

Thursday – October 17, 2024 - 11:00 a.m.

Agenda Briefing Worksession - For October 22, 2024, Council Meeting - Canceled

Tuesday – October 22, 2024 - 5:00 p.m

Regular Meeting

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

Absent: Vice-Mayor Sandra Kilgore

PLEDGE OF ALLEGIANCE

On behalf of City Council, Mayor Manheimer expressed her appreciation to all those who have worked tirelessly during the Tropical Storm Helene effort. She acknowledged how much work has been done and how much work will need to be done.

Mayor Manheimer led City Council in the Pledge of Allegiance.

Mayor Manheimer announced that public comment will be accommodated until 5:50 p.m., in accordance with Rule 7.5 of the Asheville City Council Rules of Procedure, in order to attend the vigil in Pack Square Park.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

- A. APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON SEPTEMBER 19, 2024, AND THE FORMAL MEETING HELD ON SEPTEMBER 24, 2024**

- B. RESOLUTION NO. 24-218 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH WNC LANDSCAPING LLC TO INCREASE THE TOTAL CONTRACT AMOUNT, AND AUTHORIZING AN INCREASE IN THE TOTAL PROJECT FUNDING FOR THE LITTER & CLEANLINESS PROGRAM**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment with WNC Landscaping LLC to increase total contract amount, and authorizing an increase in the total project funding for the Litter & Cleanliness Program

Background:

- The Sanitation Division of Public Works manages two contracts as part of the City's Litter & Cleanliness Program.
- Cleanliness issues such as debris and litter caused by flooding related to Tropical Storm Helene are being addressed through different contracts and are not being addressed by the existing Litter & Cleanliness Program.
- The Sanitation Division of Public Works continues to receive requests to address non-storm related cleanliness issues, particularly for heavily littered hot-spot areas, and expect that to continue throughout the coming year.

- As City roads are cleared of storm-related debris in the coming months, our City contractor will resume regular roadside litter collection of non-storm related litter that accumulates.
- In 2023, City Council adopted resolutions authorizing the City Manager to enter into 2 contracts for the Litter and Cleanliness Program for a total combined project amount not to exceed \$500,000.
- The Litter and Cleanliness Program contracts are existing contracts with WNC Landscaping for roadside and hotspot litter collection; and Steri-Clean of NC for biohazardous waste collection.
- The original \$500,000 for the program was provided via ARPA grant funding.
- The \$500,000 will be expended before the end of FY25.
- The Sanitation Division received \$118,640 rolled from FY24 general fund Sanitation accounts in order to continue the Litter & Cleanliness services throughout FY25.
- \$118,640 will be added to the Roadside Litter & Hot Spot Collection contract, bringing the contract total to \$463,640, and the overall project total to \$618,640.
- The biohazardous waste collection contract has approximately 40% of its original funding remaining and does not need additional funding at this time.
- As with the original project resolution, the new resolution will authorize the City Manager to execute any amendments and change orders to adjust the total amount of each individual contract, as well as change orders for individual contract renewals, within the new total project not-to-exceed amount of \$618,640.
- The Public Works Sanitation Division will work with Finance and City Management to consider and develop proposals for litter & cleanliness service continuation in FY26 and beyond.

Vendor Outreach Efforts:

- Original funding for this project was provided through a federal grant (ARPA), and followed federal outreach guidelines for the contracting process.

Council Goal(s):

- Clean, Safe and Healthy Environment
- Improve and Maintain Infrastructure and Core Services

Committee(s):

- N/A

Pro(s):

- Allows for continuation of litter collection and hot spot cleaning services throughout the City of Asheville

Con(s):

- Requires utilizing general fund dollars to supplement the original ARPA-funded program

Fiscal Impact:

- \$118,640 from PW Sanitation budget, which were rolled from Sanitation's FY24 general fund budget and earmarked to support the Litter & Cleanliness Program

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment with WNC Landscaping LLC to increase total contract amount for roadside and hotspot litter collection to \$418,640, for a total combined project amount not to exceed \$618,640; and further authorizing the execution of amendments and change orders to adjust the total amount of each individual contract, as well as change orders for

individual contract renewals, within the total combined project not-to-exceed amount of \$618,640.

RESOLUTION BOOK NO. 45 - PAGE 193

C. RESOLUTION NO. 24-219 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NOT-TO-EXCEED ON-CALL CONTRACT FOR AN INITIAL ONE YEAR TERM AND OPTION FOR TWO 1-YEAR RENEWALS WITH PARKS FORD LLC FOR FORD SERVICE AND REPAIRS FOR THE CITY'S FLEET

RESOLUTION NO. 24-220 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NOT-TO-EXCEED ON-CALL CONTRACT FOR AN INITIAL ONE YEAR TERM AND OPTION FOR TWO 1-YEAR RENEWALS WITH WILSON FORD INC. FOR FORD SERVICE AND REPAIRS FOR THE CITY'S FLEET

Action Requested: Adoption of two (2) resolutions authorizing the City Manager to execute not to exceed on-call contracts for an initial one year term and option for two 1-year renewals with Ken Wilson Ford Inc and Parks Ford LLC. for Ford OEM Services and Repairs for the City's Fleet.

Background:

- The Fleet Management Division of the Public Works Department maintains over 500 City owned Ford Vehicles.
- Subcontracted work is used to supplement existing staff resources at times of high demand or to provide services where the Fleet Division does not have suitable facilities or resources.
- Request for Proposals (RFP) 298-RFP-FordService-FY25 was advertised in August 2024 for Ford OEM Service and Repair.
- Fleet Management intends to enter into On-Call Contracts with Multiple Proposing Vendors to the Request for Proposals (RFP):
 - Ken Wilson Ford Inc, Canton, NC \$150K/yr \$450K Total
 - Parks Ford LLC, Hendersonville, NC \$50K/yr \$150K Total
- These contracts will be for an initial term of one (1) year with the option for two (2) one year renewals.

Vendor Outreach Efforts:

- The Request for Proposals (RFP) was advertised according to City's Asheville Business Inclusion (ABI) and Purchasing Policies and Procedures.
- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- The Asheville Business Inclusion (ABI) Office list of City Vendors for Outreach was consulted for any known relevant vendors before the RFP was advertised.
- No MWBE Vendors were identified during this process.
- None of the vendors that submitted proposals are MWBEs.

Council Goal(s):

- Connected and Engaged Community
- Thriving Local Economy

Committee(s):

- None

Pro(s):

- Allows third party service work as a supplement to in house staff.
- Allows for a quicker and more efficient process in the repair of vehicles.
- Returns City vehicles to service in a timely manner.
- Provides flexibility in service delivery without significant capital investment in equipment or facilities (e.g., paint shop, etc.) that aren't used on a daily basis.
- Avoids the cost of transporting inoperable vehicles between vendors to obtain multiple quotes.

Con(s):

- None

Fiscal Impact:

- Funding for these contracts is available in the Public Works Fleet Division Operating Budget.

Motion:

- Motion to adopt two (2) resolutions authorizing the City Manager to execute on-call contracts with proposing vendors for one year, with the option for two one (1) year renewals for Ford OEM Services and Repairs

RESOLUTION NO. 24-219 - RESOLUTION BOOK NO. 45 - PAGE 194

RESOLUTION NO. 24-220 - RESOLUTION BOOK NO. 45 - PAGE 195

- D. RESOLUTION NO. 24-221 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BOLTON CONSTRUCTION AND SERVICE OF WNC, INC. FOR REPLACEMENT OF THE CHILLED WATER PUMP AT THE HARRAH'S CHEROKEE CENTER - ASHEVILLE CHILLER**

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Bolton Construction and Service of WNC, Inc for the replacement of the chilled water pump for the Harrah's Cherokee Center - Asheville Chiller in the total amount of \$105,405.00.

Background:

- The HCCA chilled water pump is around 50 years old and original to the building. The pump has required frequent repairs in recent years.
- Replacement of the chilled water pump is included in the HVAC upgrades project which is partially funded from a grant from the Buncombe County Tourism Development Authority's (BCTDA) Legacy Investment from Tourism grant program.
- This chilled water pump is a 'single point of failure' concern as when the pump goes down, air conditioning throughout the building is not possible. Parts for repair of this piece of equipment are very hard to find, and tend to be custom replacements
- Replacement will allow for more energy efficient operation of the chiller and HVAC system as a whole. .

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses though solicitation processes using the State's Interactive Purchasing System.
- Five companies participated in site visits to review the project.

- Three companies submitted a bid for the project with Bolton being the lowest responsible bidder in the amount of \$105, 405.00.
- Three companies submitted a bid for the project with Bolton being the lowest responsible bidder in the amount of \$105,405.00.
- MB Haynes: Asheville, NC, \$ 105,395.00, Non responsive due to incomplete ABI Documentation
- Bolton Construction and Service of WNC: Asheville, NC: \$105,405.00
- MSS Solutions: Charlotte, NC: \$105,655.00
- No responding/bidding companies were MWBE companies

Council Goal(s):

- A Thriving Local Economy
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Greater efficiencies within the HVAC system operations

Con(s):

- None.

Fiscal Impact:

- Funding for this work is available in the HCCA Capital Projects Fund.
- 50% of the funding is through a BCTDA grant.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Bolton Construction and Service of WNC, Inc for replacement of the chilled water pump the Harrah's Cherokee Center - Asheville Chiller in the amount of \$105,405.00.

RESOLUTION BOOK NO. 45 - PAGE 196

- E. RESOLUTION NO. 24-222 RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO ADMINISTER THEIR AMERICAN RESCUE PLAN ACT FUNDING FOR THE EMERGENCY SHELTER BEDS PROJECT; AND TO EXTEND THE SERVICE AGREEMENTS WITH SALVATION ARMY, SAFE SHELTER, AND HAYWOOD STREET CONGREGATION TO PRESERVE AND EXPAND THE AVAILABILITY OF EMERGENCY SHELTER BEDS**

ORDINANCE NO. 5104 - BUDGET AMENDMENT TO ACCEPT BUNCOMBE COUNTY FUNDS

Action Requested: Adoption of a resolution authorizing the City Manager to execute amendments to the ILA between the City of Asheville and Buncombe County to maintain and expand the provision of Emergency Shelter Beds and Services; and the associated budget amendment, in the amount of \$3,605,000, for the funds received from Buncombe County.

Background:

- As part of the American Rescue Plan Act that was signed into law in March 2021, the City of Asheville was allocated \$26.3 million designated as Coronavirus State and Local Fiscal Recovery Funds.
- The U.S. Treasury Department is managing the distribution and oversight of these funds.
- On September 28, 2023, Buncombe County (County) and the City of Asheville (City) entered into an Interlocal Agreement (Agreement) to fund the expansion of low-shelter bed capacity.
- Under the terms of the Agreement, the County agreed to contribute \$875,000.00, drawn from the Coronavirus Local Recovery Fund to the City to negotiate and manage contracts with subgrantees selected by the Asheville-Buncombe Homeless Initiative Advisory Committee (“HIAC”).
- Three subgrantees were selected by HIAC to receive funding: Salvation Army, Trinity(Safe Shelter), and The Haywood Street Congregation. Each of the subgrantees were duly funded in accordance with the Agreement.
- The contracts governing the use of the funds between the City of Asheville and each of the subgrantees are scheduled to terminate on December 31, 2024 . Each subgrantee seeks to maintain or expand its current service levels through June 30, 2026, and requires continued funding to do so.
- The three organizations provided responses to an RFP. The Continuum Of Care Consortium (COC) Board and review committee (formerly HIAC) supported the necessity to continue to provide Emergency Shelter Beds.
- The City and County desire to continue funding the Salvation Army, Safe Shelter (by and through fiscal agent Trinity United Methodist Church), and The Haywood Street Congregation at current or expanded levels through June 30, 2026.
- BC commissioners at the meeting on 9/17/2024 agreed to amend the ILA and commit \$3.6m of Buncombe County ARPA funds to the continued provision and expansion of the service.
- The City of Asheville ARPA Project Manager will continue to manage the contracts and the funds as per the previous agreement.
- The updated obligation timelines from the Treasury dictate the urgency of the resolution passing

Council Goal(s):

- Quality Affordable Housing
- Connected and Engaged Community
- Provision of Services for the Homeless population

Committee(s):

- Continuum of Care Consortium Board
- Continuum of Care Consortium Finance Committee
- This funding request was originally initiated by the Homeless Initiative Advisory Committee (HIAC) as part of their implementation of the recommendation from the National Alliance to End Homelessness to add 95 shelter beds in the Continuum of Care.
- HIAC’s Shelter Work Group identified these three shelter providers through their competitive bidding process focused on shelter expansion within the community’s existing provider network.
- On July 27, 2023, HIAC unanimously approved the Shelter Work Group’s recommendations to a) approve these 3 providers and 43 new beds and 45 continuing beds, b) seek funding for this initiative from the City and County, and c) begin a planning process focused on building a new shelter site to secure additional beds long term.
- In September 2024 THE COC Board approved the proposal to extend the agreements with the above organizations to expand and continue the service

- Buncombe County Commissioners approved in September 2024 to use \$3.6m of BC ARPA funds to continue the provision of this important service. These funds have to be obligated by 10/30/2024 and contracts finalized by 12/31/2026 or the funds would be returned to the Treasury.

Pro(s):

- The ARPA local government funding is a unique opportunity to make significant investments in addressing disparate impacts of the COVID-19 pandemic and to build future resilience of our communities in an equitable way.
- This will maintain and expand the provision of Emergency Shelter Beds and services through an amendment to the existing ILA

Con(s):

- None

Fiscal Impact:

- No City General Fund funding or other City-sourced funding is included in this budget amendment.
- This is funds from the Buncombe County ARPA funds - for this amendment no City funds are being used
- City ARPA Project Manager will maintain contracts and disbursement of funds

Motion:

- Motion to authorize the City Manager to execute an amendment to the ILA between COA and BC to maintain and expand the provision of Emergency Shelter Beds; and to adopt the associated budget amendment, in the amount of \$3,605,000, for the funds received from Buncombe County.

**RESOLUTION BOOK NO. 45 - PAGE 197
ORDINANCE BOOK NO. 35 - PAGE 401**

F. ORDINANCE NO. 5105 - BUDGET AMENDMENT IN THE CITY'S SPECIAL REVENUE FUND; AND IN THE CITY'S WATER CAPITAL IMPROVEMENT FUND, BOTH FUNDED WITH FEDERAL EMERGENCY MANAGEMENT AGENCY REIMBURSEMENTS

Action Requested: Adoption of: 1) a budget amendment in the amount of \$11.0 million in the City's Special Revenue Fund and 2) a budget amendment in the amount of \$25.1 million in the City's Water Capital Improvement Fund; both funded with Federal Emergency Management Agency (FEMA) reimbursements.

Background:

- At the end of September 2024, the City of Asheville experienced large-scale devastation and destruction as a result of Tropical Storm Helene that has affected residents, businesses and city-owned property and infrastructure.
- The City has and will continue to incur expenses related to Tropical Storm Helene Disaster Recovery and Response.
- On September 28th, the Federal Emergency Management Agency (FEMA) issued a major disaster declaration for the State of North Carolina.
- Through its Public Assistance Program (PA), FEMA provides Federal grant assistance for debris removal, emergency protective measures, and the restoration of disaster-damaged, publicly owned facilities.

- Although FEMA typically covers 75% of the eligible costs, the federal government has increased the cost share in North Carolina for the Helene disaster to 100% for the first 180 days of the incident period.
- To date the City has utilized existing budget allocations to fund contracts, purchase orders, and expenses related to Tropical Storm Helene.
- In order to meet State Statute requirements related to pre-audits and budget authorizations, the UNC School of Government recommends that a City Council adopt a budget amendment for disaster expenses as quickly as possible after expenses start being incurred.
- This first budget amendment will cover initial contracts, purchase orders, and expenses.
- Additional budget amendments will be brought forward to City Council in upcoming meetings.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Allows the City to budget for initial expenses related to Tropical Storm Helene response and recovery and be in compliance with NC General Statutes related to pre-audits.

Con(s):

- None.

Fiscal Impact:

- This will be the first budget amendment to provide budget authorization for Helene expenses; additional budget amendments will be required at future Council meetings. The revenue source for the budget amendments will be Federal Emergency Management Agency (FEMA) reimbursements. The budget amendment in the Special Revenue Fund is for General Fund expenses.

Motion:

- Motion to adopt: 1) a budget amendment in the amount of \$11.0 million in the City's Special Revenue Fund and 2) a budget amendment in the amount of \$25.1 million in the City's Water Capital Improvement Fund; both funded with Federal Emergency Management Agency (FEMA) reimbursements.

ORDINANCE BOOK NO. 35 - PAGE 402

G. RESOLUTION NO. 24-223 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH VODA.ai FOR THE LEAD SERVICE LINE INVENTORY

Action Requested: Adoption of a resolution authorizing the City Manager to execute a professional services contract with VODA.ai to provide predictive modeling services for the Water Resources service line inventory.

Background:

- Water Resources is required to build an inventory per US EPA & NC Department of Environment Quality (NCDEQ) regulations.
- The US EPA and NCDEQ have approved using predictive modeling to help determine service line material.

- Predictive Modeling uses machine learning and artificial intelligence to review water utilities records and public information to determine locations that have a high potential to have lead pipe or galvanized iron pipe requiring replacement or help water utilities prove that they have no lead service lines.
- Predictive Modeling also provides a more precise method to save time and money to develop an accurate inventory.
- Asheville Water Resources Department requests to contract with VODA.ai to use predictive modeling to help reduce the cost of meeting the service line inventory requirements.
- The VODA.ai Contract will not exceed \$170,000 for three years.

Vendor Outreach Efforts:

- The City of Asheville is a member of the Sourcewell CO OP.
- The Sourcewell CO OP solicits through a wide range of options via print and online.
- The Sourcewell CO OP provides local governments discount rates for all types of services.
- The vendor was selected through the Sourcewell CO OP to ensure the lowest price possible for the City Water Resources Department.

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.
- Predictive Modeling will provide a more methodical approach to the service line inventory project, greatly reduce the amount of invasive & costly methods of inspection and allow Water Resources to build an accurate inventory.

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 general services contract with VODA.ai for predictive modeling services for the Water Resources service line inventory, the services not to exceed \$170,000.

RESOLUTION BOOK NO. 45 - PAGE 201

- H. RESOLUTION NO. 24-224 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH APPALACHIAN SITE WORKS INC. FOR THE CONSTRUCTION OF THE NEW HAW CREEK SIDEWALK PROJECT**

Action Requested: Adoption of a resolution authorizing a construction contract with Appalachian Site Works, Inc. in the amount not to exceed \$2,940,901 plus a construction contingency of \$294,090, for a total not to exceed contract of \$3,234,991, for the construction of the New Haw Creek Sidewalk Project.

Background:

- The New Haw Creek Sidewalk Project is partially funded by the 2016 Transportation Bond.
- The City of Asheville entered into a design contract with Mattern & Craig, Inc. in November 2017 for the engineering and design for sidewalks along New Haw Creek Rd.
- Final permitting, easement acquisition, utility coordination and North Carolina Department of Transportation approval have been completed.
- This project will install approximately 1 mile of 6' wide sidewalk along New Haw Creek Road from Beverly Road to Bell Road, where no safe pedestrian facilities currently exist.
- The scope of work also includes over 2,600 linear feet of stormwater pipe, 10,000 square feet of retaining wall, water line relocation, and complete roadway repaving.
- Due to the lane closure restrictions, and the complications of constructing on an active roadway, construction is expected to take one year, beginning in fall 2024 and completed by the fall of 2025.

Vendor Outreach Efforts:

- Due to the federal funding involved in this project, the Federal Disadvantaged Business Enterprises program is being applied. The federally established goal for this project is 7% participation.
- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- The low bidder also made a good faith effort and performed outreach through advertisement and direct outreach, but resulted in no DBE participation.
- On August 12, 2024 construction bids were advertised and only received two bids.
- The project was readvertised on September 19, 2024 and received three bids.
- The three bids received were from:
 - Waynesville, NC based Appalachian Sitework Inc. for \$2,940,901;
 - Cliffside, NC based Site Development Corp. for \$3,284,727.50; and
 - Asheville, NC based NHC Constructors, Inc. for \$4,618,817
- Appalachian Sitework, Inc. was the lowest, responsive, responsible bidder.

Council Goal(s):

- Improve and Expand Core Services
- A well planned and livable community

Committee(s):

- none

Pro(s):

- Connection throughout the area, including a school zone, with safe pedestrian facilities.

Con(s):

- Construction impacts to traffic while under construction.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a construction contract with Appalachian SiteWork, Inc. in the amount not to exceed \$2,940,901 plus a construction contingency of \$294,090 for a total not to exceed contract of \$3,234,991, for the construction of the New Haw Creek Sidewalk Project.

Kim Levi spoke in support of sidewalks in Haw Creek.

RESOLUTION BOOK NO. 45 - PAGE 202

I. RESOLUTION NO. 24-228 - RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH ENKA SAMET, LLC, FOR A TEMPORARY DEBRIS PROCESSING SITE AT 264 AND 274 ENKA HERITAGE PARKWAY IN RESPONSE TO THE DAMAGE INCURRED DURING TROPICAL STORM HELENE

Action Requested: Approval of a resolution authorizing a lease agreement with Enka Samet, LLC for a temporary debris processing site at 264 and 274 Enka Heritage Parkway in response to the damage incurred during Tropical Storm Helene, FEMA incident number DR4827-NC.

Background:

- Debris management is a critical component of disaster recovery. Tropical Storm Helene generated large volumes of debris including fallen trees, construction and demolition debris, and damaged appliances.
- An initial assessment suggests there are 3 million cubic yards of storm debris within the City limits. That represents roughly 140 football fields stacked 10 feet high.
- Removing these materials quickly minimizes health hazards and disruptions to the community's recovery efforts.
- Because community safety will remain our top priority, a contractor experienced in natural disaster debris removal has been secured.
- In order to dispose of storm debris quickly and safely, it is critical to establish safe sites where the debris can be temporarily taken and managed before it is disposed of at a permanent site.
- Enka Samet, LLC has offered to lease approximately 24 +/- acres of property located at 264 and 274 Enka Heritage Parkway for a mixed debris processing site at a monthly lease rate of \$3,500 per acre, which equates to \$84,000 per month for a 6-month period for 24 acres +/-, with the option to extend on a month-by-month basis as needed.
- This price point is consistent with area fair market value and the City has confirmed that the expense is eligible for FEMA reimbursement.
- The site is suitable for this purpose, and will meet all permitting requirements per North Carolina Department of Environmental Quality prior to activation.
- Surrounding residents and businesses will be contacted with door-to-door outreach about all new temporary debris sites prior to them becoming operational.

Council Goal(s):

- Clean, Safe and Healthy Environment

Committee(s):

- None

Pro(s):

- Provides much-needed land area for debris processing in response to Tropical Storm Helene.

Con(s):

- None

Fiscal Impact:

- The monthly cost of the lease is \$3,500 per acre, totaling \$84,000 per month for 24 acres. For the proposed lease term, the total cost is approximately \$504,000 for 6 months. Expenses associated with debris removal and processing are FEMA reimbursable.

Motion:

- Motion to approve a resolution authorizing a lease agreement with Enka Samet, LLC for a temporary debris processing site at 264 and 274 Enka Heritage Parkway in response to the damage incurred during Tropical Storm Helene, FEMA incident number DR4827-NC.

Kim Levi urged City Council not to use the Municipal Golf Course as a temporary storm debris management site.

Katie Ogens urged Council not to put debris in residential areas, such as 65 Ford Street which was used as a temporary storm debris management site.

Mayor Manheimer noted that no additional debris will be taken to the 65 Ford Street or Municipal Golf Course at this time.

RESOLUTION BOOK NO. 45 - PAGE 209

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

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

Motion:

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

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

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

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

Update on 2024 General Obligation Bond Referendum

City Manager Campbell said City offices will be open on October 23, 2024, and thanked City staff and others for their hard work during this event.

Finance Director Tony McDowell said that as previously planned, the November ballot for City voters includes an \$80 General Obligation Bond Referendum: \$20M each for Affordable Housing, Transportation, Parks & Recreation, and Public Safety Facilities. He said voters must vote on each of the 4 categories separately. At the December 10, 2024, meeting, City Council will adopt a Resolution Certifying and Declaring Results of Special Bond Referendum. During Jan/Feb 2025, the Local Government Commission (LGC) will give approval of Bond Orders & City Council adoption of budget amendment. (If approved). He noted that Council can ask that the property tax increase to fund the bonds be delayed from June 2025 to June 2026.

Councilwoman Roney said that she was going to keep her questions brief so we have as much time for public comment as possible. She has also presented these formally to the City and FEMA: (1) Is the City being paid for temporary disposal and reduction sites (TDRS) sites on City land; (2) Can we publish the contracts for the TDSRs; (3) Since private lot owners can also contract with the state, is it possible to get a list of the private lots that have applied; (4) Have burn sites been identified?; (5) Do our contracts have best practices around when to chip vs. burn? ; (6) For concrete, there are varied concerns about types of particulate matter if/when it is ground; and (7) Do contracts include best practices for watershed protection and concrete ingredients that might include coal ash, asbestos, etc? Sanitation Division Manager Jes Foster, along with City Manager Campbell, responded to Councilwoman Roney's questions.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. SUPPORT HELENE RECOVERY

Mayor Manheimer said that we will consider these items with one presentation; however, individual votes will be taken.

Community & Economic Development Director Nikki Reid said her presentation will cover the following items regarding support for Helene recovery. The key takeaways from her presentation are (1) In the aftermath of Tropical Storm Helene, the City and its partners are advocating to the State and to the Federal Government on resources that we need for long-term recovery; (2) In advance of those resources being made available, Community & Economic Development staff have analyzed existing City resources that can be used as grants to support Home Repair, Business Restabilization and Rental Assistance for the businesses and residents that have been impacted; (3) The Sources and Uses of Available Funds are as follows:

Community Development Block Grants	\$929,000	Business Restabilization
Affordable Housing Bond - 2016	\$1,465,000	Home Repair for low-income Homeowners / landlords with low-income tenants
Affordable Housing CIP	\$1,000,000	Home Repair for low-income Homeowners / landlords with low-income tenants; Rental Assistance for low-income renters
Housing Trust Fund	\$1,035,000	Available for down payment asst., home repair, etc. in next HTF cycle

and (4) The City will identify experienced non-profit partner organizations to manage the distribution of these funds as grants to the community.

Regarding the background, (1) Who and what has been damaged? - Assessing need: In the aftermath of Tropical Storm Helene, efforts are underway to assess impacts and damage to area businesses and homes. There are immediate needs for Home Repair, Business Restabilization and Rental Assistance for the businesses and residents that have been impacted; (2) What options are available for repair? What is missing? - Mapping resources: City staff and many local partners are working to identify and map resources to aid in short- and long-term recovery. Grants are in high demand.; (3) Where can City resources meet the greatest need? How much can be immediately available? - Leverage existing City funds: City staff reviewed existing resources that can be made available to address these needs. Existing Community Development Block Grant (CDBG) and local Affordable Housing funds are available.; and (4) How can we be most effective and efficient in the use of these resources? - Skillful implementation of funds: Leaning into existing programs and partnerships; being clear about what source of funding is best for each proposed use. Community Partners are key in this effort.

She then reviewed the following chart:

Source of Funds	Amount Available	Proposed Use
-----------------	------------------	--------------

Community Development Block Grants	\$929,000	Business Restabilization
Affordable Housing Bond - 2016	\$1,465,000	Home Repair for low-income Homeowners / landlords with low-income tenants
Affordable Housing CIP	\$1,000,000	Home Repair for low-income Homeowners / landlords with low-income tenants; Rental Assistance for low-income renters
Housing Trust Fund	\$1,035,000	Available for down payment asst., home repair, etc. in next HTF cycle

Regarding Community Development Block Grants:

Source of Funds	Amount Available	Proposed Use
Community Development Block Grants	\$929,000	Business Restabilization

The City of Asheville is an entitlement community and receives formulaic funding through the Community Development Block Grant (CDBG) program from the U.S. Department of Housing and Urban Development (HUD). City staff have analyzed account balances for the past 7 fiscal years and determined that \$929,070 of our existing, uncommitted funding can be made available for immediate use to support Helene Recovery Efforts. The proposed use of these funds is Business Restabilization Grants, a HUD Eligible "Special Economic Development Activity" that meets the HUD National Objective of "Urgent Need." These grants will provide assistance to commercial or industrial businesses to replace lost physical capital such as buildings, structures, furniture, fixtures, and equipment (a) Expect that funding will layer with insurance payouts, business loans, etc.; and (b) Target beneficiaries - Businesses that have been physically impacted by Tropical Storm Helene. The City will identify non-profit partner organizations to manage the application process and award of these funds to the community. City Council is being asked to authorize amendments to the 2018-2019 Annual Action Plan and the 2019-2020 Annual Action Plan to provide a concise summary of the actions, activities, and resources to submit to HUD.

Regarding Affordable Housing Bond 2016:

Source of Funds	Amount Available	Proposed Use
Affordable Housing Bond - 2016	\$1,465,000	Home Repair for low-income Homeowners / landlords with low-income tenants

The Reimagining Deaverview project was envisioned by the Housing Authority as an infill

apartment development. The project, which included 82 apartments, was approved for a Low-Income Housing Tax Credit (LIHTC). On May 10, 2022, the City Council awarded \$1,465,000 from the Affordable Housing Bond funds to support the project. Due to further funding gaps, the Housing Authority has returned the housing tax credits previously approved for the project, and it will not be built as planned. Staff recommends using the \$1,465,000 to fund Home Repair Assistance. Non-profit partner organizations will manage the distribution of these funds to the community - Target Beneficiaries: Households at or below 80% AMI with a priority on those households with an income at or below 60% AMI, and a priority on Hurricane Helene-related damaged homes.

Regarding Affordable Housing Capital Improvement Program (CIP):

Source of Funds	Amount Available	Proposed Use
Affordable Housing CIP	\$1,000,000	Home Repair for low-income Homeowners / landlords with low-income tenants; Rental Assistance for low-income renters

On Sept. 24, 2024, the City authorized a new project configuration for affordable housing at 148 River Ford Parkway (former Ramada). As a result, \$1 Million in City funding is no longer needed for this project. These funds originated from the City's General Fund, which has the most flexibility compared to debt funding or CDBG funding. The proposed uses include Home Repair and Rental Assistance. The City will identify experienced non-profit partner organizations to manage the distribution of these funds to the community (a) Target Beneficiaries, Rental Assistance: Households with incomes at or below 60% AMI will be prioritized, with the ability to go up to 80% AMI; and (b) Target Beneficiaries, Home Repair: Households with incomes at or below 60% AMI will be prioritized, with the ability to go up to 80% AMI.

Ms. Reid said the benefits of these funding decisions are (1) Existing funding will be quickly deployed to address immediate needs in the community post-Tropical Storm Helene; (2) With each investment area defined with Council approval, program details will be developed in collaboration with partners, with an emphasis on funds being available as grants; and (3) Action now allows City staff and our partners to establish and fine-tune programs that will be ready to go when more resources are available.

The criteria for partner organizations are (1) Established non-profit organizations that have a proven track record in the respective area of service (a) Experience with governmental funding agreements; and (b) Partners for Business Restabilization must have CDBG experience; (2) Organizations with existing community programs in the area of service that can be expanded to reach more people; and (3) Partners that have established relationships, which will provide a better understanding of unmet community needs.

Ms. Reid said the next steps are (1) Staff has been assessing existing partners capacity for carrying out these programs, and with Council approval, discussions will begin in earnest; (2) Staff will make every effort to set these programs up as quickly as possible, such that funds can be available to residents and businesses that have been impacted by Tropical Storm Helene; and (3) At the same time, staff will work with FEMA and the appropriate State offices to maximize the use of federal and state funding to enable City resources to reach the greatest number of residents as possible.

RESOLUTION NO. 24-225 - RESOLUTION AUTHORIZING THE ALLOCATION OF \$1 MILLION IN AFFORDABLE HOUSING CAPITAL IMPROVEMENT PROGRAM FUNDS TO SUPPORT HELENE RECOVERY IN THE FORM OF HOME REPAIR GRANTS, RENTAL ASSISTANCE AND ASSOCIATED ADMINISTRATIVE EXPENSES

Action Summary: Consideration of adoption of a resolution authorizing the allocation of \$1 million in Affordable Housing Capital Improvement Plan funds to support Helene Recovery in the form of Home Repair assistance, Rental Assistance, and the respective associated administrative expenses.

Background:

- On September 24, 2024, the City authorized a new project configuration for affordable housing at 148 River Ford Parkway (the former Ramada site). As a result, \$1 million in City capital funding is no longer needed for this project.
- Tropical Storm Helene caused major damage to residences and businesses. Until federal resources have been allocated to assist in the long-term recovery, the City seeks to use available funding to support immediate recovery efforts.
- The source of these funds is Affordable Housing Capital Improvement Plan (CIP) dollars that came from the City's General Fund, which has the most flexibility compared to bond funding or federal funding.
- The proposed uses include Home Repair, Rental Assistance, and the respective associated administrative costs for these activities.
- The City will identify experienced non-profit partner organizations to manage the distribution of these funds to the community.

Council Goal(s):

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

Committee(s):

- The Housing and Community Development Committee (HCD) did not meet in October 2024.

Pro(s)

- Existing Affordable Housing CIP funds will be made available to support Home Repair in areas that have been impacted by Tropical Storm Helene.
- Existing Affordable Housing CIP funds will be made available to support rental assistance to city residents who have been impacted by Tropical Storm Helene and need additional funds to pay their rent. Residents will be at or below 60% AMI.

Con(s)

- These are one time funds.
- Given the magnitude of damage incurred by Helene, \$1 million represents a small portion of resources needed to help the community recover.

Fiscal Impact:

- Allocate \$1 million in available Affordable Housing CIP funding to home repair, rental assistance, and the associated administrative costs to support Helene Recovery, and prevent vulnerable residents from becoming homeless or having to leave the community permanently.

RESOLUTION NO. 24-226 - RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2018-19 ANNUAL ACTION PLAN AND THE 2019-20 ANNUAL ACTION PLAN TO ALLOCATE UNCOMMITTED COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO SUPPORT HELENE RECOVERY IN THE FORM OF BUSINESS RESTABILIZATION GRANTS

ORDINANCE NO. 5106 - BUDGET AMENDMENT TO ALLOCATE UNCOMMITTED COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO SUPPORT HELENE RECOVERY IN THE FORM OF BUSINESS RESTABILIZATION GRANTS

Action Summary: Consideration of adoption of a resolution authorizing an amendment to the 2018-2019 Annual Action Plan and the 2019-2020 Annual Action Plan to allocate uncommitted Community Development Block Grant (CDBG) funds to support Helene Recovery in the form of Business Restabilization grants; submit to the U.S. Department of Housing and Urban Development (HUD) and if approved by HUD, authorizing the City Manager to approve the Program Structure and Allocations to Partner Organizations and to execute all documents necessary to this effect; and approving a budget ordinance amendment in the CDBG Fund in the amount of \$929,070.

Background:

- The City of Asheville is an entitlement community and receives formulaic funding through the Community Development Block Grant (CDBG) program from the U.S. Department of Housing and Urban Development (HUD).
- City staff have analyzed account balances for the past 7 fiscal years and determined that \$929,070 of our existing, uncommitted funding can be made available for immediate use to support Helene Recovery Efforts.
 - Since May 2024, Community Development staff have been analyzing CDBG budgets and spend-down patterns to address timely expenditure of CDBG funds.
 - This analysis concluded that, year-over-year, the amount of program income forecasted during annual action plan development is much less than the actual receipts incurred during the plan year, resulting in unspent balances of CDBG funds.
 - In 2020, the City received over \$1.6 million in CDBG proceeds due to the sale of property at 172 S. Charlotte Street. The City purchased real estate with a sizable portion of these funds, yet additional funding came to the City in the form of CDBG-CV (COVID relief funding) that took priority for expenditure, resulting in unspent balances of CDBG funds.
 - Staff has now reconciled the CDBG account and identified funding available to allocate.
- The proposed use of these funds is Business Restabilization Grants, a HUD Eligible “Special Economic Development Activity” that meets the HUD National Objective of “Urgent Need.” These grants will provide assistance to commercial or industrial businesses to replace lost physical capital such as buildings, structures, furniture, fixtures, and equipment.
- The City will identify non-profit partner organizations to manage the distribution of these funds to the community.
- In order to distribute these funds into the community, City Council is being asked to authorize amendments to the 2018-2019 Annual Action Plan and the 2019-2020 Annual Action Plan to provide a concise summary of the actions, activities, and resources.

- The amendments to Annual Action Plans will also identify HUD National Objectives that will be met through these activities, including meeting an urgent need.

Council Goal(s):

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

Committee(s):

- The Housing and Community Development Committee (HCD) did not meet in October 2024.

Pro(s)

- Existing CDBG grant funds will be made available to support Business Stabilization in areas that have been impacted by Tropical Storm Helene.

Con(s)

- These are one time funds from prior year CIP allocations and program income.
- Given the magnitude of damage incurred by Helene, \$929,070 represents a small portion of resources needed to help the community recover.

Fiscal Impact:

- \$929,070 in existing CDBG entitlement funds will be allocated to support Helene Recovery.

RESOLUTION NO. 24-227 - RESOLUTION TO RESCIND THE \$1,035,000 HOUSING TRUST FUND (HTF) ALLOCATION AND THE \$1,465,000 AFFORDABLE HOUSING BOND FUNDS AWARDED TO THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FOR A TAX CREDIT PROJECT AT DEAVERVIEW THAT IS NO LONGER BEING DEVELOPED; AND REALLOCATE THE \$1,035,000 TO THE HTF BALANCE AND \$1,465,000 BOND FUNDS TO HURRICANE HELENE RELATED HOME REPAIR GRANTS TO LOW AND MODERATE INCOME HOUSEHOLDS; AND AUTHORIZE THE CITY MANAGER TO APPROVE THE ALLOCATION OF BOND FUNDS FOR HOME REPAIR GRANTS TO PARTNER ORGANIZATIONS AND TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO GIVE EFFECT

Action Summary: Consideration of adoption of a resolution to rescind the \$1,035,000 Housing Trust Fund allocation and the \$1,465,000 Affordable Housing Bond grant awarded to the Housing Authority of the City of Asheville for a tax credit project at Deaverview that is no longer being developed; and reallocate the \$1,035,000 to the Housing Trust Fund balance and \$1,465,000 in Bond funds to Hurricane Helene related Home Repair Grants to low and moderate-income households; and authorize City Manager to approve the allocation of Bond funds for Home Repair Grants to partner organizations and to execute any and all documents necessary to give effect.

Background:

- The Reimagining Deaverview project was envisioned by the Housing Authority of the City of Asheville as an infill multifamily development. The project, which included 82 apartments, was approved for a Low-Income Housing Tax Credit (LIHTC).
- On May 10, 2022, the City Council awarded a \$1,465,000 grant from the Affordable Housing Bond funds to support the project (Resolution 22-93).
- On April 25, 2023, City Council approved an additional \$1,035,000 from the Housing Trust Fund to fill an additional funding gap for a total of \$2,500,000 (Resolution 23-92).

- Due to further funding gaps, the Housing Authority has returned the housing tax credits previously approved for the project, and the development will not be built as planned.
- City staff have been in communication with Housing Authority leadership regarding potential plans to pursue a comprehensive approach to redeveloping City and Housing Authority properties in the Deaverview area. These discussions remain preliminary in nature.
- Staff recommends using the \$1,465,000 in previously approved Reimagining Deaverview funding that came directly from the Affordable Housing Bond to fund Home Repair Assistance, prioritizing Hurricane Helene-related damage to homes. These funds will follow statutory requirements for affordable housing bonds.
- The City will identify non-profit partner organizations to manage the distribution of these funds to the community.
- The \$1,035,000 returned to the Housing Trust Fund will be available for all eligible uses under the Housing Trust Fund Policy (construction, down payment assistance, rehabilitation, etc.)
- Applications for the next round of Housing Trust Fund loans will open in December 2024 with awards being made in spring 2025.

Council Goal(s):

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

Committee(s):

- The Housing and Community Development Committee did not meet in October 2024.

Pro(s):

- Bond funds will be immediately redeployed for home repair for low- to moderate-income homeowners. The remaining funds will revert back to the Housing Trust Fund balance for future use.

Con(s):

- These are one time funds.
- Given the magnitude of damage incurred by Helene, the funds previously set aside for the Reimagining Deaveview Project represent a small portion of resources needed to help the community recover.

Fiscal Impact:

- No payments have been made to the Housing Authority of the City of Asheville.
- The \$1,465,000 in Affordable Housing Bond funding will be available for grants for capital expenses related to home/housing repair.
- The Housing Trust Fund balance will increase by \$1,035,000 for future reallocation.

Councilwoman Roney said that in the absence of a community roundtable where we would have seated people with lived experience in addition to our non-profit partners, she knew this Council vote was the last opportunity for accountability and that as an organization we care about equity. But as this is the last time last touch on it, she understood that some partners had already been identified and so she was unclear as to why we hadn't named them. Ms. Reid responded that she had hoped to establish the funding programs and then work with the partners because we had to get to this point to basically state that we are going to use these funds for these purposes. We have been in conversation with certain non-profits because she wanted to be able to deliver.

Councilwoman Roney felt that if we had a roundtable then hopefully we could put down some of our personal problems and have human problems together. If it just goes to organizations that may have contentious conversations, it's another harm potentially happening. So, her hope is that we can create more layers of accountability and transparency. She is going to support this today because we have to get this money into the community and it's urgent, but there is also urgency in some of the harm caused by our organization.

Three individuals spoke about not using 65 Ford Street as a temporary storm debris management site and not to use grinding the debris in residential areas because it will adversely affect the health and safety of the people in the neighborhood; and encouraged Council to think of some non-monetary options.

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

Councilwoman Turner moved to adopt a resolution authorizing the allocation of \$1 million in Affordable Housing CIP funds to support Helene Recovery in the form of Home Repair assistance, Rental Assistance, and the respective associated administrative expenses. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION NO. 24-225 - RESOLUTION BOOK NO. 45 - PAGE 203

Councilwoman Turner moved to adopt a resolution authorizing an amendment to the 2015-2019 Consolidated Plan for the 2018-2019 Annual Action Plan and the 2019-2020 Annual Action Plan to allocate uncommitted Community Development Block Grant (CDBG) funds to support Helene Recovery in the form of Business Restabilization and grants; and if and if approved by HUD, authorizing the City Manager to approve the Program Structure and Allocation of funds to Partner Organizations for the purposes described herein; and authorizing the City Manager to execute all documents necessary to give effect to this resolution. This motion was seconded by Councilwoman Ullman and carried unanimously.

RESOLUTION NO. 24-226 - RESOLUTION BOOK NO. 45 - PAGE 204

Councilwoman Turner moved to adopt a budget ordinance amendment in the CDBG Fund in the amount of \$929,070. This motion was seconded by Councilwoman Ullman and carried unanimously.

ORDINANCE NO. 5106 - ORDINANCE BOOK NO. 25 - PAGE 403

Councilwoman Turner moved to adopt a resolution to authorize the rescission of the \$1,035,000 Housing Trust Fund allocation and the \$1,465,000 Affordable Housing Bond funds previously awarded to the Housing Authority of the City of Asheville for the Reimagining Deaverview project, and reallocate the \$1,035,000 to the Housing Trust Fund balance and \$1,465,000 to home repair grants; and authorize City Manager to approve the allocation of Bond funds for Home Repair Grants to partner organizations and to execute any and all documents necessary to give effect. This motion was seconded by Councilwoman Ullman and carried unanimously.

RESOLUTION NO. 24-227 - RESOLUTION BOOK NO. 45 - PAGE 207

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Due to public comment being accommodated until 5:50 p.m. in order to allow City Council to attend the vigil in Pack Square Park, one individual spoke who was concerned about the temporary storm debris management site at 65 Ford Street in the Deaverview area.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 5:53 p.m.

CITY CLERK

MAYOR