Lot 2; and (d) The crosswalk at the project's entrance on S. Bear Creek Rd be improved to a high visibility crosswalk; and (3) The Project will make best efforts to minimize potential conflicts between the drive aisles and drive-through queue with pedestrians. On December 6, 2023, the Planning & Zoning Commission December 6, 2023, approved the project with conditions. He then explained how the project was consistent with the Living Asheville Comprehensive Plan. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning amendment.

When Councilwoman Ullman asked how does this section fall into our bigger plans for transportation, Mr. Palmquist said that Brevard Road is on the County's greenway plan and the original condition was to provide an easement to the County. The County is in the process of upgrading their greenway plan. He did acknowledge that Brevard Road is a major transportation corridor and he didn't know if this parcel is more strategic than any other.

Councilwoman Roney recalled when she was in the audience when this was brought to Council in 2018, the concern was the future and how we move as a City forward in general. Her concerns are whether drive throughs are the best for our tax base, for safety, for traffic concerns, and for the ways that people move through this intersection. She was not sure this type of land use is in our best interest and could not support the amendment.

In response to Councilwoman Ullman, City Attorney Branham said that City Council's authority lies in deciding the consistency of the property with adopted area plans, and the reasonableness of the proposal, not in the specific planned activity upon the land. Since this is a conditional zoning, Council can look at the specific plan and determine what, if any, impacts will result from the use, and whether those are not reasonable in terms of how they affect the surrounding area and the community at-large. It would be beyond Council's authority to say a specific business or business type are unreasonable, but a specific design of a business is within the purview of a land use in the context of a conditional zoning.

Mayor Manheimer opened the public hearing at 5:27 p.m.

Claudia Nix spoke in opposition to the amendment to the conditional zoning in that she didn't feel it's best from a transportation standpoint for a drive-through. Typically drive-throughs have long lines spewing emissions and it's not good for walkers or bikers.

Mayor Manheimer closed the public hearing at 5:30 p.m.

Mr. Derek Allen, attorney representing the applicant, said that this is a very much vehicle corridor. He explained why he felt the prohibition on the drive-through was inserted in the conditions in 2018, and it makes less sense now. Since COVID, people do not want to go inside, especially when they are right off of I-40.

Vice-Mayor Kilgore said that she travels this road daily and felt this area needs to be activated.

In response to Vice-Mayor Kilgore, Mr. Allen said that they are only requesting one drive-through and it is tied to the site plan layout.

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 amendment request for the property located at 511 Brevard Rd, zoned Loding Expansion - Conditional Zoning (LODG EXP-CZ) and Highway Business - Conditional Zone (HB-CZ) for the modifications to the site plan

and project conditions, 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; and, 2) establishes accessible and well-connected commercial nodes. This motion was seconded by Councilwoman Smith and carried on a 4-2 vote, with Councilwoman Roney and Councilwoman Ullman voting "no."

ORDINANCE BOOK NO. 35 – PAGE 155

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Metropolitan Sewerage District, the following individuals applied for the vacancy: Vice-Mayor Kilgore, Councilwoman Antanette Mosley and Councilwoman Smith. Mayor Manheimer said that this seat is not specifically designated for a Council Member. It was the consensus of City Council to postpone the appointment until February 13, 2024.

Regarding the Neighborhood Advisory Committee (representative for 28801), no one applied and it was the consensus of the Boards & Commissions Committee and City Council to re-advertise for that seat.

Regarding the Noise Advisory Board (restaurant industry) no one applied and it was the consensus of the Boards & Commissions Committee and City Council to re-advertise for that seat.

Regarding the Asheville-Buncombe Riverfront Commission, the following individuals applied for the vacancy: Anne Phillip, Benjamin Gladstone and John-Michael Henson. The Chair of the A-B Riverfront Commission and staff recommended postponing appointments until other new appointing entities fill their seats. The Boards & Commissions Committee and City Council concur with postponing the appointments.

RESOLUTION NO. 24-13 - RESOLUTION APPOINTING A MEMBER TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

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

Shantelle Simpson has resigned from the Affordable Housing Advisory Committee, thus leaving an unexpired term until September 1, 2026.

The following individuals applied for the vacancy: Tod Leaven, Jen Hampton, Daran Smith, Greg Borom Christina Maimone, Alvarez Abernathy, Zalika McDaniel, Bill Hume and Jonathan Brown.

The Chair of the Affordable Housing Advisory Committee recommended, and the Boards & Commissions Committee concur, to appoint Alvarez Abernathy.

Vice-Mayor Kilgore moved to appoint Alvarez Abernathy as a member of the Affordable Housing Advisory Committee, to serve the unexpired term of Santelle Simpson, term to expire September 1, 2026, or until Alvarez Abernathy's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 44 – PAGE 350

RESOLUTION NO. 24-14 - RESOLUTION APPOINTING A MEMBER TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Alcoholic Beverage Control Board..

On January 12, 2021, Robin Cape was appointed a member on the Alcoholic Beverage Control (ABC) Board with her term expiring on November 13, 2023. On October 11, 2022, by Resolution No. 22-230, Ms. Cape was appointed as Chair of the ABC Board to serve at the pleasure of Council. Since the member term of Ms. Cape expired on November 13, 2023, it is necessary to reappoint her to an additional three-year term.

Vice-Mayor Kilgore moved to reappoint Robin Cape as a member of the Alcoholic Beverage Control Board to serve as Chair at the pleasure of Council or until her member seat expires on November 13, 2026, whichever occurs earlier. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 44 – PAGE 351

RESOLUTION NO. 24-15 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

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

The terms of Paul Wilczynski (regular), Suzanne Godsey (regular), John Michael Kledis (alternate), David Angelus (alternate), Wendy Tabb (alternate) and Annette Wise (alternate) expire on January 21, 2024. In addition, Andrew Garrard (alternate) has resigned, thus leaving an unexpired alternate seat until January 21, 2025. Staff will be working to revise the ordinance membership to comply with State law.

The following individuals applied for the vacancy: Jillian Ballard and John Michael Kledis.

The Chair of the Board of Adjustment recommended, and the Boards & Commissions Committee concur, to reappoint Susan Godsey (regular member), reappoint John Michael Kledis (regular member), reappoint Annette Wise (alternate member) and appoint Jillian Ballard (alternate member).

Vice-Mayor Kilgore moved to (1) reappoint Suzanne Godsey, as a regular member to the Board of Adjustment to serve an additional three-year term; term to expire January 21, 2027, or until Suzanne Godsey's successor has been appointed; (2) appoint John Michael Kledis, as a regular member to the Board of Adjustment to serve a three-year term, term to expire January 21, 2027, or until John Michael Kledis' successor has been appointed; (3) appoint Jillian Ballard, as an alternate member to the Board of Adjustment to serve a three-year term, term to expire January 21, 2027, or until Jillian Ballard's successor has been appointed; and (4) reappoint Annette Wise, as an alternate member to the Board of Adjustment to serve a three-year term, term to expire January 21, 2027, or until Antette Wise's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 44 – PAGE 352

RESOLUTION NO. 24-16 - RESOLUTION APPOINTING MEMBERS TO THE DESIGN REVIEW COMMITTEE

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Design Review Committee.

The terms of Steven Lee Johnson (serving as one of the Downtown Commission seats), Michael McDonough (at large member), and Bryan Moffitt (serving as one of the Downtown Commission seats) expired on December 31, 2023. Mr. Johnson is serving as one of the Downtown Commission seats; however, his term on the Downtown Commission expires and he is not eligible for reappointment to that Commission. Therefore, he is not eligible to be reappointed to the Design Review Committee as the Downtown Commission representative.

The Chair and staff of the Design Review Committee recommend (1) moving Ricardo Seijo from the at-large member on the Design Review Committee to serve as the Downtown Commission representative on the Design Review Committee; (2) reappointing Bryan Moffitt as a Downtown Commission representative on the Design Review Committee; (3) reappointing Michael McDonough as an at-large representative on the Design Review Committee; and (4) appointing Steven Lee Johnson as an at-large representative (formerly filled by Ricardo Seijo) on the Design Review Committee.

The following individuals applied for the vacancy: Christopher Mansfield, N. Astrid Hoffman, John-Michael Henson, Ryan Taylor and Jessica Christian.

Vice-Mayor Kilgore moved to (1) reappoint Michael McDonough (at-large representative) as a member of the Design Review Committee, to serve a three-year term, term to expire December 31, 2026, or until Michael McDonough's successor has been appointed; (2) reappoint Bryan Moffitt (Downtown Commission representative) as a member of the Design Review Committee, to serve until his term on the Downtown Commission expires on March 17, 2026, or until Bryan Moffitt's successor has been appointed; (3) move Ricardo Seijo from the at-large member on the Design Review Committee to serve as the Downtown Commission representative on the Design Review Committee, to serve until his term on the Downtown Commission expires or December 31, 2024, or until Ricardo Seijo's successor has been appointed; and (4) appoint Steven Lee Johnson as an at-large representative on the Design Review Committee, to serve the remainder of Richard Seijo's term, term to expire December 31, 2024, or until Steven Lee Johnson's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 44 – PAGE 353

RESOLUTION NO. 24-17 - RESOLUTION APPOINTING MEMBERS TO THE DOWNTOWN COMMISSION

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Downtown Commission.

The terms of Andrew Fletcher, Steven Lee Johnson and Nur Edwards (moved outside City limits), expired on December 31, 2023.

The following individuals applied for the vacancy: Ben Gladstone, Tom Hunter, Billy Cooney, David Moritz, Douglas Buchalter, Chad Roberson, Clarissa Hyatt-Zack, Stu Helm, Byron Greiner, Abigail Griffin, Michael Fulbright, Hayden Plemmons, Christina Maimone, Colin McBeath and Bill Hume.

The Chair of the Downtown Commission recommended reappointment of Nur Edwards and appointment of Ben Gladstone and Stu Helms. It was the consensus Boards & Commissions Committee to reappoint Nur Edwards and appoint Stu Helms and Billy Cooney.

Vice-Mayor Kilgore moved to (1) appoint Stu Helms and Billy Cooney as members of the Downtown Commission, to each serve a three-year term respectively, terms to expire December 31, 2026, or until their successors have been appointed; and (2) reappoint Nur Edwards to serve a three-year term, term to expire December 31, 2026, or until Nur Edward's successor has been appointed. This motion was seconded by Councilwoman Roney.

Vice-Mayor Kilgore withdrew her initial motion.

After a brief discussion, Councilwoman Roney then moved to (1) appoint Stu Helms and Billy Cooney as members of the Downtown Commission, to each serve a three-year term respectively, terms to expire December 31, 2026, or until their successors have been appointed; and (2) postpone the seat currently held by Nur Edwards until February 13, 2024. This motion was seconded by Councilwoman Ullman and carried unanimously..

RESOLUTION BOOK NO. 44 – PAGE 354

RESOLUTION NO. 24-18 - RESOLUTION APPOINTING A MEMBER TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Human Relations Commission.

Jack Hoda has resigned as a member of the Human Relations Commission, thus leaving an unexpired term until June 1, 2025.

The following individuals applied for the vacancy: David Shaw, Robyn Hite, Andy Bobowski, Willa Grant, Danie Johnson, Alena Kimas and Bethany Vance.

The Chair of the Human Relations Commission recommended, and the Boards & Commissions Committee concur, to appoint Andy Bobowski.

Vice-Mayor Kilgore moved to appoint Andy Bobowski as a member of the Human Relations Commission,, to serve the unexpired term of Jack Hoda, term to expire June 1, 2025, or until Andy Bobowski's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

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RESOLUTION NO. 24-19 - RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURE COMMISSION

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Public Art & Culture Commission.

The terms of Andrew Fletcher and Marsha Almodovar as members on the Public Art & Culture Commission, expired on June 30, 2023.

The following individuals applied for the vacancies: Paul Tay, Kevin King, Jennifer Maer, Alexandria Monque Ravenel, Charlie Huguenard and Rachel Hanson.

The staff liaison and the Chair of the Public Art & Culture Commission recommend appointing Alexandria Monique Ravenel and Rachel Hanson.

Vice-Mayor Kilgore moved to (1) appoint Alexandria Monique Ravenel and Rachel Hanson to the Public Art & Culture Commission to each serve a three-year term respectively, terms to expire on June 30, 2026, or until their successors have been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

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RESOLUTION NO. 24-20 - RESOLUTION APPOINTING A MEMBER TO THE COMMUNITY REPARATIONS COMMISSION

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Community Reparations Commission..

Dr. Tamarie Macon resigned as a member on the Community Reparations Commission.

Staff of the Community Reparations Commission recommended, and the Boards & Commissions Committee concur, to appoint alternate Osondu McPeters (currently alternate member). Staff does not recommend replacing the alternate member as it is too far into the reparations process.

Vice-Mayor Kilgore moved to appoint Osondu McPeters as a member of the Community Reparations Commission to serve at the pleasure of City Council. This motion was seconded by Councilwoman Roney and carried unanimously.

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RESOLUTION NO. 24-21 - RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE

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

The terms of Tim Ormond and Steven Baron, as members on the Sustainability Advisory Committee, expired on December 31, 2023.

The following individuals applied for the vacancy: Sophie Loeb, Anna Alsobrook, Tod Leaven, Mimi Gordon, Lindsay Parpart, Russ Thacher, Lin Orndorf, Daniel Ratner and Bill Hume.

The Chair of the Sustainability Advisory Committee recommended, and the Boards & Commissions Committee concur, to reappoint Tim Ormond and Steven Baron.

Vice-Mayor Kilgore moved to reappoint Tim Ormond and Steven Baron as members of the Sustainability Advisory Committee, to each serve an additional three-year term respectively, terms to expire December 31, 2026, or until their successors have been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

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RESOLUTION NO. 24-22 - RESOLUTION APPOINTING MEMBERS TO THE URBAN FORESTRY COMMISSION

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Urban Forestry Commission.

The terms of Cecil Bothwell, Sharon Sumrall and Karen MacNeil, as members of the Urban Forestry Commission, expired on December 31, 2023.

The following individuals applied for the vacancy: Lyda Karrh, Kelly Carlson, Phaedra Xanthos, Jennifer Abla, Scott Alba, John-Michael Henson, Patricia Grace and Susan Loftis.

The Chair of the Urban Forestry Commission recommended to reappoint Karen MacNeil and appoint Scott Alba, Patricia Grace or John-Michael Henson. It was the consensus of the Boards & Commissions Committee to reappoint Karen MacNeil and appoint Patricia Grace and John-Michael Henson.

Vice-Mayor Kilgore moved to (1) appoint John-Michael Henson and Patricia Grace as members of the Urban Forestry Commission, to each serve a three-year term respectively, terms to expire December 31, 2026, or until their successors have been appointed; and (2) reappoint Karen MacNeil as a member of the Urban Forestry Commission, to serve a three-year term, term to expire December 31, 2026, or until Karen MacNeil's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council about various matters, some being, but are not limited to: ongoing crime in Asheville, especially vehicle break-ins; parking concerns at Rankin Avenue Parking Garage; request for Council to adopt a resolution for ceasefire, peace, and international law; economic development opportunity; former Black Council Member Newton Shepherd; and anti-displacement and the missing middle housing study; and Israel and anit-semitism in Asheville.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:33 p.m.

CITY CLERK

MAYOR