

Thursday – July 18, 2024 - 11:00 a.m.

Agenda Briefing Worksession - For July 23, 2024, Council Meeting

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 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.

Closed Session

At 12:31 p.m., Councilwoman Ullman moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). The laws that make the information privileged and confidential are N.C. Gen. Stat. § 143-318.10(e); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, the handling of the following matter: Karol Ivy Roth v. City of Asheville; Court File No. 16-CVS-1938. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Councilwoman Turner and carried 6-0 by a roll call vote.

At 1:00 p.m. Councilwoman Roney moved to come out of closed session. This motion was seconded by Councilwoman Ullman and carried 6-0 by a roll call vote.

At 1:00 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – July 23, 2024- 5:00 p.m
Harrah's Cherokee Center - Banquet Hall

Regular Meeting

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

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

Councilwoman Turner moved to amend the agenda to move the McCormick Field items from Unfinished Business A to the Consent Agenda. This motion was seconded by Councilwoman Ullman and carried unanimously.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON JUNE 20, 2024, AND THE FORMAL MEETING HELD ON JUNE 25, 2024

B. RESOLUTION NO. 24-148 - RESOLUTION FOR CITY COUNCIL TO ACCEPT THE N.C. DEPT. OF WATER INFRASTRUCTURE LEAD SERVICE LINE REPLACEMENT FUNDING

ORDINANCE NO. 5090 - BUDGET AMENDMENT TO ACCEPT THE N.C. DEPT. OF WATER INFRASTRUCTURE LEAD SERVICE LINE REPLACEMENT FUNDING

Action Requested: Adoption of a resolution for City Council to accept Lead Service Line Replacement funding through the N.C. Dept. of Environmental Quality - Division of Water Infrastructure and authorize the City Manager or her designee to execute any related documents; and the associated budget amendment, in the amount of \$1,998,965.

Background:

- On February 9, 2024, City Council authorized the City Manager to apply for lead service line replacement funding with the N.C. Dept. of Environmental Quality - Division of Water Infrastructure to meet service line inventory goals.
- The funding was awarded in the amount of \$1,998,965.
- The loan is 0% interest and 60% of the loan up to a maximum of \$1,199,379 will be forgiven.
- Water Resources is required to build a water service line inventory and submit the inventory to the NC Department of Environment Quality (NCDEQ) by October 16, 2024.
- Funds awarded through the NCDEQ Division of Water Infrastructure (DWI) will be used to help identify both private and public water service line material.
- Any lead service lines, lead connections or galvanized service lines will be replaced on both the public and private side if found during the inspection process.
- Funds can be used for both public and private sides of the service line.
- One hundred percent of the project will be performed in areas deemed underserved by the NCDEQ Community Mapping and City of Asheville Climate Justice Map.

Vendor Outreach Efforts: NA

Council Goal(s):

- Improve/Expand and Maintain Core Services

Committee(s): NA

Pro(s):

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

Con(s):

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

Fiscal Impact:

- If accepted, this program will provide a \$1,998,965 interest free loan with 60% principal forgiveness for water system improvements that are not currently funded or planned.
- Matching funds are not required for this program.

Motion:

- Motion authorizing City Council to accept Lead Service Line Replacement Funding through the N.C. Dept. of Environmental Quality - Division of Water Infrastructure, and authorizing the City Manager or her designee to sign and execute related documents; and approving the associated budget amendment.

**RESOLUTION BOOK NO. 45 - PAGE 81
ORDINANCE BOOK NO. 35 - PAGE 319**

**C. RESOLUTION NO. 24-149 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO ENTER INTO A CONTRACT WITH WK DICKSON FOR THE
SHILOH SERVICE LINE FIND AND REPLACE PROJECT**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a professional services contract with WK Dickson to provide the required engineering services for the Shiloh Community service line find and replace project, services to not exceed \$250,000.

Background:

- Water Resources is required to build a water service line inventory and submit the inventory to the NC Department of Environment Quality (NCDEQ) by October 16, 2024.
- A total of \$4 Million in NC Division of Water Infrastructure funding was awarded to Water Resources to identify and remove any lead pipe, lead connectors or galvanized service lines in the Shiloh community, a historically underserved community.
- NC DWI funding requires an Engineering Report (ER) and Environmental Information Document (EID) before the construction portion of the project can begin.
- An engineering firm with expertise in NC DWI funding requirements and distribution system construction management is needed to manage the project.
- Water Resources will use the monies from their capital projects budget to pay for the engineering services needed for the Shiloh Community project.
- The entire \$4 Million NC DWI funding will be used for the construction portion of the project so that as many service lines can be replaced as possible.
- Bidding and contracting for the construction portion of the project will occur once NC DWI approves the Engineering Report and Environmental Information Document.
- The WK Dickson Contract will not exceed \$250,000.
- Community outreach has been conducted since January 2024.
- Outreach has included door hangers, letters to owners and two community meetings after the first round of funding was approved. Fifty percent (50%) of homes involved in the project have chosen to participate from these outreach efforts.

Vendor Outreach Efforts:

- Through a qualifications based selection process beginning in February of 2020, the City of Asheville selected several consulting firms to provide on-call professional services for Distribution Construction Projects.
- WK Dickson was one of the selected firms due to their expertise in areas of engineering analysis, designs, and construction plans and specifications as related to water distribution systems.

- The City of Asheville entered into a master agreement with WK Dickson on September 4, 2020 for on-call professional services for Distribution Construction, valid for three years with the option to renew for two additional years.
- The City of Asheville renewed the master agreement with WK Dickson for an additional year. The master agreement is currently scheduled to last until September 22, 2024, with one additional one-year option to renew available.
- If approved, the proposed engineering services described here within will be developed into a subcontract under the conditions of the master agreement.
- City of Asheville Water Resources Staff determined that utilizing the on-call professional services for Distribution Construction Services was the best method to deliver this project in an efficient time frame.
- WK Dickson was chosen under the Master On-Call Agreements as the best qualified due to their expertise with NC DWI funding requirements and distribution system construction management.
- No other vendor outreach was performed.

Council Goal(s):

- Improve/Expand and Maintain Core Services

Committee(s): NA

Pro(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system, in order to provide safe and reliable service.
- WK Dickson has successfully provided engineering services for other water system projects. Their experience with our water system and expertise in water distribution projects will lead to a successful project and will lessen negative impacts to customers and the City's water system.

Con(s):

- There are no cons with entering into this contract.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a professional services contract with WK Dickson to provide the required engineering services for the Shiloh Community service line find and replace project, services to not exceed \$250,000.

RESOLUTION BOOK NO. 45 - PAGE 83

D. RESOLUTION NO. 24-150 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KIMLEY HORN FOR ENGINEERING SERVICES ASSOCIATED WITH WATER DISTRIBUTION PROJECT NO. 4 - COXE AVENUE WATER MAIN PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to sign a contract with Kimley-Horn, Inc. for engineering services in the not to exceed amount of \$99,500 for the Water Distribution Project 4 - Coxe Ave 12" Main.

Background:

- The Water Resources Department has prioritized this water system improvement project for the current fiscal year and is seeking engineering design and project management assistance for this project.
- The water system improvement project includes the installation of approximately 3,000' of new 12" Water Main and appurtenances on Coxe Ave from Patton Ave to Southside Ave.
- The new 12" water main will replace old existing 6" cast iron water lines; which has been identified as a need through a prioritization and master planning process, due to age, route conflicts and future water capacity needs for the rapidly growing Central Business District area.
- This project will be combined and constructed as part of the planned Coxe Ave Street Improvement project.
- Kimley-Horn is the same consultant contracted for the design of the Coxe Ave Street Improvement project; therefore utilizing Kimley-Horn for the water main design and combining the water main project with the overall street improvement project will provide opportunity for greater benefit with project coordination and cost savings.
- This project is part of the Water Resources Departments ongoing Capital Improvement Program.

Vendor Outreach Efforts:

- Through a qualifications based selection process beginning in February of 2020 the City of Asheville selected five consulting firms to provide on-call professional services for Water Distribution and Storage Projects.
- Kimely Horn was one of the selected firms due to their expertise in areas of water distribution projects, water system analysis and project development.
- The City of Asheville entered into a master agreement with Kimley Horn on November 17, 2020 for on-call professional services for Water Distribution and Storage Projects, valid for three years with two one-year options to renew.
- The City of Asheville renewed the master agreement with Kimley Horn for an additional year, with the contract set to expire after November 17, 2024 and one, one-year option to renew remaining.
- If approved, the proposed engineering services described here within will be developed into a supplemental agreement under the conditions of the master agreement.
- City of Asheville Water Resources Staff determined that utilizing the on-call professional services for Water Distribution and Storage Projects was the best method to deliver this project and Kimley-Horn, Inc. was specifically qualified to provide the required engineering services.
- No other vendor outreach was performed.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None.

Pro(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.
- Kimley-Horn, Inc. has successfully provided engineering services for other water system improvement projects.

- Kimley-Horn also being utilized as the consultant contracted for the design of the Coxe Ave Street Improvement project will provide continuity for both project aspects and opportunity for greater benefit with project coordination and cost savings.
- Awarding an engineering services contract would allow the Water Resources Department to complete the water system capital improvement project in a timely manner and avoid delaying the replacement of the aging existing water system.

Con(s):

- There are no cons associated with entering into this contract.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a professional services contract with Kimley-Horn, Inc. to provide engineering design services for a water system improvement project known as the Water Distribution Project 4 - Coxe Ave 12" Main for an amount not to exceed \$99,500.00.

RESOLUTION BOOK NO. 45 - PAGE 84

E. RESOLUTION NO. 24-151 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CDM SMITH FOR TASK ORDER 3 - PLC/SCADA PROCESS AUTOMATION UPGRADE PROGRAM SERVICES PROJECT

Action Requested: Adoption of a resolution to authorize the City Manager to enter into a Professional Services Contract with CDM Smith Professional Services Contract for Task Order 3 - PLC/SCADA Process Automation Upgrade Program Services.

Background:

- The City of Asheville's Water Resources Department serves 156,720 customers in Buncombe and Henderson Counties.
- The Mills River, North Fork and William DeBruhl Water Treatment Plants (WTP) have a rated production capacity of 43.5 million gallons/day, and provide the drinking water for the City of Asheville's water system.
- This system also has connections with Hendersonville, Weaverville, Black Mountain, Biltmore Forest and Woodfin, and provides water to supplement these systems and their customers.
- The City of Asheville's water distribution system is characterized by mountainous terrain that requires water to be lifted from low elevation to higher elevation through 41 pumping stations to 35 water storage tanks for use by water customers.
- The Water Treatment Plants, Pump Stations and Water Storage Tanks have computer systems to manage their operations via the GE IFIX SCADA system, which allows the control and management of their operation based on set parameters like pressure and tank levels.
- Each of these computer systems uses a PLC (Programmable Logic Controller) to control the function per designs, which are developed by engineers and system integrators.
- The PLCs within this system are old and in some cases obsolete and need to be replaced to upgrade function, provide resilience, and provide system security from external threats.
- This project will replace and upgrade each of these systems with new technology that will provide more reliable long term operation and functionality.

Vendor Outreach Efforts:

- CDM Smith Engineering was chosen from the City of Asheville's Water Resources Department's Master On-Call Engineering list to provide professional engineering services for this project.
- The Master On-Call Engineering Services list was developed through a competitive process.
- The Master On-Call Engineer contract with CDM Smith was for three years with two optional one-year renewals. The first of those renewals has been exercised. The contract is set to expire on September 4, 2024 if the second renewal is not exercised.
- No further outreach was undertaken.

Council Goal(s):

- Improve/Expand Core Services

Committee(s):

- N/A

Pro(s):

- Maintains the ability of the City of Asheville's Water Resources Department to continue to provide core services for water customers.
- Maintains the ability of the City of Asheville's Water Resources Department to treat drinking water, pump and store water for the water distribution system.

Con(s):

- There are no cons with entering into this contract.

Fiscal Impact:

- Funding for this contract is estimated at \$508,580, including a \$50,000 contingency. These funds are available in the Water Resources Capital Improvement Budget.

Motion:

- Motion to authorize the City Manager to enter into a professional services contract with CDM Smith Engineering for Task Order 3 - Professional Services Contract for Task Order 3 - PLC/SCADA Process Automation Upgrade Program Services.

RESOLUTION BOOK NO. 45 - PAGE 85

F. RESOLUTION NO. 24-152 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CAVANAUGH & ASSOC. FOR TASK ORDER 12 - CONSTRUCTION MANAGEMENT AND INSPECTION SUPPORT SERVICES FOR THE ADVANCED METERING INFRASTRUCTURE PROJECT

Action Requested: Adoption of a resolution to authorize the City Manager to enter into a Professional Services Contract with Cavanaugh & Assoc. Professional Services Contract for Task Order 12 - Construction Management and Inspection Support Services for Advanced Metering Infrastructure Project (AMI) not to exceed \$691,982.00.

Background:

- The City of Asheville's Water Resources Department has approximately 63,000 service connections in Buncombe and Henderson Counties.

- The AMI project began in October, 2023 and the estimated substantial completion is October, 2025
- The AMI project requires additional Construction Management and Inspection Support Services through the remainder of the project.
- Cavanaugh and Associates have satisfactorily provided Construction Management and Inspection Support Services to date, and have been instrumental in supporting the City of Asheville's goals and objectives for the AMI project.
- Continued Construction Management & Inspection Support Services are critical to project success through the remainder of the AMI project.

Vendor Outreach Efforts:

- Through a qualifications based selection process beginning in February of 2020 the City of Asheville selected Cavanaugh and Associates to provide on-call professional services for Water Distribution Projects related to metering and other related projects.
- Cavanaugh and Associates was selected due to their expertise in areas of water distribution metering projects, water system analysis and project management.
- The Master On-Call Engineer contract with Cavanaugh and Associates was for three years with two optional one-year renewals. The second of those renewals has been exercised. The contract will expire after August 31, 2025.
- No further outreach was performed.

Council Goal(s):

- Improve/Expand Core Services

Committee(s):

- N/A

Pro(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.
- Maintains the ability of the City of Asheville's Water Resources Department to continue to maintain project oversight and inspection support.
- Maintains the ability of the City of Asheville's Water Resources Department to accurately measure and manage water usage.

Con(s):

- There are no cons with entering into this contract.

Fiscal Impact:

- Funding for this contract is estimated at not to exceed amount of \$691,982.00 and is available within the Water Resources CIP budget.

Motion:

- Motion to authorize the City Manager to enter into a professional services contract with Cavanaugh & Assoc. for Task Order 12- Construction Management and Inspection Support Services for Advanced Metering Infrastructure Project (AMI) not to exceed \$691,982.00.

RESOLUTION BOOK NO. 34 - PAGE 86

G. 2024 WATER REVENUE BONDS

RESOLUTION NO. 24-153 - BOND ORDER AUTHORIZING THE ISSUANCE OF WATER SYSTEM REVENUE BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$30,000,000

RESOLUTION NO. 24-154 - RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLIAN, AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF CITY OF ASHEVILLE, NORTH CAROLINA, WATER SYSTEM REVENUE BONDS; PROVIDING FOR THE SALE OF THE BONDS; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE BONDS ARE TO BE ISSUED; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS

Action Requested: Adoption of Bond Order and Bond Resolution 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, and it was noted at the time that the City intended to fund this contract through the issuance of long-term debt.
- Expenses to-date in the AMI project now total \$10.6 million, with significant additional spending expected to occur in Fiscal Year 2024-25.
- At the June 25, 2024 meeting, Council approved the initial resolution directing application to the Local Government Commission (LGC) for issuance of the Water Revenue Bonds associated with the AMI project and other water infrastructure improvements.
- The City submitted the application to the LGC on July 9, 2024, with sale of the Bonds planned for 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.
- The action tonight is the final required Council action as part of the Bond issuance process.

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 Bond Order and Bond Resolution for the 2024 Water Revenue Bonds.

**RESOLUTION NO. 25-153 - RESOLUTION BOOK NO. 45 - PAGE 87
RESOLUTION NO. 24-154 - RESOLUTION BOOK NO. 45 - PAGE 89**

H. RESOLUTION NO. 24-155 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT AND SUBSEQUENT AMENDMENTS AND RENEWALS WITH ASHEVILLE GREENWORKS TO PROVIDE WASTE REDUCTION AND SUSTAINABILITY PROGRAMMING

Action Requested: Adoption of a resolution authorizing the City Manager to execute an agreement and subsequent amendments and renewals with Asheville GreenWorks to provide waste reduction and sustainability programming.

Background:

- On February 11, 2014, City Council authorized [Resolution 14-27](#), committing to reduce waste by 50% by 2035.
- Since 2016 the City of Asheville's Sustainability Department, in partnership with the Public Works Department, has administered annual agreements with Asheville GreenWorks to lead waste reduction and sustainability outreach, education, and programming.
- Asheville GreenWorks will continue to engage our community to provide cost effective services and programs they value through investment in waste reduction opportunities, litter initiatives, and sustainability programming.
- Examples of programs supported by this agreement include Hard 2 Recycle events, StreamKeeper training, the Trash Trout litter collection program in local creeks, Asheville Bee City certification and pollinator habitat programming on city property, and volunteer community litter clean-ups.
- The current requested resolution would authorize a 1 year agreement in FY25 totaling \$24,000 with an option to renew for four additional years, bringing the total five year contract above the required council approval threshold of \$90,000.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- A Well-planned and Livable Community
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Asheville GreenWorks is a trusted community-led organization with strong relationships to foster and engage community expertise and volunteers in waste reduction and sustainability activities.
- Community partners are established leaders in waste reduction and sustainability programming.
- This agreement leverages community assets, skills and resources providing added value beyond the fiscal investment.
- This agreement supports Council's waste reduction and cleanliness goals.

Con(s):

- None

Fiscal Impact:

- The agreement will total \$24,000 from the FY25 Public Works Department budget. Funding is already budgeted and available.
- Agreement renewals are dependent on available funding approved in future budgets, and may be more or less than the FY25 amount.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an agreement and subsequent amendments and renewals with Asheville GreenWorks to provide waste reduction and sustainability programming.

RESOLUTION BOOK NO. 45 - PAGE 93

I. RESOLUTION NO. 24-156 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BOUNTIFUL CITIES TO IMPLEMENT PROGRAMS AND ACTIVITIES TO ADDRESS THE CITY'S FOOD POLICY ACTION PLAN

Action Requested: Adoption of a resolution authorizing the City Manager to execute an agreement with Bountiful Cities to implement programs and activities to address the City's Food Policy Action Plan.

Background:

- On January 22, 2013 City Council authorized [Resolution 13-17](#) approving a food policy goals and action plan and incorporating this plan into the Sustainability Management Plan.
- On November 28th, 2017 City Council authorized [Resolution 17-257](#) recommitting to food policy goals and adopting a revised action plan.
- Since 2016 the City of Asheville's Sustainability Department has administered annual agreements with Bountiful Cities to lead food policy action programming to increase food production on city owned property and expand community outreach and education about food access and production.
- Bountiful Cities serves as the fiscal sponsor for Asheville Buncombe Food Policy Council (ABFPC). The annual agreements include deliverables executed by ABFPC to promote food waste reduction initiatives and support emergency food preparedness.
- Bountiful Cities and ABFPC will continue to engage our community to provide cost effective services, programs and products they value through investment in educational resources and programming to support implementation of the Food Policy Action Plan.

- The current requested resolution would authorize a 1 year agreement totaling \$30,000 with an option to renew for two additional years, bringing the total three year contract above the required council approval threshold of \$90,000.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- A Well-planned and Livable Community
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Bountiful Cities and Asheville Buncombe Food Policy are trusted community-led organizations with strong relationships to foster and engage community expertise and volunteers to benefit public food production and education programming.
- Community partners are established leaders in food production outreach and education, supporting the Community Garden Network and offering annual workshop series.
- This agreement leverages community assets, skills and resources providing added value beyond the fiscal investment.

Con(s):

- None

Fiscal Impact:

- The agreement will total \$30,000 from the FY25 Sustainability Department budget. Funding is already budgeted and available.
- Agreement renewals are dependent on available funding approved in future budgets.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an agreement with Bountiful Cities to implement and manage programs and activities to address the City's Food Policy Action Plan with an option to renew for two additional years.

RESOLUTION BOOK NO. 45 - PAGE 94

J. RESOLUTION NO. 24-157 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CURRENT CONTRACT WITH GREEN BUILT ALLIANCE TO CONTINUE THE IMPLEMENTATION AND MANAGEMENT OF THE BLUE HORIZONS PROJECT AND BLUE HORIZONS PROJECT COMMUNITY COUNCIL

Action Requested: Adoption of a resolution authorizing the City Manager to amend the contract with the Green Built Alliance to continue and expand implementation and management of the Blue Horizons Project and Blue Horizons Project Community Council.

Background:

- On January 28, 2020 City Council authorized [Resolution 20-18](#) and created the Blue Horizons Community Council to achieve the community-wide renewable energy goal.
- On January 28, 2020 City Council approved [Resolution 20-19](#) and authorized an interlocal agreement with Buncombe County to issue a joint request for proposals (RFP)

to implement and manage the [Blue Horizons Project](#) and Blue Horizons Project Community Council for the next three years, depending on availability of funding.

- Green Built Alliance was selected to manage the Blue Horizons Project.
- After the third year of the three-year period an updated [interlocal agreement](#) was signed in February 2023 and an RFP was reissued for this work in May 2023.
- Two contracts resulted from this RFP, the contract with Green Built Alliance requesting amendment in this council resolution, and a contract with Bright Spaces, LLC.
- Both contracts continue to support Blue Horizons Project program implementation and goals.
- The Blue Horizons Project will continue to engage our community to provide cost effective services, programs and products they value through investment in clean renewable ways to power Buncombe County and the City of Asheville to support the community-wide renewable energy goal and climate emergency resolution.
- The fiscal year 2024 Green Built Alliance contract was executed in the amount of \$56,500, below the council threshold, and therefore did not require Council action.
- As the deliverables for fiscal year 2024 have been completed this resolution is requested to amend the current contract to extend it for an additional two years, add funds, and adjust the scope of work based on analysis of effectiveness and agreed upon program deliverables to support this ongoing work.
- This contract will support residents in installing energy efficiency measures and renewable energy systems in their homes to reduce energy use, reduce cost of living and increase indoor air quality particularly for our low-to-moderate-income residents.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- The Green Built Alliance has been managing and implementing the Blue Horizons Project for the past six years therefore there will be continuity with the continued program management.
- Buncombe County is providing matching funds for the implementation of the Blue Horizons Project in partnership with the City of Asheville.
- Funds allocated in this contract will complement and leverage additional resources both from a fiscal year 2025 Bright Spaces contract and through the organization's leverage of outside resources.

Con(s):

- None

Fiscal Impact:

- The contract total will not exceed \$127,000 over two years which includes \$69,800 from the FY25 Sustainability Department budget. Funding is already budgeted and available.

Suggested Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the contract with the Green Built Alliance to extend the contract for an additional two years for a total contract amount not to exceed \$227,000 in order to continue and expand

implementation and management of the Blue Horizons Project and Blue Horizons Project Community Council.

RESOLUTION BOOK NO. 45 - PAGE 95

K. RESOLUTION NO. 24-158 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH JOHNSON, MIRMIRAN AND THOMPSON FOR THE VANCE GAP SLIDE REPAIR DESIGN AND INSPECTION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment with Johnson, Mirmiran and Thompson, Inc. in the amount of \$70,000.00 for the Vance Gap Slide Repair Design and Inspection contract.

Background:

- Heavy rains in April, 2021 caused a slope failure on Vance Gap Road.
- Public Works staff performed temporary repairs to the slide, but a permanent solution is required.
- The Request for Qualifications was advertised on April 20, 2021, and responses were due by May 5, 2021.
- Two responses to the RFQ were received:
 - Gannett Fleming, Inc. of Asheville, NC
 - Vaughn and Melton Consulting Engineers, Inc. of Asheville, NC
- Vaughn and Melton received the highest score from the scoring committee. The scoring committee consisted of representatives from Public Works, Communication and Public Engagement, and Building Safety staff from the Development Services Department.
- Vaughn and Melton Consulting Engineers was subsequently purchased by Johnson, Mirmiran and Thompson, Inc.
- Evaluation and design started in August, 2021.
- Design and property acquisition was completed in December 2023 and the project was advertised on January 17, 2024.
- Construction started May 15, 2024.
- The requested funding will ensure that contract inspection will be funded to the completion of the project.

Vendor Outreach Efforts:

- N/A - This is a contract amendment.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- None

Pro(s):

- The amendment ensures that contract inspection will be funded to the completion of the project.

Con(s):

- None

Fiscal Impact:

- Funding for the amendment is available in project K2102 - Vance Gap Road Landslide Repair.

Motion:

- Motion to authorize the City Manager to execute a contract amendment with Johnson, Mirmiran and Thompson, Inc. in the amount of \$70,000.00 for the Vance Gap Slide Repair Design and Inspection contract.

RESOLUTION BOOK NO. 45 - PAGE 96

- L. ORDINANCE NO. 5091 - BUDGET AMENDMENT TO CHANGE SECTION 9 OF THE FISCAL YEAR 2024-25 BUDGET ORDINANCE TO ADJUST THE EFFECTIVE DATE OF THE AMENDED PAY & CLASSIFICATION PLAN FROM JULY 6, 2024 TO JUNE 22, 2024**

Action Requested: Adoption of a budget ordinance amendment to change Section 9 of the Fiscal Year 2024-25 Budget Ordinance to adjust the effective date of the amended Pay & Classification Plan from July 6, 2024 to June 22, 2024.

Background:

- City Council adopted the Fiscal Year (FY) 2024-25 annual budget ordinance on June 11, 2024.
- Section 9 of the FY 2024-25 budget ordinance that City Council adopted on June 11, 2024 stated that the amended Pay & Classification Plan would become effective with the pay cycle that began on July 6, 2024.
- Typically in prior fiscal years, the effective date for the amended pay plan has coincided with the last pay cycle in June, with employees receiving pay increases in the first paycheck in July.
- Staff adjusted the effective date in the budget ordinance this year due to uncertainty around the timing of budget passage and the complexity of the FY 2024-25 compensation adjustments.
- Human Resources and Finance staff, however, were able to make the payroll adjustments more quickly than anticipated.
- Therefore, staff moved the effective date up to the pay cycle that began on June 22, 2024 in order to provide employees with pay increases more quickly and align with prior year practices.
- Since Pay & Classification Plan dates are included in the budget ordinance, staff is recommending that Council amend the FY 2024-25 budget ordinance to reflect the new date.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Amends the budget ordinance in compliance with the North Carolina Budget & Fiscal Control Act.

Con(s)

- None

Fiscal Impact:

- Funding for the FY 2024-25 amended Pay & Classification Plan was included in the adopted budget.

Motion:

- Motion to approve a budget ordinance amendment to change Section 9 of the Fiscal Year 2024-25 Budget Ordinance to adjust the effective date of the amended Pay & Classification Plan from July 6, 2024 to June 22, 2024.

Welckker Taylor thanked Council for the fire pay plan; however, he was concerned about compression between the 10 different ranks of the fire pay plan, as the compression has worsened.

Councilwoman Roney said that there is clear intention from this Council that we are going to continue to have a serious conversation around wage and compensation, starting with our Policy, Finance & Human Resources Committee. One thing that came up during our conversations on wage and compensation for City staff this past budget cycle was that we weren't going to consider one-time funds because we needed on-going funds. Wages, based on the cost of housing, is how we are going to recruit and retain City staff that can provide the services that our community deserves.

ORDINANCE BOOK NO. 35 - PAGE 320

M. RESOLUTION NO. 24-159 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING LEASE WITH DEWINE SEEDS - SILVER DOLLAR BASEBALL LLC FOR THE USE OF MCCORMICK FIELD

Action Requested: Approval of a resolution authorizing the City Manager to execute an amendment to the existing lease agreement with DeWine Seeds -Silver Dollar Baseball LLC. for the use of McCormick Field.

Background:

- The City of Asheville has owned the property located at 30 Buchanan Place, known as McCormick Field, since 1984 and leases the property for operation as a minor league baseball stadium.
- The presence of the team contributes to the City's quality of life.
- The economic Impact of the team is very positive for local business.
- The impact is expected to exceed \$10 million annually.
- The Tourists team also annually utilizes hundreds of local people as temporary seasonal workers.
- Having the team downtown contributes to the continuing revitalization of the South Slope district, making additional walkable options for pre and post game food and beverage customers for downtown businesses.
- In 2022 the City signed a new lease with Dewine Seeds - Silver Dollar Baseball LLC, valid through December 31, 2023. The lease is currently operating on a month to month basis as provided in the 2022-2023 Lease..
- In March of 2023 City Council committed, in partnership with the Lessee, Buncombe County Government and the Buncombe County Tourism Development Authority to renovate McCormick Field to meet new Major League Baseball standards and to begin to utilize the stadium outside of baseball season for events.
- The proposed lease amendment will cover a two year period beginning retroactively to January 1, 2024, with a lease fee scheduled at \$100,000 for 2024 and \$50,000 for 2025.

- Lease fee for 2025 is reduced due to the anticipation of a greatly reduced public capacity for the 2025 baseball season during the renovation project construction cycle, which is set to begin in September 2024.
- Lease revenues will be directed to the McCormick Field renovation project to assist in enhancing the total project.
- A long term lease to become effective 2026 - 2046 is expected to be brought to Council for review and approval in the early fall of 2024.
- In addition to lease payments, the DeWine organization will continue to provide substantial in-kind services to include the staffing of the stadium, the care and maintenance of the field and the day to day operations of McCormick Field.
- The premises to be leased include the field, stadium, and front parking lot along Buchanan and McCormick. DeWine-Seeds will also be allowed to use the storage area and dumpsters that are located near Mountainside Park.
- The enclosed map shows the areas that are covered by the lease.

Council Goal(s):

- Thriving Local Economy
- Well Planned & Livable City

Committee(s):

- None

Pro(s):

- DeWine Seeds-Silver Dollar Baseball, LLC is committed to keeping minor league baseball in Asheville.
- The presence of the Tourists team has a positive economic impact on the local economy

Con(s):

- None

Fiscal Impact:

- DeWine Seeds-Silver Dollar LLC will pay the City \$150,000 in total lease payments, and as noted above, they will provide in-kind services to include staffing of the stadium and maintenance of the field and the day to day operations.
- All funds will be directed to the McCormick Field Capital Improvement Project.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the lease agreement to extend the lease for an additional two years with DeWine Seeds-Silver Dollar LLC.

RESOLUTION BOOK NO. 45 - PAGE 97

N. RESOLUTION NO. 24-160 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GENERAL SERVICES CONTRACT WITH MB HAYNES CORPORATION FOR THE REPAIR AND REPLACEMENT OF HVAC PARTS AND EQUIPMENT IN THE THOMAS WOLFE AUDITORIUM

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a general services contract with MB Haynes Corporation in the amount of \$205,000 plus 25% contingency for the repair and replacement of HVAC parts and equipment in the Thomas Wolfe Auditorium.

Background:

- On July 3, 2023 the HVAC system in the Thomas Wolfe Auditorium (TWA) experienced a catastrophic failure which ultimately resulted in a six month full closure of the facility and an additional three month moratorium on full capacity events.
- In total, the TWA was closed to full capacity concerts and events from July 4, 2023 through March 15, 2024.
- Initial steps have been taken to repair the TWA HVAC system. In total a four step process is required.
- Steps 1, and 2 have been completed. The work associated with this contract is the third step, and is the largest.
- This contract includes repairs & replacements to (3) air handler units, cooling coils, drain pans, electrical services and ancillary parts and equipment will be completed during this step of the process.
- The repairs will be completed by the end of September 2024
- After completion, the final step of rerouting ductwork will be completed. Ductwork will be complete in October 2024.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes using the State's Interactive Purchasing System.
- Five companies participated in site visits to review the project.
- Only one company, MB Haynes, submitted a bid for the project in the amount of \$205,000. Due to the complexity of the project, City staff proposes a 25% contingency in order to address potential unforeseen circumstances.
- City staff can move forward with one bid due to the type of contract that it is and the total cost being below \$300,000 since all necessary outreach steps were performed.

Council Goal(s):

- Financially Resilient City

Committee(s):

- None

Pro(s):

- Results in 100% air handlers in the TWA operating in working order simultaneously, the first time in over 12 years.

Con(s):

- Repairs and replacement of parts, not a full replacement or upgrade. No guarantee that a similar event will not occur again, however unlikely.

Fiscal Impact:

- Funding for this work is available in the HCCA Capital Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a general services contract with MB Haynes Corporation in the amount of \$205,000 plus 25% contingency for the repair and replacement of HVAC parts and equipment in the Thomas Wolfe Auditorium.

RESOLUTION BOOK NO. 45 - PAGE 98

O. RESOLUTION NO. 24-161 - RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PAPER RIGHT-OF-WAY LOCATED ON 34 HIWASSEE STREET

AND SETTING A PUBLIC HEARING FOR AUGUST 27, 2024

Action Requested: Adoption of a resolution of intent to permanently close an unopened right-of-way at Hiwassee Street, and to set a public hearing for August 27, 2024.

Background:

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- The statute requires the City Council to consider whether the closure of the right-of-way negatively impacts the public interest and would impede access to parcels, utilities, and other public infrastructure.
- All property owners abutting the unopened right-of-way, namely the City and Duke Energy Progress, have signed affidavits approving the proposed closure.
- The closure's purpose is to allow for a future land exchange between the City of Asheville and Duke Energy so that Duke Energy can rebuild a substation in that location.
- If Council approves the closure, Duke will proceed with the land exchange process with the City, and the existing alleyway will become Duke's property upon completion of the new substation and final execution of the land exchange development agreement.
- This division of the closed right-of-way will be shown on a plat filed at the register of deeds office and signed by both the City and Duke.
- The City Manager has approved the request to waive the closure fees since this is a City-initiated request related to a contemplated future City project.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Multimodal Transportation Commission on July 24, 2024
- Technical Review Committee on August 5, 2024

Pro(s):

- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right-of-way.
- Closure of the unopened right-of-way would allow for a land exchange with Duke Energy to facilitate Duke's plan to rebuild the downtown substation and facilitate possible future expansion of the Thomas Wolfe Auditorium or the City's other potential development plans for Rankin Avenue.

Con(s):

- Relocation of City employee parking.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution of intent to permanently close an unopened right-of-way at Hiwassee Street, and to set a public hearing for August 27, 2024.

RESOLUTION BOOK NO. 45 - PAGE 99

P. RESOLUTION NO. 24-162 - RESOLUTION AUTHORIZING AN AMENDMENT TO THE TRAINING DEVELOPMENT ASSOCIATES CONTRACT FOR THE PURPOSE OF SUPPORTING THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAMS ADMINISTRATION

Action Requested: Adoption of a resolution authorizing an amendment to the contract with Training Development Associates, Inc. (dba TDA Consulting) for the total amount of \$153,000 for the purposes of supporting the Community Development Block Grant (CDBG) and HOME programs administration.

Background:

- In 2021, the Community & Economic Development Department contracted with Training Development Associates, Inc. (TDA Consulting), a HOME and CDBG consulting firm, to provide consulting services to support Asheville's CDBG and HOME programs, with a specific focus on the HUD compliance finding related to the administration of the down payment assistance program.
- Additionally, TDA Consulting was instrumental in reviewing HOME funding applications and assisting with funding recommendations during a period of staff turnover in the Community Development Division.
- With contract amendments, staff has now fully expended the funds on the existing contract totaling \$103,000.
- There is remaining closeout work to be done with respect to the HUD finding and TDA is the firm that has completed all of the prior research, communications, and audit of the downpayment assistance program.
- Staff is seeking authorization to complete the remaining HUD closeout work and assist with this year's HOME funding cycle.
- The Community & Economic Development Department has identified \$50,000 available from its operating budget that can be allocated to this contract, bringing the total amount of the contract to \$153,000.

Vendor Outreach Efforts:

- This vendor subcontracts with a training consultant, Community Development Experts, who has conducted IDIS (a federal grant management system) training for City staff. Community Development Experts is a minority-owned firm with expertise in local and state community development programs.
- This vendor was initially procured through an informal bid process.
- Staff performed outreach to a qualified woman-owned firm, however, that firm did not wish to provide a quote for services requested.

Council Goal(s):

- Quality affordable housing
- Financially resilient city

Pro(s):

- TDA Consulting has been a key vendor assisting the City with resolving the HUD finding and additional contract dollars will allow this work to be completed.

Con(s):

- None noted.

Fiscal Impact:

- Funding for this contract is available in existing resources within the Community and Economic Development Department budget.

Motion:

- Motion authorizing the City Manager to adopt a resolution authorizing an amendment to the contract with Training Development Associates, Inc. (dba TDA Consulting) for the total amount of \$153,000 for the purposes of supporting the Community Development Block Grant (CDBG) and HOME programs administration.

RESOLUTION BOOK NO. 45 - PAGE 101

Q. RESOLUTION NO. 24-163 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH T.P. HOWARD'S PLUMBING CO. FOR THE PARKING GARAGE AMERICANS WITH DISABILITIES ACT IMPROVEMENTS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with T.P. Howard's Plumbing Co., Inc. in the amount of \$135,639, for the Parking Garage ADA Improvements Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$13,563 (10%).

Background:

- A facility assessment of the City's parking garages conducted in 2023 that identified areas within each garage that are out of compliance with current requirements of the Americans with Disabilities Act (ADA).
- A project for various ADA improvements was developed for the relocation, restriping, and improved paths of travel to and from the ADA accessible parking spaces in the Wall Street, Rankin, and Harrah's Cherokee Center parking garages.
- The bid was advertised May 31, 2024. Bids were received on June 20, 2024, and five bids were received:
 - T.P. Howard's Plumbing Co., Inc. (Fairview, NC) - \$ 135,639
 - Enterprises G, Inc. (Black Mountain, NC) - \$ 144,328
 - Balca, Inc. (Fleetwood, NC) - \$ 263,375
 - Armen Construction, LLC (Charlotte, NC) - \$ 308,987
 - Cinderella Partners, Inc. (Indian Trail, NC) - \$ 502,740
- T.P. Howard's Plumbing Co., Inc. submitted the lowest responsive and responsible bid.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes using the State's e-Procurement website and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
 - Enterprises G, Inc (Black Mountain, NC), a hispanic-owned business, submitted a bid. The bid was deemed non-responsive because the bid form was not signed.
 - Balca, Inc. (Fleetwood, NC), a hispanic-owned business, submitted a bid. The bid included Topos Waterproofing, a hispanic-owned business, as a subcontractor.
 - Armen Construction, Inc. (Charlotte, NC), a hispanic-owned business, submitted a bid.
 - Cinderella Partners, Inc. (Indian Trail, NC), a woman-owned business, submitted a bid.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- The improvements will bring the parking garages as compliant as is feasible with the Americans with Disabilities Act.
- ADA parking spaces will be flatter, appropriately sized to current ADA requirements with access aisles and improved entrance and exit points.

Con(s):

- Temporary parking space closures in the area of work.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with T.P. Howard's Plumbing Co., Inc. in the amount of \$135,639, for the Parking Garage ADA Improvements project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$13,563 (10%).

RESOLUTION BOOK NO. 45 - PAGE 102

R. RESOLUTION NO. 24-164 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH WALKER CONSULTANTS FOR THE ENGINEERING OF VARIOUS REPAIRS AT THE WALL STREET, RANKIN AVENUE, HARRAH'S CHEROKEE CENTER AND BILTMORE AVENUE PARKING GARAGES

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment with Walker Consultants for the engineering of various high priority repairs at the Wall Street, Rankin Avenue, Harrah's Cherokee Center, and Biltmore Avenue parking garages in an amount not to exceed \$525,000.

Background:

- The City advertised a Request for Qualifications on October 11, 2022 to conduct a facility assessment and provide engineering professional services for the Parking Garage Capital Improvements Project.
- An evaluation committee selected Walker Consultants as the most qualified respondent, and the City awarded a contract to Walker Consultants on January 24, 2023.
- The consultant performed an onsite assessment of the City's four parking garages—Harrah's Cherokee Center, Rankin Avenue, Wall Street, and Biltmore Avenue garages—and provided a comprehensive assessment and capital planning report.
- A contract amendment authorizing the engineering of the most immediate priority repairs was authorized in May 2023.
- The services authorized in this current amendment will provide the engineered drawings and construction administration for the remaining priority repairs required at the four parking garages identified in the assessment report.
- Upon completion of this repair work, the other repairs identified in the study will be prioritized and addressed.
- This will allow staff to focus on long-term maintenance of these facilities which will help to minimize, but not eliminate, future large reactive maintenance projects.

- This contract amendment will bring the total revised contract value with Walker to \$827,553.
- The total cost estimate to complete all recommended repairs in the Parking Garage Capital Improvement Project is \$11.3 million.

Vendor Outreach Efforts:

- At the time of the Request for Qualifications, staff performed outreach to minority and women owned businesses through solicitation processes which include 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.
- Walker Consultants has subcontracted with John J. Clark & Associates, Inc. of Charlotte, NC which is a black-owned business.

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- None

Pro(s):

- The repairs will provide for the safe and beneficial use of City parking facilities by residents and visitors.
- The work will extend the life of the parking garages.
- A repair versus replace cost analysis determined that a repair-and-maintain strategy is considerably less expensive than a replacement strategy.

Con(s):

- Construction in the parking garages will temporarily impact parking operations and parking revenue.
- Shut-downs in the parking garages can be an inconvenience for neighboring businesses and residents.
- The repairs are a large expense against the Parking Services enterprise funds.

Fiscal Impact:

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

Suggested Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment with Walker Consultants for the engineering of various repairs at the Wall Street, Rankin Avenue, Harrah's Cherokee Center and Biltmore Avenue parking garages in an amount not to exceed \$525,000.

RESOLUTION BOOK NO. 45 - PAGE 103

S. RESOLUTION NO. 24-165 - RESOLUTION APPROVING THE USE OF LOCHINVAR BOILERS AS AN OWNER'S PREFERRED ALTERNATE FOR THE MUNICIPAL BUILDING CAPITAL REPAIRS AND RESTORATION PROJECT

Action Requested: Adoption of a resolution approving the use of Lochinvar boiler system an owner's preferred alternate for the Municipal Building Capital Repairs and Restoration project

Background:

- The Municipal Building Capital Repairs and Restoration Project is a structural slab replacement that also includes a bid alternate for the replacement of the facility's aging boiler system.
- The boiler replacement is necessary to address an aging boiler that is at the end of its service life. The current unit does not meet modern efficiency standards and it is prone to mechanical problems, leaving the building without heat.
- The bid specifications for the boiler will include a specific brand name product identified as an owner preferred alternate.
 - N.C.G.S. 133-3 authorizes the listing of one or more preferred brand alternates in bid specifications, so long as: the specifications identify the performance standards that support the preference; and the preferred brand alternate is approved in advance by the owner in an open meeting.
- The Lochinvar boiler system will be listed as the preferred alternate for the Municipal Building Capital Repairs and Restoration Project:
 - Lochinvar boilers are made in the region making service and parts readily available.
 - This brand is currently installed at several City owned facilities.
 - Standardization of primary facility systems leads to reduced in-house labor costs, improved maintenance efficiency, and decreased system down-time.

Vendor Outreach Efforts:

- Not Applicable

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- None

Pro(s):

- Preferred alternates give the City the opportunity to standardize and therefore improve efficiency of facility systems.
- The City makes the decision whether to accept or deny the alternate.

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to adopt a resolution approving the use of Lochinvar as an owner's preferred alternate for the Municipal Building Capital Repairs and Restoration project.

RESOLUTION BOOK NO. 45 - PAGE 104

T. RESOLUTION NO. 24-166 - RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO AN OPIOID SETTLEMENT AGREEMENT WITH KROGER CO.

Action Requested: Adoption of resolution authorizing the City Attorney to enter into an Opioid Settlement Agreement with Kroger Co.

Background:

- The opioid overdose epidemic continues to ravage individuals across the nation, North Carolina, and here in Asheville.
- Several local governments across the country have filed lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct.
- A settlement has now been reached in the litigation against one of these entities, the Kroger Co. (“Kroger”).
- By joining the settlement and approving the negotiated Agreement with Kroger, the City of Asheville will help to increase the total funds flowing to North Carolina local governments, and ensure that Asheville will receive a portion of those funds.
- In order to join the settlement, it is necessary to direct a representative of the City to execute the legal agreements.
- In past settlement agreements, the City Council has directed the City Attorney to consent to the City’s inclusion.

Vendor Outreach Efforts:

- Not Applicable

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- Allows the City to share in the settlement funds from the opioid settlement with Kroger, and increases the total share of funds flowing to North Carolina local governments.

Con(s):

- None

Fiscal Impact:

- Allows the City to receive up to \$80,463.90 in additional Opioid settlement funds.

Motion:

- Motion to adopt a resolution authorizing the City Attorney to execute all documents necessary to enter into opioid settlement agreements with Kroger, to execute the SAAF-2, and to provide such documents to Rubris, the Implementation Administrator.

RESOLUTION BOOK NO. 45 - PAGE 105

U. MOTION APPROVING THE BOARD OF ALCOHOLIC BEVERAGE CONTROL’S TRAVEL POLICY ADOPTED JANUARY 26, 2016

Each year the N.C. ABC Commission, in compliance with Chapter 18-B700, Article 7, g (2), requires its 167 ABC boards to get annual approval of board travel policies from their appointing authorities. Section g (2) of 18B-700 states, “The local board shall annually provide the appointing authority’s written confirmation of such approval...”. The ABC Board approved the current policy on January 26, 2016. In 2021, the ABC Board incorporated all the elements to changes in the City’s Travel Policy, and we made no changes to the current policy.

The ABC Board formally requests the City of Asheville’s written confirmation of the Asheville Board of Alcoholic Control Travel Policy.

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

Action Requested: Adoption of City of Asheville property tax refunds and releases for the month of May 2024.

Background:

- Buncombe County currently bills and collects City property taxes
- At the August 22, 2023, meeting, City Council approved an addendum to the existing tax collection agreement with Buncombe County to ensure that it fully conforms to the provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.
- As part of that compliance, the City Council must, on a monthly basis, approve all property tax releases and refunds that have been approved by the Buncombe County Board of Commissioners.
- City of Asheville refunds and releases for May 2024 are included in the document.

Council Goal(s):

- A Financially Resilient City

Pro(s):

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

Con(s):

- None

Fiscal Impact:

- None.

Suggested Motion:

- Motion to adopt City of Asheville property tax refunds and releases for the month of May 2024.

W. RESOLUTION NO. 24-169 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT AMENDMENT WITH FRANK L. BLUM CONSTRUCTION COMPANY, IN ASSOCIATION WITH W.C. CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF THE MCCORMICK FIELD IMPROVEMENTS; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY CHANGE ORDERS THAT MAY ARISE DURING THE PROJECT UP TO THE CONTINGENCY AMOUNT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract amendment with Frank L. Blum Construction Company, in association with W.C. Construction Company up to an amount not to exceed the budget of \$30,969,957. for the construction of the McCormick Field improvements; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$2,000,000.

Background:

- The City of Asheville has owned the property located at 30 Buchanan Place, known as Lewis McCormick Field, since 1984 and leases the property for operation as a minor league baseball (MLB) stadium.

- On March 14, 2023, the City Council authorized the City Manager to sign a funding letter of commitment to MLB regarding the City's intent to bring McCormick Field into compliance with new facility standards.
- Buncombe County Tourism Development Authority (BCTDA) approved the financial commitment funding model on July 26, 2023.
- Buncombe County Government approved funding towards the project on March 21, 2023.
- In July 2023, staff advertised a request for qualifications for Construction Manager at Risk (CMAR) services in accordance with N.C.G.S. 143-128.1
- Staff negotiated a fee and scope for preconstruction services with the highest ranking firm Blum-WC Construction, as well as the general conditions and fee for future construction services.
- The preconstruction services have been completed successfully over the past nine months and included close coordination with the design team and ownership group to vet design documents for construction scheduling, sequencing, cost estimating, MWBE development and subcontractor bidding for 37 different bid packages.
- The result of the preconstruction effort is this Guaranteed Maximum Price (GMP) contract amendment.
- This GMP construction contract amendment includes the cost of all construction costs anticipated during the entire construction project.
- Construction will begin in September 2024 and will be completed by April 2026 in time for the Tourist baseball's 2026 season. The project will be on-going through the 2025 season which will result in lower capacity during this season.

Vendor Outreach Efforts:

- Staff performed outreach on the CMAR selection to minority and women owned businesses, through solicitation processes using the State's Interactive Purchasing System and requesting prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- The selected Blum-WC Construction team is structured as an association with WC Construction, a certified HUB firm having a 15% equity position on the team with limited risk exposure.
- Blum-WC has performed extensive outreach to maximize MWBE participation including:
 - Project Interest meeting (April 2) - In person at Harrah's Cherokee Center - 47 attended
 - HUB Outreach/Certification Session (May 9) - Virtual - 38 attended
 - Working with Blum Office Hours (On going)
 - Pre-bid Meeting (May 23) - Virtual - 48 attended
 - Field Networking Session (June 17th) - In person - 30 attended
 - Current subcontractor outreach log of interested subs is up to 96 total companies
- Business inclusion highlights:
 - WC Construction has a 15% equity partnership with Blum Construction for all construction management services.
 - Total MWBE participation through the initial bid openings is 8.41%, with additional second tier sub participation possible, but not yet known.
 - The Disparity Study's construction specific goal of 8.34% for Black and Hispanic -business has been exceeded through the initial bid openings, at 8.41%
 - With the remaining bid packages, we expect to achieve total MWBE participation for the construction phase between 10-12%.
- Blum-WC Construction recognizes the importance that the City of Asheville places on utilizing minority-owned businesses and is committed to maximize opportunities for MBE

participation throughout the remaining construction phase work.

Council Goal(s):

- A well planned and liveable community.

Committee(s):

- None

Pro(s):

- Provides for construction improvements on an asset with a demonstrated need for improvements.
- The construction improvements will allow for greater facility use for programming other than baseball including facility usage through all twelve months of a calendar year.
- Utilizes grant and lease funding to maximize the local funding on a City owned asset.

Con(s):

- When under construction, this project will have an impact on the activities that occur in this facility, in particular baseball.
- Construction activities may impact adjacent neighborhoods, similar to the current Memorial Stadium construction work.

Fiscal Impact:

- Funding for this contract was previously budgeted and is available in the General Capital Projects Fund. The City will issue Limited Obligation Bonds (LOBs) to fund the project with debt service on the LOBs extending over 20 years.
- As previously shared with Council, the funding model for the project includes debt service contributions from the Asheville Tourists, Buncombe County, and BCTDA.
- It is estimated that the City's annual contribution toward the debt service will be approximately \$875,000.
- The City anticipates issuing the LOBs in early calendar year 2025, with the first debt service payment occurring in fiscal year 2025-26.

RESOLUTION BOOK NO. 45 - PAGE 114

X. RESOLUTION NO. 24-170 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TERRACON CONSULTANTS INC. FOR THE SPECIAL INSPECTIONS OF MCCORMICK FIELD AND ANY CHANGE ORDERS THAT MAY ARISE DURING THE PROJECT UP TO THE CONTINGENCY AMOUNT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Terracon Consultants, Inc. in the amount not to exceed \$148,180. for the special inspections of McCormick Field Construction and any change orders that may arise during the project up to the 10% contingency amount of \$15,000.

Background:

- The City of Asheville has owned the property located at 30 Buchanan Place, known as Lewis McCormick Field, since 1984 and leases the property for operation as a minor league baseball stadium.
- Construction improvements at McCormick Field are starting in September 2024.
- City of Asheville staff publicly advertised for Special Engineering Related Inspection services related to the McCormick construction, as required for a professional service selection process.

- Five submittals were received and evaluated based on their qualifications, experience and technical approach.
- The evaluation of those submittals, ranked by a three member evaluation committee, resulted in Terracon Consultants, Inc. in Arden, NC being the highest ranked firm.
- Negotiations with Terracon resulted in an agreed fee not to exceed \$148,180.00
- Construction will begin in September 2024 with the first phase occurring during the off season for Tourists baseball.
- The second construction phase will occur during the 2025 baseball season, resulting in a somewhat reduced seating capacity.
- The project will be completed by April 2026 in time for the Tourist baseball's 2026 season.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses, through solicitation processes using the State's Interactive Purchasing System and requesting prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Terracon will not be outsourcing any of the services required for this Special Inspections contract.

Council Goal(s):

- A well planned and liveable community.

Committee(s):

- None

Pro(s):

- Provides for inspection services to ensure that the facility improvements meet all code requirements..

Con(s):

- None.

Fiscal Impact:

- Funding for this contract was previously budgeted and is available in the General Capital Projects Fund. The City will issue Limited Obligation Bonds (LOBs) to fund the project with debt service on the LOBs extending over 20 years.
- As previously shared with Council, the funding model for the project includes debt service contributions from the Asheville Tourists, Buncombe County, and BCTDA.
- It is estimated that the City's annual contribution toward the debt service will be approximately \$875,000.
- The City anticipates issuing the LOBs in early calendar year 2025, with the first debt service payment occurring in fiscal year 2025-26.

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Y. RESOLUTION NO. 24-171 - RESOLUTION AUTHORIZING THE CITY MANAGER TO USE THE PREFERRED ALTERNATE OF SCHLAGE HARDWARE IN THE BID SPECIFICATIONS FOR THE MCCORMICK FIELD RENOVATION PROJECT

Agenda Requested: Adoption of a resolution authorizing the City Manager to use the preferred alternate of Schlage door hardware in the bid specifications for the McCormick Field Renovation Project.

Background:

- The McCormick Field Renovation will require equipment in the bid specifications that will identify brand names known as a preferred alternate, specifically Schlage Door Hardware.
- Schlage Door Hardware is currently installed in many City buildings and assists with efficient operations and maintenance by providing a consistent lock system under a master key system to work across City buildings.
- NCGS 133-3 requires bid specifications to cite three or more examples of items of equal design or equivalent design.
- This statute does allow for a preferred brand alternate. Specifications must identify the performance standards that support the preference.
- Performance standards for the preference must be approved in advance by the owner in an open meeting.
- Any alternate approved by the owner shall be approved only where: Preferred alternate will provide cost savings, maintain or improve the functioning of any process or system affected by the preferred item or items, or both, and
- The statute requires justification identifying these criteria to be made available in writing to the public - which is being completed through this City Council action.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- A financially resilient city

Committee(s):

- N/A

Pro(s):

- Provides systems that will continue standardization or compatibility with existing City systems.
- This will result in cost savings through reduced operations and maintenance.

Con(s):

- Preferred alternatives may reduce competitive pricing.
- To improve the competitiveness the products can be bid on by several suppliers.

Fiscal Impact:

- None at this time.

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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 Turner moved for the adoption of the Consent Agenda, with the inclusion of Consent Agenda Items "W", "X" and "Y". This motion was seconded by Councilwoman Ullman and carried unanimously.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER DESIGNATING THE PROPERTY KNOWN AS THE F.W. WOOLWORTH BUILDING, LOCATED AT 25 HAYWOOD STREET, AS A LOCAL HISTORIC LANDMARK

ORDINANCE NO. 5092 - ORDINANCE TO DESIGNATE THE PROPERTY KNOWN AS THE F.W. WOOLWORTH BUILDING, LOCATED AT 25 HAYWOOD STREET, AS A LOCAL HISTORIC LANDMARK

Urban Planner III Alex Cole said that this is the consideration of an ordinance designating the property known as the F.W. Woolworth Building, located at 25 Haywood Street, as a local historic landmark. This public hearing was advertised on July 12 and 19, 2024.

Project Location and Contacts:

- The designation site consists of a 0.22 acre parcel located at 25 Haywood Street (PIN 9649.30-6516) owned by JAS Family Realty Limited Partnership.
- Petitioners/Applicant: Philip Woollcott, Scott Sirkin

Summary of Petition:

- The subject property consists of a 0.22 acre parcel located on Haywood Street within the Central Business District.
- The property contains the F.A. Woolworth Company Building, which is a two-story Art Deco structure constructed in 1939.
- The subject property is listed as a "contributing" historic resource to the Downtown Asheville National Register Historic District.
- The F.A. Woolworth Company Building, designed by notable Asheville architect Henry Gaines, and constructed in 1939, is significant architecturally as an intact early 20th-century Art Deco-style commercial building.
- The building is also significant for its association with commercial development of downtown Asheville through the 20th-century.
- The building is also especially significant for its importance as a site of local civil rights protests and activism in the 1960s.
- The proposed designation includes the entire parcel and exterior of the building, as well as the following interior features of the main floor: the lunch counter and stools, center row of square posts, plaster moldings at the ceiling, and terrazzo floors.
- Pursuant to N.C. General Statute 160D-942, the Historic Resources Commission of Asheville and Buncombe County (HRC) is responsible for recommending to the governing body areas to be designated by ordinance as "Historic Districts" and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks."
- Pursuant to N.C. General Statutes 160D-945 and 160-946, and UDO Ch. 8-5 and 8-6, the HRC has found the subject property to have special significance in terms of its historical, prehistoric, architectural, and/or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association, and recommended unanimously in favor of designating the F.A. Woolworth Company Building as a local historic landmark.
- Pursuant to N.C. General Statute 160D-946 (2) & (3), the HRC consulted with the North Carolina Department of Natural and Cultural Resources on the proposed designation of the F.W. Woolworth Company Building as a local historic landmark.
- If the property is designated as a local historic landmark, a Certificate of Appropriateness (CA) will be required for future modifications to the parcel, exterior of the building and identified interior features on the main floor to ensure the historic character of the property is retained and preserved over time.

Consistency with Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan:

- **Promote Great Architecture and Urban Design to Enhance Placemaking** - by promoting adaptive reuse as a means of preserving an historic building, and conserving materials and embodied energy in buildings.
- **Celebrate the Unique Identity of Neighborhoods Through Creative Placemaking** - by continuing to implement recommendations from the Downtown Master Plan and the Historic Preservation Master Plan, and by protecting neighborhood character using zoning tools.
- **Elevate the Arts and Cultural Sectors to Strengthen and Preserve Heritage and History** - by continuing to support the identification, stewardship and preservation of historic properties, to pursue their designation as appropriate, and to devote particular attention to the preservation of areas with historic value to communities of color; and by promoting adaptive reuse of historic structures.

Downtown Master Plan

- Community Vision - Preserve and enhance Downtown's diverse architecture, historic resources, walkable streets, and view corridors.
- Continue to protect landmark buildings and views to and from our mountain setting.
 - Support adaptive reuse.
- Enhance the Downtown Asheville experience by cultivating its creative, cultural and historic character.
 - Rehabilitation of historic buildings and utilization of historic preservation tax credits have contributed to re-investment in Downtown Asheville. (p.43-46)
 - These incentives for Downtown revitalization are keys to continued success.
 - The Woolworth building property owners took advantage of preservation tax credits for rehabilitation work to the building as recently as 2021.

Historic Preservation Master Plan

- Heighten public appreciation for Asheville and Buncombe County's heritage and historic resources.
- Support private initiative as a major way through which historic resources are recognized, preserved and enhanced.
- Encourage individual landmark designation where appropriate in order to provide property tax reduction as an incentive for high-quality rehabilitation and/or simple maintenance.

Fiscal Impact:

- As an incentive for local landmark designation, designated properties are eligible for a 50% annual property tax deferral; currently, the tax appraisal for the property is \$4,104,000; if the property is designated as a local landmark the potential tax savings for the property would be \$22,998 annually.

Council Goal(s):

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

Committee(s):

- Historic Resources Commission - June 12, 2024 - unanimously recommended approval (8-0)

Staff Recommendation:

- Staff finds that the proposed local historic landmark has special historic and cultural significance, and is compatible with the Living Asheville Comprehensive Plan, the Downtown Master Plan, and the Historic Preservation Master Plan. The Historic Resources Commission reviewed this proposed designation on June 12, 2024 and voted unanimously in favor (8-0) of the landmark designation of the F.A. Woolworth Company Building and recommended Asheville City Council approval of this local historic landmark designation application.

Ms. Cole said that the following are the key takeaways from her presentation (1) Local historic landmarks are properties that have special historic, prehistoric, architectural, and/or cultural significance; (2) The Historic Resources Commission (HRC) is responsible for making recommendations on local historic landmark designations to Asheville City Council and the Buncombe County Board of Commissioners; (3) Designed by noted local architect Henry Gaines, the F.W. Woolworth Company Building ("Woolworth Building") was constructed in 1939 and is an extant example of early 20th-century Art Deco-style commercial architecture in Downtown Asheville; (4) The Woolworth Building is also especially significant for its importance as a site of local civil rights protests and activism in the 1960s; (5) At their June 12, 2024 meeting, the HRC recommended unanimously in favor of designation of the Woolworth Building as the 51st local historic landmark in Asheville and Buncombe County; and (6) Local landmark designation would ensure that the historic character that conveys the special significance of the property is preserved for future generations. She said the Landmark Designation Process consists of N.C.G.S. 160D-945 & 160D-946 and UDO Ch. 8-5 & 8-6 - HRC/City Council authority to designate local historic landmarks and outline of process for review and designation. She then provided the following background, which started in August of 2023 with a preliminary landmark designation application received by the HRC. In October of 2023, the Woolworth Building site visit with HRC members and Planning & Urban Design (PUD) staff. In January 2024 the draft landmark designation report was submitted and presented to the HRC. In April 2024, the revised draft landmark designation report was submitted and presented to the HRC; staff submitted a draft report to NC Dept. of Natural and Cultural Resources for review and comment. In June 2024, the HRC held a public hearing on the designation and recommended unanimously in favor of designation of the Woolworth Building as a local historic landmark. She then gave a brief F.W. Woolworth Company building historical overview (1) Designed by noted local architect Henry Gaines and constructed in 1939 for the nationally prominent F.W. Woolworth Company; (2) Distinguished extant example of early 20th-century Art Deco-style commercial architecture in Downtown Asheville; and (3) Significant as a site of local civil rights protests and activism in the 1960s, and the most intact site in downtown Asheville where these momentous events took place. Effects of landmark designation include (1) Recognizes and honors the cultural and historical significance of an important place that allows us to tangibly connect to Asheville and Buncombe County's unique historic legacy; (2) Fulfills multiple goals and strategies identified in the Living Asheville Comprehensive Plan, the Downtown Master Plan, and the Historic Preservation Master Plan; (3) Supports preservation of a place of special historical and cultural significance so that legacy can be conveyed over time for future generations; and (4) As an incentive for designation, the property will be eligible for a 50% annual property tax deferral. The HRC, at its June 12, 2024, unanimously (8-0) recommended in favor of designation of the Woolworth Building as a local historic landmark. Staff recommends City Council adopt the ordinance designating the Woolworth Building as the 51st local historic landmark in Asheville and Buncombe County.

In response to Councilwoman Mosley regarding the possibility of a NC Civil Rights Trail marker at that location, Ms. Cole said that we could potentially pursue a Civil Rights marker but that there was already a NC Historic Highway marker in front of Woolworth's. From what she understood from the website, the state would not consider a new Civil Rights trail marker in a

location with a highway marker. She said that she would welcome the African American Heritage Commission's help in that determination.

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

Jonathan Wainscott spoke in support of the landmark designation.

Mayor Manheimer closed the public hearing at 5:32 p.m.

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

Councilwoman Mosley moved to adopt the ordinance designating F.W. Woolworth Company Building as a local historic landmark as recommended by the Historic Resources Commission based on the special historic and cultural significance of the property and integrity of design, setting, workmanship, materials, feeling and/or association of the property. This motion was seconded by Vice-Mayor Kilgore and carried unanimously.

ORDINANCE BOOK NO. 35 – PAGE 321

B. 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

RESOLUTION NO. 24-167 - 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

ORDINANCE NO. 5093 - BUDGET AMENDMENT TO ADOPT THE FISCAL YEAR 2024-25 COMMUNITY DEVELOPMENT BLOCK GRANT FUND BUDGET AND THE HOME INVESTMENT PARTNERSHIPS PROGRAM FUND BUDGET

Community & Economic Development Director Nikki Reid said that this is the consideration of a public hearing and adoption of a (1) resolution authorizing the submittal of the 2024-2025 Annual Action Plan for Community Development Block Grants and HOME Investment Partnerships Program to the U.S. Department of Housing and Urban Development; and (2) budget amendment (a) to adopt the Fiscal Year 2024-25 Community Development Block Grant Fund budget in the amount of \$1,003,034 and (b) to adopt the HOME Investment Partnerships Program Fund budget in the amount of \$1,011,026. This public hearing was advertised on June 14 and 21, 2024. On June 15, 2024, City Council continued the public hearing until this date.

Background:

- The City of Asheville is a HUD entitlement community and participating jurisdiction where it receives formula funding through the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME).
- The City receives this funding annually through a federal formula allocation process.
- CDBG funds support housing and community development activities within the City of Asheville.
- HOME funds support affordable housing activities within the four-county consortium region including Buncombe, Madison, Transylvania, and Henderson Counties.

- All funded activities must be in alignment with the goals and priorities outlined in the City's Five Year Consolidated Plan.
- On May 7, 2024, HUD released the 2024-2025 formula allocations for the CDBG and HOME programs.
 - The City of Asheville is a CDBG entitlement community and anticipates an award of \$1,003,034 in CDBG funds this year with an estimated \$72,000 of program income. Totaling an anticipated \$1,075,034 available from CDBG.
 - The Asheville Regional Housing Consortium (ARHC), with Asheville as the participating jurisdiction, anticipates an award of \$1,011,026 in HOME funds.
- CDBG applications have been reviewed and staff recommendations for funding were presented to the Housing and Community Development Committee on April 16, 2024 where they were unanimously endorsed.

Proposed Use of CDBG Funds:

Program	Recommended Funding
The SPARC Foundation - Domestic Violence Intervention Program (DVIP) and Strong Fathers	\$22,000
Helpmate, Inc - Shelter Case Manager/Facilities Manager	\$50,000
Pisgah Legal Services - Homelessness Prevention	\$41,000
OnTrack Financial - Housing and Financial Capabilities	\$28,000
Homeward Bound of Western North Carolina - AHOPE Day Center which is the primary access point for the Coordinated Entry System	\$37,900
Mountain BizCapital, Inc. dba Mountain BizWorks - Expanding Access to Small Business Training, Coaching and Capital for Low Income Entrepreneurs	\$110,000
Helpmate, Inc - Case Management for DV Survivors	\$50,000
Carolina Small Business Development Fund - Opportunity Asheville	\$110,000
Technical Assistance	\$24,000
Fair Housing	\$15,000

City of Asheville Community Center Improvements - Stephens Lee	\$380,171
CDBG Program Administration	\$206,963
Total	\$1,075,034

- HOME applications have been reviewed by staff, and on June 5, 2024 the Asheville Regional Housing Consortium Board (ARHC) established a subcommittee to review applications and make recommendations to ARHC for consideration.
- The ARHC provided recommendations for HOME funding at their July 8, 2024 meeting.
 - The ARHC recommended prioritizing the Apple Ridge development in Henderson County for full funding at \$600,000.
 - With the remainder of funds, the ARHC will take action at a later date to award these funds to affordable rental projects.
 - Of the three other proposed projects, 2 are awaiting tax credit award notifications.
 - Once these awards are decided, the ARHC will make a follow up award of funds.
 - The Annual Action Plan will reflect these funds to be used for affordable rental housing, new construction.

Proposed Use of HOME Funds:

Program	Recommended Funding
Affordable Rental, New Construction: Apple Ridge, The Housing Assistance Corporation	\$600,000
Affordable Rental, New Construction: Remainder to be held for affordable rental, new construction activities, pending further action by ARHC and tax credit funding awards	\$309,924
HOME Administration	\$101,102
Total	\$1,011,026

- The Annual Action Plan also includes an updated HOME recapture policy for downpayment assistance programs operating within the 4-county consortium footprint using HOME funds.

Council Goal(s):

- A Diverse Community
- Quality Affordable Housing
- Thriving Local Economy

Committee(s):

- Housing and Community Development - April 16, 2024 - recommended to Council with a unanimous vote in favor of CDBG funding recommendations.
- Asheville Regional Housing Consortium Board (ARHC) - July 8, 2024 - recommended to Council with a unanimous vote in favor of HOME funding recommendations.

- Asheville Regional Housing Consortium Board (ARHC) - July 22, 2024 - took action concerning the updated HOME Recapture Policy for downpayment assistance.

Pro(s)

- Approval of the Annual Action Plan paves the way for HUD funding to be utilized by partners in the City of Asheville and the region, with funds to be used to create affordable housing and jobs and to make positive impacts in our low and moderate income communities.

Con(s)

- It is not always possible to fund all of the applications received and many agencies funded will receive less than the amounts requested.

Fiscal Impact:

- The Annual Action Plan is fully funded from federal CDBG and HOME entitlement grants, unspent funds from prior-year allocations, and estimated program income.
- Staff costs to administer the program are paid from federal sources.
- The City's anticipated CDBG award is \$1,003,034 and HOME award is \$1,011,026.

Ms. Reid outlined the following key recommendations from her presentation: (1) Each year, the US Department of Housing and Urban Development provides the City with CDBG and HOME Partnership funds to support affordable housing, public services, economic development and community improvements; (2) The Housing and Community Development Committee (HCD) recommends the following awards: (a) Community Development Block Grant Program (CDBG) Funding = \$1,075,034; (b) Total of nine grants, including a COA Community Center projects and set asides for technical assistance and fair housing, plus staff administration; (3) The Asheville Regional Housing Consortium (ARHC) recommends the following awards: (a) HOME Investment Partnership Program (HOME) Funding = \$1,011,026; and (b) Total of one grant and a set-aside for future rental construction projects, plus staff administration; and (4) The public hearing is the final step in submitting the 2024-2025 Annual Action to HUD to define the community investments with these federal funding sources. Ms. Reid then gave a brief summary of the funding cycle process. She reviewed the 2020-24 consolidated plan priorities, along with the recommendations for the CDBG Public Services, CDBG Non-Public Services; and HOME Rental Housing Development. She then provided a brief update on the HOME Recapture Policy as follows: (1) The U.S. Department of Housing and Urban Development (HUD) permits the use of HOME funds to assist low-income homebuyers with down payment assistance to purchase single family homes as a principal residence, subject to statutory affordability requirements; (2) HUD requires that each Participating Jurisdiction (PJ) establish resale or recapture requirements that apply to all homebuyer activities, and include the provisions as part of the Annual Action Plan submission; (3) An updated recapture policy was reviewed by the ARHC (a) Policy sets the framework for repayment of down-payment assistance as a result of prepayment, sale or transfer of the home (referred to as "recapture"); and (b) Policy updates include flexibility for programs to use either a the option to recapture original amount or shared appreciation upon sale or transfer of the home; and (4) Updated policy will allow greater flexibility for partner agencies to carry out down payment assistance programs.

Mayor Manheimer opened the public hearing at 5:41 p.m., and when no one spoke, she closed the public hearing at 5:41 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and ordinances and they would not be read.

Councilwoman Turner moved to adopt a resolution authorizing the submission of the FY 2024-2025 Annual Action Plan to the U.S. Department of Housing and Urban Development and

authorizing the City Manager to sign all necessary documents to this effect; and to adopt the fiscal year 2024-25 CDBG Fund and HOME Fund budgets. This motion was seconded by Councilwoman Roney and carried unanimously.

**RESOLUTION BOOK NO. 45 – PAGE 107
ORDINANCE BOOK NO. 35 - PAGE 325**

C. PUBLIC HEARINGS AND ADOPTION OF BOND ORDERS

Finance Director Tony McDowell said that this is the consideration of conducting public hearings on: a) the bond order authorizing the issuance of \$20,000,000 of General Obligation Housing Bonds of the City of Asheville, North Carolina; b) the bond order authorizing the issuance of \$20,000,000 of General Obligation Transportation Bonds of the City of Asheville, North Carolina; c) the bond order authorizing the issuance of \$20,000,000 of General Obligation Parks and Recreation Bonds of the City of Asheville, North Carolina; d) the bond order authorizing the issuance of \$20,000,000 of General Obligation Public Safety Bonds of the City of Asheville, North Carolina; 2) Adoption of Bond Orders: a) Adopt the Housing Bond Order without change or amendment and direct the Clerk to publish a notice of adoption; b) Adopt the Transportation Bond Order without change or amendment and direct the Clerk to publish a notice of adoption; c) Adopt the Parks and Recreation Bond Order without change or amendment and direct the Clerk to publish a notice of adoption; and d) Adopt the Public Safety Bond Order without change or amendment and direct the Clerk to publish a notice of adoption; and 3) Adoption of Resolution setting a special bond referendum and directing the publication of notice of a special bond referendum and notification of the Buncombe County Board of Elections.

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.
- 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.
- At the June 25, 2024 meeting, City Council approved a resolution introducing the four bond orders and setting a Public Hearing on those bond orders for July 23, 2024.
- A Sworn Statement of Debt has been filed with the City Clerk and a Statement of Disclosures has been filed with the City Clerk and posted on the City's website as required by North Carolina General Statutes.
- At tonight's meeting, in addition to holding the Public Hearing, City Council will adopt the bond orders, and set the special bond referendum for November 2024 (including the form and language of the ballot).

- Council can lower the amounts in the four bond categories at tonight's meeting but not increase them without restarting the process.

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.

Finance Director Tony McDowell said the following are the key takeaways from this presentation: (1) On June 25th Council voted to set public hearing for GO Bonds; (2) Council action on July 23 will finalize placing a GO Bond on the November 2024 ballot and confirming amounts; (3) City's role moving forward will be to provide information only on bond categories and possible projects; (4) State law prohibits city staff or officials from advocating for the bond referendum. No public funds can pay for advocacy, i.e. yard signs, billboards; and (5) Staff are reaching out to outside groups like the Chamber to request assistance with Bond Advocacy. Regarding capital investments and planning (1) CIP is primarily funded with Limited Obligation (LOBs) debt and supported by ~\$16M annual contribution from the General Fund; (2) FY25-29 Capital Improvement Program (CIP) primarily consists of maintenance projects; and (3) Limited capacity to add projects/costs within existing resources. He provided the following timeline and Council actions: (1) July 23 - Council's Final Action - Hold public hearing; Adopt final bond categories; and Adopt final amounts for referenda; (2) November 5 - Referendum vote; (3) December 10 - City Council adopts Resolution Certifying and Declaring Results of Special Bond Referendum; (4) Jan/Feb 2025 - LGC Approval of Bond Orders & City Council adoption of budget amendment. (If approved); and (5) June 2025 - Council sets tax property tax rate that reflects revaluation and bond passage.

The 2024 GO Bond categories are Housing - \$20,000,000; Transportation - \$20,000,000; Parks and Recreation - \$20,000,000; and Public Safety - \$20,000,000. The total GO Bonds are \$80,000,000.

Affordable Housing examples (\$20M) are a focus on recommendations from Asheville Affordable Housing Plan: (1) Continue to support the Housing Trust Fund; (2) Serve as a mechanism to leverage other public and private resources (funders collaborative); (3) Contribute to an affordable housing acquisition fund; (4) Develop program to help fund predevelopment activities for smaller or emerging affordable housing developers; and (5) Support homeownership through home repair grants and/or down payment assistance.

Transportation examples (\$20M) are implementing transportation improvements prioritized in the adopted GAP Plan as follows:

Project Type	Estimated Amount	Prioritized Projects
Street Resurfacing	\$10 Million	TBD based on annual paving assessments
New Sidewalks, Pedestrian and ADA Improvements	\$10 Million	Patton Avenue - west of Bowen Bridge
		Airport Road
		Additional based on GAP plan priorities and coordination with other funded projects
		Design and Construction of prioritized greenway/multi-use path

Parks and Recreation examples (\$20M) are implementing prioritized capital investments outlined in the Recreate Asheville Plan Phase 1 as follows:

Project Type	Estimated Amount	Prioritized Projects
Major Center Investment Projects	\$9 Million	Linwood Crump Shiloh Community Center
		Tempie Avery Montford Community Center
Major Existing Park Upgrades / Aquatic Facility Improvements / New Facility Project	\$11 Million	Malvern Hills Park Pool
		Recreation & Azalea Parks
		Walton Street Park
		Recreation Park Pool
		Murray Hill Park
		Dedicated Pickleball Courts

Public Safety Facilities examples (\$20M) are investments in City building infrastructure prioritized in the 2023 Comprehensive Facility Study as follows:

Project Type	Estimated Amount	Prioritized Example Projects
Maintenance and upgrades to existing facilities	\$5 Million	Municipal Building maintenance and renovations
		Haywood Road Police Substation Renovations
		<i>Additional improvements to existing fire and police stations</i>
Land acquisition and facility upgrades	\$15 Million	Oakley Civic Complex New Construction - Fire (Station 9) and Police Substation
		Planning, Design and <i>Land Acquisition</i> Fire Station 7
		Planning and Design for Fire Station 14

Facility Maintenance (\$10M LOBS) are investments in the City building infrastructure prioritized in the 2023 Comprehensive Facility Study as follows;

Project Type	Prioritization	Example Project
General Facility Maintenance and upgrades to existing facilities	Facilities Study	Roof Replacement: Municipal Building, Stephens Lee and Grove Street Center
		HVAC Replacement: City Hall, Public Works, Municipal Building and others
		Generator New and Replacement: Fleet Offices, City Hall and Fire Stations

The following chart is the estimated property tax impact (\$80M GO Bonds):

Current Avg. Residential Property Value	\$350,788
Est. Avg. Residential Property Value After Reval*	\$420,946
Est. Required Tax Rate Increase for \$80M GO Bonds	2.6 cents
Est. Avg. Residential Tax Increase	\$110

(assumes 20% increase from revaluation)

The following chart is the estimated property tax impact (\$10M LOBSBonds):

Current Avg. Residential Property Value	\$350,788
Est. Avg. Residential Property Value After Reval*	\$420,946
Est. Required Tax Rate Increase for \$10M LOBS	0.3 cents
Est. Avg. Residential Tax Increase	\$12

(assumes 20% increase from revaluation)

He explained the alignment with the Council priority to Improve and Maintain Infrastructure and Core Services: (1) Goal Statement: Prioritize and increase investments in municipal assets; and (2) Goal Statement: Strengthen regional partnerships and explore creative and ambitious untapped revenue sources including federal, state, regional and bond funds, etc.

GO Bond next steps include (1) City Manager's Office, CAPE, Finance & Management Services staff and outside organization(s) will coordinate communication and engage the community leading up to November 2024 vote; and (2) Communications plan will include: (a) Educational materials to inform the community about the Bond referenda and proposed projects; and (b) Presentations to key stakeholder groups, boards and commissions, neighborhood associations.

Mayor Manheimer said that the Chamber of Commerce's director will try to make sure that they can help us in this effort, and hopefully, other community partners as well.

Councilwoman Roney felt the Recreate Asheville Plan is a good tool to use for the Parks & Recreation Bond. Regarding transportation, staff is exploring tools for equity and transportation investments, but noted that we are vague on greenways. She felt we could strengthen the transportation bonds with specificity. We have legacy neighborhoods asking for greenway investments. After the equity office analysis, she hoped we will be more specific, and she is prepared to support the Burton Street community's request for the Smith Mill Creek Greenway which has been in their neighborhood plan since 2010.

Councilwoman Roney said that before we talk about the next steps on the \$10 Million LOBs, we need to prioritize wage and compensation.

When Councilwoman Ullman asked if we are going to have solar panels on any of our building roof renovations, City Manager Campbell said that we are committed to sustainability, but we have not done a detailed analysis to determine if it is physically or financially feasible.

When Councilwoman Ullman asked about the process moving forward, City Manager Campbell said that we needed to get to this point and will now dig into the specifics of the process, committee reviews, and projects.

Councilwoman Roney felt that in order to stretch our bond dollars, we need to partner on every opportunity that we can, i.e., with Buncombe County on the Oakley facility.

PUBLIC HEARING ON BOND ORDER AUTHORIZING THE ISSUANCE OF \$20,000,000 GENERAL OBLIGATION HOUSING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, WHICH WERE INTRODUCED AT THE CITY COUNCIL MEETING ON JUNE 25, 2024, WERE PUBLISHED ON JULY 12, 2024, WITH NOTICE THAT THE CITY COUNCIL WOULD HOLD A PUBLIC

HEARING THEREON ON JULY 23, 2024, AT 5:00 P.M.

Mayor Manheimer opened the public hearing at 6:07 p.m. and announced that the City Council would hear anyone who wished to be heard on the questions of validity of the General Obligation Housing Bond Order and the advisability of issuing the General Obligation Housing Bonds.

Mayor Manheimer closed the public hearing at 6:07 p.m., after City Council heard all persons who requested to be heard (none) in connection with the General Obligation Housing Bond Order and the advisability of issuing the General Obligation Housing Bonds.

Councilwoman Turner moved to adopt a Bond Order authorizing the issuance of \$20,000,000 General Obligation Housing Bonds of the City of Asheville, N.C. without change or amendment and direct the Clerk to publish a notice of adoption. This motion was seconded by Councilwoman Ullman and carried unanimously.

PUBLIC HEARING ON BOND ORDER AUTHORIZING THE ISSUANCE OF \$20,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, WHICH WERE INTRODUCED AT THE CITY COUNCIL MEETING ON JUNE 25, 2024, WERE PUBLISHED ON JULY 12, 2024, WITH NOTICE THAT THE CITY COUNCIL WOULD HOLD A PUBLIC HEARING THEREON ON JULY 23, 2024, AT 5:00 P.M.

Mayor Manheimer opened the public hearing at 6:07 p.m. and announced that the City Council would hear anyone who wished to be heard on the questions of validity of the General Obligation Transportation Bond Order and the advisability of issuing the General Obligation Transportation Bonds.

Mayor Manheimer closed the public hearing at 6:10 p.m., after City Council heard all persons who requested to be heard (one individual in support) in connection with the General Obligation Transportation Bond Order and the advisability of issuing the General Obligation Transportation Bonds.

Councilwoman Turner moved to adopt a Bond Order authorizing the issuance of \$20,000,000 General Obligation Transportation Bonds of the City of Asheville, N.C. without change or amendment and direct the Clerk to publish a notice of adoption. This motion was seconded by Vice-Mayor Kilgore and carried unanimously.

PUBLIC HEARING ON BOND ORDER AUTHORIZING THE ISSUANCE OF \$20,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, WHICH WERE INTRODUCED AT THE CITY COUNCIL MEETING ON JUNE 25, 2024, WERE PUBLISHED ON JULY 12, 2024, WITH NOTICE THAT THE CITY COUNCIL WOULD HOLD A PUBLIC HEARING THEREON ON JULY 23, 2024, AT 5:00 P.M.

Mayor Manheimer opened the public hearing at 6:10 p.m. and announced that the City Council would hear anyone who wished to be heard on the questions of validity of the General Obligation Parks and Recreation Bond Order and the advisability of issuing the General Obligation Parks and Recreation Bonds.

Mayor Manheimer closed the public hearing at 6:16 p.m., after City Council heard all persons who requested to be heard (two individuals in support) in connection with the General Obligation Parks and Recreation Bond Order and the advisability of issuing the General Obligation Parks and Recreation Bonds.

Councilwoman Turner moved to adopt a Bond Order authorizing the issuance of \$20,000,000 General Obligation Parks and Recreation Bonds of the City of Asheville, N.C. without change or amendment and direct the Clerk to publish a notice of adoption. This motion was seconded by Councilwoman Roney and carried unanimously.

PUBLIC HEARING ON BOND ORDER AUTHORIZING THE ISSUANCE OF \$20,000,000 GENERAL OBLIGATION PUBLIC SAFETY BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, WHICH WERE INTRODUCED AT THE CITY COUNCIL MEETING ON JUNE 25, 2024, WERE PUBLISHED ON JULY 12, 2024, WITH NOTICE THAT THE CITY COUNCIL WOULD HOLD A PUBLIC HEARING THEREON ON JULY 23, 2024, AT 5:00 P.M.

Mayor Manheimer opened the public hearing at 6:16 p.m. and announced that the City Council would hear anyone who wished to be heard on the questions of validity of the General Obligation Public Safety Bond Order and the advisability of issuing the General Obligation Public Safety Bonds.

Mayor Manheimer closed the public hearing at 6:16 p.m., after City Council heard all persons who requested to be heard (none) in connection with the General Obligation Public Safety Bond Order and the advisability of issuing the General Obligation Public Safety Bonds.

Councilwoman Turner moved to adopt a Bond Order authorizing the issuance of \$20,000,000 General Obligation Public Safety Bonds of the City of Asheville, N.C. without change or amendment and direct the Clerk to publish a notice of adoption. This motion was seconded by Vice-Mayor Kilgore and carried unanimously.

RESOLUTION NO. 24-168 - RESOLUTION SETTING A SPECIAL BOND REFERENDUM AND DIRECTING THE PUBLICATION OF NOTICE OF A SPECIAL BOND REFERENDUM AND NOTIFICATION OF THE BUNCOMBE COUNTY BOARD OF ELECTIONS

Mayor Manheimer asked for public comment, but received none.

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

Councilwoman Turner moved to adopt the resolution setting a Special Bond Referendum and directing the publication of Notice of a Special Bond Referendum and notification of the Buncombe County Board of Elections. This motion was seconded by Vice-Mayor Kilgore and carried unanimously.

RESOLUTION BOOK NO. 45 - PAGE 110

D. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF 767 NEW HAW CREEK ROAD FROM RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO RESIDENTIAL EXPANSION - CONDITIONAL ZONE FOR THE PURPOSE OF BUILDING 95 NEW SINGLE-FAMILY HOUSING UNITS

ORDINANCE NO. 5094 - ORDINANCE TO CONDITIONALLY ZONE 767 NEW HAW CREEK ROAD FROM RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO RESIDENTIAL EXPANSION - CONDITIONAL ZONE

FOR THE PURPOSE OF BUILDING 95 NEW SINGLE-FAMILY HOUSING UNITS

Urban Planner II Sam Starr-Baum said that this is the consideration of an ordinance to conditionally zone 767 New Haw Creek Rd from RS-4 Single-Family Medium Density to Residential Expansion - Conditional Zone for the purpose of building 95 new single-family housing units. This public hearing was advertised on April 12 and 19, 2024. On April 23, 2024, at the applicant’s request, this public hearing was continued to June 11, 2024. On June 11, 2024, at the applicant’s request, this public hearing was continued to this date.

Project Location and Contacts:

- The project site totals 27.05 acres located at 767 New Haw Creek Road (PIN 9659-93-9458).
- Owner: Margaret B King.
- Applicant: Warren Sugg, Civil Design Concepts.

Summary of Petition:

Overall Project Proposal

- The petitioner is seeking a rezoning of the parcel at 767 New Haw Creek Road from Residential Single-Family Medium Density District (RS-4) to Residential Expansion - Conditional Zone (RES EXP-CZ) in order to construct a 84 unit residential development consisting of 49 single-family residential homes, 35 townhomes, and associated parking, resident amenities, and stormwater infrastructure.

Project Site

- The project site is a 27.05 acre parcel that is currently bisected by New Haw Creek Road. The portion west of New Haw Creek Road is approximately 7 acres, and while predominantly wooded, consists of two addressed single-family structures—768 and 780 New Haw Creek Road.
- The other 20 acres east of New Haw Creek Road contains New Haw Creek, a series of smaller drainage paths, and a majority of the mature forest on this site.
- There are currently 3 addressed single-family structures and 5 addressed accessory structures on the eastern portion of this property-767 New Haw Creek Units 1-5, 769 New Haw Creek Units 1-2, and 771 New Haw Creek Road.
- The applicant has indicated that 20 of the 27 acres will be disturbed for this project.
- The property is currently zoned Residential Single-Family Medium Density District (RS-4) and exclusively abuts RS-4-zoned land in Asheville.
- The applicant is requesting a conditional zoning to Residential Expansion CZ due to the proposed 84 residential units (49 single-family residences; 35 attached single-family residences).
 - Major Subdivisions of this kind, when containing between 20-49 residential units are reviewed as a level II project at the Technical Review Committee only. The reason this proposal is reviewed as a Conditional Zoning is that the number of units proposed exceeds the 50-unit level II threshold.
- The Living Asheville Comprehensive Plan designates the Future Land Use (FLU) of the project site as “Residential Neighborhood”..

UDO Compliance

UDO Provision	RES-EXP Requirement:	Proposed:
Gross Floor Area:	N/A	N/A

Density:	up to 20 Units/Acre	3.1 Units/Acre												
Lot Size Minimum	3,500 sq. ft.	2,090 sq. ft. townhome lots 4,860 sq. ft. SFR lots												
Building Height(s):	40 ft. maximum height	40 ft. maximum Height												
Building Setbacks:	Front: 15 ft. Side: 6 ft. Rear: 15 ft.	<u>SFR</u> <u>Townhomes</u> Front: 15 ft. Front: 20 ft. Side: 7 ft. Side: N/A Rear: 15 ft. Rear: 15 ft.												
Vehicle Parking Spaces:	1 per unit to 3 per unit based on bedrooms provided.	1 per unit to 3 per unit based on bedrooms provided.												
Bicycle Parking Spaces:	12 spaces	12 spaces												
Open Space:	4.06 ac.	9.20 Ac.												
Impervious Surface Area:	Residential: 50% Max Multi-Family: 80% Max	8.40 ac./31%												
Sidewalks:	5 ft., on both sides of any street where the projected average daily traffic exceeds 1,000 vehicles per day. New Haw Creek Road exceeds this threshold.	5 ft. on the western portion of New Haw Creek Road, and on both sides of Haw River Drive, Elm Shadow Way, Red Ember Drive, and Beargrass Lane.												
Tree Canopy Preservation:	Management District: Suburban Classification: Class C Existing canopy: 53% Required canopy: 17%	Preserved: 19.3% (1227,680 sf.)												
Applicable Landscaping Standards	<table border="1"> <tr> <td>Property Line Buffer</td> <td>Does apply ▾</td> </tr> <tr> <td>Street Buffer</td> <td>Does not a... ▾</td> </tr> <tr> <td>Street Trees</td> <td>Does apply ▾</td> </tr> <tr> <td>Parking Landscaping</td> <td>Does not a... ▾</td> </tr> <tr> <td>Building Landscaping</td> <td>Does not a... ▾</td> </tr> <tr> <td>Screening</td> <td>Does not a... ▾</td> </tr> </table>	Property Line Buffer	Does apply ▾	Street Buffer	Does not a... ▾	Street Trees	Does apply ▾	Parking Landscaping	Does not a... ▾	Building Landscaping	Does not a... ▾	Screening	Does not a... ▾	<ul style="list-style-type: none"> Type B, 30'-wide property buffers are required where the property abuts single-family zoning districts to the north and west. Street tree requirements are met, but vary based off the presence of overhead utilities along New Haw Creek Road.
Property Line Buffer	Does apply ▾													
Street Buffer	Does not a... ▾													
Street Trees	Does apply ▾													
Parking Landscaping	Does not a... ▾													
Building Landscaping	Does not a... ▾													
Screening	Does not a... ▾													

Site Layout and Design

- The applicant's proposed 84 units over 27.05 Acres amounts to 3.1 units/acre, which is below the allowed 540 total units or 20 units/acre for a site of this size under RES EXP-CZ standards.
- Each residence will have their own lot with the following setbacks:
 - Exterior property line project: 30' (matching buffer)
 - Single-family Lots: Front – 15', Side – 7', Rear – 15', Corner – 7.5'.
 - Townhome Lots: Front – 20', Side – 0', Rear – 15', Corner – 0'.
- The site proposes access off a non-signalized intersection from Sleepy Hollow Drive with the newly created Beargrass Lane.
- The single-family residences will all be accessed from four new streets: Beargrass Lane, Haw River Drive, Elm Shadow Way, and Red Ember Drive.
- The townhomes will be to the western side of the New Haw Creek Drive, and accessed exclusively from King Meadows Court.
- Impervious limitations and building height are all compliant with the RES EXP - CZ district.
- The project includes a jurisdictional stream and shows compliant setbacks
 - There are also portions of this site that fall within the floodway, 100 year, and 500 year floodplains.

Access, Sidewalks and Parking

- Access for the single family homes will be from Sleepy Hollow Drive.
- Given that the access is approximately 80' from the intersection of New Haw Creek Road and Sleepy Hollow Drive, the entry configuration is scheduled for NCDOT review and City approval at Final TRC.
- The applicant has not stated whether the roads will be privately maintained by the Homeowners Association or if these will meet the standard to be dedicated to the City of Asheville.
- The project proposes 5' minimum sidewalk (with 8' grass strip) along the west side of the existing NCDOT road New Haw Creek Road. No sidewalk is currently shown on the east side of the New Haw Creek Road..
- The project also proposes 5' minimum sidewalk (with a 5' grass strip) on both sides of new Haw River Drive (matching road slopes).
- Beargrass Lane, Elm Shadow Way and Red Ember Drive are proposed to have a 5' sidewalk on the eastern portion of the road, with no grass utility strip.
- All vehicle parking will be contained within the driveway and garages of the residential structures.
- The applicant has shown two locations for the required 12 bicycle parking spaces—six spaces will be on the northeast corner of the property closer to the mail kiosk for the townhomes, and the other six will be near the intersection of Haw River Drive and Beargrass Lane.

Landscaping / Open Space / Tree Canopy

- Open space is shown at 11 acres, which exceeds the requirement of 4.06 Acres. A "Type B" 30-foot property buffer is required and provided on the plans.
 - The applicant proposes a condition where the "Type B" buffer will be met though the existing vegetation.
 - The applicant will plant to UDO requirements where existing vegetation is not feasible to satisfy "B" buffer requirements.
- The project is located in the Suburban Resource Management District. Tree canopy protection requires "Class C" compliance.
 - The applicant's revised plans will preserve 19% of the existing mature canopy on site.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed rezoning would support the theme of **A Livable Built Environment** by

- implementing the following goals in the Living Asheville Comprehensive Plan, including:
- **Make Streets More Walkable, Comfortable and Connected** by adding pedestrian infrastructure where there are high volumes of traffic and pedestrians and eliminating gaps in the city-wide sidewalk network.
 - **Build Out the Greenway Network** by providing a 12' wide greenway that will run north/south through the property, and provide an eastern connection that will link the three new proposed streets through a series of sidewalks and 5' wide walking paths.
- The proposed rezoning supports the theme of **A Resilient Economy** by implementing the following goal in the Living Asheville Comprehensive Plan, including
 - **Increase and Diversify the Housing Supply** by adding both single-family and townhome options at a density of 3.1 units an acre, the proposed project meets the comprehensive goals of maintaining neighborhood character while still “increasing density at a variety of scales”.
 - The proposed rezoning is compatible with the Future Land Use designation of “Residential Neighborhood” which describes areas that “historically developed following a single master plan and usually at a lower density than traditional neighborhoods. Mainly consisting of single family housing, the types of housing in residential neighborhoods generally offer little variation of building types throughout the neighborhood. In many cases there are limited access points into and around the development with access points often ending in dead-end streets”.
 - Staff finds that the proposed project is compatible with the type of master site plan development envisioned for “Residential Neighborhoods” in the FLU designation, and this development is also in alignment with the density proposed in the Living Asheville plan, which states: “Residential Neighborhood Future Land Use Category use may approach 3-5 dwelling units per acre, which is what the proposed density is for the Meadows at New Haw Creek.
 - Staff finds that in addition to the density and site planning elements, the variety of units proposed is in alignment with the Residential Neighborhood FLU designation. The comprehensive plan is clear that “Over time, residential neighborhoods can benefit from having more housing diversity such as (*but not limited to*) accessory apartments, duplexes and other types of small-scale infill housing. The infill development, such as the attached townhomes can help these residential neighborhood areas reach their full potential to resemble traditional neighborhoods. The FLU concludes: “to this end, residential subdivisions in the Residential Neighborhoods Future Land Use Category should consider a compact traditional neighborhood development pattern”. The Meadows at New Haw Creek, therefore, will meet the current standards for RES-EXP but lay the foundation for the Residential Neighborhood context that Living Asheville calls for.

Compatibility Analysis:

- The proposed residential development is compatible with the surrounding land uses, including:
 - variety in type, and contextually appropriate size of the residences and residential lots in the immediate vicinity.

- Townhomes located south at 580 New Haw Creek Road, .77 Miles south of the subject parcel. Apartments and higher zoning densities also exist within a 1 mile radius of the project site.
- With respect to the neighboring educational facilities, staff finds that the proposed project is a compatible land use to the neighboring schools (Haw Creek Elementary and Evergreen Community Charter School).

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) - February 5, 2024 - approved with conditions.
- Planning and Zoning Commission (PZC) - March 20, 2024 - approved (vote: 4-3) with the addition of the following conditions:
 - The applicant will build sidewalks on all sides of Beargrass Lane, Red Ember Drive and Elm Shadow Way. Rather than constructing a sidewalk on the eastern portion of Haw Creek Drive, the applicant shall be responsible for the construction of a sidewalk connecting the proposed on-site multi-use path, across 719 New Haw Creek Road, to the city sidewalk project terminating on Bell Road,
 - This obligation shall include the design, easement acquisition, construction, and any additional tasks necessary to install and dedicate the sidewalk to the City of Asheville for public use.
 - If the applicant is unable, after exercising reasonable efforts, to obtain the necessary approvals and property rights for the sidewalk construction from the N.C. Dept. of Transportation (NCDOT) and the property owner of the parcel located at 719 New Haw Creek (PIN 9659924876), the applicant shall instead make a donation of funds equivalent to the total cost of design, acquisition, and construction to the City of Asheville.
 - There will be no clear cutting within the stated Type B property buffer.
 - The topsoil will be preserved and be reused in construction to preserve soil quality and the existing native seed bank.
 - The applicant will provide education programs for homebuyers, and will engage with community partners to provide down payment assistance options.
 - The applicant will provide a public access easement to the City for the future development of the stated greenway as shown on the plans.
 - Subject to NCDOT approval, the applicant will provide a flashing crosswalk, or other traffic calming measures as deemed most appropriate, for this project to ensure pedestrian safety crossings across New Haw Creek to connect to the proposed greenway.

Staff Recommendation:

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

Mr. Starr-Baum reviewed the existing and proposed zoning, and the aerial imagery. Regarding the future land use map designation, (1) Historically developed following a single master plan; (2) Limited access points into and around the development with access points often ending in dead-end streets; (3) Sidewalks located within residential neighborhoods and connecting to major corridors are a priority; and (4) Residential Neighborhood Future Land Use Category use may approach 3-5 dwelling units per acre. Using a chart, he then explained the

standards between RS-4, what is proposed, and the Residential-Expansion standards. He then outlined the following revised conditions: For (3) Project will include 84 new residential units consisting of 49 single-family residences and 35 townhome units; for (9) The Project will include a 4.3-acre tree canopy preservation area on the eastern portion of the site, as shown on the approved site plan. The developer will make reasonable efforts to transfer a conservation easement over this 4.3-acre area to an established conservation organization such as SAHC or Riverlink. The remainder of the Tree Canopy Preservation requirements will be met on the western portion of the site; for (13) The applicant will engage with community partners that provide down payment assistance, and will provide education programs about down payment assistance options for the Project's potential home buyers; for (14) A six (6) foot high wooden privacy fence will be constructed behind the townhomes on the western side of Kings Meadow. Thirty (30) arborvitae will be planted on the western side of the fence to provide additional screening as measured from adjoining properties; and for (19) The conditional zoning will be valid for five years from the date of approval by City Council with building permits obtained within this 60-month period. Failure to obtain building permits within this time frame shall render the approval null and void. Mr. Starr-Baum said that the developer has recently suggested a new condition as follows: "Two discounted townhome lots shall be offered as "pad-ready" for construction, to Asheville Area Habitat for Humanity, or a similar nonprofit, affordable homeownership-oriented developer, with the intention that the nonprofit(s) will build the units and offer them for sale to qualifying buyers as affordable housing, as that term is defined by HUD." He said the TRC reviewed the project on February 5, 2024, with conditions. On March 20, 2024, the Planning & Zoning Commission approved (4-3) the project with the addition of the following conditions: (1) Provide additional internal sidewalks, and connect to the City's Bell Road sidewalk project; (2) No clear cutting within the stated Type B property buffer; (3) Preservation of topsoil; (4) Provision of education programs for potential homebuyers; (5) Dedication of greenway access easement to the City; and (6) Inclusion of pedestrian safety elements. 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 with revised conditions and technical modifications outlined in the document titled "Exhibit E".

Mayor Manheimer asked about who does the enforcement of the technical issues, i.e., stormwater, whether the road can handle the traffic; whether the bridge can sustain the traffic, if the roads are built to the right width, etc. Mr. Starr-Baum explained that at the initial Technical Review Committee, which is made up of technical experts, weighs in on the projects to see if the project meets the strict standards and can move forward. The Metropolitan Sewerage District is the first to review the application and a letter of commitment is required to move forward. After Council approval of a project, they must go back for a final Technical Review Committee meeting to make sure they are still meeting the requirements, with rigorous inspection standards.

Mr. Starr-Baum said that Haw Creek Road is a state maintained road; however, the side streets are either publicly or privately owned. We also have standards for acceptance of privately maintained streets.

Councilwoman Mosley asked the reasoning behind the request that the conditional zoning be valid for five years from the date of City Council approval. Mr. Starr-Baum said that there are certain land acquisitions related to this project that the City is not part of. The applicant has expressed some concern that they will need more time to acquire the land for access to Sleepy Hollow Drive.

Councilwoman Roney said though it's just shy of the 6 acres originally advocated by the Haw Creek Community Association, she's grateful for work to preserve tree canopy, part of critical infrastructure in addressing storm water mitigation, heat island effect, air quality, and for quality of life. It's honestly been a difficult condition to get consistent in writing. When she asked for

confirmation of the 5.65 acres, Mr. Starr-Baum said there is 4.34 acres on the east side and 1.35 on the west side for tree canopy preservation.

When Councilwoman Roney asked if this project includes renewable energy commitments or readiness. Mr. Starr-Baum has not been considered at this time. They have not engaged in design services yet because they wanted to make sure they had the appropriate land entitlements.

Councilwoman Roney said the City really needs incentives and processes that encourage dense housing development on corridors that have supportive infrastructure that can handle it, including public transit. She heard staff acknowledgement that this is neither on or fully-connected to a transit corridor. Her experiences commuting without a car in Haw Creek have been time-consuming and risky. With Haw Creek transit service reduced a few years back to Route 170 service once every 2 hours and a 0.6 mile walk to the stop at Old Haw Creek and Willowbrook at the Commons, this adds pressure on existing road infrastructure. In conversations with neighbors, she heard questions about environmental impact and lack of trust around traffic study that didn't appear to include school traffic or weekend trends.

Councilwoman Roney also heard questions about road infrastructure for this project in a floodway/plain: Serious, real concerns that the City promises to address road infrastructure including safe multimodal access after development, but we aren't really able to keep those promises with our limited resources and capacity and we see the outcomes across the city when we put core service infrastructure behind development. Also, what have we learned from lagging on the bond project for Haw Creek sidewalks? It begs the question of a future need for expensive retaining walls and culverts if/when we have to repair the road later because we're doing dense development now without supportive infrastructure.

Mr. Starr-Baum responded to Councilwoman Roney when she asked for an update on connectivity planning. Regarding the Haw Creek Road sidewalk project, bids will be open in September, and depending on the weather, construction is planned for spring 2025.

Mr. Derek Alley, attorney representing the applicant, gave a brief history of the project, beginning in November of 2023 with their first neighborhood meeting, and continuing with negotiations through July 19. He explained there were four HCCA demands that were the guiding star for the development team and they believe they have met those expectations. He outlined all the site plan features, noting that currently the sidewalk stops at the ballfield, but they will fill the gap up onto the Happy Valley area. He noted they also did a Traffic Impact Analysis on a typical school day and had a de minimis impact. This is a missing middle project and all housing units matter. Regarding energy efficiency and solar energy, their commitment/plan is to build all residential units solar ready, with the intention that individual homeowners may add solar to their homes at a lower cost. They also plan to have each unit with a dedicated AV charging plug and on the townhomes, they plan to have all energy star appliances.

Mayor Manheimer opened the public hearing at 7:10p.m.

Eleven individuals spoke in support of Option 5, for various reasons, some being, but are not limited to: area has multi transportation options; reduces pressure on outlining forests; need more infill projects; need for all types of housing; and will bring in additional property taxes once built.

Fourteen individuals spoke in opposition to the conditional zoning for 767 New Haw Creek Road for various reasons, some being, but are not limited to: Happy Valley Homeowners Preservation Association has not had a voice in negotiations; RS-4 zoning has been ignored; Happy Valley has restrictive covenants; negotiations have been behind closed doors with no input

from Happy Valley community; strong opposition to not access the development through Sleepy Hollow Drive; need for an assessment about floodplain and stormwater system; consideration of impact of flooding on land and other bridges further down the creek after the development is built out; concerns of fire safety; request for a continuance since last minute changes may have major repercussions; too much stress on existing infrastructure; this development will be car dependency; this is not the right type of housing for Haw Creek; and with middle missing housing it should benefit the community and existing citizens in the community and this does not.

Mayor Manheimer closed the public hearing at 8:35 p.m.

In response to Vice-Mayor Kilgore, Mr. Kevin Jackson said that at today's market rate, a single-family will be approximately \$450-500,000 and a townhome will be approximately \$300-350,000.

In response to Councilwoman Tuner, City Attorney Branham said that if this project is approved, it will be up to the developer to ensure that all the conditions are fulfilled, including the access through Happy Valley Drive. If they are unable to obtain legal rights for the access, they would have to come back to City Council and seek rezoning of some type.

Councilwoman Turner felt that the steps made in negotiations between the developer and the neighborhood have made this a much better project. We need to target housing near schools, parks, etc.

Councilwoman Ullman felt that we need to revise our UDO so that future developments can welcome new residents and still balance environmental protection and community character. If we keep building in our community at our current building standards, we will continue to sprawl into our beautiful mountains. As a climate advocate, she spoke about tree canopy preservation, the risk mitigation measures for fire protection; elements that could mitigate flooding; and connectivity.

Councilwoman Roney said that our community is having hard conversations because we're dealing with serious issues. We need a process that prioritizes multi-family housing and dense development on corridors with the infrastructure to support it. With displacement protection and preservation of existing affordable housing, hopefully elements of our Affordable Housing Plan and Missing Middle Housing study can help us get there so we can start expediting equitable, affordable housing instead of just more hotels. She said the public pressure through this process has resulted in negotiating important community benefits, and she especially appreciated the conditions for tree canopy preservation confirmed today at 5.65 acres and commitment to partnership for home ownership. She felt strongly about the serious, lingering infrastructure concerns and thinks *some* of the neighborhood concerns might be resolved if we took time to review these new conditions by delaying the vote. If it comes to a vote today, her vote will reflect her commitment to well-planned, reasonable development on transit corridors with supportive infrastructure for climate and neighborhood resiliency.

Mayor Manheimer explained the conditional zoning tool. She has heard that the affordable housing crisis is due in part due to the land use regulations. She knows that this Council is committed to facilitating more affordable housing and we recognize that there are changes that need to be made to our UDO to generally make it easier for people to build appropriate affordable housing in our community. She applauded the community wanting to get to a place for the better project and through a series of meetings, the four HCCA's four concerns

were addressed. She said we have to facilitate housing and the number one factor for people experiencing homelessness is housing scarcity.

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

Vice-Mayor Kilgore moved to approve the conditional zoning request for the property located at 767 New Haw Creek Road from Residential Single-Family Medium Density District (RS-4) to Residential Expansion - Conditional Zone (RES EXP-CZ), with the condition that “Two discounted townhome lots shall be offered as “pad-ready” for construction, to Asheville Area Habitat for Humanity, or a similar nonprofit, affordable homeownership-oriented developer, with the intention that the nonprofit(s) will build the units and offer them for sale to qualifying buyers as affordable housing, as that term is defined by HUD.” and find that the request is reasonable, is in the public interest, is consistent with the city’s comprehensive plan and meets the development needs of the community in that the request: 1) provides development that maximizes real estate development to meet the needs of the residential community; and, 2) makes streets more walkable and connected especially where sidewalks and greenways are located at street crossings and where connectivity eliminates gaps proximate to greenway(s). This motion was seconded by Councilwoman Ullman and carried on a 5-1 vote, with Councilwoman Roney voting “no”.

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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: necessity of housing; need to look at ways to increase property tax along transit corridors; condemn all antisemitism speech; Asheville is a hub of pre-terrorist activities; support for zoning text amendments to adjust the conditional zoning project level thresholds and remove residential parking amenities; request for Council to adopt a resolution calling for a ceasefire in Gaza; move the needle exchange program to City Hall or a hospital; need for road safety infrastructure similar to the Haywood Street Resurfacing Project for pedestrians, automobiles and bicyclists.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:38 p.m.

CITY CLERK

MAYOR