

Thursday – March 7, 2024 - 11:00 a.m.

Agenda Briefing Worksession - For March 12, 2024, Council Meeting

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

Absent: Vice-Mayor Sandra Kilgore, Councilwoman Sheneika Smith and Councilwoman Maggie Ullman

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 issued and updates:

- Boosting the Block Project

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

Tuesday – March 12, 2024 - 5:00 p.m

Regular Meeting

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

Absent: Vice-Mayor Sandra Kilgore

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MARCH, 2024, AS “MAHEC’S 50TH ANNIVERSARY MONTH”

Mayor Manheimer read the proclamation proclaiming March, 2024, as "MAHEC's 50th Anniversary Month " in the City of Asheville. She presented the proclamation to Dr. William Hathaway, CeO of MAHEC, and others, who briefed City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING MARCH, 2024, AS “RED CROSS MONTH”

Mayor Manheimer read the proclamation proclaiming March, 2024, as "Red Cross Month " in the City of Asheville. She presented the proclamation to Jerri Goldberg and Megan Robinson, Red Cross Board members, and Joanne O'Connor, who briefed City Council on some activities taking place during the month.

II. CONSENT AGENDA:

Mayor Manheimer announced that Consent Agenda Items (E) and (I 1) were removed from the Consent Agenda for discussion and/or individual votes.

- A. APPROVAL OF THE CITY COUNCIL ANNUAL RETREAT MINUTES HELD ON FEBRUARY 22-23, 2024; AND THE FORMAL MEETING HELD ON FEBRUARY 27, 2024**
- B. RESOLUTION NO. 24-60 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CITYZEN SOLUTIONS INC. D/B/A PUBLIC INPUT, FOR COMMUNITY ENGAGEMENT SOFTWARE**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a \$113,115 contract with Cityzen Solutions, Inc. d/b/a Public Input, for community engagement software.

Background:

- Access to decision-making is often limited by barriers such as: lack of transportation, need for childcare, work schedules, language and awareness of engagement opportunities.
- In January 2021, the City migrated online engagement efforts to a new software platform, Public Input, which provides tools to support inclusive engagement efforts, streamlines the management and retention of community input received, memorializes communication on project development and progress, and makes use of a Constituent Relations Module (CRM) where contact information for demographic and stakeholder groups can be accessed across the organization.
- From Jan. 2021 - Jan. 2024 over 70,000 people engaged on the Public Input platform.
- Of note, the City of Asheville achieved “industry-leading public engagement outcomes” through the use of voice recordings for public input and/or comments, collecting 3,656 voice recordings (11,847 minutes) in the above timeframe.
- Per contracting requirements, a new Request for Proposals was released in 2023 for online engagement services and Cityzen Solutions, Inc. d/b/a Public Input was found to be the most competitive bidder.
- The requested contract period would be a one-year term with two, optional one-year renewals
- The platform capabilities will continue to:
 - Lower barriers to public participation by creating opportunities to provide input by phone, text and email.
 - Support the production and management of hybrid meetings that include public comment or opportunities for input.
 - Provide opportunities for consistency and accountability in executing best practices in public engagement such as consistent reporting of how input was used to inform a plan or decision.

Vendor Outreach Efforts:

- No MWBE firms submitted bids and all work will be self performed by Cityzen Solutions, Inc. d/b/a Public Input.

Council Goal(s):

- Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Supports civic engagement through multiple communication tools including virtual meetings, surveys and project pages.
- Continues a relationship with a vendor that provides excellent product and service.

Con(s):

- None

Fiscal Impact:

- The initial one-year contract term will be \$34,17, with the option for two one-year renewals at a cost of \$37,591 (first renewal) and \$41,350 (second renewal), for a total contract amount of \$113,115.
- Funding for the first year of this contract is available in the CAPE operating budget. Future years will be planned during the annual budget development process.

Motion:

- Motion authorizing the City Manager to execute a one-year contract with two one-year options to renew with Cityzen Solutions, Inc. d/b/a Public Input to implement citizen engagement software in the amount of \$34,174 in 2024 with option renewals of \$37,591 in 2025 and \$41,350 in 2026 for a total of \$113,115.

RESOLUTION BOOK NO. 44 - PAGE 407

C. RESOLUTION NO. 24-61 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CHERRY BEKAERT, LLP, FOR AUDITING CITY ACCOUNTS FOR FISCAL YEAR ENDING JUNE 30, 2024

Action Requested: Adoption of a resolution authorizing the Mayor to execute a contract with Cherry Bekaert, LLP for auditing City accounts for fiscal year ending June 30, 2024.

Background:

- North Carolina General Statute §159-34 requires that local governments have its accounts audited each fiscal year and submit a copy of the audit report and financial statements to the Local Government Commission (LGC).
- Staff recommends retaining the services of Cherry Bekaert, LLP to conduct an audit of the City's accounts for the fiscal year ending June 30, 2024.
- The estimated cost for fiscal year 2023-2024 audit includes a base fee of \$137,600, which covers 915 hours of audit work; and an additional \$21,000 for preparation of Basic Financial Statements, Combining Statements and document production if needed, for a maximum total fee of \$158,600.
- Execution of this contract complies with the City's Financial Policies which states that the City "shall enter into multi-year agreements of not more than five years in duration through a series of single-year contracts as consistent with applicable legal requirements."
- This will be the second year of contracting with the Cherry Bekaert, LLP so staff will be recommending to contract with them for another 3 years assuming services are provided as outlined within the engagement letter.

Vendor Outreach Efforts:

- Unless services are not provided as required, the City only bids out this contract every five years, so no competitive bid process was conducted this year.
- When the service was put out to bid in 2023, staff reached out to multiple firms approved by the State Treasurer's office to perform these services.
- Ten firms were contacted.
- One was MWBE, but that firm did not submit a proposal.

Council Goal:

- Financially Resilient City

Committee::

- No prior Committee approval.
- Final audit results are presented annually to the Audit Committee and the Policy, Finance, and Human Resources Committee.

Pro:

- Contracting with Cherry Bekaert, LLP aligns with City Council's financial policy and will help ensure the timely and successful completion of the annual audit.

Con(s):

- None

Fiscal Impact:

- The maximum total fee amount of \$158,600 for the annual audit is already included in the adopted Internal Audit division's operating budget.
- Future estimated maximum audit fee for remaining 3 years' submitted in proposal:
 - 2024-2025: \$165,200
 - 2025-2026: \$174,300
 - 2026-2027: \$182,400

Motion:

- Motion to adopt a resolution authorizing the Mayor to execute a contract with Cherry Bekaert, LLP for auditing City accounts for the fiscal year ending June 30, 2024.

RESOLUTION BOOK NO. 44 - PAGE 408

D. RESOLUTION NO. 24-62 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE-YEAR CONTRACT WITH ENVISIO SOLUTIONS INC. FOR A WORK PLANNING AND TRACKING SOFTWARE SUBSCRIPTION

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a three-year contract with Envisio Solutions, Inc. for a work planning and tracking software subscription, at a total cost not to exceed \$134,024.

Background:

- The City is in need of software for project portfolio management and reporting to support the organizational and departmental work planning and tracking processes.
- The software needs to be able to track and report on all organizational and departmental priority projects, including key milestones and status, and align projects with City services and programs as well as management and City Council priorities.
- Envisio Solutions, Inc. was selected as the top-ranked proposal through an interdepartmental evaluation and ranking system.

- The procurement method for this Software as a Service was via Request for Proposals allowing the City to identify the vendor that best meets its needs.
- The proposals were evaluated and ranked based upon each vendor’s ability to meet the project needs, including but not limited to proposed cost.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses in the solicitation process, which included posting the RFP on the State’s Interactive Purchasing System.
- Staff attempted to identify MWBE vendors offering this service in the City’s database, but none were present.
- The following bids were received, with the first six (6) listed bidders identified as responsive:

Vendor	Location	MWBE
Definitive Business Solutions, Inc.	Reston, VA	No
ClearPoint Strategy	Arlington, VA	No
TeamDynamix	Columbus, OH	No
Aurigo	Austin, TX	No
Envisio	Vancouver, BC, Canada	No
Herzum	Chicago, IL	No
NonDist	Las Vegas, NV	Yes
Skyway Consulting	Lakeland, FL	No
Zargarian Consulting	Brentwood, CA	Yes
Achieveit	Atlanta, GA	No

Council Goal(s):

- Improve and Maintain Core Services and Infrastructure

Pro(s):

- This software will support the organizational and departmental work planning and tracking processes.
- The software will facilitate tracking and reporting on all organizational and departmental priority projects, including key milestones and status, and align projects with City services and programs as well as management and City Council priorities.
- Funding for the first year subscription and implementation of this software is already allocated in the Finance Department annual operating budget.

Con(s):

- None.

Fiscal Impact:

- The three-year contract term will be for a total contract amount of \$134,024, with the annual costs broken down as follows: \$49,000 for the first year, \$41,475 for the second year, and \$43,549 for the third year.
- Funding for the first year of this contract is available in the Finance and Management Services Department operating budget. Future years will be planned during the annual budget development process.

Motion:

- Motion to authorize the City Manager to enter into a three-year contract with Envisio Solutions, Inc. for a work planning and tracking software subscription, at a total cost not to exceed \$134,024.

RESOLUTION BOOK NO. 44 - PAGE 409

E. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH ASHEVILLE CITY BOARD OF EDUCATION TO PROVIDE UP TO FIVE SCHOOL RESOURCE OFFICERS

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

F. RESOLUTION NO. 24-64 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PLAY BY DESIGN FOR THE CARRIER PLAYGROUND REPLACEMENT PROJECT; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY CHANGE ORDERS THAT MAY ARISE DURING THE PROJECT

Action Requested: Adoption of resolution authorizing the City Manager to enter into a contract with Play By Design in the amount not to exceed \$420,000.00, for equipment purchase and installation associated with the Carrier Park Playground Replacement Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$20,000.00.

Background:

- Carrier Park currently has an aging wooden playground that is past its useful life and is in need of replacement.
- The community has indicated the nostalgic wood feel and unique play experience of the existing equipment are desired in the replacement playground.
- The new playground will have a similar aesthetic to the current equipment.
- Play By Design is the manufacturer of the equipment and will also install the new playground at Carrier Park.
- The new playground equipment is expected to be installed by the close of summer 2024

Vendor Outreach Efforts:

- Indicate outreach efforts
 - Staff performed outreach to minority and women owned businesses through solicitation processes using the State's Interactive Purchasing System and requesting companies to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- An advertisement for Request for Proposals was issued on January 29, 2024.
- Four proposals were received on February 13, 2024.
- Proposals were submitted by:

- Great Outdoors Play Systems (Augusta, GA)
- Leathers & Associates, INC (Jupiter, FL)
- Mapa Recreation, LLC (Candler, NC)
- Play By Design (Ithaca, NY)
- The proposals were evaluated and ranked based upon each vendor's ability to meet the project needs, including but not limited to proposed cost.
- Through a committee evaluation and ranking system, the company receiving the highest/best ranking is Play By Design.
- No MWBE firms submitted bids with this company as this company is self performing.

Council Goal(s):

- Council Priority: Improve and Expand Core Services
- Council Goals: Connected and Engaged Community, Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- New playground will provide more play opportunities
- More durable playground materials from recycled products
- Short construction timeline for playground replacement

Con(s):

- Construction might occur during summer.

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 enter into a contract with Play By Design in the amount not to exceed \$420,000.00, for the equipment purchase and installation associated with the Carrier Playground Replacement Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$20,000.00.

RESOLUTION BOOK NO. 44 - PAGE 411

G. RESOLUTION NO. 24-65 - RESOLUTION APPROVING THE ISSUANCE OF UP TO \$23,500,000 MULTIFAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR LAKESHORE VILLAS TO SATISFY SECTION 147(f) OF THE INTERNAL REVENUE CODE

Action Requested: Adoption of a resolution approving the issuance of bonds by the Housing Authority of the City of Asheville for Lakeshore Villas.

Background:

- The Asheville Housing Authority was created by the City of Asheville in 1940 in accordance with Chapter 157 of the NC General Statutes.

- It is a public body and is independent from the City with its own powers as outlined in North Carolina General Statute Chapter 157.
- The Housing Authority is governed by a Board of Commissioners, consisting of 7 members, who serve for a 4 year term and are appointed by the Mayor of the City of Asheville.
- The Internal Revenue Service requires that any bonds issued by the Housing Authority for developments such as the one described herein, have the financing plan approved by the City Council, following a public hearing with respect to such plan.
- Lakeshore Villas, LLC, a North Carolina limited partnership (the “Borrower”) has requested that the Asheville Housing Authority (the “Issuer”) issue up to \$23,500,000 in multifamily housing revenue bonds for the acquisition and construction of a 120-unit affordable rental development known as Lakeshore Villas located on a 7.5 acre site on Heywood Road near the intersection of Hendersonville Road in Arden, parcel identified as PIN 965415130300000 in the Buncombe County Registry.
- The project will consist of 3 buildings. There will be a mix of 1,2 and 3-bedroom units. All units will be set aside for individuals and families at 60% or less of Area Median Income (“AMI”).
- The affordability period will be 30 years.
- Mountain Housing Opportunities is the developer and manager of this project and is an affiliate of the owner.
- Construction is scheduled to commence in May 2024 and has an expected completion date of November 2025.
- Staff notes that approval does not obligate the City in any way to issue or pay for the bonds, or for any debt taken on by the developer.

Council Goals:

- Quality Affordable Housing

Pro(s):

- 120 units of new housing affordable to households at or below 60% of AMI will be constructed..
- The affordability period will be at least 30 years.

Con(s):

- None.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution approving the issuance by the Housing Authority of the City of Asheville of up to \$23,500,000 of multifamily housing revenue bonds to provide financing for Lakeshore Villas and to satisfy Section 147(f) of the Internal Revenue Code.

RESOLUTION BOOK NO. 44 - PAGE 412

H. RESOLUTION NO. 24-66 - RESOLUTION APPROVING THE ISSUANCE OF UP TO \$12,775,000 MULTIFAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR LAUREL WOOD APARTMENTS TO SATISFY SECTION 147 (f) OF THE INTERNAL REVENUE CODE

Action Requested: Adoption of a resolution approving the issuance of amended bonds by the Housing Authority of the City of Asheville for Laurel Wood Apartments.

Background:

- The Asheville Housing Authority was created by the City of Asheville in 1940 in accordance with Chapter 157 of the NC General Statutes.
- It is a public body and is independent from the City with its own powers as outlined in North Carolina General Statute Chapter 157.
- The Housing Authority is governed by a Board of Commissioners, consisting of 7 members, who serve for a 4 year term and are appointed by the Mayor of the City of Asheville.
- The Internal Revenue Service requires that any bonds issued by the Housing Authority for developments such as the one described herein, have the financing plan approved by the City Council, following a public hearing with respect to such plan.
- Laurel Wood VOA Affordable Housing , LLC (the “Borrower”) has requested that the Asheville Housing Authority (the “Issuer”) issue multifamily housing revenue bonds for the acquisition and rehabilitation of a 51-unit affordable rental development for seniors known as Laurel Wood Apartments and the construction of 54 additional, affordable units on the site to become part of Laurel Wood Apartments located at 650 Caribou Road in Asheville, a 14.72 acre parcel identified as PIN 9657-10-3768 in the Buncombe County Registry.
- The existing 51 units are all one-bedroom and are located within one building that was built in 1999.
- The 54 new units will be located in a new building to be constructed on site and will include 42 one-bedroom units and 12 two-bedroom units.
- All 105 units in the development will be rent and income restricted at 40,50,60 and 80% of area median income.
- The new affordability period will be at least 30 years.
- The property has been well maintained and managed by National Housing Corporation “NHC” (a wholly owned subsidiary of Volunteers of America National Services “VOANS”); the new owner will be a subsidiary of VOANS.
- On April 11, 2023, the City Council adopted Resolution No, 23-77 approving the Housing Authority issuance of not to exceed \$11,855,000 of tax-exempt bonds for the Laurel Wood Apartments development.
- The Borrower has now determined that due to an increase in construction costs the amount of tax-exempt debt to be provided to finance the costs of the Development is more than originally anticipated and the Borrower and Issuer now request the City Council to approve the issuance of the tax-exempt Bonds in an amended amount not to exceed \$12,775,000.
- Construction was scheduled to commence in July 2023 with an expected completion date of December 2024; however, construction is now scheduled to commence in April 2024 and with an expected completion date of August 2025.
- Staff notes that approval does not obligate the City in any way to issue or pay for the bonds, or for any debt taken on by the developer.
- The Asheville City Council previously approved a \$1.5 million Housing Trust Fund loan with 2% interest deferred for a period of 30 years for this project at their September 27, 2022 meeting.

Council Goals:

- Quality Affordable Housing

Pro(s):

- 51 units of affordable senior housing will be preserved and renovated and 54 additional affordable senior housing units will be constructed.
- The new affordability period will be at least 30 years.

Con(s):

- None.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution approving the issuance by the Housing Authority of the City of Asheville of up to \$12,775,000 of multifamily housing revenue bonds to provide financing for Laurel Wood Apartments and to satisfy Section 147(f) of the Internal Revenue Code.

RESOLUTION BOOK NO. 44 - PAGE 415

I. ORDINANCE AMENDING THE MEMBERSHIP OF THE ASHEVILLE-BUNCOMBE RIVERFRONT COMMISSION TO REMOVE THE COUNTY COMMISSIONER SEAT

RESOLUTION NO. 24-67 - RESOLUTION APPOINTING COUNCILWOMAN MAGGIE ULLMAN TO THE ASHEVILLE-BUNCOMBE RIVERFRONT COMMISSION

The ordinance amending the membership of the Asheville-Buncombe Riverfront Commission to remove the County Commissioner seat was removed from the Consent Agenda for discussion and/or an individual vote.

Action Requested: Adoption a resolution appointing City Councilwoman Maggie Ullman as a voting member to the Asheville-Buncombe Riverfront Commission.

Background:

- The Asheville Buncombe Riverfront Commission (previously known as the Asheville Area Riverfront Redevelopment Commission) is a regional advisory board and was established by City Ordinance in fall of 2009; the Commission began meeting in May of 2010.
- On October 20, 2023, City Council revised the ordinance making several substantive changes.
- City Council Member Sage Turner has resigned as a member, and City Council Member Maggie Ullman is interested in being appointed to her seat.

Council Goal(s):

- A Connected and Engaged Community
- A Clean and Healthy Environment

Committee(s):

- Boards & Commissions Committee - March 12, 2024

Pro(s):

- Supports intergovernmental relations

Con(s):

- None.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution appointing City Councilwoman Maggie Ullman as a voting member to the Asheville-Buncombe Riverfront Commission.

RESOLUTION BOOK NO. 44 - PAGE 418

J. RESOLUTION NO. 24-59 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ASHEVILLE PEAK ACADEMY

ORDINANCE NO. 5059 - BUDGET AMENDMENT FOR ASHEVILLE PEAK ACADEMY

Action Requested: Adoption of a resolution authorizing the City Manager to execute a grant agreement with Asheville PEAK Academy obligating the City's remaining American Rescue Plan Act (ARPA) funding in the amount of \$501,384; and a budget amendment in the City's Special Revenue Fund in the amount of \$501,384 from ARPA funding to establish a budget for the award to Asheville PEAK Academy.

Background:

- As part of the American Rescue Plan Act (ARPA) that was signed into law in March 2021, the City of Asheville was allocated \$26.3 million designated as Coronavirus State and Local Fiscal Recovery Funds.
- To-date, the City has allocated \$25.8 million in ARPA funds.
- The full list of ARPA allocations and funding recipients can be found [here](#).
- The City of Asheville currently has \$501,384 remaining in unobligated ARPA funds.
- ARPA funds need to be obligated by December 31, 2024 and fully expended by December 31, 2026.
- During the February 13, 2024 City Council meeting, the City Council discussed potentially providing ARPA funding to Asheville PEAK Academy.
- At their February 27, 2024 meeting, the City Council unanimously authorized the City Manager to coordinate with Asheville PEAK Academy to collect all federally required information to finalize a formal grant agreement in the amount of \$501,384.
- Asheville PEAK Academy has submitted the federally required information and a grant agreement has been drafted to obligate the remaining \$501,384 in City ARPA funding to the Asheville PEAK Academy.

Asheville PEAK Academy Funding Request:

- Asheville PEAK Academy submitted an unsolicited \$590,000 funding request to the City on September 7, 2023.
- After receiving this request, staff confirmed the ARPA eligibility for PEAK's funding request with both the U.S. Treasury Department and the UNC School of Government.
- Staff have confirmed that the aforementioned letter meets ARPA application requirements.
- In support of this request, \$50,000 in Strategic Partnership Grant funding was previously approved by the City Council at their November 11, 2023 meeting.

Council Goal(s):

- A financially resilient city
- A thriving local economy

Committee(s):

- N/A

Pro(s):

- The ARPA local government funding is a unique opportunity to make significant investments in addressing disparate impacts of the COVID-19 pandemic and to build future resilience of our communities in an equitable way.
- Asheville PEAK Academy has proven outcomes that help address the opportunity gap for school aged youth residing in homes with low to moderate income, which has been a focus of City Council as other funding opportunities have been rescoped to help close the opportunity gap.
- Allows the City to focus on partnerships in the community, along with capacity building, support and networking to build towards a collaborative future.

Con(s):

- If approved, this funding would be granted to Asheville PEAK Academy without a competitive selection process.
- The request would exhaust the City's unobligated balance of ARPA funding.

Fiscal Impact:

- As noted above, the City currently has \$501,384 remaining in unobligated ARPA funding.

Motion:

- Motion to adopt a resolution authorizing the City Manager to utilize City of Asheville ARPA funding for a formal grant agreement with Asheville PEAK Academy in the amount of \$501,384 using the remaining unobligated balance of ARPA funds. .

**RESOLUTION BOOK NO. 44 - PAGE 406
ORDINANCE BOOK NO. 35 - PAGE 200**

**K. 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 January 2024.

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 January 2024 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 J January 2024.

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 Ullman moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda Items “E” and “I 1”. This motion was seconded by Councilwoman Turner and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

E. RESOLUTION NO. 24-63 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH ASHEVILLE CITY BOARD OF EDUCATION TO PROVIDE UP TO FIVE SCHOOL RESOURCE OFFICERS

Action Requested: Adoption a resolution authorizing the City Manager to enter into interlocal agreements between the Asheville City Board of Education (“ACS”) and the Asheville Police Department to provide up to five school resource officers.

Background:

- School Resources Officers (SROs) have historically been provided through a yearly contract between the City of Asheville and the Asheville City Board of Education.
- School Resources Officers provide safe learning environments in our schools, provide valuable resources to school staff members, foster positive relationships with youth, develop strategies to resolve problems affecting youth and protect all students so they can reach their fullest potential.
- School Resource Officers provide the first line of defense for city school campuses against acts of violence and threats of violence.
- The term of the agreement is from August 14, 2024, through June 30, 2025.

Vendor Outreach Efforts:

- None.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Fosters partnerships with ACS and builds relationships with students.
- Officer presence within the schools creates a more rapid response time to an incident
- Creates a liaison between the school system and the Asheville Police Department

Con(s):

- None

Fiscal Impact:

- Per this agreement, ACS will continue to fund the cost of providing SROs, including the following:
 - Wages and benefits for SROs (including but not limited to actual wages, employer-paid retirement and healthcare costs, workers compensation insurance, and general liability insurance premiums) billed quarterly to ACS.
 - All expenses incurred by training the SROs, including, but not limited to, meals, lodging, travel, tuition, books, and any other educational materials, with the prior approval of the Police Chief and the ACS Superintendent or their designees.
 - A supplemental pay bonus of 9% of the SRO's annual salary based on the number of weeks worked as an SRO. The supplemental pay bonus shall be paid directly to the City of Asheville, including all required employer contributions, in May of each calendar year. The City of Asheville will pay each SRO in one lump sum minus the appropriate deductions.
 - A total of \$1,200 for each SRO to maintain equipment, to be paid at the beginning of each fiscal year. If these expenses exceed \$1,200 per officer per year, APD will submit an invoice to ACS to be paid within 30 days of receipt.

Councilwoman Roney said that we have a lot of resources needed in our schools, especially around behavioral health, and we have so many students experiencing homelessness. At this time she has concerns about our staffing ability to be able to resource these resource officers. She would need a deeper conversation and would not be able to support his action.

Councilwoman Ullman moved to adopt a resolution approving the City Manager to enter into interlocal agreements with the Asheville City Board of Education whereby the Asheville Police Department will provide up to five School Resource Officers. This motion was seconded by Councilwoman Smith and carried on a 5-1 vote, with Councilwoman Roney voting "no."

RESOLUTION BOOK NO. 44 - PAGE 410

I. ORDINANCE AMENDING THE MEMBERSHIP OF THE ASHEVILLE-BUNCOMBE RIVERFRONT COMMISSION TO REMOVE THE COUNTY COMMISSIONER SEAT

Action Requested: Adoption of an ordinance to revise the Asheville-Buncombe Riverfront Commission Ordinance to remove the County Commissioner seat from the commission membership.

Background:

- The Asheville Buncombe Riverfront Commission (previously known as the Asheville Area Riverfront Redevelopment Commission) is a regional advisory board and was established by City Ordinance in fall of 2009; the Commission began meeting in May of 2010.
- On October 20, 2023, City Council revised the ordinance making several substantive changes.

- At the Buncombe County Commissioner’s request, they requested the seat reserved for the Buncombe County Commissioners be deleted; thus reducing the membership from fourteen members to thirteen members.

Council Goal(s):

- A Connected and Engaged Community
- A Clean and Healthy Environment

Committee(s):

- Boards & Commissions Committee - March 12, 2024

Pro(s):

- Supports intergovernmental relations

Con(s):

- None.

Fiscal Impact:

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

Councilwoman Turner said that she finds value in the City Council and County Commissioner seats. She preferred to leave the seat in place and felt it was important to have the County’s input.

Councilwoman Roney felt that we need more partnerships, not less, and perhaps in the future a County Commissioner may wish to be appointed to this seat.

Councilwoman Ullman moved to adopt an ordinance to revise the Asheville-Buncombe Riverfront Commission Ordinance to remove the County Commissioner seat from the commission membership. This motion was seconded by Councilwoman Mosley and failed on a 3-3 vote, with Councilwoman Roney, Councilwoman Turner and Councilwoman Ullman voting “no.”

Councilwoman Ullman said that as a voting member of the Asheville-Buncombe Riverfront Commission, she would be happy to talk with Buncombe County regarding this vote.

III. PRESENTATIONS & REPORTS:

A. MANAGER’S REPORT

City Manager Campbell said that City of Asheville employees are heroes in many ways. We want to acknowledge their exemplary work all of the time, but especially when employees engage and serve the community outside of their normal day to day jobs, or when they receive personal recognition or reach milestones in their careers. Tonight, we recognize: (1) Participants in the Battle of the Badges; Police Department, Asheville Fire Department, Buncombe County Sheriff’s Office, North Carolina State Highway Patrol, and Buncombe County EMS; and (2) Asheville Fire Chief Michael Cayse.

Regarding the Battle of the Badges, this good-natured “battle” between our first responders is about saving lives. On February 21, 2024 members of the Asheville Police Department, Asheville Fire Department, Buncombe County Sheriff’s Office, North Carolina State Highway Patrol, and Buncombe County EMS all participated in this year’s 14th annual Battle of the Badges. Donors at the blood drive vote for their favorite first responders before they donate, and the winner is announced at the end of the drive. Whole Blood collected: 115; Power Red

collected: 62; Total units: 177; Lives saved/impacted: UP TO 531!! The winner is the Asheville Police Department which has its first win since 2016! American Red Cross staff gave a “special thank you to the two APD Cadets working the check-in table. I have never seen the amount of PowerRed donations, which was largely due to those two Cadets!”

Fire Chief Michael Cayse received an award from the Ohio Air National Guard. Colonel Steve Breitfelder with the Ohio Air National Guard gave a special presentation to Fire Chief Mike Cayse on March 8 for his service to the State of Ohio and the country of Hungary. Chief Cayse served as the FEMA USAR Ohio Task Force 1 Task Force Leader, FEMA Functional Group Leader, and liaison to the Ohio National Guard. Chief Cayse helped to develop Disaster Response plans and further the fire service in Hungary. Between 2017 and 2023 Chief Cayse assisted with Civilian/Military Cooperative Efforts between Hungarian Defense Forces Regimental Operations staff and the Hungarian Ministry of Interior to bolster Civilian Military Cooperation in Disaster Situations.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 1 ANGLE STREET AND 10 KITCHIN PLACE FROM COMMUNITY BUSINESS II DISTRICT TO COMMERCIAL EXPANSION - CONDITIONAL ZONE

ORDINANCE NO. 5060 - ORDINANCE TO CONDITIONALLY ZONE 1 ANGLE STREET AND 10 KITCHIN PLACE FROM COMMUNITY BUSINESS II DISTRICT TO COMMERCIAL EXPANSION - CONDITIONAL ZONE

Urban Planner Clay Mitchell said that this is the consideration of an ordinance to conditionally zone 1 Angle Street and 10 Kitchin Place from Community Business II District to Commercial Expansion - Conditional Zone. This public hearing was advertised on March 1 and 8, 2024.

Action Requested: Adoption of an ordinance to conditionally rezone the properties located at 10 Kitchin Place and 1 Angle Street from Community Business II (CBII) to Commercial Expansion - Conditional Zone (COM EXP-CZ).

Project Location and Contacts:

- The project site totals 33,541 s.f. (0.77 acres) located on 2 parcels: 10 Kitchin Place, PIN: 9647-69-5850, and 1 Angle Street, PIN: 9674-69-5951; sized respectively at 19,166 s.f., and 14,375 s.f. (# 23-07442 PZ)
- Owner: Kessler Asheville III LLC (Contact: Nick Shumacher) for 10 Kitchin Place.
- Owner: R & R Trantham LLC for 1 Angle Street.

Summary of Petition:

Project Site

- The project site is roughly trapezoidal in shape with frontage on all four sides: Angle St (south), Kitchin Place (east), Hendersonville Road (west), and Boston Way (north).
- The site currently has a vacant building, parking, drive-through structures, and five access drives.
- The properties are currently zoned Community Business II (CBII). The property abuts the INST district to the south and CB I to the east. To the north and east the district is CB II.
- The Living Asheville Comprehensive Plan designates the Future Land Use of the project site as “Town Center”.
 - A change in Future Land Use will not be required.

- The property is partially in the floodplain protection area, the “All Hotels” Hotel Overlay district, and the Biltmore Village Historic District overlay.
- The project requires a Level III Conditional Zoning approval in accordance with UDO. Sec. 7-5-9 due to the following provisions:
 - The proposal requires Level III review due to the building’s size in excess of 100,000 s.f. in gross floor area and because it does not comply with criteria in subsection 7-9-7(f) of the Hotel Overlay district relating to setbacks, impervious surface limitations, sidewalks, and building height.

Overall Project Proposal

- The proposed project includes demolition of the existing site improvements and new construction of a 105,000 sq. ft. gross floor area building to include a hotel use (99 rooms), restaurant, retail space, and below-grade parking.

Site Layout and Design

- Setbacks are shown between 0 and 10 feet, where COM EXP setbacks are required to be 15’ for front, corner lot side street at 25’, and rear at 25’. A technical modification has been requested.
- Impervious surface exceeds the limitation of 80% and is shown above 90%. A technical modification has been provided.
- Building height is compliant with the COM EXP-CZ requirements at 52’ 7” but does not comply with the underlying CBII zoning district.
- The proposed building includes a footprint of 28,173 s.f., a gross floor area of 105,000 s.f. with 99 hotel rooms at 82,500 s.f. with retail and amenity space equalling 4,250 s.f. A separate restaurant includes 100 seats and 5,500 s.f. of area.
- Guest drop off and primary pedestrian access is provided using a looped drive and pedestrian ways along Kitchin Place.
- Design review committee approval is not required for Level III projects and general operational and design requirements are controlled by the Biltmore Village Historic District overlay and subsequent COA approval by the HRC.

Access, Sidewalks and Parking

- Access is shown at a single drive off Boston Way. The access serves 2 below grade parking levels and provides access to waste management facilities. Parking operations appear to be full valet service.
- Required parking is provided for hotel guests, employees, and the additional restaurant space. The UDO required minimum spaces is 150, the project is providing 186 spaces (6 accessible) and 10 bicycle parking spots.
- Sidewalks are proposed at 5’ to 10’ in width with a planting strip located between the road and the street reflecting the COA approval. Technical modification is requested for the COM EXP-CZ requirements.
- The project is pursuing the installation of an enhanced, signalized, crosswalk on Hendersonville Road connecting transit routes to the site and to each other at Boston Way. This infrastructure provides a connection to transit routes and between several pedestrian resources within the village and is subject to City and NCDOT review and approval.
- For purposes of reviewing the site (which has four separate road frontages), the “primary building facade” and the “primary access corridor” is considered to be the facade along Kitchin Place.

Landscaping / Open Space / Tree Canopy

- Open space is required at 10% of the site (3,354 s.f.). Fee-in-lieu compliance is proposed, which is an option for projects with open space requirements of less than 5,000 s.f..

- No landscape property buffers are required for the property.
- Required street trees are shown as preserved and planted in a manner consistent with Biltmore Village Historic District overlay and COA approval. A technical modification is provided.
- Building impact landscaping is shown partially compliant with a large signature existing Oriental Spruce being preserved in the southeast corner of the site.
- The project is located in the Urban Resource Management District. Tree canopy protection requires “Class B” compliance. Tree Canopy Protection will require fee in lieu compliance as no preservation or canopy protection plan is shown.

Technical Modifications

- The project is seeking several technical modifications that apply to the development standards, site layout, and design through the conditional zoning process:
 - Reduction of setbacks to varying widths across the four frontages. For Boston Way, Angle Street and Kitchin Place, the project shows 0’ setbacks. For Hendersonville Rd., the project has a setback ranging from 5 to 10 feet. Setbacks for the COM EXP district require 15’ for the front and corner lot side street setbacks at 25’. Rear setbacks are 25’.
 - Impervious surface limit will be 95% where the maximum is 80%.
 - Sidewalks are proposed in accordance with the Biltmore Village district guidelines with brick construction and a planting strip adjacent to the roadway. The proposed width of the sidewalk along Kitchin Place is 10’, along the other roadways the width ranges from 5’ to 7’ feet in width. All frontages include a planting strip between the roadway and the sidewalk. The COM EXP district requires sidewalks to be a minimum of 10 feet in width.
 - Preservation of the large spruce tree nearest to All Souls Cathedral as shown on the plan as the tree component of building impact landscaping where 22 additional trees are required.
 - Street trees to be planted in accordance with Biltmore Village historic district plan and guidelines at 40’ spacing where 20’ spacing is required.
 - Lot size to be 0.77 acres where 1.0 acre is the minimum.
 - Loading berths: 2 internal berths where 4 are required.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed rezoning supports the Livable Built Environment theme by implementing the following goals in the Living Asheville Comprehensive Plan, including:
 - **Promote Great Architecture and Urban Design to Enhance Placemaking** - by providing for development and design principles that encourage pedestrian oriented uses and improving the quality of new architecture.
 - **Celebrate the Unique Identity of Neighborhoods Through Creative Placemaking** - by supporting contextually appropriate infill development and implementing recommendations from the Historic Preservation Master Plan..
- The proposed rezoning is compatible with the Future Land Use designation of “Town Center” which describes areas that reflect a “town center development pattern [that] typically incorporates a compact urban street grid with smaller blocks in order to promote walkability”. In addition, the Town Center supports “[a] broad range of commercial and office uses would be expected and complementary to higher density residential buildings. Hotel uses may be appropriate in town centers.” (p. 341).

Historic Preservation Master Plan (2015)

- The proposed development supports the [Historic Preservation Master Plan](#) through the review and approval of a certificate of appropriateness by the HRC:
 - The project design “demonstrates the symbiosis among buildings, businesses, and the economic dynamism offered by tourism – and the benefits of using a unique style as the basis for guiding continued, compatible development.”

Compatibility Analysis:

- The proposed hotel mixed use facility is compatible with the surrounding land uses, including:
 - Project abuts multiple pedestrian scaled commercial and retail sites and uses located throughout the network of Biltmore Village.
 - Project redevelops a site that is currently occupied by a small single-story bank building with drive-through facilities, extensive surface parking, and 5 separate curb cuts accessing the four abutting streets.
 - Project provides additional lodging and commercial opportunities in a highly desirable tourist center to support neighboring businesses in a town center environment.
 - Project design and architecture reflects historical elements of Biltmore Village.

Council Goal(s):

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

Committee(s):

- Historic Resources Commission (HRC) - September 13, 2023 - Certificate of Appropriateness Approved.
 - The minutes of the final hearing and decision of the Commission include pages 1-15. [HRC Minutes September 13, 2023](#).
 - The materials and documents forming the basis of the decision are substantial and can be found in the [September 13, 2023 materials and updates folder](#).
 - [HRC Findings of Fact & Conclusions of Law](#) and [Certificate of Appropriateness \(COA\)](#).
- Technical Review Committee (TRC) - December 4, 2023 - approved with conditions.
- Planning and Zoning Commission - January 3, 2024, Continued. PZC requested applicants to provide information on intermodal transportation, activation and fenestration along Hendersonville Road building facade, and information relating the procedural history.
- Planning and Zoning Commission - February 7, 2024 Recommended Approval 6-0. Prior to this meeting, the applicant provided a supplemental filing addressing the requests above. This filing is linked below as [Exhibit G - Supplemental Application Materials](#). Additional conditions, including Condition #9 relating to pedestrian facilities, have been added to the [Exhibit E Conditions](#) as recommended by the Planning and Zoning Commission and agreed to by the Applicant at the February 7th PZC meeting.

Staff Recommendation:

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

Mr. Mitchell reviewed the existing and proposed zoning, the aerial imagery and the future land use map. About the site plan, (1) Single building with a gross floor area of 101,000 s.f.; (2) Hotel: 99 rooms (keys) - 82,412 s.f., hotel and amenity services; (3) Ground level: Entry to hotel and separately activated restaurant and bar area and separate commercial space; (4) Main drop off / pedestrian entrance Kitchin Place; (5) Off-street parking below grade: (a) 186 spaces, 6 accessible; and (b) 10 off-street parking shown on plan; (6) Architectural details extensive and

approved by HRC on 09/13/23; and (7) Parking entrance / waste access via single drive apron Boston Way. Regarding open space/landscaping/tree canopy, (1) Protection details provided for existing street trees and landscaping islands; (2) Building impact shrubs compliant. Single signature spruce tree provided with technical modification for remainder; (3) Street trees shown with modification along Hendersonville Road; and (4) Tree canopy protection and open space pursuing alternative/fee in lieu options. He then showed sketches of the building elevations and building perspective. He said the Historic Resources Commission reviewed this on 09/13/23 and approved it, the Technical Review Committee approved the project with conditions, and the Planning & Zoning Commission voted unanimously to approve the project with conditions. Regarding project conditions and updates, the new project conditions are (1) Pocket Park and conservation of Oriental Spruce; (2) Coordination (with NCDOT and the City) for the installation of pedestrian facilities adjacent to the site. A new pedestrian-activated crosswalk on Hendersonville Road will enhance connectivity between Transit Route stops (S3 and S6), the project, and the core of Biltmore Village; and (3) Project will install a below ground retention system to retain stormwater and reduce discharge to offsite facilities and properties and alleviate flooding impacts. The noted the following two updates since the original staff report was sent - staff has addressed the following items as part of PZC review: (1) Clarification of Level III, Conditional Zoning, and Hotel Overlay; and (2) Determination of "Primary Facade" and "fenestration" requirements vis-a-vis Hotel Overlay and Biltmore Village Historic District. He then reviewed the zoning/overlay conformance focusing on the CZ trigger. Mr. Mitchell then showed a sketch of the primary building facade, fenestration, and access. Technical modifications include (1) Setbacks to be as shown on plans reviewed and approved by HRC place of requirements for COM EXP district. Distances vary - shown at 0'-5' along frontages; (2) Sidewalks to be permitted as approved by HRC instead of 10' width minimum - Variable width along multiple frontages: 5-10' as shown on plan; (3) Allow for street trees along Henderson Road to be separated by 40' versus 30' for consistency with Biltmore Historic District and HRC approval; (4) Building impact landscaping provides for preservation of the single large existing Oriental Spruce on southwest corner in lieu of other building impact tree plantings. (Shrub plantings are compliant); (5) Project size is 0.77 acres where 1.0 acre is required; (6) Impervious to exceed 80% as required to allow up to 95%; and (7) Project proposes two onsite (internal) loading berths where four (4) are required. He then explained how the project was consistent with the Future Land Use Map of "Town Center" and the Living Asheville Comprehensive Plan. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning.

In response to Councilwoman Turner, Mr. Mitchell said that staff does not do any analysis regarding community benefits scoring if a developer has not elected to use that incentive, as they only incorporate conditions related to the impact of physical development. The applicant, however, is to be commended for the several voluntary community commitments.

Christian Sottile, representative for the Kessler Hotel Design/Applicant Team, was excited to be working with the community on this project. He showed several drawings and sketches of this mixed use project. He then said that in keeping with the City's goals through its comprehensive and other community plans, they have developed the following list of voluntary community commitments that will be completed as part of the project: (1) construction of over 800 feet in new public sidewalks and streetscapes, including new street tree plantings along Hendersonville Road; (2) coordination for a new public crosswalk that will connect the core of Biltmore Village to the City's S3 and S6 bus routes; (3) \$6,000/per room contribution to the City's Affordable Housing/Reparations Fund; (4) \$300/per room contribution to the City for public art; (5) adoption of a stormwater retention system that will retain stormwater on-site thereby reducing discharge to offsite properties and alleviating flood impacts; (6) installation of bike racks to promote multi-modal options; and (7) creation of a new pocket park across from All Souls Cathedral.

In response to Councilwoman Turner about including the voluntary community contributions as conditions, City Attorney Branham said that some of the applicant's voluntary community contributions are incorporated into the project conditions. He said that state law gives us very little general guidance in what cannot be included in the conditions. Without specific direction, we are taking a conservative approach and not including those items which may be beyond our legal authority. However, we could include some of the voluntary contributions in a separate document to memorialize them.

In response to Councilwoman Turner about who would be upset if we put the voluntary contributions in as conditions, City Attorney Branham said that in some cases no one would object; however, it is his job not to look at the best case scenario, but the worse case scenario. Including conditions without state authority, or local authority, potentially jeopardizes the integrity of the Council's decision making process.

At 6:10 p.m. Mayor Manheimer opened the public hearing.

Three individuals spoke in support of the conditional zoning project.

One individual urged City Council to think of the implementation of the project, i.e., especially as it relates to employee parking in the area.

At 6:22, Mayor Manheimer closed the public hearing.

Councilwoman Roney said she was familiar with working in the hospitality industry in this part of the City and the S3 and S6 bus routes are only serving this area every 90 minutes. We have a very clear understanding that the south Asheville routes need expanded service. The S3 and S6 routes are not reliable for workers and 30% of our routes end at or before 7:30 p.m. The need for employee parking is serious and will not be mitigated by the level of service we currently provide. She asked if the applicant has considered employee parking or will they just be relying on the City's public transit.

Mr. Sottile said that the required parking for the project is 170 minimum and they will provide 186 spaces which provides parking for not only the new mixed use development but also replaces the parking that is there today.

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

Councilwoman Turner moved to approve the conditional zoning request for the properties located at 10 Kitchin Place and 1 Angle Street from Community Business II (CBII) 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 reflects place-specific and significant architecture, 2) encourages pedestrian oriented uses, and 3) provides for contextually appropriate infill development consistent with the Historic Preservation Master Plan in the Biltmore Village, with the additional following conditions: (1) \$6,000/per room contribution to the City's Affordable Housing/Reparations Fund; (2) \$300/per room contribution to the City for public art; and (3) provide some parking for employees.

Councilwoman Turner then revised her motion to add in all the voluntary community commitments that are not already included in the Exhibit E conditions, and a condition for some employee parking.

Mr. John Noor, attorney representing the application, said that they are willing to agree to those conditions.

Mayor Manheimer did not receive a second to Councilwoman Turner's revised motion; therefore, the motion failed for lack of a second.

Councilwoman Mosley moved to approve the conditional zoning request for the properties located at 10 Kitchin Place and 1 Angle Street from Community Business II (CBII) 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 reflects place-specific and significant architecture, 2) encourages pedestrian oriented uses, and 3) provides for contextually appropriate infill development consistent with the Historic Preservation Master Plan in the Biltmore Village. This motion was seconded by Councilwoman Ullman and carried on a 4-2 vote, with Councilwoman Roney and Councilwoman Turner voting "no."

ORDINANCE BOOK NO. 35 – PAGE 201

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ILLUMINATED LEADERSHIP SOLUTIONS FOR A COMMUNITY FACILITATOR TO SUPPORT PLANNING AND IMPLEMENTATION OF THE BOOSTING THE BLOCK PROJECT FUNDED BY THE MELLON FOUNDATION

BUDGET AMENDMENT FOR THE BOOSTING THE BLOCK PROJECT

Downtown Projects Manager Dana Frankel said that this is the consideration of adoption of a resolution authorizing the City Manager to execute a contract with Illuminated Leadership Solutions for community engagement and overall support through implementation of the Boosting the Block project funded by the Mellon Foundation; and an associated budget amendment in the amount of \$3,000,000.

Background:

- City Council adopted "Reimagining Pack Square Plaza: A Vision Plan" (Pack Square Plaza Vision Plan) at their September 26, 2023 meeting as a result of a planning and engagement process led by the McAdams Company and City and County staff.
- The City received a \$3,000,000 grant from the Mellon Foundation's Monuments Project to move the following elements of the plan forward: design and engineering for reshaping Pack Square; design, engineering and construction to better connect The Block and enhance its cultural character ("Boosting the Block"); and programming and education around more inclusive storytelling and history efforts in our community.
- The first proposed investment in the Boosting the Block project is hiring a Community Facilitator to lead engagement and support all aspects of community organizing, planning, design and implementation of the project deliverables.
- Boosting the Block project deliverables include construction of a physical gateway and cultural corridor between Pack Square and The Block; increased capacity of neighborhood anchors to shape and influence the future of The Block; enhanced public spaces and programming that authentically narrates the past, present and future of The

Block; and consensus and implementation of neighborhood identity of and marketing for The Block.

- An RFP process to hire a Community Facilitator launched on November 17, 2023; 11 proposals were received; 2 rounds of interviews took place by a selection committee that included City and County staff and community representatives
- A collaborative partnership between Illumined Leadership Solutions and BennettWeston Consulting was selected based on their qualifications and proposed approach to the project.
- The facilitator is anticipated to work for 30 months, the entire length of the Boosting the Block project.

Vendor Outreach Efforts:

- Staff conducted outreach to all MWBE vendors registered with the City of Asheville that provide services related to communications, project management, consulting and community development as well as additional outreach to local business and community organizations. Prime contractors were also required to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- The selected contractor is MWBE certified.
A pre-proposal meeting was held on November 28, 2023 with 18 interested vendors. 11 proposals were received from the following:
 - Bowens Consulting LLC (MWBE) and Continuum (MWBE) - Asheville, NC
 - Thrive Asheville (MWBE) and CPC (MWBE) - Asheville, NC
 - BG Teach (MWBE) - Charlotte, NC
 - Schenker Creative Co./Sankofa (MWBE) - Asheville, NC
 - Red Linen Moon (MWBE) - NC, IN, CO
 - Illumined Leadership Solutions (MWBE) and BennettWeston Consulting - Durham, NC
 - JD Ellison and Company (MWBE) - Asheville, NC
 - Public Works Partners (MWBE) - New York, NY
 - Urbane Environments (MWBE) - Salisbury, NC
 - Solid Ground Consulting / Connected Realities (MWBE) - Portland, OR / Denver, CO
 - WEC Consulting - non-responsive - ABI paperwork was not included in submission

Council Goal(s):

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

Committee(s):

- March 13, 2023 - Planning and Economic Development Committee recommended that City Council authorize staff to apply for and accept Mellon Foundation funding to implement the Pack Square Plaza Vision Plan, including design and construction of a gateway corridor on S.Market Street to connect Pack Square and The Block
- April 11, 2023 - City Council adopted a resolution to authorize staff to apply for and accept Mellon Foundation funding to implement the Pack Square Plaza Vision Plan, including design and construction of a gateway corridor on S.Market Street to connect Pack Square and The Block
- August 14, 2023 - Planning and Economic Development Committee recommended approval of the Pack Square Plaza Vision Plan
- September 26, 2023 - City Council adopted the Pack Square Plaza Vision Plan

- February 12, 2024 - Planning and Economic Development Committee voted 3-0 to recommend that City Council authorize staff to execute a \$180,000 contract with the selected Community Facilitator.

Pro(s):

- This grant-funded project will implement aspects of the community's vision as laid out in the Pack Square Plaza Vision Plan as applicable to The Block.
- The hiring of a community facilitator will support further engagement and planning on aspects of design and programming, and ensure implementation that's aligned with the community's vision.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is available as part of the associated budget amendment.
- While matching funds are not required for this grant, additional funding in the General Capital Projects Fund has been identified to support the Boosting the Block project.
- Staff will work to assess City funding capacity and identify other funding opportunities (beyond the existing Mellon Foundation grant) to implement future phases of the Pack Square Vision Plan.

Ms. Frankel highlighted the following key takeaways from her presentation: (1) Boosting the Block is one of three projects funded by a \$3 million grant from the Mellon Foundation that will build on and implement recommendations of the Pack Square Plaza Vision Plan (in this case, specific to The Block area - Eagle/S. Market Streets); (2) The Boosting the Block project will include extensive and strategic community engagement, and will ultimately result in construction of a physical gateway and cultural corridor between Pack Square and The Block, along with enhanced public spaces and increased community capacity; (3) An RFP and extensive evaluation process took place to select a community facilitator to support all aspects of community organizing, planning, design and project implementation. Local knowledge was included in the evaluation criteria; (4) Community stakeholder participation has been robust throughout the pre-planning stages of the project and throughout the community facilitator selection process; (5) With March 12 City Council authorization of the community facilitator contract, anticipated project kick-off is April 2024. The Mellon Foundation funding is available through Dec 2026; (6) A new RFP process to select a (different) community facilitator would delay project kick off by approximately 2.5 months (best case scenario); and (7) Additional resources are available for future purchasing and contracting opportunities throughout the project.

City Council actions/directions include (1) Apr. 11, 2023: City Council adopts resolution to authorize staff to apply for and accept Mellon Foundation funds to implement recommendations of the Pack Square Plaza Vision Plan (including design and construction of a gateway and cultural corridor along S. Market Street to connect Pack Square and The Block); (2) Sept. 26, 2023: City Council adopts the Pack Square Plaza Vision Plan; (3) Feb. 12, 2024: City Council's PED Committee recommends authorization for staff to execute a \$180,000 contract for a community facilitator to support the Boosting the Block project following an RFP and selection process; (4) Feb. 27, 2024: City Council requests more information about community facilitator selection process; (5) March 7, 2024: Staff provide presentation at agenda briefing with more information about community facilitator selection process; and (6) Mar. 12, 2024: City Council to consider authorizing staff to execute a \$180,000 contract with Illuminated Leadership Solutions (partnering with BennettWeston Consulting), both Black and women-owned business, for a community facilitator to support the Boosting the Block project following the completed RFP and selection process.

Regarding Boosting the Block, (1) One of three projects funded by the [Mellon Foundation Monuments Project Initiative](#); (2) [Boosting the Block \(\\$1.8M\)](#) (a) A physical gateway and cultural corridor between Pack Square and The Block; (b) Enhanced public spaces and programming in alignment with the community's vision and in a way that authentically narrates the past, present, and future of The Block; (c) Consensus and implementation of neighborhood identity and marketing for The Block; and (d) Increased capacity of neighborhood stakeholders to help shape and influence the future of The Block; (3) [Reframing the Square \(\\$1.1M\)](#) - Design and engineering for Pack Square Plaza (based on Vision); and (4) [Sharing our Stories \(\\$163,400\)](#) - Partnership with Buncombe County Library to expand history and story-telling initiatives.

Regarding the community facilitator scope and role, it's to support all aspects of community organizing, planning, communications, design and implementation of project outcomes. This includes (1) Communications and Engagement (a) Lead engagement and serve as a liaison for City and community; (b) Foster authentic collaboration and facilitate successful outcomes; and (c) Ensure appropriate engagement on other Mellon Foundation projects; (2) Project Management (a) Create and manage work plan in alignment with City, community and grant; (b) Plan and execute learning opportunities, temporary activations and events to support the design and implementation process; and (c) Facilitate capacity building for the further establishment and success of the neighborhood; (3) Strategic Planning (a) Compile research and plans to lay a foundation for strategic planning and investment; and (b) Expand community participation and explore partnerships to support the long-term well being of the district and elevate outcomes. The \$180,000 budget available for a 30 month contract.

The community facilitator selection committee was made up of the following: [Appointed by The Block Collaborative](#) - YMI Cultural Center representative - 1; YMI Cultural Center/Noir Collective representative - 1; Mt. Zion Missionary Baptist Church representative - 1; and (4) Eagle Market Sts. Dev. Corp. - 2 participating representatives submitting 1 scoresheet. [City and County Staff](#) - Buncombe County Community Engagement - 2 participating staff submitting 1 scoresheet; and City of Asheville - 3 participating staff submitting 2 scoresheets / Participating = 5 community members, 5 city/county staff. Scoring = 4 community members, 3 city/county staff.

Regarding the community facilitator selection, there was strong local participation (4 Asheville based; 8 NC based). The following are the 10 responsive proposals received: Bowens Consulting LLC (MWBE) and Continuum (MWBE) - Asheville, NC and Durham, NC; Thrive Asheville (MWBE) and Center for Participatory Change (MWBE) - Asheville, NC; JD Ellison and Company (MWBE) - Asheville, NC; Schenker Creative Co./Sankofa Connections (MWBE) - Asheville, NC; Red Linen Moon (MWBE) - NC, IN, CO; BG Teach (MWBE) - Charlotte, NC; Illumined Leadership Solutions (MWBE) and BennettWeston Consulting (MWBE) - Durham, NC; Urbane Environments (MWBE) - Salisbury, NC; Public Works Partners (MWBE) - New York, NY; and Solid Ground Consulting and Connected Realities (MWBE) - Portland, OR / Denver, CO.

The following is the RFP response evaluation criteria. The evaluation criteria (including local knowledge/understanding): Qualifications - 30% - Including relevant experience as well as understanding of the community (specifically the history and cultural heritage of The Block); Project Understanding and Approach - 30% - (a) Including a personal statement to demonstrate competency and commitment to the cultural heritage of The Block; and (b) Understanding of scope and approach to the project (key tasks, anticipated challenges, project team, etc.); Relevant Projects and References - 25% - Relevant project management and engagement experience plus 3 or more references; and Cost Proposal - 15% - How the funds will be used (including items/services anticipated).

Regarding the community facilitator selection, Round I - RFP Response Review - Top 4 candidates/teams selected based on RFP Evaluation Criteria. Round II - Virtual Interviews - Candidates asked to respond to / evaluated on: (a) Explain approach to the project / 35%; (b)

Present a relevant project / 35%; and (c) Q&A / 30%. Top 3 selected based on discussion, deliberation and scoring Round III - In-Person Interviews (a) Candidates asked to provide a presentation on successful project completion, addressing deliverables included in the RFP; (b) Scored based on skills and experience (communication, understanding of deliverables and ability to complete, understanding of role and ability to be successful, ability to support project implementation); and (c) Discussion, deliberation and scoring. Top ranked team selected: (i) Illuminated Leadership Solutions and BennettWeston Consulting.

Ms. Frankel then reviewed the facilitator selection timeline with the current process being 106 days (not including December 23 - January 1).

If City Council does not approve the recommended contractor/vendor, the new (expedited/best case) Process with Existing Policy ~77 Days. The May 28, 2024, formal meeting for City Council consideration.

Project resources and next steps include (1) Community facilitator role prioritized for project management and engagement support from project start to finish; (2) 2.5 year work plan to be developed by community facilitator in collaboration with community stakeholders and city/county staff; (3) Broader public engagement to take place with focus on communities with connections to The Block (past, present, future) ; (4) Additional project resources (anticipated purchasing/contracting opportunities): Group learning trip (~\$10,000); Creative strategist/consulting artist (~\$12,500); Marketing/promotion/advertising (~\$15,000); Community celebration (~\$15,000); Design/Engineering (\$166,325); and Construction (up to \$1,663,250); and (5) Project page live: www.ashevilleenc.gov/boostingtheblock.

When Mayor Manheimer received no motion to approve the resolution, the action failed for lack of motion. Mayor Manheimer noted that the budget amendment associated with this action will also not be voted on at this time.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council about various matters, some being, but are not limited to: Boosting the Block community facilitator; nothing being done for domestic violence; low barrier shelters are a County issue and the City needs to understand the full scope of the project before taking any action; need for low barrier shelters; request to condemn all antisemitism speech; and request for Council to adopt a resolution calling for a ceasefire in Gaza.

Mayor Manheimer said that we care deeply about this community and the world. She asked that Council's lack of consideration of a resolution doesn't mean that they don't care deeply about this issue. She has talked with Council members and the community to figure out a path forward, or some shared language to be agreed upon, but that hasn't happened. She didn't foresee that we will have a resolution that City Council will be considering on this issue at this point. Council members are free to express their deep concerns and sign onto whatever platforms they want to align themselves with. She said that if the community wants to be the most effective they need to address Congress. We also need to communicate with each other. She appreciated that City Council has already adopted policies condemning hate speech, and calls for violence in our community is not acceptable.

Councilwoman Roney hears the deep concern in our community and appreciates what the Mayor has offered and the invitation to speak up. She hears the deep fear, is grieving with our community, and she has already signed a ceasefire letter with elected officials across the county. The resolution calls for an immediate ceasefire, the return of hostages, and the

restoration of humanitarian aid. It also speaks up against violence in all its forms, including antisemitism and Islamophobia.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:56 p.m.

CITY CLERK

MAYOR