

Thursday – February 8, 2024 - 11:00 a.m.

Agenda Briefing Worksession - For February 13, 2024, Council 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

City Council held an agenda briefing worksession to discuss the upcoming and future agenda items. In addition, the 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:

- Downtown Restroom Project
- Malvern Hills Pool/Aquatics Programming

At 12:35 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – February 13, 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 Sage Turner (remote and present, but not voting); Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

PLEDGE OF ALLEGIANCE

Mayor Manheimer led the City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING FEBRUARY 2024 AS “BLACK HISTORY & LEGACY MONTH”

Mayor Manheimer read the proclamation proclaiming February 2024 as “Black History & Legacy Month” in the City of Asheville. She presented the proclamation to Alexandria Ravenel, Anthony Thomas and Marcus Kirkman, who briefed the City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING FEBRUARY 26 - MARCH 3, 2024 AS | “NATIONAL INVASIVE SPECIES AWARENESS WEEK”

Mayor Manheimer read the proclamation proclaiming February 26 - March 3, 2024 as “National Invasive Species Awareness Week” in the City of Asheville. She presented the proclamation to Raven Sterling, with Raven Invasive Plant Management, and LB Bacchus, Co-Founder/Director, Kudzu Culture. who briefed the City Council on some activities taking place during the week.

II. CONSENT AGENDA:

- A. APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON JANUARY 18, 2024, AND THE FORMAL MEETING HELD ON JANUARY 23, 2024**

- B. RESOLUTION NO. 24-29 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ASHEVILLE FENCE CONTRACTORS INC. FOR THE MARTIN L. KING JR. AND WEST ASHEVILLE PARKS BALL FIELD BACKSTOP FENCING PROJECT**

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a construction contract with Asheville Fence Contractors, Inc. for the installation of ballfield backstop fencing in the amount of \$103,712.13; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$10,371.21.

Background:

- This project helps address conditions to provide safe park conditions at West Asheville Park & Martin L. King Jr. Park.
- The project scope includes removal of the existing backstops, and the installation of new chain link fence and posts to the current standards established by the Parks & Recreation Department.
- This construction phase is anticipated to begin in spring 2024 after the baseball season.
- Bids were initially advertised on December 4, 2023.
- Bids received are as follows:
 - Asheville Fence Contractors, Candler, NC \$103,712.13
 - Greybeard Fencing, Asheville, NC \$169,162.00
- Asheville Fence Contractors, Inc. of Candler, NC, a woman owned business, is the apparent lowest responsive, responsible bidder.

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 and direct outreach to 1 general contractor currently doing business with the City.
- Direct outreach was to the following MWBE owned general contracting firm:
 - Asheville Fence

Council Goal(s):

- A Thriving Local Economy
- A Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- The current ballfield backstop fencing at Martin L. King Jr. and West Asheville Parks has exceeded its useful life and is in need of replacement.
- This project addresses issues related to health, safety, and welfare of park users at Martin L. King Jr. Park and West Asheville Park playing sports on the existing diamond ballfields.

- These fields see a heavy use of play during the spring, summer and fall by youth baseball and adult softball leagues.

Con(s):

- Construction may impact athletic programming during construction.

Fiscal Impact:

- Funding for this contract is available in the Parks and Recreation operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a construction contract with Asheville Fence Contractors, Inc. for the installation of ballfield backstop fencing in the amount of \$103,712.13; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$10,371.21, for a total contract amount not to exceed \$114,083.13

RESOLUTION BOOK NO. 44 - PAGE 367

C. RESOLUTION NO. 24-30 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH GHD ENGINEERING FOR THE TASK ORDER 8 - DEBRUHL WATER TREATMENT PLANT CHEMICAL BULK STORAGE PROJECT

Action Requested: Adoption of a resolution to authorize the City Manager to enter into a Professional Services Contract with GHD Engineering for the Task Order 8 - DeBruhl Water Treatment Plant (WTP) Chemical Bulk Storage Project.

Background:

- The William DeBruhl WtP is one of the three City of Asheville water treatment plants that supply drinking water for the City of Asheville's water distribution system.
- The William DeBruhl WTP is a direct filtration water treatment plant that treats water from the Bee Tree Reservoir. As part of the water treatment process, the William DeBruhl WTP uses sodium hypochlorite, sodium hydroxide, zinc orthophosphate, sodium bicarbonate, fluoride, and polyaluminum chloride, to treat the water for customers.
- The use of these water treatment chemicals require onsite storage at the William DeBruhl WTP to allow treatment to continue 24 hours per day, 7 days per week, and 365 days per year.
- Both the William DeBruhl WTP fluoride and sodium hypochlorite bulk chemical tanks are nearing the point of failure due to age and use.
- Currently the William DeBruhl WTP needs to replace (1) sodium hypochlorite tank and (1) fluoride tank to continue to provide core services and to continue to treat drinking water.
- The William DeBruhl WTP also needs to add a new bulk storage tank to hold and store a new coagulant product, which will be beneficial to the treatment process.
- The proposed project will help develop the specifications needed for the replacement of the sodium hypochlorite tank and the fluoride tank, as well as provide analysis of the specifications and location for the new coagulant tank.
- If not approved, it will limit the ability of the William DeBruhl WTP and the City of Asheville Water Resources Department to provide high quality drinking water to the City of Asheville's water distribution system

Vendor Outreach Efforts:

- GHD Engineering was chosen from the City of Asheville's Water Resources Department's Master On-Call Engineering list to provide professional engineering services for this project..

- The Master On-Call Engineering Services list was developed through a competitive process.
- No further outreach was undertaken.

Council Goal(s):

- Improve/Expand Core Services

Committee(s):

- N/A

Pro(s):

- Maintains the ability of the William DeBruhl WTP to continue to provide core services for our customers.
- Maintains the ability of the William DeBruhl WTP to treat drinking water for the City of Asheville's water distribution system.

Con(s):

- There are no cons with entering into this contract.

Fiscal Impact:

- Funding for this contract, estimated at \$145,000, is available in the Water Resources operating budget.

Motion:

- Motion to authorize the City Manager to enter into a professional services contract with GHD Engineering for Task Order 8 - DeBruhl WTP Chemical Bulk Storage Project.

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D. RESOLUTION NO. 24-31 - RESOLUTION AUTHORIZING CITY STAFF TO APPLY TO THE N.C. DEPT. OF ENVIRONMENTAL QUALITY FOR A 2024 COMMUNITY WASTE REDUCTION AND RECYCLING GRANT

Action Requested: Adoption of a resolution authorizing City Staff to apply for the N.C. Dept. of Environmental Quality (NCDEQ) 2024 Community Waste Reduction and Recycling Grant up to \$50,000.

Background:

- In 2014, City Council executed Resolution 14-27 adopting a waste reduction goal of 50 percent by 2035.
- The goal of this grant application is to increase awareness and drive education around how to 'Recycle Right' in order to reduce contamination in the recycling stream and improve, protect, and preserve our recycling program.
- Educating Asheville residents and businesses about what can go in their recycling carts will help to reduce contamination, reduce Material Recovery Facility (MRF) disposal tonnages and costs, ensure that our MRF has marketable commodities, and support the long-term viability of our recycling program.
- Grant funds will be used to purchase outreach and educational materials and to fund an educational media campaign.
- The City's contracted Material Recovery Facility, Curbside Management, supports the development and implementation of this recycling outreach campaign.
- Internal COA departments that are supporting this campaign include the Office of Sustainability and the Communications and Public Engagement team (CAPE).

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Improve and Expand Core Services
- Neighborhood and Climate Resilience

Committee(s):

- N/A

Pro(s):

- Increase recycling contamination awareness with City residents and businesses to help decrease contamination rates
- Deliver a clean stream of recyclables to our contracted Material Recovery Facility (MRF), Curbside Management, and help reduce MRF disposal tonnages and associated costs
- Funds to help develop and implement an educational recycling outreach campaign through printed materials and media outlets

Con(s):

- None

Fiscal Impact:

- If the grant is awarded, the City is required to provide 20% of the grant amount in matching funds (up to \$10,000).
- If awarded, matching funds will be included in the Public Works Department FY 2024-25 Proposed Budget.

Motion:

- Motion to authorize City staff to apply for the N.C. Dept. of Environmental Quality (NCDEQ) 2024 Community Waste Reduction and Recycling Grant.

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E. RESOLUTION NO. 24-32 - RESOLUTION TO PAUSE ACCEPTANCE OF LAND USE INCENTIVE GRANT (LUIG) APPLICATIONS UNTIL THE AFFORDABLE HOUSING PLAN RECOMMENDS A COURSE OF ACTION FOR THE LUIG PROGRAM

Action Requested: Adoption of a resolution for a temporary pause in the consideration of LUIG applications during the completion of the Affordable Housing Plan Update.

Background:

- The LUIG program was created in 2011 to incentivize the inclusion of affordable units at 80% AMI in projects that otherwise would have only offered market-rate rents.
- The LUIG Policy was not originally designed to produce units for lower-income residents (50% AMI or less) without additional funding layers like vouchers or other sources.
- Over time the policy has been revised, increasing the percentage of affordable units required (from 10% to 20%), extending the length of the affordability period (from 10 years to 20 years), and adding in a requirement for voucher acceptance (50% of affordable units) to help serve those at 60% AMI and below.
- In October 2019, the application scoring point structure was revised to make the longer affordability periods and higher numbers of affordable units more feasible for developers.
- Between 2010 - 2019, there were six (6) LUIG grants approved, and between Oct. 2019 - 2023 there were twelve (12) LUIG grants approved.

- Since 2019, the City has committed up to \$21 million in grants to support 414 affordable housing units in market-rate projects.
- Questions and concerns regarding the effectiveness of the program and whether it is furthering equity have been raised by the City Council over the past year.
- Staff is requesting a pause in accepting applications while the Affordable Housing Plan consultant evaluates the program and makes recommendations for the future of LUIG.
- In the interim, staff will continue to work with developers who have applied for Housing Trust Fund loans, permitting fee rebates, and federal Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds.

Affordable Housing Plan

- The City is currently working with Enterprise Community Partners on an Affordable Housing Plan.
- Updates to the Affordable Housing Plan will include recommendations on the City's affordable housing incentives, including LUIG and the Housing Trust Fund in the broader context of Asheville's housing ecosystem.
- Enterprise was selected partly because of their commitment to centering equity in their recommendations.
- Research and plan development is currently underway, and staff expects to have recommendations from Enterprise ready for presentation to the City Council by May 2024.

Timeline for Policy Review

- Enterprise is projected to complete their evaluation of the LUIG Policy by the end of February 2024.
- Draft policy recommendations will then be shared with the community in March.
- Community and stakeholder feedback on the draft recommendations will occur in March/April.
- If the plan recommends revising the LUIG Policy, staff would then be able to bring a revised policy forward in May/June with reviews by the Affordable Housing Advisory Committee (AHAC); Housing & Community Development Committee; and Policy, Finance & Human Resources Committee before coming to the City Council for review and a vote.

Council Goals

- Quality Affordable Housing
- An Equitable and Diverse Community

Committees

- AHAC met on January 4, 2024, and decided not to vote on the recommendation. There were several concerns about the pause indicating to the public and the development community that the City was reducing its commitment to affordable housing. Some members expressed that as long as it was clearly communicated when a decision would be made, the pause is reasonable.
- HCD is considering this item at their meeting on February 12, 2024 (rescheduled from January).
- The Policy, Finance & HR Committee is considering this item at their meeting on February 13, 2024.

Pro(s):

- Allows time to evaluate LUIG Policy within the context of all City Affordable Housing programs before any further City investments are made under the LUIG program.

Con(s):

- There may be some residential development applications coming forward in the next few months that could potentially apply for a LUIG. Staff does not have any applications in the queue at this time.

Fiscal Impact:

- No LUIG proposals would come to the City Council over the next 5-6 months; resulting in no new fiscal commitments associated with LUIG.

Staff Recommendation

- Staff recommends approval of a resolution to pause acceptance of LUIG applications until the Affordable Housing Plan can recommend a course of action for the LUIG program based on an evaluation.

Motion:

- Motion to recommend that the Asheville City Council pause acceptance of LUIG applications until the Affordable Housing Plan recommends a course of action for the LUIG program.

Councilwoman Roney explained what an LUIG program is. It's a tool that we want to be able to use but it's not getting us the outcomes for equitable affordable housing. Since we are not using this tool to achieve our goals, she was glad we are pausing so we can get to our goals soon.

Councilwoman Ullman read a revised "Now Therefore" which language came out of the earlier Policy, Finance & Human Resources Committee meeting earlier in the day. Said revision is "The Asheville City Council hereby approves a pause in the Land Use Incentive Program until at least the end of June 2024 or until all advisory bodies have completed their review of recommendations to be prepared by staff, whereby no applications will be accepted until the City Council approves a new policy or confirms the existing policy."

Councilwoman Turner said that this in no way is a step back from our commitment from our affordable housing policy. Because we don't have anyone in the queue for this tool, this is the perfect time to take a pause.

After a brief discussion of the timeline, Councilwoman Ullman withdrew her revised language amendment to the resolution. Council agreed to have the original language in the resolution remain, said language being " City Council moves to approve a pause in the Land Use Incentive Program, whereby no applications will be accepted until the City Council approves a new policy or confirms the existing policy. It is expected that the Council will consider a new policy in June 2024."

Elyse Marder spoke in support of pausing the Land Use Incentive Program.

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F. RESOLUTION NO. 24-33 - RESOLUTION TO RESCIND A PREVIOUSLY APPROVED \$1.2 MILLION HOUSING TRUST FUND LOAN ALLOCATION FOR THE PINEVIEW PINEVIEW CONDOMINIUM PROJECT AND REALLOCATE FUNDING TO THE HOUSING TRUST FUND BALANCE

Action Requested: Adoption of a resolution to rescind prior approval of a \$1,200,000 Housing Trust Fund loan for the Bryson Investment Group LLC's Pineview Place Condominiums development.

Background:

- City Council approved Bryson Investment Group LLC’s Housing Trust Fund loan of \$1,200,000 for the Pineview Place Condominiums on December 8, 2020, [Resolution #20-237](#).
- The award was to develop twelve affordable for-sale condominium homes at Arline Henry Way, PIN 9638-52-5112.
- The owner/developer has stated that they are unable to complete the project due to rising construction costs associated with the pandemic.
- The owners have since subdivided the property into three parcels and have been permitted for two single-family homes. These units are currently under construction.
- The developer will need to reapply to receive a loan from the Housing Trust Fund for a project on this land or any future development.
- Bryson Investment Group LLC has not pursued the development of the project and no formal agreements or payments were issued. It is generally expected that loan closings will happen within the year of approval by the City Council.
- Staff is initiating this rescission and the developer is aware of this action. If approved, the \$1,200,000 of funding would revert to the Housing Trust Fund balance for reallocation to future projects.

Council Goal(s):

- Quality Affordable Housing

Committee(s):

- Housing and Community Development Committee (HCD) - 2/12/24

Pro(s):

- Funds will be reallocated to the Housing Trust Fund balance for future use.

Con(s):

- None noted.

Fiscal Impact:

- No payments have been made to Bryson Investment Group LLC.
- If the grant is rescinded, the \$1,200,000 originally awarded to Bryson Investment Group LLC would be available to fund other projects applying for funding via the Housing Trust Fund.

Motion:

- Motion to authorize a resolution to rescind the \$1,200,000 Housing Trust Fund loan previously awarded to Bryson Investment Group LLC and reallocate funds to the Housing Trust Fund available balance.

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G. RESOLUTION NO. 24-34 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE GENERAL SERVICES CONTRACT WITH BARRS RECREATION TO ADD A SHADE CANOPY TO THE PREVIOUSLY PURCHASED MURPHY-OAKLEY PLAYGROUND EQUIPMENT

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amendment to the general services contract with Barrs Recreation, in the amount of \$120,217.34 to add a shade canopy to the previously purchased Murphy Oakley playground equipment.

Background:

- The Murphy Oakley playground is currently under construction and will provide an inclusive playground experience upon construction completion.
- To improve playground safety at this facility, several Sweet Gum trees have been removed.
- These trees were removed because they present a slip and fall hazard.
- New trees have been planted which will provide shade to the playground in the future.
- Shade structures are needed at the playground given that it will take several years for the trees to mature.
- The expected opening date of the playground, which will include the installation of the new shade structures, is May 2024.

Vendor Outreach Efforts:

- The equipment is being purchased through a cooperative purchasing group, which competitively solicits the product and services.
- Indicate outreach efforts
 - Staff performed outreach to minority and women owned businesses through the Co-Operative Purchasing System solicitation process.
 - There are no known shade manufacturers offered by a minority business.

Council Goal(s):

- Annual Council Priority: Improve and expand core services.
- Council's vision: Clean, Safe and Healthy Environment and Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- Two shade structures will be installed over the play equipment at Murphy Oakley Playground which will provide users with valuable shade and give the newly planted trees time to mature.

Con(s):

- Parks Asset Management will need to remove the shade fabric each winter.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the general services contract with Barrs Recreation, in the amount of \$120,217.34 to add a shade canopy to the previously purchased Murphy Oakley playground equipment.

RESOLUTION BOOK NO. 44 - PAGE 372

- H. RESOLUTION NO. 24-35 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH MACKAY METERS INC. FOR PARKING METER SERVICES AND MANAGEMENT TO CONTINUE THROUGH FEBRUARY 28, 2027 WITH TWO OPTIONS TO RENEW FOR TWO ADDITIONAL YEARS, AND TO ADD AN AMOUNT TO**

THE CONTRACT FOR THE LIFE OF THE CONTRACT, INCLUDING THE OPTION YEARS IF EXECUTED

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment between the City of Asheville and MacKay Meters Inc., for Parking Meter Services and management to continue through February 28, 2027 with the option to renew for two additional years for a total contract amount not to exceed \$269,000 for the life of the contract, including the optional years if executed.

Background:

- Parking Services currently has two parking meter providers, IPS and MacKay.
- Parking Services is in the process of transitioning all parking meters to MacKay as the preferred vendor for the following reasons:
 - MacKay provides both single space and double space meter-heads, which reduces the number of meters to be installed and reduces sidewalk “clutter,”
 - More user-friendly interface for customers, and
 - Higher-quality solar battery system with backup.
- Each parking meter system utilizes its own back-end software to run the meters, process payments, track revenues, etc. Therefore, it is necessary for the City to have a service agreement in place with both vendors while the transition to MacKay meters takes place.
- At the January 9, 2024 City Council meeting, the IPS service agreement contract was authorized by the City Council in order to continue to provide service for the remaining IPS parking meters during the remainder of the City’s transition from IPS to MacKay.
- This action will amend the existing service contract with MacKay to:
 - Extend the life of the service contract for an additional three years, plus two additional 1-year renewal options, for a potential total of 5 years; and
 - Add the 296 MacKay meters that Parking Services has already purchased through the National Cooperative Purchasing Alliance/Omnia Partners program to the existing service contract.
- The 296 MacKay meters that were ordered previously to complete the transition are expected to be delivered to the City in mid-February. Staff will immediately begin removing the remaining IPS meters and replacing them with MacKay meters following the delivery.
- As IPS meters are removed and replaced by MacKay meters, the IPS meters will be removed from the IPS service and expenses for the IPS service contract will go down accordingly until all IPS meters are replaced.

Vendor Outreach Efforts:

- This is a current contract. MacKay Meters, Inc is both the manufacturer and technical support provider for the MacKay parking meters that currently are in use.
- The original/current contract was procured through the National Cooperative Purchasing Alliance/Omnia Partners program, which was awarded competitively via a nationwide selection process.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- This action will allow Parking Services staff to continue to utilize the back-end software that runs the MacKay parking meters, processes payments, and tracks revenue.

- This action will allow Parking Services to add the additional MacKay parking meters that have already been purchased to the service contract and streamline the transition to all MacKay parking meters in downtown.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment between the City of Asheville and MacKay Meters Inc., for Parking Meter Services and management to continue through February 28, 2027 with two options to renew for two additional years, and to add an amount of \$225,000 to the contract, for a total contract amount not to exceed \$269,000 for the life of the contract, including the option years if executed.

RESOLUTION BOOK NO. 44 - PAGE 373

I. RESOLUTION NO. 24-36 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH DIXON RESOURCES UNLIMITED INC. TO CONDUCT A COMPREHENSIVE OPERATIONS STUDY OF THE CITY'S PARKING SERVICES DIVISION

Action Requested: Adopt a resolution authorizing the City Manager to execute a contract with Dixon Resources Unlimited, Inc. in an amount not to exceed \$110,000, including 10% contingency if necessary, to conduct a Comprehensive Operational Assessment of the City's Parking Services Division.

Background:

- The City's adopted Fiscal Year 2023-24 Operating Budget included funding to prepare a Comprehensive Operational Assessment of the Transportation Department's Parking Services Division.
- The scope of work for the assessment includes analysis of existing and historical data related to all aspects of Parking Services operations including the organizational structure, staffing levels, parking utilization, revenues and expenses, rates and fee structures, equity, opportunities for improved parking facility and curb space management, and opportunities for service expansion and revenue capture.
- The assessment, which is projected to be completed in late summer 2024, will serve as a complement to the recently completed Parking Garage Maintenance and Engineering Assessment that reviewed the infrastructure maintenance and investment needs for the City's four parking structures.
- The result of the assessment will be a clear set of recommendations on how to best structure and staff the division, provide a high level of customer service, provide flexible, equitable, and varying permit and fee options for customers, provide strategies for potential expansion of services, and provide an implementation schedule tied to capacity and financial sustainability.

Vendor Outreach Efforts:

- Funding for this project is provided through the Parking Services Fund budget. As a result, the outreach and engagement followed the City's business inclusion processes. This process requires, at a minimum, staff outreach to businesses that have a documented contracting disparity directly and/or through prime contractors.

- Staff performed a solicitation process which included advertising Requests for Proposals (RFP) on the North Carolina Historically Underutilized Businesses (HUB) website.
- Three proposals were received in response to the RFP. One of the proposals did not provide the required ABI documents in their proposal and was therefore disqualified from the process.
- One of the two other proposals submitted was from Dixon Resources Unlimited, which is a certified woman-owned business, certified small business, and certified disadvantaged business in California and several other states. Dixon is not currently a registered MWBE or HUB business in the state of North Carolina, though their North Carolina application is in process and being reviewed by NCDOT.
- An ad-hoc Selection Committee was formed to select the most qualified firm and included members from several internal City departments, including Transportation, Finance, Planning and Urban Design, and Community and Public Engagement.
- The selection committee selected Dixon Resources Unlimited, Inc. for the contract.

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- N/A

Pro(s):

- Approving the contract will allow the City to conduct a Comprehensive Operational Assessment of the Parking Services Division.
- This study will provide a clear set of recommendations on how to best structure and staff the division, provide a high level of customer service, provide flexible, equitable, and varying permit and fee options for customers, provide strategies for potential expansion of services, and an implementation schedule tied to capacity and financial sustainability.

Con(s):

- N/A

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Dixon Resources Unlimited, Inc. in an amount not to exceed \$110,000, including 10% contingency if necessary, to conduct a Comprehensive Operations Study of the City's Parking Services Division.

RESOLUTION BOOK NO. 44 - PAGE 374

J. 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 December 2023.

Background:

- Buncombe County currently bills and collects City property taxes
- At the August 22, 2023, meeting, City Council approved an addendum to the existing tax collection agreement with Buncombe County to ensure that it fully conforms to the

provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.

- As part of that compliance, the City Council must, on a monthly basis, approve all property tax releases and refunds that have been approved by the Buncombe County Board of Commissioners.
- City of Asheville refunds and releases for December 2023 are included in the document.

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.

Suggested Motion:

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

K. RESOLUTION NO. 24-37 - RESOLUTION AMENDING THE 2024 CITY COUNCIL MEETING SCHEDULE TO (1) CANCEL THE VIRTUAL CITY COUNCIL AGENDA BRIEFING WORKSESSION AT 11:00 A.M. ON FEBRUARY 22, 2024; AND (2) ADD THE CITY COUNCIL'S ANNUAL RETREAT ON FEBRUARY 22-23, 2024, BEGINNING AT 9:00 A.M., IN THE BANQUET HALL AT HARRAH'S CHEROKEE CENTER - ASHEVILLE, LOCATED AT 87 HAYWOOD STREET, ASHEVILLE, N.C.

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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 Smith and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - EMPLOYEE RECOGNITIONS

City Manager Campbell outlined the following key takeaways: (1) the mission of the Asheville Fire Department (AFD) is to protect the LIVES, PROPERTY and ENVIRONMENT of all people within Asheville by preventing the occurrence and minimizing the adverse effects of FIRES, ACCIDENTS and all OTHER EMERGENCIES; (2) This mission will be accomplished with Firefighter PRIDE, PREPAREDNESS and PROFESSIONALISM with a focus on QUALITY, CUSTOMER SERVICE and CONTINUOUS IMPROVEMENT; and (3) acknowledge and

recognize how the mission is being accomplished by: (a) Firefighters rescuing their own during a close call and (b) AFD Hazmat Team winning a statewide competition.

Fire Chief Mike Cayse said that on January 25, 2024, AFD companies responded to a structure fire off Westchester Drive. During initial fire attack efforts, a firefighter fell through the floor resulting in calling for a mayday. Firefighters above were able to place a ladder through the hole and the firefighter was able to self extricate. He sustained minor burn injuries and was treated and released that evening. After the tragic death of Captain Jeff Bowen in 2011, a training program was developed for rescuing their own and ALL firefighters received this training and train often using these skills throughout the year. This is an example of how AFD is operationalizing their commitment to continuous improvement. We have not forgotten Captain Jeff Bowen.

Regarding the AFD HazMat Team, in August of 2023, AFD's HazMat Team won a statewide competition testing the team's ability to manage scenarios involving the safe mitigation of a hazardous materials incident. This team was sent to the Florida Hazardous Materials Symposium to represent Region 6 Regional Response Team (RRT6) on January 16-19, 2024. Team members brought pride to the state of North Carolina by taking first place in the Team Hazardous Materials Trivia category and earning the prestigious Individual Best Team Leadership award. Team members included Lieutenant Ricky Hesson, Engineer Jake Long, Engineer Patrick Bailey, and Senior Firefighter Sean White with Lieutenant Ricky Hesson receiving the individual award. Abby Moore was also recognized for her work with the AFD HazMat Team.

Also of note, the City of Asheville celebrates the legacy of local black culture through personal connections. Some Black History and Legacy Month highlights include (1) February 10th, 1-4 p.m. – Shiloh Storytelling and Reflection at Linwood Crump Shiloh Community Center; (2) February 16th, 2:30-5:30 p.m. – Edible Park Work and Learn Day at Dr. George Washington Carver Edible Park; (3) February 16th, 6-7:30 p.m. – Stumptown Story Night and Dinner at Tempie Avery Montford Community Center; (4) February 16th, 6-7:30 p.m. – Burton Street History at Burton Street Community Center; (5) February 16th, 6-8 p.m. – Black History Through the Eyes of Art Opening Reception at Dr. Wesley Grant Sr. Southside Community Center; (6) February 21st, 1-2 p.m. – Past, Present, and Future of Black History at Harvest House Community Center; and (7) February 22nd, 6-8 p.m. – Soul Food Supper at Stephens-Lee Community Center.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONDITIONALLY ZONE 492 SARDIS ROAD FROM COMMERCIAL INDUSTRIAL DISTRICT TO COMMERCIAL EXPANSION - CONDITIONAL ZONE

ORDINANCE NO. 5058 - ORDINANCE TO CONDITIONALLY ZONE 492 SARDIS ROAD FROM COMMERCIAL INDUSTRIAL DISTRICT TO COMMERCIAL EXPANSION - CONDITIONAL ZONE

Urban Planner Clay Mitchell said that this is the consideration of an ordinance to conditionally zone 492 Sardis Road from Commercial Industrial District to Commercial Expansion - Conditional Zone. This public hearing was advertised on February 2 and 9, 2024.

Project Location and Contacts:

- The project site totals 2.33 acres located at 492 Sardis Road (PIN 9617-81-4946)
- Owner: Debruhl's Used Cars, Inc.

Summary of Petition:

Project Site

- The project site is triangular in shape with frontage on Sardis Road and is currently undeveloped and consists of one parcel totaling 2.33 acres, of which 2.24 acres will be disturbed by development. The proposed project shows 1.10 acres of open space.
- The property is currently zoned Commercial Industrial (CI) and abuts CI-zoned land in Asheville. Land across Sardis is outside of Asheville in Buncombe County and zoned Public Service District (PS) and Employment District (EMP).
- The project is requesting a conditional zoning to Commercial Expansion CZ due to the building shown as being in excess of 100,000 s.f. in gross floor area.
- The proposed building has a GFA of 109,044 s.f.
- The Living Asheville Comprehensive Plan designates the Future Land Use of the project site as “Industrial / Manufacturing”.

Overall Project Proposal

- The petitioner is seeking a rezoning of the parcel at 492 Sardis Road from Commercial Industrial (CI) to Commercial Expansion - Conditional Zone (COM EXP-CZ) in order to construct a building in excess of 100,000 s.f. GFA to house internal self-storage units, office space for the same use, and associated surface parking and stormwater infrastructure.

Site Layout and Design

- Setbacks, impervious limitations and building height are all compliant with the COM EXP - CZ district.
- The project includes a jurisdictional stream and shows compliant setbacks.
- The building includes four stories of self-storage units (approximately 800 storage units in total), a ground-floor entrance with 800 s.f. of office space, access doors to units on the south and west side with two dedicated loading areas for internal access.
- The parking is located to the side of the building with a large bioretention cell and open space between the parking and the roadway.

Access, Sidewalks and Parking

- Access is shown at the intersection of Sand Hill Road and is scheduled for NCDOT access permit and review and City approval at Final TRC.
- Sidewalks are proposed at 5 feet in width along frontage and internal to the site. A technical modification from the required widths of 10 feet width along the road frontage and 8 feet internal to the site is proposed.
- Parking includes 13 total spaces (1 accessible) and the required amount of bicycle parking.

Landscaping / Open Space / Tree Canopy

- Open space is shown at 1.10 acres, meeting the requirement. No landscape property buffers are required for the property.
- Required street tree, street buffers, building impact, vehicle use area landscaping are all shown and compliant. The locations are generously spread throughout the site.
- The project is located in the Suburban Resource Management District. Tree canopy protection requires “Class C” compliance.

Technical Modifications

- The project is seeking technical modifications to development standards through the conditional zoning process including:
 - Reduction of sidewalk width internal to the site to 5 foot minimum width to connect the principal use where 8 feet is required.
 - Modification of sidewalk width and standards for street frontage from 10 foot width sidewalks to 5 foot wide sidewalks with a variable width (5 - 7 feet) planting

strip between the edge of road pavement and the sidewalk.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed rezoning supports the theme of **Resilient Economy** by implementing the following goal in the Living Asheville Comprehensive Plan, including:
 - Facilitate Real Estate Development that Maximises Public Benefit - by providing for commercial uses and services outside of identified growth areas, preserving these growth areas for walkable and mixed-use development.
- The proposed rezoning supports the theme of A Livable Built Environment by implementing the following goal in the Living Asheville Comprehensive Plan, including:
 - Make Streets More Walkable, Comfortable and Connected by adding pedestrian infrastructure at street crossings on major streets and where there are high volumes of traffic and pedestrians and eliminating gaps in the city-wide sidewalk network, especially where sidewalks tie in to greenways.
- The proposed rezoning is compatible with the Future Land Use designation of “Industrial / Manufacturing” which describes areas where “[t]his future land use type may require some separation from other more sensitive areas of the community but generally can be appropriate neighbors to other commercial uses or in mixed-use areas.”.

Compatibility Analysis:

- The proposed self-storage facility is compatible with the surrounding land uses, including:
 - Multiple scales of commercial/industrial sites and uses located along Sardis Road and Sand Hill Road area including other warehousing and storage facilities.
 - Vehicle sales abutting the property to the east.
 - With respect to the neighboring educational facilities, staff finds that the low vehicle traffic counts from the project will minimize safety concerns from vehicles to the neighboring schools in place of other high-traffic uses (Enka Intermediate School and the Franklin School of Innovation).

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) - November 26, 2023 - approved with conditions.
- Planning and Zoning Commission (PZC) - January 3, 2024 - approved (Vote 5:0).

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, location map, and the future land use map. About the site plan, (1) One building with a gross floor area of 109,044 s.f.; (2) 11 parking spaces with 2 accessible at the front door, bicycle parking is shown at entrance area; (3) Access doors and two dedicated loading areas on western and southern side of building; (4) Access at intersection of Sand Hill and Sardis Road; (5) Sidewalks internal and along Sardis Road are shown; and (6) COM EXP requires 10' width on street frontage and 8' internal connecting to use. Modification requested. Regarding the open space and landscape plans, (1) Vehicle use area, street buffer and building impact landscaping are all shown and compliant; (2) Open Space typology and area shown and compliant; (3) Tree Canopy protection shown and compliant; and (4) Recordable plans to be reviewed and submitted. He then showed the building elevations, along with the following conditions and technical modifications: (1)

Applicant has been asked to investigate renewable energy options as part of City/County goals for 100% renewable energy by 2042; (2) Applicant proposes condition to make good faith efforts to contract with small and minority firms as well as women's business enterprises reflecting existing corporate policy; and (3) Sidewalk width only technical modification (a) Seeking 5' width along street frontage with planting strip and 5 5' width internal to the site; and (b) COM EXP CZ requires 10 width along roadways and 8 foot internal. He then explained how the project was consistent with the Living Asheville Comprehensive Plan. He said the Technical Review Committee approved the project with conditions. The Planning & Zoning Commission voted unanimously to approve the project. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning.

In response to Councilwoman Roney, Mr. Mitchell said that the City has multiple landscaping and tree requirements. The applicant is meeting the full tree canopy protection area along the western edge of the property.

Mayor Manheimer opened the public hearing at 5:38 p.m., and when no one spoke, she closed the public hearing at 5:38 p.m.

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

Councilwoman Mosley moved to approve the conditional zoning request for the property located at 492 Sardis Road from Commercial Industrial (CI) to Commercial Expansion - Conditional Zone (COM 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 development that maximizes real estate development to meet the needs of the residential and commercial community; and 2) makes streets more walkable and connected especially where sidewalks are located at street crossings and where connectivity eliminates gaps proximate to greenways. This motion was seconded by Vice-Mayor Kilgore and carried unanimously.

ORDINANCE BOOK NO. 35 – PAGE 191

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO CHANGE THE DEVELOPMENT REGULATIONS RELATED TO COTTAGE DEVELOPMENT

Mayor Manheimer said that the applicant has requested a continuance of this public hearing, along with the public hearing on amending the flag lot requirements, until February 27, 2024. However, she spoke with staff regarding when they would be ready to move ahead with some of the other pieces of the Missing Middle Housing Study, specifically the recommendations around displacement. What she is hearing from Council is they want to consider displacement recommendations either at the same time or before we consider ordinance amendments around the Missing Middle Housing Study. Our Planning & Urban Development Director feels that the displacement recommendations are going to come in two pieces and the first piece will go to the Planning & Economic Development Committee and the Planning & Zoning Commission and then ultimately to City Council on April 23, 2024. In consultation with City staff it is the recommendation to move these two items to April 23, 2024, in order for Council to consider displacement recommendations in partnership with this first part of the Missing Middle Housing Study.

Councilwoman Ullman moved to continue the public hearing on an amendment to the Unified Development Ordinance regarding Cottage Development requirements to April 23, 2024. This motion was seconded by Councilwoman Smith and carried unanimously.

C. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO CHANGE THE DIMENSIONAL AND OTHER REQUIREMENTS RELATED TO THE CREATION OF FLAG LOTS

Note: Please see discussion above in Public Hearing B.

Councilwoman Ullman moved to continue the public hearing on an amendment to the Unified Development Ordinance regarding flag lot requirements to April 23, 2024. This motion was seconded by Councilwoman Roney and carried unanimously.

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 24-38 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH B. ALLEN CONSTRUCTION INC. FOR THE INSTALLATION OF A PREFABRICATED RESTROOM OUTSIDE OF THE RANKIN AVENUE GARAGE; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY CHANGE ORDERS THAT MAY ARISE DURING THE PROJECT UP TO THE CONTINGENCY AMOUNT

RESOLUTION NO. 24-39 - RESOLUTION AUTHORIZING THE PURCHASE OF A PREFABRICATED SINGLE OCCUPANT RESTROOM STRUCTURE FROM MADDEN FABRICATION FOR THE DOWNTOWN RESTROOM PROJECT

Mayor Manheimer said that after the presentation on January 23, 2024, these actions were continued to February, 2024, in order to gather more information.

Capital Projects Director Jade Dundas said that this is the consideration of adoption of a resolution authorizing the City Manager to enter into a construction contract with B. Allen Construction, Inc., for site enhancements and the installation of a prefabricated restroom unit adjacent to the Rankin Avenue Parking Garage in the amount of \$183,620; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$46,724; and adoption of a resolution authorizing the purchase of a prefabricated single occupant restroom structure from Madden Fabrication in the amount of \$170,760, for the Downtown Restroom project.

Background:

- The Downtown Restroom Project is intended to address downtown cleanliness, safety, and public health.
- The planned improvements for the Downtown Restroom Project is fully funded through the American Rescue Plan Act (ARPA) and will provide an accessible, durable, safe public restroom downtown that can be open 24 hours a day, seven days per week.
- In February 2023, a request for qualifications was issued for design services related to the installation of a prefabricated restroom structure.
- Four design teams submitted qualifications and Osgood Landscape Architecture, a downtown Asheville firm, was selected as the most qualified firm to perform design/engineering services, provide public meeting assistance, conduct permitting, and provide construction administration.
- Staff wanted to find new solutions to ensure a durable, safe, clean, and attractive restroom facility option could replace the current portable restroom at the corner of College and Rankin.
- Staff performed research on prefabricated restroom units and contacted multiple municipalities to identify operational “lessons learned,” including Missoula, Montana;

- Greeley, Colorado; Seattle, Washington; Philadelphia, Pennsylvania; and Eugene, Oregon.
- This outreach helped inform the technical requirements in the request for bids on the restroom structure.
- A formal invitation for bids for a prefabricated restroom structure was released November 9, 2023.
- One responsive bid was received
 - Madden Fabrication, Portland, Oregon, \$170,760.
- Madden Fabrication, the manufacturer of the “Portland Loo,” was the successful bidder for the restroom structure.
- The scope of the construction project includes site work and utility connections required for the installation of a prefabricated restroom, restroom installation, additional site lighting and security cameras, Americans with Disabilities (ADA) accessibility improvements, and updated landscaping around the restroom
- This construction phase of the project is anticipated to begin in spring 2024 with three months of construction.
- Bids were initially advertised on December 4, 2023.
- Responsive bids received are as follows:
 - B. Allen Construction, Inc., Candler, NC, \$183,620.00
 - Cinderella Partners, Inc., Indian Trail, NC, \$243,062.22
 - Providence Construction, Hendersonville, NC, \$279,360.00
 - V. Stewart McKee Construction, Morganton, NC \$379,915.00
- B. Allen Construction, Inc of Candler, NC is the apparent lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- This is a federally funded project using American Rescue Plan Act (ARPA) funds.
- Federal terms and conditions apply, and federal Minority & Women-Owned Business Enterprise (MWBE) / Disadvantaged Business Enterprise (DBE) goals for projects with federal funding are required to be documented by any contractor submitting a bid.
- Both the restroom purchase bid and site construction and installation bid were posted on the City of Asheville’s Purchasing Website and the North Carolina Electronic Vendor Portal (EVP).
- Staff performed a search for any MWBE / DBE businesses, and none were identified for the restroom purchase.
- Staff performed outreach to MWBE / DBE businesses during the bid solicitation processes for the site construction and installation which included posting on the EVP, requiring prime contractors to reach out to MWBE / DBE service providers for subcontracted services, and direct outreach to 3 MWBE/DBE general contractors. Direct outreach was to the following general contracting firms:
 - CA Harris, Inc.
 - Mcfarland Construction
 - Cinderella Partners
 - Cinderella Partners participated in the bidding process, however they were not the lowest, responsive, responsible bidder.

Council Goal(s):

- A Thriving Local Economy
- A Clean & Healthy Environment

Committee(s):

- The project was presented to the Downtown Commission and the Downtown Management Task Force.

Pro(s):

- Provides an accessible, durable, safe public restroom downtown that can be open 24 hours a day, seven days per week.
- Replaces the existing portable toilet with a durable, permanent structure with a flushable toilet and exterior handwashing station
- City Staff will provide daily coverage from 7:00 a.m. to 3:00 p.m. 7 days a week to stock and clean the new restroom.

Con(s):

- Some downtown business owners have expressed concerns about site conditions including safety.
- May need future financial resources not identified in this budget for maintenance, supplies, and staffing.

Fiscal Impact:

- Funding for this contract was previously budgeted and is available in the Special Revenue Fund.

Capital Projects Director Jade Dundas outlined the following key takeaways: (1) The Downtown Restroom Project helps to address downtown cleanliness and safety challenges by providing additional 24/7 downtown restroom access; (2) \$650,000 in ARPA funding was approved for the Downtown Restroom Project in spring 2022; (3) The location of the restroom is in close proximity to high traffic areas and replaces a portable restroom that has been in the pocket park at the corner of College and Rankin since 2020; (4) The improvements to the pocket park and the durability of the prefabricated restroom unit will create a more secure environment and lessen restroom downtime; (5) Staff have analyzed the upfront and long-term cost of installing and maintaining the prefabricated restroom unit compared to opening and maintaining a traditional restroom facility -while upfront costs are higher for the prefabricated restroom unit, the long-term operating costs are lower; and (6) The addition of the prefabricated unit does not preclude the re-opening of restrooms or the installation of other freestanding restrooms. The background of this is that City Council is being asked to consider resolutions authorizing two contracts: (1) \$183,620 contract with B. Allen Construction, Inc. for improvements to the pocket park and restroom unit installation, and (2) \$170,760 contract with Madden Fabrication to purchase the prefabricated restroom unit. Also, contract consideration was continued from the January 23 meeting to allow staff time to provide the following: (1) Details on partnership opportunities to expand restroom access; and (2) Cost analysis to open existing downtown restroom facilities 24/7 - Staff focused this analysis on 29 Haywood.

Regarding partnership evaluation, they checked with downtown shelters/care providers and they said that restrooms for downtown service providers are needed to provide service to the clients of these facilities. Their capacity is limited and not available to the general public. They also checked with the Asheville Downtown Association 29 Haywood Street (1) Open discussion with ADA about options for reopening this facility; (2) Items that will need to be negotiated include: Hours of operation; Cleaning and stocking responsibilities; Mechanical maintenance; and Financial and contractual terms; (3) Agreement will likely be limited to weekday/daytime hours; and (4) Additional costs associated with 24/7 operation.

Using a chart, he showed the proximity evaluation of the walking distance from 29 Haywood, Rankin/College, A Hope and the Salvation Army to Pritchard Park, Harrah's Cherokee Center, Grove Arcade, Asheville Art Museum on Pack Square, and the South Slope at Buxton and Coxe). He then showed the current fixtures at 29 Haywood Street restrooms.

Using a chart, Mr. Dundas then showed the downtown restroom costs (first year) with four different scenarios. He then showed the long-term cost considerations from Year 1 to Year 5

for the Portland Loo and 29 Haywood. The 5 year cost analysis for the Portland loo is \$594,104; 24/7 operation and no additional daytime security at 29 Haywood - \$734,000; and 24/7 operation with additional daytime security at 29 Haywood - \$1,149,000. He then outlined other cost considerations of staff time (one time), design services (one time), security cameras (one time), landscaping/irrigation (one time) and portalet rental (annual).

Staff's suggested motion is to approve the adoption of a resolution authorizing the City Manager to enter into a construction contract with B.Allen Construction, Inc., for the installation of a prefabricated restroom outside of the Rankin Avenue Parking Garage in the amount of \$183,620; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$46,724; and adoption of a resolution authorizing the purchase of a prefabricated single occupant restroom structure from Madden Fabrication in the amount of \$170,760, for the Downtown Restroom Project.

In response to Councilwoman Mosley, Mr. Dundas was not aware of the preference of the Asheville Downtown Association of opening 29 Haywood Street vs. the Portland Loo.

Councilwoman Roney outlined four areas of concern. First, Americans with Disabilities (ADA)-compliant, public restrooms are needed downtown 24-7-365. She appreciated the Asheville Downtown Association working with us to consider opening existing, indoor facilities. The long-term cost analysis looks to be almost double within 5 years. Her concerns about staffing capacity leaves her wondering what happens in 5 years - if we'll find it's too expensive and we've closed bathrooms again with nothing to show for it. The model we're currently considering is designed for safe use and ease of maintenance and is projected to cost less in the long-run. Second, she is hearing concerns that there are competing needs for this funding. Indeed there are still applications for American Rescue Plan Act (ARPA) funds left unfunded that were higher-rated for equity and feasibility. What contributed to that scarcity? We funded \$1.6-million in parking revenue loss and spent half a million filling gaps in cleaning up trash. Third, it's a false narrative of either or: We need funding for public bathrooms *and* PEAK academy. She hoped that PEAK Academy is provided a path to and applies for funding for either ARPA funding and/or Strategic Partnership funds, and she intends to support it. Finally, what gets left out? Funding for a low-barrier shelter. Because we've depleted ARPA funds throughout this process, we've regularly, knowingly chosen not to fund a low barrier shelter, which is a top-recommendation of the National Alliance to End Homelessness report that provides a path to reducing homelessness by 50%.

Mr. Dundas, along with City Manager Campbell, responded to various questions/ comments from Council, some being, but are not limited to: confirmation that the portalet rental is not Americans with Disabilities accessible; research showed portalets are more subject to vandalism; has PEAK Academy submitted an for ARPA funds so the City can meet their federal requirements for use of ARPA funds; has a path been decided on how to use the remaining ARAP funds; and confirmation that the bids from the contractors for the Portland Loo will expire before the next City Council meeting and would have to be re-bid.

There was considerable discussion of spending the remaining ARPA funds (approximately \$1.5 Million) on low barrier shelter, the Portland Loo, and/or PEAK Academy.

After discussion there was support for the funding request of PEAK Academy out of the remaining ARPA funds to be on an upcoming agenda after they submit an application.

One individual spoke in support of the City purchasing a Portland Loo, and three individuals were opposed to the City purchasing a Portland Loo. Those opposed understood the need for an additional restroom downtown, but felt the ARPA money would be better spent funding the PEAK Academy.

Mayor Manheimer said that members of Council have been previously furnished with copies of the resolutions and they would not be read.

Vice-Mayor Kilgore moved to adopt a resolution authorizing the City Manager to enter into a construction contract with B. Allen Construction, Inc., for the installation of a prefabricated restroom outside of the Rankin Avenue garage in the amount of \$183,620; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$46,724; and adoption of a resolution authorizing the purchase of a prefabricated single occupant restroom structure from Madden Fabrication in the amount of \$170,760, for the Downtown Restroom project. This motion was seconded by Councilwoman Roney and carried on a 5-1 vote, with Councilwoman Mosley voting “no.”

RESOLUTION NO. 24-38 - RESOLUTION BOOK NO. 44 – PAGE 376
RESOLUTION NO. 24-39 - RESOLUTION BOOK NO. 44 - PAGE 377

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

RESOLUTION NO. 24-40 - RESOLUTION APPOINTING A MEMBER TO THE DOWNTOWN COMMISSION

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

The term of Nur Edwards (moved outside City limits), expired on December 31, 2023.

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

At the January 9, 2024, City Council meeting, it was the consensus of City Council to postpone the appointment for the seat currently held by Nur Edwards.

Councilwoman Mosley moved to reappoint Nur Edwards as a member of the Downtown Commission, 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 Vice-Mayor Kilgore and carried unanimously..

RESOLUTION BOOK NO. 44 – PAGE 378

RESOLUTION NO. 24-41 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Metropolitan Sewerage District (MSD) Board of Directors.

The term of Gwen Wisler expired on January 19, 2024.

The following individuals applied for the vacancy: Vice-Mayor Kilgore, Councilwoman Mosley and Councilwoman Smith.

Councilwoman Mosley moved to reappoint Gwen Wisler as a member of the Metropolitan Sewerage District Board of Directors to serve a three-year term, term to expire January 19, 2027, or until Gwen Wisler's successor has been appointed. This motion was seconded by Vice-Mayor Kilgore.

Councilwoman Roney appreciated people who are willing to serve on our boards and commissions. The MSD Board is so important and thanked Mayor Manheimer for her service. However, she felt there should be a seated Council member for this seat on this Board and since there are multiple Council members interested, she would not be able to support the motion.

The motion made by Councilwoman Roney and seconded by Vice-Mayor Kilgore carried on a 5-1 vote with Councilwoman Roney voting "no".

RESOLUTION BOOK NO. 44 – PAGE 379

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Due to the number of speakers, and Council's establishment of a one hour public comment period, she said that all public comment will be reduced from three minutes to two minutes.

Several individuals spoke to City Council about various matters, some being, but are not limited to: bus drivers are not arriving to their buses on time and thus not meeting their scheduled route times; request for Asheville to not take a stand on a ceasefire resolution; request to condemn antisemitism statements and crime in Asheville; request for Council to adopt a resolution calling for a ceasefire in Gaza; and request for funding PEAK Academy at their requested amount.

Closed Session

At 7:36 p.m., Councilwoman Ullman moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, the handling of the following matter: City of Asheville v. Auto Inc. and Slosman Family Limited Partnership (Court File No. 16 CVS 2491). The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilwoman Smith and carried unanimously.

At 7:53 p.m., Councilwoman Mosley moved to come out of closed session. This motion was seconded by Councilwoman Ullman and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:53 p.m.

CITY CLERK

MAYOR

