

Thursday – June 20, 2024 - 11:00 a.m.

Agenda Briefing Worksession - For June 25, 2024, Council Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; Councilwoman Kim Roney (left meeting at 1:00 p.m); Councilwoman Sheneika Smith; Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Manager Debra Campbell; Deputy City Attorney John Maddux; and City Clerk Magdalen Burleson

Absent: Councilwoman S. Antanette Mosley

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

Discussion occurred on the following other issues and updates:

- Rankin Substation update
- McCormick Field update

At 1:03 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – June 25, 2024 - 3:00 p.m.
Affordable Housing Plan Worksession

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

Absent: Councilwoman Sheneika Smith

City Manager Campbell said that this community has embraced and acknowledged the issue of affordable housing is a community issue and what we are going to do is to talk about the role of the City and the tools that we have available as we move towards either solving or better managing this challenge.

Assistant City Manager Rachel Wood introduced the topic and noted the worksession is intended to be conversational.

Affordable Housing Officer Sasah Vrtunski spoke briefly about how the plan came about and introduced Jerah Smith, Program Director of Enterprise Advisors.

Mr. Smith outlined the following key takeaways from the presentation: (1) The Affordable Housing Plan has a 10-year planning horizon and identifies tangible strategy recommendations to help build a more equitable and sustainable housing ecosystem in the community; (2) The Affordable Housing Plan update process began in September 2023 and is nearing completion (a) The project will update the City's 2008 Affordable Housing Plan, which was last updated in 2015; and (b) The update process included reviewing the existing City policies & programs and identify gaps in the City's current affordable housing toolbox. Specific policies assessed included: (i) Land Use Incentive Grants (LUIG); (ii) Housing Trust Fund (HTF); (iii) Affordable Housing Bond; and (iv) Policies for Implementing Affordable Housing on City-Owned Land; and (3) The

strategies presented today are prioritized for the first three years of the 10-year planning horizon based on impact and what is within the City's power to feasibly implement.

Mr. Smith then provided Council with the Affordable Housing Plan overview. He outlined the planning process centering racial equity. Regarding the population forecast (age impact on housing need), (1) Older adults tend to live in smaller households - 44% of people 65 and older in Asheville live alone compared to only 29% of those age 15 to 64; (2) Because the population in Asheville will get older on average, the average household size will shrink accordingly, meaning that the number of households will grow faster than the number of people; and (3) As noted above, we estimate that Asheville's population will grow from 94,000 to 124,000 (an increase of over 32% between 2022 and 2050). However, due to the aging population, this would result in an increase of about 13,700 households (an increase of 38%). The following is their community engagement (1) Informed by Resident Engagement Round Table - served as plan ambassadors and comprised of residents and those most impacted by housing affordability outcomes; (2) Phase I: focused on community housing vision, strengths, and needs → shaped needs assessment, goals, and strategies; (3) Phase II: solicited input on preliminary plan framework and strategies → shaped final plan content; (4) Over 500 people meaningfully participated in phase I and nearly 200 people participated in phase II (a) Recognizing that housing challenges transcend city limits, included residents from across the region; (b) Majority low- and moderate-income residents; and (c) Representation from both renters and homeowners; (5) Key themes included: (a) The housing plan needs to be accessible to the general public; (b) Need for more housing that is affordable for low- and moderate-income households; (c) Many residents are experiencing poor housing conditions (renters and homeowners alike); (d) A significant portion of residents do not know about existing programs and tenant rights; (e) Residents would like to see investments that benefit current/legacy residents who are greatest risk of losing their homes; perception that new developments are for new residents; and (f) Would like to see meaningful and inclusive engagement when housing policies/programs are being designed.

The executive summary is (1) **Overburdened**: 36% of all Asheville households (13,641) are housing cost burdened (paying 30% or more of their income on housing costs) - People of color, renters, and low-income households are the most likely to be overburdened with housing costs; (2) **Growth**: 14,000 homes will need to be built by 2050 to *just to keep up* with population growth, let alone tip the balance towards affordability; (3) **In-migration**: Population growth is largely driven by in-migration, many of whom have higher than average incomes; (4) **Equity migration**: Higher incomes puts added pressure on Asheville's already competitive housing market, likely contributing to the displacement and equity migration we see today; (5) **Validated**: Community members frequently shared the importance of seeing investments that benefit current/legacy residents who are greatest risk of losing their homes, and a perception that new developments are for new residents; and (6) **Affordable Housing Plan**: Strategies to help the City equitably preserve and grow affordable housing opportunities for its current and future residents.

The following are the goals for the affordable housing plan based on community engagement, stakeholder interviews, and data analysis (1) promote policies and resources that help existing residents stay in Asheville; (2) preserve existing affordable housing and improve housing quality; (3) increase the supply of housing that meets the diverse needs of current and future residents; (4) align place-based policies and programs with related City initiatives; and (5) broaden and strengthen the affordable housing ecosystem.

Cross-cutting priorities include (1) Prioritize incentivizing and/or supporting efforts that meet the greatest need (a) Affordable housing opportunities for individuals and families with very low incomes (less than 60% of the AMI) who currently have the greatest need; (b) Permanent or long-term affordability requirements that will make the city more affordable for the years to come; and (c) Housing improvements that make more homes accessible for residents of all abilities and ages; and (2) Protect against displacement in all forms (a) Physical (homes removed or residents removed from homes); (b) Economic (being priced out); (c) Cultural and social (loss of feeling of belonging); and (d) Environmental (caused by natural disaster or climate-related issue).

City tools are (1) Land Use Incentives Grant (LUIG) - Tax abatement grant program established in 2011 to incentivize market-rate developers to include affordable rental homes; (2) Housing Trust Fund (HTF) - Flexible low-interest loan provider established in 2000 to serve a variety of needs for low-moderate income residents; (3) Affordable Housing Bond - Debt security issued by the City to support the HTF and other affordable housing programs; and (4) City-owned land - Leveraging City-owned property to support new affordable housing development.

Regarding City subsidized housing, (1) Since 2001, **2,315** affordable housing units subsidized by the city, including sources such as LUIG, HTF, Conditional Zoning, and the bond; (2) 36% of the City's subsidies fund units that are at 60% AMI or below affordability level, while the remaining 64% are set for up to 80% AMI affordability. NOTE: Low Income Housing Tax Credit (LIHTC) allows for income averaging / capable of getting below 50% AMI or even 30% AMI. NOTE: housing choice voucher holders have incomes at 50% AMI or below, often much lower; and (3) According to available data, at least 107 affordable units are set to expire over the next decade.

Mr. Smith said that our analysis of the City's existing tools indicates that these activities/programs could be supported by existing or revised City tools to help meet today's housing needs: (1) More options for <50-60% AMI renters and homeowners; (2) Longer affordability periods, such as 30+ years; (3) Home repair programs for eligible homeowners and landlords; (4) Affordable housing acquisition fund; (5) Funders collaborative; (6) Strategic land banking; (7) Down payment assistance (DPA) program or other forms of homebuyer assistance; and (8) Emergency rental assistance and/or a housing stability fund.

After outlining the production, equity, efficiency, and effectiveness LUIG production summary, the LUIG recommendations goals and eligible uses include (1) Maintain program and expand the scope to include: (a) Acquisition and preservation; and (b) Incorporating or developing a similar policy for mobile home communities; (2) Revise the baseline or scoring system, for example: (a) Support deeper affordability (<50-60%) and/or longer affordability periods (30+ years); (3) Simplify scoring to achieve specific goals, for example: (a) 50% tax grant when 20% of units are affordable to <60% AMI; and (b) 50% tax grant when the affordability period is more than 20 years; (4) Update scoring system to further incentivize developers to produce affordable units in targeted geographies across the community, such as areas with access to transit and key job centers; and (5) Re-evaluate the utility of scoring for activities that do not directly address affordability (e.g., brownfield redevelopment, energy efficiency, etc.). Regarding the administration of the LUIG recommendations, (1) Add staff / staff capacity for better tracking and enforcement; (2) Require pro formas as a part of the application process; (3) Set budgetary limits (e.g, annual total and/or unit cap); (4) Raise by-right thresholds for affordable

housing projects; (5) Develop a City-County LUIG partnership; (6) Address the point structure for vouchers “double dipping”; (7) Advocate for right of first refusal (ROFR) when affordability period ends; and (8) Introduce additional data tracking and evaluation measures (e.g., cost per person housed, demographic surveys, etc.).

After outlining the production, equity, efficiency, and effectiveness of the HTF, the HTF recommendations goals and eligible uses include (1) Continue financial commitment to the Housing Trust Fund using a variety of funding sources, including bond funds and City general funds to maximize the utility of the fund and flexibility of the types of projects incentivized; (2) Consider committing a *dedicated* funding source to the Housing Trust Fund to improve confidence and consistency; (3) Develop a local housing funders collaborative to help leverage collective financial resources for activities such as land banking or acquisition of naturally occurring affordable housing; (4) Modify scoring to increase the eligibility of developments that are located near Capital Improvement Program investments or transit-rich areas; and (5) Support homeownership and rental affordability through home repair loans.

After outlining the production, equity, efficiency, and effectiveness of the Affordable Housing Bond, the Affordable Housing Bond recommendations include (1) Continue to support the Housing Trust Fund; (2) Serve as a mechanism for leveraging other public and private resources (possibly through a funders collaborative); (3) Contribute to an affordable housing acquisition fund; (4) Develop granting program for predevelopment activities for smaller or emerging affordable housing developers; and (5) Support homeownership through home repair grants and/or down payment assistance. Regarding the administration of the Affordable Housing Bond, (1) Implement a bond cycle to demonstrate commitment and reliability; and (2) Investigate alternative funding sources - public and/or private - that can support non-capital costs, such as program administration and building organizational / staff capacity.

After outlining the production, equity, efficiency and effectiveness of the City-owned land, the City-owned land recommendations include (1) Lease or sell property only for developments supporting <50-60% AMI and/or affordability periods of 30 years or more; (2) Ensure the City’s equity goals are achieved and prioritized when considering disposition; (3) In the future, consider granting or selling properties to land bank to: (a) Create initial reserve of properties for the organization; (b) Serve as collateral for additional loans and funding; and (c) Be used in collaboration with Asheville-Buncombe County Land Trust; and (4) Identify opportunities for streamlining and/or building capacity for disposing of City-owned land for affordable housing developments. Regarding the administration of the City-owned land, the need is to identify opportunities for streamlining and/or building capacity for disposing of City-owned land for affordable housing developments.

Mr. Smith then used a chart to align the City tools with key planning recommendations. The tool recommendations summary is as follows: (1) **Reimagine LUIG** - LUIG is well suited for creating mixed-income rental communities (similar to inclusionary zoning), but could be revised for deeper and/or longer affordability. Given the program’s recent success, co-developing the policy in partnership with the development community is essential; (2) **Build on Housing Trust Fund’s successes**: The Housing Trust Fund has a track record of providing gap financing for projects that reach deeper levels of affordability. In the future, it could be paired with bond funding to help cover non-capital costs, support home repair programs, and/or land acquisition; (3) **Use grants to expand impact**: The City’s Affordable Housing Bond is the most powerful tool in the toolbox, given its granting authority, which allows it to build the capacity of mission-driven non-profits, allow access to capital for smaller community organizations, and mitigate risk for local partners. The bond can be most impactful for land acquisition, leveraging partnerships, grants for small/emerging developers, and supporting homeownership; (4) **Land bank for long-term**

affordability: City-owned land, through low-cost leasing, can significantly reduce the risk and development cost associated with affordable housing development. To combat speculation, the City could prioritize land acquisition for future affordable housing development; and (5) **Collaboration is key:** The City's most successful projects are the ones that brought several resources and partners to the table. Investing in these tools expands the affordable housing ecosystem.

Mr. Smith then outlined the implementation roadmap. The following key considerations are essential elements for implementation success (1) Investments in people and systems; (a) Programs cannot be administered without adequate staff, necessary tools, and systems; (b) Scaling teams and City staff infrastructure is essential; and (c) Meaningfully integrating racial equity into internal systems is key to assessing the impact of City funding and if the City is reaching those with the greatest need; (2) Data-informed decision-making (a) Asheville's housing market is not a monolith - it is important to understand needs and challenges with as much nuance as possible; (b) Requires utilizing credible quantitative and qualitative data sources; and (c) Understanding data gaps and data limitations; and (3) A living document (a) Housing markets ebb and flow; (b) Organizations evolve and capacity changes; and (c) Implementation should be reviewed annually for urgency, relevancy, feasibility. He said the implementation will begin as follows: Top priorities (1 year); Short-term priorities (2-3 years); Medium-term priorities (4-5 years); and Long-term priorities (6-10 years).

Mr. Smith then reviewed Year 1 priority strategies, outlining their community priority, bond eligibility, implementers, and funding (1) support construction of affordable for-sale housing; (2) support construction of affordable rental housing; (3) incentivize transit-oriented/accessible development; (4) enhance existing City tools (LUIG, HTF, City-owned land); (5) increase awareness of existing resources and rights; (6) increase regulatory incentives citywide to increase housing production (density bonus, development requirements); (7) support other plans and policy initiatives that diversify housing choices (e.g., Missing Middle Study); (8) require all developments that receive City funding to accept rental assistance; (9) modify review thresholds for developments with dedicated affordable units; and (1) continue to partner with nonprofits on homeownership readiness initiatives.

Mr. Smith then reviewed Year 2-3 priority strategies, outlining their community priority, bond eligibility, implementers and funding (1) increase acceptance of rental assistance; (2) expand home repair resources for homeowners; (3) support a down payment and mortgage subsidy program; (4) increase investment in community land trusts (for-sale and rental); (5) continue to develop City-owned land for affordable housing; (6) align housing development priority areas with the Capital Improvement Program; (7) expand tenant protections, including access to legal assistance; (8) increase capacity of the public sector by fostering collaborative and increasing resources; (9) provide emergency rental assistance; (10) prioritize legacy residents for City-subsidized developments; (11) increase City funds dedicated to housing affordability efforts; (12) educate local builders/developers on housing needs, funding, design guidelines; and (13) reduce regulatory barriers citywide.

Next steps include (1) Incorporation of final edits into Affordable Housing Plan - in progress; (2) Graphic design & publication of the Affordable Housing Plan - end of July 2024; (3) General Obligation Bond fund prioritization discussions - Summer 2024; (4) Staff, HCD, and AHAC create a work plan for implementing priorities - August-October, 2024; and (5) Begin implementation of Year 1 strategies - October 2024.

Throughout the presentation, Mr. Smith, along with Ms. Vrtunski, responded to various questions/comments from City Council, some being, but are not limited to: what happens if we don't get the 14,000 homes built by 2050 to keep up with the population growth; did this study look at the intersection of race and gender, specifically thinking of Thrive study and this Council's

conversations around outcomes for Black women; from the Stop the Harm audit, concern that we continue to miss opportunities to capture data and work towards a more healthy way forward for our community; to stay focused on our priority of Equitable, Affordable Housing, what does it look like to consider fewer, deeply-affordable units in comparison to subsidizing more, less-affordable units; given the size of our budget, what is the best way to facilitate more affordable housing in our community; can the LUIG be rescinded if the provisions of the program are not met; speaking with developers and tenants, environmental incentives are about affordability of utilities, a strategy for affordability beyond the rent; 80% AMI is getting close to market rate; the connection between number of subsidized units and voucher set asides backs up the case for deeper affordability and the connection around voucher set aside; provide examples of successful affordable housing funding collaboratives; request for home repair programs move to Year 1 due to the impact that it has on displacement; could increased demolition permit fees be put into a fund for anti-displacements; suggestion to bolster other organizations in the community that focus on home repair programs; need to be clear on the definition of "legacy"; what are other communities doing on down payment and mortgage assistance programs; should the City invest in smaller programs to help developers build affordable housing; trend that the market is changing and short-term rentals are being converted into longer-term rentals; short term rentals are zoned residential but used commercially; we are missing opportunities to look at voucher accepting versus incentivizing set-asides; do we know the movership ratio; and update on zoning text amendments.

At 4:48 p.m., Mayor Manheimer adjourned the Affordable Housing Plan worksession.

Tuesday – June 25, 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; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

Mayor Manheimer was saddened and disheartened that some members in our community have been using intimidation tactics on volunteers regarding the issuance of the creation of the Business Improvement District. She hoped these actions would not continue in our community.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING JULY 2024 AS "PARKS AND RECREATION MONTH"

Mayor Manheimer read the proclamation proclaiming July, 2024, as "Parks and Recreation Month " in the City of Asheville. She presented the proclamation to Parks & Recreation Director D. Tyrell McGirt, and others, who briefed City Council on some activities taking place during the month.

II. CONSENT AGENDA:

- A. **APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON JUNE 6, 2024, AND THE FORMAL MEETING HELD ON JUNE 11, 2024**
- B. **RESOLUTION NO. 24-130 - RESOLUTION DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR THE 2024 WATER SYSTEM REVENUE BONDS**

Action Requested: Adoption of Initial Resolution Directing Application to the Local Government Commission (LGC) for the 2024 Water Revenue Bonds.

Background:

- In July 2022, City Council adopted resolutions providing staff with authorization to enter into various contracts related to the Water System's Advanced Metering Infrastructure (AMI) Project.
- The main contract with Aclara, including contingency, totaled \$28,792,604.
- It was noted at the time that the City intended to fund this contract through the issuance of long-term debt.
- With expenses to-date in the AMI project now totaling \$10.6 million and significant additional spending expected to occur in Fiscal Year 2024-25, staff intends to move forward with applying to the LGC for issuance of the Water Revenue Bonds associated with the AMI project and other water infrastructure improvements and issue the Bonds in August of this year.
- To cover the expenses from the AMI project, debt issuance costs, and provide funding for other eligible water system capital expenses, staff plans, in consultation with our financial advisors and bond counsel, to issue the debt in an amount not to exceed \$30 million.

Council Goal:

- Financially Resilient City

Committee(s):

- None

Pro(s):

- Utilizes debt financing to spread the capital costs over a longer term to better match the life of the water asset.

Con(s):

- None

Fiscal Impact:

- The exact amount and timing of debt payments will be determined after issuance but staff has included estimated amounts in the Fiscal Year 2024-25 Water Budget for the payments. Water rate increases approved by City Council in March 2024 will provide revenue to assist with future debt payments.

Motion:

- Motion to adopt the 2024 Water Revenue Bonds Initial Resolution Directing Application to the Local Government Commission (LGC) for the 2024 Water Revenue Bonds.

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C. RESOLUTION NO. 24-131 - RESOLUTION DIRECTING THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS

ORDINANCE NO. 5087 - BUDGET AMENDMENT TO APPROPRIATE OPIOID SETTLEMENT FUNDS

Action Requested: Adoption of: 1) a resolution authorizing the expenditure of opioid settlement funds for recovery support services provided through the Community Responder program; and 2) a budget amendment in the Special Revenue Fund in the amount of \$811,808 to appropriate opioid settlement funds that will be received by the City by the end of Fiscal Year (FY) 2024-25.

Background:

- The Asheville Fire Department (AFD) initiated the Community Responder program in spring 2023 to proactively engage with people in crisis, particularly people experiencing homelessness who are unsheltered, many of whom have substance use disorders including opioid use disorders.
- Based on a successful pilot, AFD wishes to continue the Community Responder program to support both people who are unsheltered and the wider community engaging with them.
- To add targeted capacity to best meet the needs of community members served, staff is recommending the creation of Peer Support Specialist positions to provide recovery support services to support people in accessing addiction treatment, recovery support, harm reduction services, primary healthcare, and/or other services or supports they need to improve their health and well-being.
- The City of Asheville has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids. Pursuant to these national settlements, the City of Asheville is currently scheduled to receive \$2,746,294 over the course of 18 years, and by the end of FY 2024-25 will have received \$811,808.
- The allocation, use, and reporting of funds stemming from these national settlement agreements and bankruptcy resolutions are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation (MOA).
- The MOA requires that prior to spending settlement funds, the local government's governing body must adopt a resolution that authorizes expenditure, states the specific strategy to be funded from the approved strategies named in the MOA, and states the amount dedicated to each strategy for a specific period of time.
- Recovery support services are one of the strategies identified in the MOA as an eligible use of opioid settlement funds.
- Staff are recommending that the \$811,808 be authorized for use by AFD to expand the Community Responder program by creating dedicated peer support specialist positions to provide recovery support services. At a minimum, this provides for two positions for at least 3 years with all associated costs while allowing flexibility for capacity expansion as the program develops.
- Staff intend to develop required data collection to also substantiate use of settlement funds to offset costs associated with other Community Responder staff.
- Council will be able to authorize additional amounts of settlement funds for additional strategies identified in the MOA on an ongoing basis to continue to respond to community needs.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Homelessness Strategies
- Reimagining Public Safety

Committee(s):

- Environment and Safety Committee - October 24, 2023 - unanimously recommended approval

Pro(s):

- Expands successful Community Responder program with services tailored to identified need
- Provides ongoing funding for added staff positions
- Complies with the MOA

Con(s):

- None noted

Fiscal Impact:

- As noted, the City is currently scheduled to receive a total of \$2,746,294 in opioid settlement funds over 18 years, and will have received \$811,808 by the end of next fiscal year.
- The budget amendment will appropriate the \$811,808 for the Community Responder program; leaving \$1,934,486 for future use.

Motion:

- Motion to adopt: 1) a resolution authorizing the expenditure of opioid settlement funds for recovery support services provided through the Community Responder program; and 2) a budget amendment in the Special Revenue Fund Opioid Settlement Project in the amount of \$811,808 to appropriate opioid settlement funds that will be received by the City by the end of fiscal year 2024-25.

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ORDINANCE BOOK NO. 35 - PAGE 307**

D. RESOLUTION NO. 24-132 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INDEPENDENCE DAY BLOCK PARTY ON JULY 4, 2024

RESOLUTION NO. 24-133 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE INDEPENDENCE DAY 5K ON JULY 4 AND JULY 13, 2024

RESOLUTION NO. 24-134 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE HALF MARATHON & 10K/5K ON AUGUST 24, 2024

RESOLUTION NO. 24-135 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BOOMTOWN ARTS & HERITAGE FESTIVAL ON SEPTEMBER 6 AND SEPTEMBER 7, 2024

**RESOLUTION NO. 24-136 - RESOLUTION PERMITTING THE POSSESSION
AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE
AT THE ASHEVILLE VEGANFEST ON OCTOBER 6, 2024**

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Independence Day Block Party, Asheville Independence Day 5K, Asheville Half Marathon & 10K/5K, Boomtown Arts & Heritage Festival and Asheville Veganfest

Background:

- N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and property owned, occupied, or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.
- The City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival.
- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
 - Asheville Downtown Association for the Independence Day Block Party to be held on July 4, 2024, on Coxe & Buxton Avenues
 - Food Connection for the Asheville Independence Day 5K to be held on July 4 & July 13, 2024, at Carrier Park
 - Sisu Running Foundation for the Asheville Half Marathon & 10K/5K to be held on August 24, 2024 at Pack Square Park
 - Asheville Downtown Association for the Boomtown Arts & Heritage Festival to be held on September 6 & 7, 2024 at Pack Square Park
 - Triangle Vegfest for Asheville Veganfest to be held on October 6, 2024, at Pack Square Park
- Alcohol boundaries are defined as per the accompanying event site maps.

Council Goal(s):

- This action has no direct connection with the City Council 2036 Vision.

Committee(s):

- None

Pro(s):

- Allows fundraising opportunities for the sponsoring nonprofit organization.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to adopt resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Independence Day Block Party, Asheville Independence Day 5K, Asheville Half Marathon & 10K/5K, Boomtown Arts & Heritage Festival and Asheville Veganfest

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E. GENERAL OBLIGATION BOND(S)

INTRODUCTION OF BOND ORDER AUTHORIZING THE ISSUANCE OF \$20,000,000 GENERAL OBLIGATION HOUSING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

INTRODUCTION OF BOND ORDER AUTHORIZING THE ISSUANCE OF \$20,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

INTRODUCTION OF BOND ORDER AUTHORIZING THE ISSUANCE OF \$20,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

INTRODUCTION OF BOND ORDER AUTHORIZING THE ISSUANCE OF \$20,000,000 GENERAL OBLIGATION PUBLIC SAFETY BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

RESOLUTION NO. 24-137 - RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA, REGARDING BOND ORDERS AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS, SETTING A PUBLIC HEARING ON JULY 23, 2024, AND DIRECTING PUBLICATION OF A NOTICE OF SAID PUBLIC HEARING

Action Requested: Adoption of the introduction of the following four general obligation bond orders: \$20,000,000 of transportation bonds, \$20,000,000 of parks and recreation bonds, \$20,000,000 of public safety bonds and \$20,000,000 of housing bonds; and a resolution setting a Public Hearing on the bond orders for July 23, 2024.

Background:

- Capital Improvement Programs (CIP) are vital for the development and maintenance of essential infrastructure such as roads, sidewalks, public buildings, parks, recreational facilities, housing and public safety.
- Effective CIP's utilize a diverse mix of revenue sources to fund projects, including debt, grants, fees, and pay-go cash.
- General Obligation (GO) Bond debt is secured by the full faith, credit and taxing power of the municipality, which should result in the lowest possible interest rates for financing a capital project.
- Asheville voters provided a substantial boost to the City's CIP in November 2016 with passage of \$74 million in GO Bonds to fund investments in transportation, parks and recreation, and affordable housing.

- The last of the 2016 GO Bond debt was issued in September 2023, and all of the \$74 million from 2016 Bond has been spent, encumbered, or committed to specific projects.
- To help address ongoing capital needs and provide another infusion of new resources into the City's CIP, Council directed staff to begin the process of preparing for a November 2024 GO Bond Referendum.
- At the May 28, 2024 meeting, Council took the first formal action to initiate the process to apply to the Local Government Commission (LGC) to place four bond questions on the November 2024 ballot:
 - Affordable Housing: \$20 million
 - Transportation: \$20 million
 - Parks and Recreation: \$20 million
 - Public Safety: \$20 million
- The City's application was successfully submitted to the LGC on June 18, 2024.
- The next step in the process is tonight's action of introducing the four bond orders and setting a Public Hearing on those bond orders for July 23, 2024.
- At the July 23, 2024 meeting, in addition to holding the Public Hearing, City Council will be asked to adopt the bond orders, and set the special bond referendum for November 2024 (including the form and language of the ballot) .
- It is at the July 23 meeting when Council will be required to finalize the amounts in the four bond categories (amounts can be lowered from the current proposed amounts but can not be increased).

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Provide enhanced funding for transportation, parks and recreation, affordable housing, and public safety infrastructure needs as identified in City master plans and Council strategic goals utilizing GO Bonds, which come with the lowest possible interest rates.
- Ensures City's compliance with North Carolina General Statutes.

Con(s)

- None

Fiscal Impact:

- A GO bond commits the full faith and credit of the City of Asheville to repayment of the bonded debt. An additional tax levy will be required to fund the debt service on the bonds. If the GO bonds are approved in November 2024, this additional tax levy will be considered by and adopted by City Council as part of the Fiscal Year (FY) 2025-26 budget.

RESOLUTION BOOK NO. 45 - PAGE 66

F. RESOLUTION NO. 24-138 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE AGREEMENT WITH MOTOROLA INC. FOR PUBLIC SAFETY RADIO SYSTEM MAINTENANCE

Action Requested: Adoption of a resolution authorizing the City Manager to amend the contract with Motorola, Inc., for Public Safety Radio System Maintenance

Background:

- In February 2018, the City adopted a maintenance contract with Motorola Solutions to provide maintenance on the City's radio communication systems.

- The current term is from July 1, 2022 to June 30, 2027, in accordance with the current contract.
- This new amendment to the contract will add services for Managed Detection and Response, which will provide around the clock cybersecurity operations center support.

Vendor Outreach Efforts:

- Motorola is on the NC State Contract 725G.
- No additional vendor outreach was completed as this will be a pre-negotiated extension of the current contract.

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- N/A

Pro(s):

- The primary benefit of this contract is to keep the City's radio system reliable and operational for public safety officers.
- The amended contract provides cybersecurity monitoring and response to protect this critical infrastructure.
- By keeping the radio system in optimal condition, the City is also able to provide communication services to several outside agencies, thereby improving interagency communications - advancing partnerships to improve critical services and infrastructure.
- These partnerships also help the City recoup some of its investment in the system infrastructure through fees collected for use of the system by partner agencies.

Con(s):

- None

Fiscal Impact:

- The additional services included in this amendment will increase the FY 2024-25 contract amount by \$95,706 and the five-year total by \$347,919 (see table below).
- Funding for the next year of this contract is included in the IT Services proposed operating budget. Future years will be planned during the annual budget development process.

		Original Pricing from Resolution 22-103	FY25-27 New Pricing	Yearly Change Old Versus New
Year 1	(FY23)	\$395,459	\$395,459	\$0
Year 2	(FY24)	\$401,930	\$401,930	\$0
Year 3	(FY25)	\$408,594	\$504,300	\$95,706

Year 4	(FY26)	\$417,258	\$541,473	\$124,215
Year 5	(FY27)	\$424,133	\$552,131	\$127,998
New 5-Year Total		\$2,047,374	\$2,395,293	\$347,919
New Life-of-C ontract Total			\$4,215,978.64	

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the contract with Motorola, Inc., for Public Safety Radio System Maintenance and add \$2,395,293 for a total contract amount of \$4,215,978.64.

RESOLUTION BOOK NO. 45 - PAGE 71

G. RESOLUTION NO. 24-139 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TOWN OF BLACK MOUNTAIN FOR FUNDING SUPPORT FOR ROUTE 170 FOR FISCAL YEAR 2025

Action Requested: Adoption of a resolution authorizing the City Manager to execute an agreement with the Town of Black Mountain to provide \$25,000 in funding support for Route 170 for Fiscal Year (FY) 2024-2025.

Background:

- Asheville Rides Transit (ART) provides daily service between Downtown Asheville and Black Mountain via Route 170.
- Black Mountain has provided \$25,000 to support the cost of operating the route for the last two fiscal years and has agreed to provide \$25,000 for FY 2024-2025 as well.
- An executed agreement is necessary to receive and expend the funds for transit operations.
- The total cost of operating the route is approximately \$500,000 annually and the City received federal transit grant funding through the Job Access Reverse Commute (JARC) program from the French Broad River Metropolitan Planning Organization to pay for 50% of the cost to operate the route 170 for FY 2024-2025.
- The Town of Black Mountain's contribution will help offset the non-grant funded portion of the operational cost of the route.

Vendor Outreach Efforts:

- N/A. This is an interlocal agreement between the City and the Town of Black Mountain.

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- N/A

Pro(s):

- The \$25,000 in revenue for FY 2024-2025 will help to offset existing transit service costs, reducing the overall General Fund contribution to the Transit Operating Fund.

Con(s):

- None

Fiscal Impact:

- The \$25,000 in revenue for FY 2024-2025 will help to offset existing transit service costs, reducing the overall General Fund contribution to the Transit Operating Fund.
- The cost for this route is already included in the Transit Operating Fund budget for FY 2024-2025.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an agreement with the Town of Black Mountain to provide \$25,000 in funding support for Route 170 for Fiscal Year 2024-2025.

RESOLUTION BOOK NO. 45 - PAGE 72

H. RESOLUTION NO. 24-140 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING TRANSIT OPERATIONS AND MAINTENANCE CONTRACT WITH RATPDev USA FOR FISCAL YEAR 2025

Action Requested: Adoption of a resolution authorizing the City Manager to amend the existing Transit Operations and Maintenance Contract between the City of Asheville and RATPDev USA for a total of \$11,204,300 for Fiscal Year 2025.

Background:

- The City of Asheville contracts out the operations and maintenance of the Asheville Rides Transit (ART) fixed-route transit system.
- In 2017, the City of Asheville issued a request for proposals (RFP) for the operations and maintenance of ART and RATPDev USA was selected to be the contractor.
 - The initial contract was for 4-years and ended June 30, 2021.
 - The contract allowed for **two** 2-year optional contract extensions (for a total of another 4 years).
 - The City opted to exercise the first of the 2-year optional contract extensions, which began July 1, 2021 and ended June 30, 2023.
 - The City opted to exercise the second of the 2-year optional contract extensions, which began July 1, 2023 and will end June 30, 2025.
 - The proposed amendment will be the 5th amendment to the contract and it will cover services provided between July 1, 2024 and June 30, 2025.
 - Amendment 1 was approved in August of 2019 and was done to reflect the increased services (and budget) that were implemented in January 2020.
 - Amendment 2 was approved in October 2021 (FY 2022) and included the annual increase to the base contract to reflect increases to the revenue-hour rate and monthly fixed fees.
 - Amendment 3 included an increase over the FY 2022 contract amount of \$953,835, for a total of \$1,073,222. This funding was included in the approved FY 2023 Transit Operations budget and included the following:
 - \$402,835 - annual increase to the base contract that reflected increases to the revenue-hour rate and monthly fixed fees.
 - \$551,000 - provided to fund a wage increase of \$2.00 per hour for RATPDev ART staff.

- Amendment 4 was approved in June 2023 and included an increase over the FY 2023 contract amount of \$538,607, for a total of \$10,645,929 for base/existing services.
- Amendment 5 (proposed with this action) will include an increase of \$558,350 over the FY24 contract amount, for a total of \$11,204,300 for base/existing services.
- There are no proposed changes to the language of the Contract with this amendment, other than relating to increasing the contract amount.
- The increased contract amount reflects overall cost increases to provide the existing base-level of service. The increase can generally be attributed to broadbased increases to the cost of doing business, including increases to standard items such as office and maintenance supplies, increases in the cost of parts, increases in the costs associated with services such as grounds maintenance and security, however the increase also accounts for wage increases for ART workers as part of their Collective Bargaining Agreement.
- *Note: The overall contract for transit operations and maintenance that was awarded to RATPDev in 2017 will end in June 2025. Staff has started to develop a new solicitation for transit operations and maintenance services, which we expect to issue in the fall.*

Vendor Outreach Efforts:

- N/A. This is a current contract. An extensive outreach process was conducted in 2017 when the transit operations and maintenance contract was put out for bid.

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- None. This is an administrative action.

Pro(s):

- Supports the continuation of current/existing transit service levels.

Con(s):

- Will result in increased transit operational costs for the current/existing service levels.

Fiscal Impact:

- Amendment 5 adds \$11,204,300 to the annual contract for transit operations and maintenance for FY 2025.
- The cost of continuing the current/existing transit service is \$558,350 more in FY 2025 than FY 2024 due to rising costs.
- The FY 2025 adopted Transit Services Fund budget already includes the contract amount for FY25 with RATPDev.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the existing Transit Operations and Maintenance Contract between the City of Asheville and RATPDev USA for a total of \$11,204,300 for Fiscal Year 2025.

RESOLUTION BOOK NO. 45 - PAGE 73

I. RESOLUTION NO. 24-141 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BUNCOMBE COUNTY FOR MOUNTAIN MOBILITY TO PROVIDE THE SERVICES FOR AMERICAN WITH

DISABILITIES ACT PARATRANSIT SERVICES FOR FISCAL YEAR 2025

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Buncombe County for ADA Paratransit Services not to exceed \$1,211,815 for Fiscal Year 2025.

Background:

- The City entered into an interlocal agreement with Buncombe County that establishes that Buncombe County will provide the City's federally-required paratransit services through Mountain Mobility.
- The contract cost for Fiscal Year (FY) 2025 is estimated to be a maximum of \$1,211,815 and is based on the per-mile rate of \$3.37 and anticipated number of service miles to be provided.
- Funding to pay for the Paratransit Services contract was budgeted in the Transit Operations Fund for FY25 when the City budget was approved for this FY.

Vendor Outreach Efforts:

- N/A. This is a current contract.

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- None

Pro(s):

- Supports the continuation of current/existing paratransit services.
- Ensures sufficient funding to pay for services as required by the contractual agreement.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is included in the FY 2025 Transit Services Fund operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Buncombe County for ADA Paratransit Services in an amount not to exceed \$1,211,815 for Fiscal Year 2025.

RESOLUTION BOOK NO. 45 - PAGE 74

J. RESOLUTION NO. 24-142 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE HAYWOOD ROAD RESURFACING PROJECT AND PEDESTRIAN IMPROVEMENT PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute agreements with the North Carolina Department of Transportation (NCDOT) for the Haywood Road Resurfacing and Pedestrian Improvement Project.

Background:

- The Haywood Road Resurfacing & Pedestrian Improvement Project is a NCDOT project that is programmed in the 2024-2033 State Transportation Improvement Plan (STIP).
- The project includes 1.91 miles of resurfacing and pedestrian improvements on US 19/23 (Haywood Road) from Patton Avenue to Ridgelawn Road.
- Staff from the City of Asheville's Transportation Department have been involved in project planning discussions with NCDOT since 2021. The project was initially planned to have a narrow scope, focused only on resurfacing.
- NCDOT was then awarded additional grant funding so that the project could include pedestrian safety measures not typically included in resurfacing projects.
- The project includes:
 - improved pedestrian and bicycle facilities including new and enhanced high-visibility crosswalks and pedestrian crossing signals (rectangular rapid flashing beacons and push buttons at signalized intersections),
 - reconstruction of curb-ramps to enhance Americans with Disabilities Act (ADA) access,
 - a reduced speed limit of the existing 35 mph to 25 mph and 20 mph through the "downtown core" of Haywood Road,
 - the addition of several "bulbouts" to shorten pedestrian crossing distances, and
 - bike lanes for a portion of the project, with additional bicycle sharrow symbols and signage for added visibility where there is no bike lane.
- NCDOT expects to advertise a solicitation to select a construction contractor by the end of calendar year 2024, with construction anticipated in 2025.
- The project is funded by NCDOT, with the exception of two aspects of the project, for which the City of Asheville will reimburse the NCDOT upon completion of the project:
 - \$21,750 for re-stripping the on-street parking spaces, which is standard practice for on NCDOT routes for which the City has on-street parking spaces. The funding for this aspect of the project is budgeted in the Transportation Department operating budget; and
 - \$15,000 for the "betterment" cost of the cast iron ADA curb ramp truncated domes. The betterment cost is the difference between the cost of NCDOT's standard polymer ADA curb ramp detectable warning plates and the City's preferred detectable warning plates made out of cast iron (which are more durable and require less maintenance). The funding for this aspect of the project is budgeted in the Capital Improvement Fund.
- A maintenance agreement will be executed as the City will be responsible for maintaining the sidewalks, bicycle sharrow pavement markings, parking space pavement markings, rectangular rapid flashing beacons, and trench drains in bulbouts.

Vendor Outreach Efforts:

- N/A. The projects are being completed and funded by NCDOT.

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- N/A

Pro(s):

- Improves safety and mobility along a state-owned road.
- Project is primarily managed and paid for by NCDOT.

Con(s):

- Many residents have contacted City staff wanting additional project details and advocating for additional pedestrian and bicycle improvements, NCDOT is the primary point of contact for the project and is responsible for community engagement.

Fiscal Impact:

- The project is funded by NCDOT, with the exception of two aspects of the project, for which the City of Asheville will reimburse the NCDOT upon completion of the project:
 - \$21,750 for re-stripping the on-street parking spaces, which is standard practice for on NCDOT routes for which the City has on-street parking spaces. The funding for this aspect of the project is budgeted in the Transportation Department operations budget; and
 - \$15,000 for the “betterment” cost of the cast iron ADA curb ramp truncated domes. The betterment cost is the difference between the cost of NCDOT’s standard polymer ADA curb ramp detectable warning plates and the City’s preferred detectable warning plates made out of cast iron. The funding for this aspect of the project is budgeted in the Capital Improvement Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute agreements with NCDOT for the Haywood Road Resurfacing and Pedestrian Improvement Project.

Five individuals spoke in support of moving the Haywood Road Resurfacing and Pedestrian Improvement Project forward quickly. The infrastructure improvements are needed as soon as possible. They also asked that feeder streets be looked at for improvements, as well as the need to be consistent with bike lane widths

Councilwoman Roney noted that when we design our streets to be safer, it’s safer for everyone - automobiles and pedestrians.

Councilwoman Turner said that if some improvements are not being implemented at this time doesn’t mean they can’t be added at a later date..

RESOLUTION BOOK NO. 45 - PAGE 75

K. RESOLUTION NO. 24-143 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH TERRACON CONSULTANTS FOR ADDITIONAL DESIGN SERVICES ON THE MUNICIPAL BUILDING CAPITAL REPAIRS & RESTORATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment with Terracon Consultants in the amount of \$87,950 for additional design services on the Municipal Building Capital Repairs & Restoration Project.

Background:

- The Municipal Building is in need of structural repairs involving the demolition and replacement of an elevated concrete slab.
- These repairs are critical to the operation and occupancy of the building, which houses Police Headquarters, Fire Headquarters, and serves as Fire Station 1.
- The original engineering contract with Terracon Consultants in the amount of \$33,200, authorized an initial building investigation and assessment to determine the full scope of the project.

- Following the initial assessment, three amendments totaling \$685,800 were authorized for additional testing and investigation and for the fee to perform the project design and construction administration.
- During the construction project, it will be necessary to move building occupants outside of the construction zone. Part of clearing this space will be moving Police's Forensics operations. These additional design services will create a new, adequately sized, permanent space for this operation.
- Upon completion of the Municipal Building Capital Repairs and Restoration Project, the fitness center will be expanded into the space that is freed up by moving Forensics.
- The design for expanding the fitness center is also in this amendment.
- The requested Amendment #4 will add design services for a relocated APD Forensics lab, Forensics offices and renovated fitness center.
- The current forensics lab and offices are currently located within the project construction zone, and must be relocated to maintain operations.
- The current fitness center serves both the Asheville Police and Asheville Fire Departments and is undersized. It will be partially demolished during the construction project.
- Upon completion of the slab replacement, the fitness center will be rebuilt with a larger square footage.
- Amendment #4 will increase the total revised contract value to \$806,950.

Vendor Outreach Efforts:

- For the original solicitation of pre-design and design services for this project, staff performed outreach to minority and women owned businesses through the request for qualifications solicitation process.
- This included posting on the State's Interactive Purchasing System and encouraging consultants to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Statements of Qualifications were received from:
 - Atlas Engineering, Inc
 - NOVA Engineering and Environmental, Inc
 - Tarchitects (a minority-owned business)
 - Terracon Consultants, Inc.
 - WGI, Inc.

Council Goal(s):

- Improve and expand core services

Committee(s):

- None

Pro(s):

- Police Forensics will be able to continue operations without impact during the construction project.
- The fitness center will be built back at a size that is more appropriate for the equipment and usage.

Con(s):

- The additional design and construction effort will add approximately six weeks to the project schedule.

Fiscal Impact:

- Funding for this contract is provided through City general funds.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment with Terracon Consultants in the amount of \$87,950 for additional design services on the Municipal Building Capital Repairs & Restoration Project.

RESOLUTION BOOK NO. 45 - PAGE 76

L. RESOLUTION NO. 24-144 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAROLINA CORNERSTONE CONSTRUCTION INC. FOR THE DESIGN-BUILD UPFIT PROJECT FOR THE MUNICIPAL BUILDING CAPITAL REPAIRS & RESTORATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Carolina Cornerstone Construction, Inc. in the amount of \$530,000, for the Asheville Municipal Building Design-Build Upfit Project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$53,000 (10%).

Background:

- Due to upcoming construction at the Municipal Building, the Asheville Fire Department and Fire Marshal's administrative offices will need to temporarily relocate. Additionally, the Asheville Police and Fire Departments' fitness center, located in the Municipal Building, will be out of service during construction and will also need to relocate.
- The Asheville Municipal Building Design-Build Upfit Project will upfit space in the Jackson Building (located at 22 S. Pack Square) to accommodate the Asheville Fire Department and Fire Marshal's offices along with the fitness center that serves Asheville Police and Asheville Fire.
- On April 23, 2024, City Council approved the execution of a lease agreement for real property in the Jackson Building Complex.
- While this space is large enough to accommodate the necessary uses, it will need to be renovated to be used by the building occupants.
- Staff determined that a design-build procurement method for the upfit of the leased space was best suited for the project. The design-build delivery method was approved by the City Manager on April 2, 2024, as per N.C.G.S 143-128.1A and City Council Resolution No. 16-45.
- Request for Qualifications #298-CP24-B2202.DB was issued on April 4, 2024 soliciting qualifications from design-build teams.
- The required three responses, as per N.C.G.S. 143-128.1A(d), were not received and the qualifications were returned.
- Request for Qualifications 298-CP24-B2202.DB2 was re-issued on April 26, 2024.
- Qualification packages were received on May 9, 2024 from the following teams:
 - Legerton Architecture, P.A. of Asheville, NC and Carolina Cornerstone Construction Inc.–both offices located in Asheville, NC.
 - MHAworks, P.A. of Asheville NC and Harper General Contractors–both offices located in Asheville, NC.
- An evaluation committee composed of staff from the Capital Management, Asheville Fire, Asheville Police and the Economic Development departments reviewed the qualification packages and interviewed the two teams.
- The team of Legerton Architecture, P.A. and Carolina Cornerstone Construction, Inc. was ranked as the most qualified for the project.
- On the selected design-build team, Carolina Cornerstone Construction, Inc. is a woman-owned business. Legerton Architecture, P.A. is currently in the process of becoming certified as a woman-owned business.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes using the State’s Electronic Vendor Portal and direct communications with minority and women owned businesses.
- The terms of the RFQ required that the solicitation for subcontractors for the construction work follow the City’s Asheville Business Inclusion Policy, including minority outreach efforts.
- On the selected design-build team, Carolina Cornerstone Construction, Inc. is a woman-owned business. Legerton Architecture, P.A. is currently in the process of becoming certified as a woman-owned business.

Council Goal(s):

- Improve and expand core services

Committee(s):

- None

Pro(s):

- The design-build method will allow for the quick and efficient implementation of the upfit improvements needed for Asheville Fire and Police to move into the leased spaces, prior to the start of the Municipal Building Capital Repairs and Restoration project.
- The design-build contract will allow the architect and contractor to work together to ensure that the project adheres to budget and schedule constraints.
- The selected firms are both local woman-owned businesses familiar with City of Asheville facilities and projects.

Con(s):

- The design-build method lacks the competitive contractor solicitation process of a traditional design-bid-build method.

Fiscal Impact:

- Funding for this contract is included in the adopted Capital Improvement Program (CIP).

Motion:

- Resolution authorizing the City Manager to enter into a contract with Carolina Cornerstone Construction, Inc. in the amount of \$530,000, for the Design-Build Upfit Project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$53,000 (10%).

RESOLUTION BOOK NO. 45 - PAGE 77

M. RESOLUTION NO. 24-145 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH TENNOCA CONSTRUCTION COMPANY TO ACCOMMODATE ADDITIONAL PAVEMENT REPAIR FOR THE ONTEORA BOULEVARD SIDEWALK PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a change order with Tennoca Construction Company for the Onteora Boulevard Sidewalk Project to increase the funding by \$90,000 to accommodate additional pavement repair.

Background:

- The Onteora Boulevard Sidewalk Project includes the installation of sidewalk, wheelchair ramps, and drainage along Onteora Boulevard from Lincoln Avenue to Raleigh Road.
- The project is actively under construction with a projected completion later this summer.

- The original bid included asphalt patching over utility cuts. Due to the overall disturbance to the area related to significantly more utility repairs than originally anticipated, additional paving is necessary which requires this change order to increase the milling and asphalt paving quantities.
- Due to the federal funding involved in this project, the Federal Disadvantaged Business Enterprises program is being applied. The federally established goal for this project is 4% participation.
- 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.
- The original project was bid on March 30, 2023.
- The three bids received were from Swannanoa, NC based AP Development, Inc for \$1,358,625; Asheville based NHM Constructors, LLC for \$1,130,883.50; and Candler, NC based Tennoca Construction Company for \$829,889.
- A construction contract was awarded to Tennoca Construction Company as the lowest responsive and responsible bidder on May 23, 2023.
- Under the requested change order, the construction contract will increase from \$912,889.00 to a not to exceed amount of \$1,002,889.00.
- Tennoca Construction Company, through their outreach efforts is committing to utilizing 9.18% participation with Concrete Specialty Contractors, a DBE/WBE subcontractor.

Vendor Outreach Efforts:

- Due to the federal funding involved in this project, the Federal Disadvantaged Business Enterprises program is being applied. The federally established goal for this project is 4% participation.
- 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.
- The original project was bid on March 30, 2023.
- The three bids received were from Swannanoa, NC based AP Development, Inc for \$1,358,625; Asheville based NHM Constructors, LLC for \$1,130,883.50; and Candler, NC based Tennoca Construction Company for \$829,889.
- A construction contract was awarded to Tennoca Construction Company on May 23, 2023.
- Tennoca Construction Company, through their outreach efforts is committing to utilizing 9.18% participation utilizing Concrete Specialty Contractors, a DBE/WBE subcontractor.
-

Council Goal(s):

- A well planned and liveable community

Committee(s):

- n/a

Pro(s):

- Provides for sidewalk construction in an area with a demonstrated need for safe pedestrian access.
- Utilizes federal funded grant dollars to maximize the local funding.

Con(s):

- None

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 a change order with Tennoca Construction Company for the Onteora Blvd Sidewalk project to increase the funding by \$90,000 to accommodate additional pavement repair. The construction contract will increase from \$912,889.00 to a not to exceed amount of \$1,002,889.00.

RESOLUTION BOOK NO. 45 - PAGE 78

N. RESOLUTION NO. 24-146 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH MIAMI MADE, LLC, FOR REAL PROPERTY LOCATED AT 104 EASTSIDE DRIVE, #210, BLACK MOUNTAIN, NORTH CAROLINA, IN ORDER TO SECURE OFFICE AND WAREHOUSE SPACE FOR THE ASHEVILLE FIRE DEPARTMENT LOGISTICS OPERATIONS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a lease agreement with Miami Made, LLC for real property located at 104 Eastside Drive, #210, Black Mountain, North Carolina.

Background:

- The Municipal Building is the headquarters for the Asheville Police Department (APD), the Asheville Fire Department (AFD), and is the home of Fire Station 1.
- The Municipal Building Capital Repairs and Restoration project starting later this fall, will involve the demolition and reconstruction of the elevated slab in Fire Station 1.
- Due to the construction, the AFD Logistics Department will need to relocate..
- A functionally feasible space within the City’s current space inventory was not available, so Staff utilized the services of Carla & Company Real Estate Services to search for commercial office and warehouse space.
- The search was originally limited to city limits, but was expanded to surrounding areas due to low availability of commercial warehouse spaces that met the operational requirements.
- Leasing space at 104 Eastside Drive, #210 Black Mountain, NC was determined to best fit AFD’s needs, due to the following:
 - The warehouse space has enough space and height to accommodate the vehicles, apparatus and equipment that is housed by Logistics.
 - The space includes finished office space for the Logistics staff.
 - There is sufficient parking and loading space to accommodate Logistics operations.
 - The warehouse is sprinklered and zoned commercial.
- Lease terms for the warehouse and office space:
 - Size: 17,000 square feet
 - Lease Term: Five years, with an option for an additional three years
 - Lease Rate: \$7.30 per square foot per year, escalated 3% per year for the initial five year lease term; and the three year renewal option starting at \$9.00 per square foot per year, escalated at 3% per year.
 - Modified Gross Lease: lease rate includes property tax, insurance, common area maintenance; lease rate excludes electric and gas utilities

Vendor Outreach Efforts:

- Not applicable

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- None

Pro(s):

- This lease agreement will allow for planned structural repairs to proceed at the Municipal Building.
- The space fulfills the space requirements and needs of the Asheville Fire Department.

Con(s):

- The lease will add additional costs to the operational budget in future fiscal years.
- The construction project will cause an impact to existing operations for fire and police headquarters, and Fire Station 1.
- The lease is for space outside of the Asheville city limits.

Fiscal Impact:

- Funding for the first two years of this lease (\$251,923 total) was previously budgeted and is available in the Capital Improvement Projects Fund.
- The remaining lease term (approximately \$406,941 total) will be funded through the Asheville Fire Department's operating budget starting in FY '27.

Motion:

- Motion authorizing the City Manager to enter into a lease agreement with Miami Made, LLC for real property located at 104 Eastside Drive, #210, Black Mountain, North Carolina.

RESOLUTION BOOK NO. 45 - PAGE 79

O. RESOLUTION NO. 24-147 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SOLUTIONZ INC. FOR AUDIOVISUAL UPGRADES TO CITY HALL'S FIRST FLOOR CONFERENCE ROOM TO ENABLE FULL HYBRID MEETING CAPACITY FOR BOARD AND COMMISSION MEETINGS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Solutionz, Inc., for audiovisual upgrades to City Hall's First-Floor Conference Room to enable full hybrid meeting capability for Boards and Commission meetings.

Background:

- In person Board & Commission meetings can present participation barriers for both the public and Board & Commission members.
- In order to enable full hybrid meeting capability for Board and Commission meetings in City Hall's First-Floor Conference Room, it is necessary to upgrade the audiovisual equipment in this space.
- Hybrid meetings address barriers to participation such as:
 - Visual Impairments
 - Hearing Impairments
 - Language Barriers
 - Transportation Barriers
 - Family Responsibility Barriers

- Technology Barriers
- Increasing the capacity for public participation in City boards and commission meetings is consistent with Council's goal to improve and expand core services as they pertain to an inclusive and accessible government.
- The proposed AV upgrades will allow hybrid meeting capability in City Hall's First-Floor Conference Room, increasing the public's ability to engage with Board and Commission meetings both in-person and remotely.
- Increasing the capacity for public participation in City boards and commission meetings is consistent with Council's goal to improve and expand core services as they pertain to an inclusive and accessible government.
- The ARPA Inclusive and Accessible Government Project seeks to improve Neighborhood Resilience by addressing barriers to communication and engagement.

Vendor Outreach Efforts:

- Funding for this project is provided at least in part from sources other than City funds. These may include State or Federal grants or other sources. The sources often require alternative outreach and engagement requirements.
- Eight MWBE vendors were notified via email when the Request for Proposals (RFP) was posted on the City's Bids page:
 - Advanced Media Group
 - Audio Video Concepts
 - ClarkPowell Audiovisual Technologies
 - Digital Video Group
 - Focus Audio Video
 - KS Audio Video
 - Solutionz, Inc.
 - Technical Video Systems
- Of the MWBE vendors contacted, the only vendor to respond was Solutionz, Inc., based in Greenville, South Carolina, with a proposal of \$107,437.40.

Council Goal(s):

- Improve/Expand Core Services (Inclusive and Accessible Government)

Committee(s):

- Equity and Engagement Committee

Pro(s):

- Hybrid meeting capability will improve accessibility for both Board and Commission members and the general public by allowing for in-person or remote participation for both groups.

Con(s):

- N/A

Fiscal Impact:

- Contract is in the amount of \$107,437.40. ARPA funds will cover \$73,340.00. CIP funds will cover the balance of \$34,097.40.

Motion:

- Motion to approve the adoption of a resolution authorizing the City Manager to execute a contract in the amount of \$107,437.40 to Solutionz, Inc., for audiovisual upgrades to City

Hall's First-Floor Conference Room to enable full hybrid meeting capability for Boards and Commission meetings.

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

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

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - EMPLOYEE RECOGNITION

City Manger 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 do something extraordinary. She would like to recognize the Asheville Fire Department members of Task Force 2 - Swift Water Rescue Team - Wesley Rogers, Nathan Miller, Jay Bettencourt, Craig Meier, Wallace Sexton, Kevin Proffitt, JM Keupp, Corey Bass and Brad Wade. She said that Task Force 2 was deployed to Texas on May 4th to aid those in Texas affected by severe flooding. The 18 person task force included members from Skyland Fire, West Buncombe, Reems Creek, Buncombe County EM, State EM and 9 members of Asheville Fire Department. The team traveled around east Texas for two weeks spending time assisting with logistics and operations, checking on residents, and performing evacuations and rescues. She also recognized Buncombe County and State Emergency Management members.

B. STATE OF THE AIRPORT PRESENTATION

President and CEO of the Asheville Regional Airport Lew Bleiweis said "growth" and "change" have been consistent themes at Asheville Regional Airport for years, and 2023 was an important year for our region's airport. We, once again, experienced unprecedented passenger growth, major milestones and historic changes. Of specific note this year, the airport broke ground on two historic infrastructure projects: a new air traffic control tower and a new airport passenger terminal. Both projects represent a historic leap forward in our infrastructure development.

This year, we also shattered previous records for passenger volume and reached the huge milestone of serving more than 2 million annual passengers. Surpassing the 2 million passenger mark adds to the story of the exponential growth happening at AVL — we continue to see double-digit percentage growth year after year, and it is incredible to look back just five short years ago when we served 1 million annual passengers for the first time. Think about that — in just five years, utilization at AVL has grown by more than 100% (and it would have only taken two years had Covid not occurred). Extraordinary.

As both air travel and the western North Carolina region continue to grow, AVL is committed to evolving alongside them. Our prevailing theme for the year — AVL Forward — encapsulates our dedication to providing enhanced facilities, services and experiences for passengers and the community.

The new terminal will be 150% larger than the current airport and will offer amenities like a spacious and bright grand lobby, state-of-the-art ticketing and baggage claim areas, an inviting concessions plaza and thoughtfully designed gate areas to enhance passenger comfort and experience, all while highlighting the natural beauty of our region. It is our

hope that this new terminal will signify the promise of economic growth and prosperity for our community and create an environment that facilitates air travel and elevates the overall passenger experience.

Mr. Bleiweis responded to various questions/comments from Council, some being, but are not limited to: how does the Asheville Airport rank with other airports in our state; how early should travelers get to the airport before they miss their flight; has there been any notable data point of change in the type of travelers over the past few years; and their willingness to have conversations to improve transit service to the Airport.

C. MANAGER'S REPORT - I-26 CONNECTOR PROJECT UPDATE

Mr. Nathan Moneyham, N.C. Dept. of Transportation Division Engineering Engineer, gave a project overview, along with the delivery method, schedule, scope and current funding of the south, west. I-40/I-26 Interchange, and north sections.

Mr. Moneyham responded to various questions/comments from City Council, some being, but are not limited to: now with optimization and refinement in place, what does it look like to engage community throughout the project in two areas: (1) nitty-gritty design elements that neighborhoods were told to wait until design-build for, and (2) local contracting, specifically to invite local and MWBE businesses to participate in the project construction so the community that has historically and will be negatively impacted by 7-10 years of construction might be invited to engage in economic opportunity through the construction contracting for this \$1.1-billion dollar project; and request to keep the project page up to date.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER A RESOLUTION AUTHORIZING THE SUBMITTAL OF THE 2024-25 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAM TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT

Councilwoman Ullman moved to continue this public hearing until July 23, 2024. This motion was seconded by Councilwoman Turner and carried unanimously.

B. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 172 MOODY AVENUE FROM HIGHWAY BUSINESS DISTRICT AND RM-6 RESIDENTIAL MULTI-FAMILY LOW DENSITY DISTRICT TO COMMERCIAL EXPANSION - CONDITIONAL ZONE

ORDINANCE NO. 5088 - ORDINANCE TO CONDITIONALLY ZONE 172 MOODY AVENUE FROM HIGHWAY BUSINESS DISTRICT AND RM-6 RESIDENTIAL MULTI-FAMILY LOW DENSITY DISTRICT TO COMMERCIAL EXPANSION - CONDITIONAL ZONE

Urban Planner Clay Mitchell said that this is the consideration of an ordinance to consider the conditional zoning of 172 Moody Avenue from Highway Business District and RM-6 Residential Multi-Family Low Density District to Commercial Expansion - Conditional Zone. This public hearing was advertised on June 14 and 21, 2024.

Project Location and Contacts:

- The project site consists of eight (8) parcels and totals 42.65 acres at 172 Moody Ave (PINs 9617-55-4906, 9617-55-0346, 9617-55-0206, 9617-55-0286, 9617-55-0102, 9617-45-9156, 9617-55-5325, and 9617-56-4897)

- Owner: Acton Woods LLC, Thomas and Lora Thrash, Thrash Limited Partnership, and Jones Graveyard

Summary of Petition:

Project Site

- The project area consists of eight (8) properties totalling 42.65 acres located at 172 Moody Ave.
- The site is currently zoned Highway Business (HB) along Smokey Park Hwy and Residential Multi-Family Low Density (RM-6) on the interior of the site.
- The majority of the site is vacant with the exception of 1) an existing manufactured housing retailer along Smokey Park Hwy (to be removed), an existing cemetery (to remain), an existing cell tower (to remain), and an existing multifamily apartment complex on the north side of the site (to remain) with a total 20 units.
- The project site is constrained by an electrical transmission line within a 70'-wide utility easement and significant changes in topography between Smokey Park Hwy and the proposed developments.
- These constraints particularly limit the siting of the proposed grocery store in terms of the siting of the proposed building, parking, and loading facilities.
- Given the size of the project (over 50 residential dwelling units and over 100,000 s.f.) a conditional zoning to the Commercial Expansion - Conditional Zone (COM EXP - CZ) district is required.
- Based on the Living Asheville Comprehensive Plan Future Land Use Map (FLUM) the majority of the site is designated as "Residential Neighborhood" with a portion of the site along Smokey Park Hwy designated as "Urban Corridor." A change to the Future Land Use map is not required.

Overall Project Proposal

- The project proposes a mix of residential and commercial uses proposed to be constructed in multiple phases. Two commercial lots along Smokey Park Hwy are identified as a future development phase and will require an amendment to any adopted conditional zoning.
 - A total of approximately 350 residential units located in eight (8) buildings:
 - Two "Type A" buildings with 60 units at 4/5 stories and 60' in height.
 - One "Type B" building with 90 units at 4/5 stories and 60' in height.
 - Three "Type C" buildings with 45 units each at 5 stories and 60' in height.
 - Two townhouse buildings with 4 units total at 25' in height.
 - A clubhouse building with proposed gazebo, playground, pool and mail kiosk.
 - Proposed and future planned commercial/mixed-use:
 - Lot 1: Grocery Store - 20,655 s.f. at 1 story and 29' in height
 - Lot 2: Planned future commercial site (future development phase to comply with COM EXP district standards)
 - Lot 3: Planned future commercial/mixed-use site (future development phase to comply with COM EXP district standards)

Access, Sidewalks and Parking

- Access to the site is proposed with two driveways off Smokey Park Hwy, one driveway off Brookside Cir, and two new roadways off Acton Woods Rd.
- New roadway connections are proposed throughout the site and connect to the existing Acton Woods Rd at the north of the site.
- New sidewalks are proposed along Smokey Park Hwy at 10'-wide with a 5'-wide planting strip. Sidewalks internal to the site are proposed at 6'-wide. Pedestrian walking paths are also proposed to directly connect the residential and commercial developments.
- Smokey Park Hwy is currently not served by transit.

- The Hominy Creek Greenway is proposed across Smokey Park Hwy which could be accessed from the project site via the recently constructed bridge across Hominy Creek to the Enka area.
- A total of 606 parking spaces are proposed for the project with 501 spaces provided for residential uses and 105 spaces provided for the commercial uses.
- Based on the number of bedrooms and dwelling units, the minimum/maximum number of required parking spaces for the residential uses is 414/759.
- Based on the square footage of the commercial uses, the minimum/maximum number of required spaces for the commercial uses is 59/103.
- Bicycle parking is required at a rate of 5% of the total number of vehicle parking spaces, which equates to 30 required bicycle parking spaces. The project is proposing 66 bicycle parking spaces.

UDO Compliance

UDO Provision	Requirement (COM EXP)	Proposed
Gross Floor Area:	No maximum area.	528,155 s.f.
Density:	20 units/acre maximum OR 50 units/acre maximum if 20% of dwelling units affordable at 80% AMI for 20 years	349 total units / 42.65 acres = 8.2 units per acre
Lot Size Minimum:	One acre minimum	42.65 acres
Lot Width Minimum:	100' minimum along a publicly maintained right-of-way(s)	Approximately 1,700'
Building Height(s) Maximum:	80' maximum height (except within 100' of residentially-zoned property)	25' to 60'
Building Setbacks Minimum:	<u>Front:</u> 15' for mixed-use buildings oriented to face a primary road; 35' in all other cases <u>Corner lot, street side:</u> 25' <u>Side:</u> None required. <u>Rear:</u> 25'	Varies and in compliance
Vehicle Parking Spaces:	Based on bedrooms and square footage of commercial uses: Residential: 414 min / 759 max Commercial: 59 min / 103 max <u>Total:</u> 473 min / 862 max	Residential: 501 spaces Commercial: 105 spaces <u>Total:</u> 606 spaces
Bicycle Parking Spaces:	5% of provided parking spaces: 30 bicycle parking spaces	66 bicycle parking spaces
Open Space:	10%: 185,783 s.f.	17.7%: 329,177 s.f.
Impervious Surface Area:	80% maximum	39%

Sidewalks:	10'-wide along frontage; 8'-wide internally	10'-wide sidewalk with 5'-wide planting strip along frontage; 6'-wide sidewalk internally												
Tree Canopy Preservation:	Management District: Suburban Classification: Class C Existing Canopy: 71%	Total requirement of 19% if 11% canopy is preserved												
Applicable Landscaping Standards	<table border="1"> <tr> <td>Property Line Buffer</td> <td>Does apply ▾</td> </tr> <tr> <td>Street Buffer</td> <td>Does apply ▾</td> </tr> <tr> <td>Street Trees</td> <td>Does apply ▾</td> </tr> <tr> <td>Parking Landscaping</td> <td>Does apply ▾</td> </tr> <tr> <td>Building Landscaping</td> <td>Does apply ▾</td> </tr> <tr> <td>Screening</td> <td>Does not a... ▾</td> </tr> </table>	Property Line Buffer	Does apply ▾	Street Buffer	Does apply ▾	Street Trees	Does apply ▾	Parking Landscaping	Does apply ▾	Building Landscaping	Does apply ▾	Screening	Does not a... ▾	<ul style="list-style-type: none"> • <u>Property Line Buffer</u>: 30'-wide Type B landscape buffer adjacent to single-family zoned property. • <u>Street Buffer</u>: 627 shrubs • <u>Street Trees</u>: 136 large maturing trees total • <u>Parking Landscaping</u>: 205 trees, 818 shrubs • <u>Building Landscaping</u>: 145 trees, 291 shrubs
Property Line Buffer	Does apply ▾													
Street Buffer	Does apply ▾													
Street Trees	Does apply ▾													
Parking Landscaping	Does apply ▾													
Building Landscaping	Does apply ▾													
Screening	Does not a... ▾													
Building Orientation	Fronts of buildings oriented towards the primary access corridor and at the street corner for corner lots.	Buildings oriented internally towards interior streets and parking lots.												
Parking Locations	Located at the side or rear of buildings fronting the primary street.	Parking lots located between buildings and the primary street.												
Building Entrances	Well defined entrances at intervals not exceeding 75' on each primary facade.	Compliance TBD.												
Fenestration	40% fenestration requirement on the ground floor for facades facing the primary access corridor.	Compliance TBD.												
Height Limit within 100' of residentially zoned areas	Within 100 feet of a residentially zoned area, the height of buildings and other structures shall be subject to the height limitations of the residential zone.	Height limit of 40' within the transition area, where two buildings are proposed at 60' in height.												

Project Conditions

- A Traffic Impact Analysis (TIA) will be required through the NCDOT process. The Project shall implement any recommendations identified through the TIA review process.
- Future development phases for Lot 2 and Lot 3, as identified on the site plan and incorporated herein by reference, will require an amendment to this adopted conditional zoning, unless the future design meets the underlying COM-EXP district standards, in which case it will be reviewed as a Level II project.

Technical Modifications - The project is seeking technical modifications to development standards through the conditional zoning process, including:

- Buildings oriented internally and towards interior streets and parking lots where they are required to be oriented toward the primary access corridor and street corners for corner lots (this technical modification does not apply to the future development phase on Lots 2 & 3).
- Parking lots located between buildings and the primary street where they are required to be located to the side or rear of buildings fronting the primary street (this technical modification does not apply to the future development phase on Lots 2 & 3).
- Building heights of 60' within the 100' residential transition area where maximum building height is 40'.
- 6'-wide sidewalks internal to the site where 8'-wide sidewalks are required.
- Encroachment into the Type B Landscape Buffer from existing multi-family buildings totalling approximately 2,622 s.f.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed development supports the following goals in the Living Asheville Comprehensive Plan:
 - **Encourage Responsible Growth** - by providing infill development in targeted growth areas.
 - **Increase and Diversify the Housing Supply** - by increasing the rental housing supply.
 - **Facilitate Real Estate Development that Maximizes Public Benefit** - by establishing accessible and well-connected commercial nodes consistent with strategies outlined in the plan's growth areas..
 - **Make Streets More Walkable, Comfortable and Connected** - by eliminating gaps in the city-wide sidewalk network.
- The proposed development is compatible with the Future Land Use designations of "Residential Neighborhood" and "Urban Corridor".
 - **Residential Neighborhood:** "Over time, residential neighborhoods can benefit from having more housing diversity such as accessory apartments, duplexes and other types of small-scale infill housing".
 - **Urban Corridor:** "Over time urban corridors could see infill redevelopment in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and infrastructure".

Compatibility Analysis:

- The proposed mixed-use project is generally compatible with the surrounding land uses, including:
 - Commercial land uses located along Smokey Park Hwy.
 - Single-family residential land uses located in the surrounding vicinity to the north.
 - Existing and proposed light industrial and recreational uses to the south of the site across Smokey Park Hwy.

Council Goal(s):

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

Committee(s):

- Technical Review Committee (TRC) - March 18, 2024 - Approved with conditions.

- Planning & Zoning Commission (PZC) - June 6, 2024 - approved (Vote 6:0) with the following conditions: 1) That three missing crosswalks along “Road A” be installed; and, 2) That project condition #4 be amended to allow for Level II review of future commercial development phases if the design meets the requirements of the COM EXP district.

Staff Recommendation:

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

Mr. Mitchell said that after meeting with the developer, the following revisions were made to the project conditions, with the developer’s approval: (1) The property shall include affordable housing for 10% of the total units at 80% AMI, deed restricted for 10 years; (2) The clubhouse building will utilize solar energy; (3) Lots 2 and 3 as shown on the site plans are not part of the Project parcel being conditionally rezoned; and (4) The conditional zoning will be valid for five (5) years from the date of approval by City Council with action taken to obtain building permits within this 60-month period. At the end of this approved term, if action has not been taken to obtain requisite permits, the Planning and Urban Design Director may initiate appropriate action to rezone the affected property to any other classification. Nothing herein shall be construed to extend any time limitations prescribed by statute or other ordinances in this chapter.”

Mr. Mitchell then reviewed the existing and proposed zoning, the aerial imagery and the future land use map. He said that the unit count is 35 studios, 86 one-bedroom units, 155 two-bedroom units and 69 3-bedroom units. About the site plan, (1) Existing multi-family development (20 units); (2) Cemetery; (3) Electrical transmission line with 70’-wide easement; (4) Cell tower; (5) 350 residential units across 8 buildings: (a) Two “Type A” buildings - 60 units and 4/5 stories / 60’; (b) One “Type B” building - 90 units and 4/5 stories / 60’; (c) Three “Type C” buildings - 45 units and 5 stories / 60’; (d) Two townhouse buildings with 4 units total at 25’ in height; and (e) A clubhouse building with proposed gazebo, playground, pool and mail kiosk; and (6) Proposed and future planned commercial/mixed-use: (a) Lot 1: Grocery Store - 20,655 s.f. at 1 story and 29’ in height; (b) Lot 2: Planned future commercial/mixed-use site; and (c) Lot 3: Planned future commercial/mixed-use site. He then reviewed the transportation plan showing the 10’-wide sidewalk with 5’-wide utility strip; 6’-wide internal sidewalks; walking path; existing roadway to connect to; and driveway/curb cuts. He then showed the site plan and outlined the landscape plan as follows: (1) Street trees: 136 large maturing; (2) Street buffer: 627 shrubs; (3) Parking Landscaping: 205 trees & 818 shrubs; (4) Building Landscaping: 145 trees & 291 shrubs; (5) Property Line Buffer: 30’-wide Type B (encroach approx. 2,600 s.f.); (6) Open space: 17.7% (10% req.); and (7) Tree Canopy Preservation standards: 19% total: 11% preserved & 8% planted. Conditions are (1) A Traffic Impact Analysis (TIA) will be required through the NCDOT process. The Project shall implement any recommendations identified through the TIA review process; and (2) Future development phases for Lot 2 and Lot 3, as identified on the site plan and incorporated herein by reference, will require an amendment to this adopted conditional zoning, unless the future design meets the underlying COM-EXP district standards, in which case it will be reviewed as a Level II project (Mr. Mitchell said that this condition is no longer applicable). Technical modifications include: (1) Buildings oriented internally and towards interior streets and parking lots where they are required to be oriented toward the primary access corridor and street corners for corner lots (not to include future development phase on Lots 2 & 3); (2) Parking lots located between buildings and the primary street where they are required to be located to the side or rear of buildings fronting the primary street (not to include future development phase on Lots 2 & 3); (3) Building heights of 60’ within the 100’ residential transition area where maximum building height is 40’; (4) 6’-wide sidewalks internal to the site where 8’-wide sidewalks are required; and (5) Encroachment into the Type B Landscape Buffer from existing multi-family buildings totalling approximately 2,622 s.f. He then said the Technical Review Committee (TRC) on March 18, 2024, approved the project with conditions. The Planning & Zoning Commission (PZC) on June 6, 2024, approved the project with the following conditions: (1) That three missing crosswalks along “Road A” be installed; and (2) That project condition #4 be amended to allow

for Level II review of future commercial development phases if the design meets the requirements of the COM EXP district. He then explained how the project was consistent with the Living Asheville Comprehensive Plan. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning.

Councilwoman Roney asked for a highlight of the plan for renewables; requested confirmation of common vs. residential PV; and assurance that there's nothing impeding future solar expansion. She noted the need to partner with Buncombe County on Enka/Candler transit service, since currently the last service connecting Asheville is 4:15 p.m. She did recognize that this project has groceries and jobs close by without having to connect to transit. She was supportive of this infrastructure.

Mr. Derek Allen, attorney for the applicant, passed out a revised Exhibit B project conditions which included the four revisions as outlined by Mr. Mitchell.

Mr. Allen responded to Councilwoman Roney when she requested consideration of deeper affordability even if another factor needed to change, such as percentage of units, in order to consider voucher holders.

Councilwoman Mosley offered to attend a meeting with the developer and the Housing Authority to develop the relationship regarding housing vouchers.

Mayor Manheimer opened the public hearing at 6:47 p.m.

Two individuals spoke in support of the conditional zoning for this project.

Mayor Manheimer closed the public hearing at 6:50 p.m.

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

Councilwoman Ullman moved to approve the conditional zoning request for the property located at 172 Moody Ave from Highway Business (HB) and Residential Multi-Family Low Density (RM-6) to Commercial Expansion - Conditional Zone (COM EXP-CZ) with the four conditions amended by the applicant and read by Mr. Mitchell, and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan and meets the development needs of the community in that the request: (1) provides infill development in targeted growth areas; (2) increases the rental housing supply; (3) establishes accessible and well-connected commercial nodes consistent with strategies outlined in the plan's growth areas; and (4) eliminates gaps in the city-wide sidewalk network. This motion was seconded by Councilwoman Turner and carried unanimously.

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C. PUBLIC HEARING TO CONSIDER THE REZONING OF PROPERTIES AT 28 ROBERTS STREET FROM RIVER ARTS FORM DISTRICT - NEIGHBORHOOD TRANSITION TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT

ORDINANCE NO. 5089 - ORDINANCE TO REZONE PROPERTIES AT 28 ROBERTS STREET FROM RIVER ARTS FORM DISTRICT - NEIGHBORHOOD TRANSITION TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT

Assistant Planning & Urban Design Director Chris Collins said that this is the consideration of an ordinance to consider the rezoning properties at 28 Roberts Street from River Arts Form District - Neighborhood Transition to RM-8 Residential Multi-Family Medium Density District. This public hearing was advertised on June 14 and 21, 2024.

Project Location and Contacts:

- The rezoning petition consists of eight (8) properties totalling 1.0 acre and located at 28 Robert St (PINs 9638-98-3568, 9638-98-4503, 9638-98-4429, 9638-98-4622, 9638-98-4678, 9638-98-4692, 9638-98-5516, and 9638-98-5532)
- Owners: Roberts Green LLC and Ricky & Vivian Brown.

Summary of Petition:

- The applicant requests a rezoning of eight (8) properties to the Residential Multi-Family Medium Density (RM-8) District.
- The properties are currently zoned River Arts Form District - Neighborhood Transition (RAD-NT). (These properties were rezoned from RM-8 to RAD-NT in 2017 as part of a comprehensive River Arts District Form-Based Code rezoning of approximately 400 acres of land.)
- The properties are currently vacant and undeveloped.
- The properties are located in the West End/Clingman Avenue Neighborhood (WECAN).
- The properties are designated “Traditional Neighborhood” on the city’s Future Land Use (FLU) Map. A change to the FLU Map will not be required.

Comprehensive Plan Consistency:

- The proposed rezoning does not support the following goals in the Living Asheville Comprehensive Plan:
 - **Encourage Responsible Growth** - by prioritizing form-based codes or design guidelines in designated growth areas.
 - **Increase Mixed-Use Development Along Transit Corridors** - by implementing design guidelines, form-based codes and/or similar zoning for parcels within transit-supportive centers to achieve the transit-supportive strategy.
 - **Promote Great Architecture and Urban Design to Enhance Placemaking** - by exploring the appropriate utilization of form-based codes and design standards to yield strong, innovative, and contextual design that addresses appearance in addition to form, particularly in areas identified in the plan’s growth areas).
- The proposed rezoning is partially compatible with the existing Future Land Use designation of “Traditional Neighborhood” which is proposed, in part, as “a diverse range of housing types and an intersecting street pattern with cross streets forming blocks”, and as “opportunities for infill housing in order to improve the supply and mix of housing options”.
- While residential Multi-Family Medium Density (RM-8) is cited as an appropriate zoning district within the Traditional Neighborhood Future Land Use category, these parcels-located on a streetfront where the predominant use is commercial- were intentionally rezoned as part of multiyear engagement process to support the creation of a more walkable urban environment that supports attached housing types.

Compatibility Analysis:

- The purpose of the existing River Arts Form - Neighborhood Transition (RAD-NT) zoning district is, “to accommodate a variety of small-scale residential, commercial and mixed-use buildings that address and conform to the topography of the area, taking into consideration nearby residential zoning”.

- The purpose of the proposed Residential Multi-Family Medium Density (RM-8) zoning district is, “to permit a full range of medium density multi-family housing types along with single-family detached and attached residences.
- This district is intended to provide a transitional area between high density single-family and multi-family areas, and to permit medium density multi-family development in areas where existing conditions make higher density development inappropriate.
- Non-residential development normally required to provide the basic elements of a balanced and attractive residential area is also permitted”.
- The proposed rezoning petition is generally compatible with most of the surrounding land uses, including:
 - Residential Multi-Family Medium Density (RM-8) zoned property and residential land uses to the east of the subject properties.
 - River Arts district Form District - Neighborhood Transition (RAD-NT) zoned property to the west of the subject properties.
- The existing zoning district is most compatible with the surrounding land uses, however, as it is specifically tailored to be used as a transition adjacent to existing residential neighborhoods that accounts for the topography and unique features of this area of the River Arts District.

Council Goal(s):

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

Public Comment(s)

- The Planning & Zoning Commission received public comment before and after the PZC hearing expressing opposition to the rezoning request, citing the following concerns:
 - The years of work and community input that went into crafting the existing form code.
 - The reduction in the amount of housing and other uses that could be provided if the rezoning were approved.
 - The need for sidewalks in the neighborhood and along Roberts St that would not necessarily be built or required under the proposed zoning district.

Committee(s):

- Planning & Zoning Commission (PZC) - June 6, 2024 - Recommended approval (Vote 6:0)

Pro(s):

- Provides zoning regulation that is not inconsistent with the larger WECAN neighborhood which is zoned Residential Multi-Family Medium Density (RM-8).

Con(s):

- Reduction in the diversity of allowed land uses and opportunities for mixed-use development that exists under the existing RAD-NT zoning.
- Removal of the form-based code elements in the RAD-NT district which promotes a more urban and walkable development pattern and is specifically tailored to this area of the River Arts District with a general use district that does not provide the city or the neighborhood with any certainty of design compatibility.
- Less pedestrian infrastructure via higher thresholds for triggering the requirement of new sidewalk construction (20+ units under RM-8) whereas RAD-NT would require sidewalks regardless of the proposed number of units.

- Permitting single-family detached houses and duplexes instead of exclusively permitting townhomes, multifamily, and upper-floor residential under the existing RAD-NT, leading to a likely reduction in the number of possible residential units that can be built.
- Increased requirements for off-street parking which undermines the walkability and pedestrian character of a neighborhood.
- Inconsistent with the extensive public engagement effort that the City undertook with the neighborhoods and residents to draft and implement the form-based zoning code, which was the culmination of many years of work to revitalize the riverfront and surrounding areas.

Staff Recommendation:

- Staff does not recommend approval of this rezoning request based on the reasons stated above.

Mr. Collins reviewed the existing and proposed zoning, the aerial imagery and the future land use map. He then showed the Riverfront planning timeline and the River Arts District (RAD) rezoning timeline. He explained the extensive community input into the RAD rezoning, along with the current and proposed zoning maps. He then explained the uses in the RM-8: Residential Multi-Family Medium Density: ADU, duplex, townhouse, multi-family, single-family detached, limited civic, recreational and institutional uses; and the uses in the River Arts Form District - Neighborhood Transition (RAD-NT): ADU commercial caretaker, townhouse, multi-family, residential upper-story, assisted living, day care, family care, government, museums, performance centers, post offices, microbreweries, offices, research, art gallery, barber shops, cat cafes, clinics, flea markets, banks, grocery stores, health & fitness, dry cleaning, pharmacy, retail sales, tailors, studios, light industrial, wholesale sales. Using a map, he showed the nearby development trends. Regarding the compatibility analysis, the purpose of the existing River Arts Form - Neighborhood Transition (RAD-NT) zoning district is, “to accommodate a variety of small-scale residential, commercial and mixed use buildings that address and conform to the topography of the area, taking into consideration nearby residential zoning” (UDO Sec. 7-8-29(2.5)). The purpose of the proposed Residential Multi-Family Medium Density (RM-8) zoning district is, “to permit a full range of medium density multi-family housing types along with single-family detached and attached residences. This district is intended to provide a transitional area between high density single-family and multi-family areas, and to permit medium density multi-family development in areas where existing conditions make higher density development inappropriate. Non-residential development normally required to provide the basic elements of a balanced and attractive residential area is also permitted” (UDO Sec. 7-8-6). Regarding the Living Asheville Comprehensive Plan, The proposed rezoning **does not** support the following goals in the Living Asheville Comprehensive Plan: (1) Encourage Responsible Growth - by prioritizing form-based codes or design guidelines in designated growth areas; (2) Increase Mixed-Use Development Along Transit Corridors - by implementing design guidelines, form-based codes and/or similar zoning for parcels within transit-supportive centers to achieve the transit-supportive strategy; (2) Promote Great Architecture and Urban Design to Enhance Placemaking - by exploring the appropriate utilization of form-based codes and design standards to yield strong, innovative, and contextual design that addresses appearance in addition to form, particularly in areas identified in the plan’s growth areas; (3) the proposed rezoning is partially compatible with the existing Future Land Use designation of “Traditional Neighborhood” which is proposed, in part, as “a diverse range of housing types and an intersecting street pattern with cross streets forming blocks”, and as “opportunities for infill housing in order to improve the supply and mix of housing options”; and (4) While residential Multi-Family Medium Density (RM-8) is cited as an appropriate zoning district within the Traditional Neighborhood Future Land Use category, these parcels- located on a streetfront where the predominant use is commercial- were intentionally rezoned as part of multiyear engagement process to support the creation of a more walkable urban environment that supports attached housing types. Cons of the proposed rezoning is (1) Reduction in the diversity of allowed land uses and opportunities for mixed-use

development that exists under the existing RAD-NT zoning; (2) Removal of the form-based code elements in the RAD-NT district which promotes a more urban and walkable development pattern and is specifically tailored to this area of the River Arts District with a general use district that does not provide the city or the neighborhood with any certainty of design compatibility; (3) Less pedestrian infrastructure via higher thresholds for triggering the requirement of new sidewalk construction (20+ units under RM-8) whereas RAD-NT would require sidewalks regardless of the proposed number of units; (4) Permitting single-family detached houses and duplexes instead of exclusively permitting townhomes, multifamily, and upper-floor residential under the existing RAD-NT, leading to a likely reduction in the number of possible residential units that can be built; (5) Increased requirements for off-street parking which undermines the walkability and pedestrian character of a neighborhood; and (6) Disregards the extensive public engagement effort that the City undertook with the neighborhoods and residents to draft and implement the form-based zoning code, which was the culmination of many years of work to revitalize the riverfront and surrounding areas. The Planning & Zoning Commission received public comment before and after the PZC hearing expressing opposition to the rezoning request, citing the following concerns: (1) The years of work and community input that went into crafting the existing form code; (2) The reduction in the amount of housing and other uses that could be provided if the rezoning were approved; and (3) The need for sidewalks in the neighborhood and along Roberts St that would not necessarily be built or required under the proposed zoning district. He said the Planning & Zoning Commission (PZC) on June 6, 2024, recommended approval (Vote 6:0). Their concerns were noted as follows: (1) Existing zoning may be a hindrance to residential development; (2) The proposed RM-8 district allows more types of residential development such as single-family, duplex, and cottage developments; (3) Sidewalk requirements under RAD-NT are onerous and would not provide full connection to the RAD core; (4) Type of development envisioned by the RAD-NT zoning would not be supported by existing infrastructure in the neighborhood; and (5) Properties feel more like a part of the WECAN residential neighborhood and less like a part of the mixed-use character of the RAD. He said that staff **does not** concur with the Planning & Zoning Commission and recommends **denial** of the proposed rezoning.

Discussion was held regarding Planning staff's reasons to not support the rezoning, need for a sidewalk on the other side of the road from the proposed rezoning parcels; whether nearby developments are occupied or still being constructed; and are we really getting what we wanted in this area.

City Attorney Branham reminded Council that this application was a straight rezoning, therefore, conditions cannot be included. City Council must only determine if the allowable uses of the RM-8 Residential Multi-Family Medium Density District is consistent with approved area plans and reasonable for these parcels.

Derek Allen, attorney representing the applicant, said that these properties were previously zoned RM-8; however, they were rezoned to the River Arts Form District - Neighborhood Transition, and the owners are just wanting the properties rezoned back to the RM-8. He then read an excerpt from an email from Geoffrey Barton, "I am writing as a private citizen and housing advocate, not on behalf of the Planning and Zoning Commission which I serve as Chair. PZC's unanimous support in favor of this rezoning request should speak for itself. PUD staff has provided a strong and compelling analysis to support their recommendation to deny, but I wish to add some context for your consideration. **If approved:** this site has potential to provide new homes for 6-10 families (possibly a few more) in the near future, in a manner compatible with the existing homes lining the east side of Roberts St. **OR If denied:** this site will remain vacant with the hope that one day a new developer will purchase it and provide a single structure containing new homes for 8-12 families (possibly a few more) plus a small commercial space. Is the consequence of denying this application (loss of 6-10 new homes) really worth holding out for an implausible speculative development? This particular site has significant elevation change from Roberts St to Green St. It is a corner lot bounded on 3 sides by public

roads, meaning the natural grade cannot be significantly altered to create the flat development site that would be necessary to build a larger mixed-use building. Reverting to the previous RM-8 zoning district would allow the applicant to follow a more sensible site plan for this particular site. RAD Form Based zoning is not on trial here, rather this is really a question of whether or not this specific straight rezoning petition is reasonable and in the public interest. We can safely assume that the applicant seeks to build homes. We can also safely assume that those new homes will be built following city ordinances and state codes as to not imperil the neighborhood or the city at large. To me, this seems very reasonable and - given our serious housing deficit - in the public interest.” That, coupled with the map he handed out shows that these parcels are almost entirely surrounded by RM-8. He spoke how the request does comply with the goals in the Comprehensive Plan and urged City Council to approve the rezoning request.

In response to Councilwoman Turner on why the applicant did not do a conditional zoning application, Mr. Allen responded that they would have had to go through the process for each of the eight parcels, with each process taking 6-7 months.

Mayor Manheimer asked when the form based code overlay was implemented, were those parcels included because they were owned by the same entity. Planning & Urban Design Director Stephanie Dahl responded that staff and the entire surrounding community looked at the parcels and felt that area really needed to support what the RAD and WECAN connection needed to be in 20-30 years from now, but also the joint ownership was considered as well.

Mayor Manheimer opened the public hearing at 7:34 p.m.

Robert Robinson would like a multi-family building with sidewalks on these parcels; however, he feels he can support the straight rezoning.

Mayor Manheimer closed the public hearing at 7:36 p.m.

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

Councilwoman Roney moved to deny the zoning request for the properties located at 28 Roberts St from River Arts Form District - Neighborhood Transition (RAD-NT) to Residential Multi-Family Medium Density (RM-8) and find that the request is not reasonable, is not in the public interest, is not consistent with the city’s comprehensive plan and does not meet the development needs of the community in that the request does not: 1) prioritize form-based codes or design guidelines in designated growth areas; 2) implement design guidelines, form-based codes and/or similar zoning for parcels within transit-supportive centers to achieve the transit-supportive strategy; and 3) explore the appropriate utilization of form-based codes and design standards to yield strong, innovative, and contextual design that addresses appearance in addition to form, particularly in areas identified in the plan’s growth areas. This motion died for lack of a second.

Councilwoman Mosley moved to approve the conditional zoning request for the properties located at 28 Roberts St from River Arts Form District - Neighborhood Transition (RAD-NT) to Residential Multi-Family Medium Density (RM-8) 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) promotes zoning policies to encourage housing; 2) matches the Future Land Use map designation of “Traditional Neighborhood”; and, 3) matches the existing character of the WECAN neighborhood and Chicken Hill. This motion was seconded by Vice-Mayor Kilgore and carried on a 6-1 vote, with Councilwoman Roney voting “no.”.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council about various matters, some being, but are not limited to: condemn all antisemitism speech; Asheville is a hub of pre-terrorist activities; Reparations Commission responsibility is not complete as they never looked at voter disenfranchisement; support for zoning text amendments to adjust the conditional zoning project level thresholds and remove residential parking amenities; Realignment Working Group is working on final recommendations on boards and commissions and believe that promoting and enabling hybrid meetings is an important item; request for Council to adopt a resolution calling for a ceasefire in Gaza; provide more metered parking as a revenue option; need to resurface Bartlett Street, help maintain pool privileges for bipoc kids at the Grant Center pool; increase police protection at South French Broad and Bartlett Street; improve the Greyhound bus stops; and continue reparations process.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:14 p.m.

CITY CLERK

MAYOR