

Thursday – November 7, 2024 - 11:00 a.m.

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

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sheneika Smith (arrived in meeting at 11:16 a.m.); Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

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

Discussion occurred on the following other issues and updates:

- Sheltering & Code Purple Updates
- Disaster Recovery Framework Overview
 - Hagerty Introduction
 - FEMA Federal Coordinating Officer Introduction
- Helene Recovery Grant Updates

At 1:21 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – November 12, 2024- 5:00 p.m

Regular Meeting

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

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING OCTOBER 2024 AS “SISTER CITIES MONTH”

Mayor Manheimer read the proclamation proclaiming October, 2024, as "Sister Cities Month" in the City of Asheville. She presented the proclamation to Jessica Coffield, outgoing Asheville Sister Cities President, who briefed City Council on their sister cities who offered their support through this entire recovery period.

II. CONSENT AGENDA:

A. APPROVAL OF THE FORMAL MEETING HELD ON OCTOBER 22, 2024

B. RESOLUTION NO. 24-229 - RESOLUTION RATIFYING A CONTRACT WITH T&K UTILITIES INC. ENTERED INTO ON AN EMERGENCY BASIS IN THE IMMEDIATE AFTERMATH OF TROPICAL STORM HELENE, FOR

**EMERGENCY REPAIR AND REPLACEMENT SERVICES FOR CRITICAL
WATERLINE DAMAGE WITHIN THE CITY OF ASHEVILLE WATER SYSTEM**

Action Requested: Adoption of a resolution ratifying a contract with T&K Utilities, Inc. entered into on an emergency basis in the immediate aftermath of Tropical Storm Helene.

Background:

- In late September, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene and a predecessor heavy rain event. A state of emergency was declared covering the City of Asheville on September 25th in relation to Tropical Storm Helene.
- The damage caused by Helene required an immediate response by the City to secure public safety, provide aid to the community, and secure public infrastructure.
- In responding to this crisis, City of Asheville staff obtained emergency contracts to address the needs of the community when those needs exceeded the capacity of City staff.
- Under one such contract, the City engaged T&K Utilities, Inc to provide emergency repair and replacement services for critical waterline damage within the City of Asheville Water System as impacted by Tropical Storm Helene.

Vendor Outreach Efforts:

- This contract was determined to be necessary in order to address a special emergency involving the health and safety of the people or their property, and therefore exempt under N.C. Gen. Stat. § 143-129(e)(2) from standard contracting processes in state law.
- This contract was further needed to address an emergency or exigency within the meaning of 2 CFR § 200.320(c)(3).

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Allowed the City to immediately act to address an emergency without delay.

Con(s):

- None, aside from the expenses incurred.

Fiscal Impact:

- The total cost of this contract is \$2,000,000, and it is expected that 100% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution ratifying the City's emergency contract with T&K Utilities, Inc. for providing emergency repair and replacement services for critical waterline damage within the City of Asheville Water System.

RESOLUTION BOOK NO. 45 - PAGE 210

C. RESOLUTION NO. 24-230 - RESOLUTION RATIFYING A CONTRACT WITH T.P. HOWARD'S PLUMBING CO. INC. ENTERED INTO ON AN EMERGENCY BASIS IN THE IMMEDIATE AFTERMATH OF TROPICAL STORM HELENE,

**FOR EMERGENCY REPAIR AND REPLACEMENT SERVICES FOR CRITICAL
WATERLINE DAMAGE WITHIN THE CITY OF ASHEVILLE WATER SYSTEM**

Action Requested: Adoption of a resolution ratifying a contract with T.P. Howard's Plumbing Co., Inc. entered into on an emergency basis in the immediate aftermath of Tropical Storm Helene.

Background:

- In late September, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene and a predecessor heavy rain event. A state of emergency was declared covering the City of Asheville on September 25th in relation to Tropical Storm Helene.
- The damage caused by Helene required an immediate response by the City to secure public safety, provide aid to the community, and secure public infrastructure.
- In responding to this crisis, City of Asheville staff obtained emergency contracts to address the needs of the community when those needs exceeded the capacity of City staff.
- Under one such contract, the City engaged T.P. Howard's Plumbing Co., Inc to provide emergency repair and replacement services for critical waterline damage within the City of Asheville Water System.

Vendor Outreach Efforts:

- This contract was determined to be necessary in order to address a special emergency involving the health and safety of the people or their property, and therefore exempt under N.C. Gen. Stat. § 143-129(e)(2) from standard contracting processes in state law.
- This contract was further needed to address an emergency or exigency within the meaning of 2 CFR § 200.320(c)(3).

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Allowed the City to immediately act to address an emergency without delay.

Con(s):

- None, aside from the expenses incurred.

Fiscal Impact:

- The total cost of this contract is \$2,000,000, and it is expected that 100% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution ratifying the City's emergency contract with T.P. Howard's Plumbing Co., Inc, for providing emergency repair and replacement services for critical waterline damage within the City of Asheville Water System.

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D. RESOLUTION NO. 24-231 - RESOLUTION RATIFYING A CONTRACT WITH TENNOCA CONSTRUCTION CO. ENTERED INTO ON AN EMERGENCY BASIS IN THE IMMEDIATE AFTERMATH OF TROPICAL STORM HELENE,

**FOR WATERLINE STABILIZATION, CLEARING AND DEBRIS REMOVAL,
EARTH MOVING GRADING, ROAD BED RECONSTRUCTION TO ENABLE
EMERGENCY REPAIR AND REPLACEMENT OF CRITICAL WATERLINES IN
THE CITY OF ASHEVILLE WATER SYSTEM**

Action Requested: Adoption of a resolution ratifying a contract with Tennoca Construction Co. entered into on an emergency basis in the immediate aftermath of Tropical Storm Helene.

Background:

- In late September, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene and a predecessor heavy rain event. A state of emergency was declared covering the City of Asheville on September 25th in relation to Tropical Storm Helene.
- The damage caused by Helene required an immediate response by the City to secure public safety, provide aid to the community, and secure public infrastructure.
- In responding to this crisis, City of Asheville staff obtained emergency contracts to address the needs of the community when those needs exceeded the capacity of City staff.
- Under one such contract, the City engaged Tennoca Construction Co. to provide water line stabilization, clearing and debris removal, earth moving and grading, and road bed reconstruction, all of which helped to enable the emergency repair and replacement of critical waterlines in the City of Asheville water system.

Vendor Outreach Efforts:

- This contract was determined to be necessary in order to address a special emergency involving the health and safety of the people or their property, and therefore exempt under N.C. Gen. Stat. § 143-129(e)(2) from standard contracting processes in state law.
- This contract was further needed to address an emergency or exigency within the meaning of 2 CFR § 200.320(c)(3).

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Allowed the City to immediately act to address an emergency without delay.

Con(s):

- None, aside from the expenses incurred.

Fiscal Impact:

- The total cost of this contract is not to exceed \$10,000,000, and it is expected that 100% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution ratifying the City's emergency contract with Tennoca Construction Co, for the provision of providing water line stabilization, clearing and debris removal, earth moving and grading, road bed reconstruction all of which helped to enable the emergency repair and replacement of critical waterlines in the City of Asheville water system.

E. RESOLUTION NO. 24-232 - RESOLUTION RATIFYING EMERGENCY CONTRACT WITH SAFE INDUSTRIES FOR THE PROVISION OF PROVIDING STANDBY TECHNICIANS TO SUPPLEMENT FLEET STAFF TO LIMIT DOWNTIME EMERGENCY EQUIPMENT AND VEHICLES DUE TO REPAIRS OR MAINTENANCE AS A RESULT OF TROPICAL STORM HELENE

Action Requested: Adoption of a resolution ratifying a contract with SAFE Industries entered into on an emergency basis in the immediate aftermath of Tropical System Helene for the provision of standby technicians.

Background:

- Over the course of September 26-29, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene, and a predecessor heavy rain event. A state of emergency has been in place in Asheville since September 25th in relation to these damaging storms.
- The damage caused by Helene required an immediate response by the City to secure public safety, provide aid to the community, and secure public infrastructure.
- In responding to this crisis, the City of Asheville entered into emergency contracts to address the needs of the community when those needs exceeded the capacity of City staff.
- Under one such contract, the City engaged SAFE Industries to provide standby technicians to supplement Fleet Management staff to limit downtime of Front Line Emergency Response Equipment and Vehicles due to repairs or maintenance.
- This contract was determined to be necessary in order to address a special emergency involving the health and safety of the people or their property, and therefore exempt under N.C. Gen. Stat. § 143-129(e)(2) from the standard contracting processes in state law.
- This contract was further needed to address an emergency or exigency within the meaning of 2 CFR § 200.320(c)(3).

Vendor Outreach Efforts:

- The usual formal bidding process was not feasible and is exempted by NCGS 143-129 (e)(2) during this emergency.

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Allowed the City to immediately act to address an emergency without delay.

Con(s):

- None, aside from the expenses incurred.

Fiscal Impact:

- The total cost of this contract is \$120,000.00, and it is expected that 100% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution ratifying the City's emergency contract with SAFE Industries, for the provision of standby technicians.

RESOLUTION BOOK NO. 45 - PAGE 213

F. RESOLUTION NO. 24-233 - RESOLUTION RATIFYING A CONTRACT WITH CURBSIDE MANAGEMENT, INC. ENTERED INTO ON AN EMERGENCY BASIS IN THE IMMEDIATE AFTERMATH TROPICAL STORM HELENE FOR PROVIDING MUNICIPAL SOLID WASTE COLLECTION SERVICES

Action Requested: Adoption of a resolution ratifying a contract with Curbside Management, Inc, entered into on an emergency basis in the immediate aftermath of Tropical Storm Helene.

Background:

- Over the course of September 26-29, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene, and a predecessor heavy rain event.
- A state of emergency has been in place in Asheville since September 25th in relation to these damaging storms.
- The damage caused by Helene required an immediate response by the City to secure public safety, provide aid to the community, and secure public infrastructure.
- The City Sanitation Division was unable to collect municipal solid waste (MSW) during the first week after TS Helene due to significant debris in the roadways.
- Additionally, the Buncombe County Transfer Station was flooded and unable to receive MSW.
- MSW collection became a high priority after the first week due to loss of electricity throughout the City, leading to large amounts of spoiled food in residential homes.
- With the Transfer Station still closed, trucks were diverted to the Buncombe County Landfill, which is significantly further away, increasing drive times for waste collection vehicles.
- In order to ensure all residential MSW could be collected during the second week after TS Helene, the City engaged Curbside Management to assist City trucks in collecting and hauling MSW.
- In responding to this crisis, the City of Asheville entered into emergency contracts to address the needs of the community when those needs exceeded the capacity of City staff.
- Under one such contract, the City engaged Curbside Management, Inc, to provide MSW collection services.
- This contract was determined to be necessary in order to address a special emergency involving the health and safety of the people or their property, and therefore exempt under N.C. Gen. Stat. § 143-129(e)(2) from the standard contracting processes in state law.
- This contract was further needed to address an emergency or exigency within the meaning of 2 CFR § 200.320(c)(3).

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Allowed the City to immediately act to address an emergency without delay.

Con(s):

- None, aside from the expenses incurred.

Fiscal Impact:

- The total cost of this contract is Not-to-Exceed \$150,000, and it is expected that 100% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution ratifying the City's emergency contract with Curbside Management, Inc, for the provision of municipal solid waste collection services.

RESOLUTION BOOK NO 45- PAGE 214

G. RESOLUTION NO. 24-234 - RESOLUTION RATIFYING A CONTRACT WITH WASTE MANAGEMENT OF CAROLINAS INC. ENTERED INTO ON AN EMERGENCY BASIS IN THE IMMEDIATE AFTERMATH OF TROPICAL STORM HELENE FOR PROVIDING MUNICIPAL SOLID WASTE DISPOSAL SERVICES AT THEIR TRANSFER STATION LOCATED AT 24 POND ROAD

Action Requested: Adoption of a resolution ratifying a contract with Waste Management of Carolinas, Inc, entered into on an emergency basis in the immediate aftermath of Tropical Storm Helene.

Background:

- Over the course of September 26-29, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene, and a predecessor heavy rain event. A state of emergency has been in place in Asheville since September 25th in relation to these damaging storms.
- The damage caused by Helene required an immediate response by the City to secure public safety, provide aid to the community, and secure public infrastructure.
- City waste collection trucks normally dispose of waste at the Buncombe County Transfer Station off of Shelburne Rd.
- The Buncombe County Transfer Station was flooded during TS Helene and unable to receive municipal solid waste (MSW).
- With the Transfer Station still closed, trucks were diverted to the Buncombe County Landfill, which is significantly further away, increasing drive times for waste collection vehicles.
- In order to ensure that waste collection drivers could collect and dispose of all MSW on a regular schedule, the Sanitation Division arranged for up to 60 tons/day to be disposed of at the more central Waste Management Transfer Station on Pond Road.
- Splitting waste disposal between the Waste Management Transfer Station and Buncombe County Landfill allowed the Sanitation Division to keep City waste collection services on schedule.
- In responding to this crisis, the City of Asheville entered into emergency contracts to address the needs of the community when those needs exceeded the capacity of City staff.
- Under one such contract, the City engaged Waste Management of Carolinas, Inc, to provide municipal solid waste disposal services.
- This contract was determined to be necessary in order to address a special emergency involving the health and safety of the people or their property, and therefore exempt under N.C. Gen. Stat. § 143-129(e)(2) from the standard contracting processes in state law.
- This contract was further needed to address an emergency or exigency within the meaning of 2 CFR § 200.320(c)(3).

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Allowed the City to immediately act to address an emergency without delay.

Con(s):

- None, aside from the expenses incurred.

Fiscal Impact:

- The total cost of this contract is Not-to-Exceed \$300,000, and it is expected that 100% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution ratifying the City's emergency contract with Waste Management of Carolinas, Inc, for the provision of municipal solid waste disposal services.

RESOLUTION BOOK NO. 45 - PAGE 215

H. RESOLUTION NO. 24-235 - RESOLUTION RATIFYING A CONTRACT WITH DEBRISTECH LLC, ENTERED INTO ON AN EMERGENCY BASIS IN THE IMMEDIATE AFTERMATH OF TROPICAL STORM HELENE FOR PROVIDING DEBRIS COLLECTION MONITORING SERVICES

Action Requested: Adoption of a resolution ratifying a contract with DebrisTech, LLC entered into on an emergency basis in the immediate aftermath of Tropical Storm Helene.

Background:

- Over the course of September 26-29, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene, and a predecessor heavy rain event. A state of emergency has been in place in Asheville since September 25th in relation to these damaging storms.
- The damage caused by Helene required an immediate response by the City to secure public safety, provide aid to the community, and secure public infrastructure.
- In responding to this crisis, the City of Asheville entered into emergency contracts to address the needs of the community when those needs exceeded the capacity of City staff.
- Under one such contract, the City engaged DebrisTech, LLC, to provide debris monitoring services.
- A Notice to Proceed was issued to the contractor on September 28th, the day after TS Helene, for an amount of not to exceed (NTE) \$500,000 and then a formal contract was executed for the same amount, prior to a debris assessment being performed and knowing that it would need to be amended.
- The City terminated this contract on October 29, 2024, in order for the US Army Corp of Engineers to provide debris management services.
- While final invoices have not been received, the final actual costs are not expected to exceed \$250,000.
- This contract was determined to be necessary in order to address a special emergency involving the health and safety of the people or their property, and therefore exempt under N.C. Gen. Stat. § 143-129(e)(2) from the standard contracting processes in state law.

- This contract was further needed to address an emergency or exigency within the meaning of 2 CFR § 200.320(c)(3).

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Allowed the City to immediately act to address an emergency without delay.

Con(s):

- None, aside from the expenses incurred.

Fiscal Impact:

- The total cost of this executed contract is not-to-exceed \$500,000. Actual costs are now expected not-to-exceed \$250,000, and it is expected that 100% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution ratifying the City's emergency contract with DebrisTech, LLC, for the provision of debris monitoring services.

RESOLUTION BOOK NO. 45 - PAGE 216

I. RESOLUTION NO. 24-236 - RESOLUTION RATIFYING A CONTRACT WITH SOUTHERN DISASTER RECOVERY LLC ENTERED INTO ON AN EMERGENCY BASIS IN THE IMMEDIATE AFTERMATH OF TROPICAL STORM HELENE FOR PROVIDING DEBRIS COLLECTION SERVICES

Action Requested: Adoption of a resolution ratifying a contract with Southern Disaster Recovery, LLC entered into on an emergency basis in the immediate aftermath of Tropical Storm Helene.

Background:

- Over the course of September 26-29, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene, and a predecessor heavy rain event. A state of emergency has been in place in Asheville since September 25th in relation to these damaging storms.
- The damage caused by Helene required an immediate response by the City to secure public safety, provide aid to the community, and secure public infrastructure.
- In responding to this crisis, the City of Asheville entered into emergency contracts to address the needs of the community when those needs exceeded the capacity of City staff.
- Under one such contract, the City engaged Southern Disaster Recovery, LLC, to provide debris hauling and removal services.
- This contract is for providing debris hauling and removal services as a result of TS Helene.
- A Notice to Proceed was issued to the contractor on September 28th, the day after TS Helene, for an amount of not-to-exceed (NTE) \$500,000 and then a formal contract was executed for the same amount, prior to a debris assessment being performed and knowing that it would need to be amended.

- The City initially intended to amend the contract to Not-to-Exceed \$11,000,000 after receiving the initial debris assessment. However, the City terminated this contract on October 29, 2024, in order for the US Army Corp of Engineers to provide debris management services.
- The City has not received final invoices from the contractor as of 11/7/24, but the final cost is not expected to exceed \$1,000,000.
- This contract was determined to be necessary in order to address a special emergency involving the health and safety of the people or their property, and therefore exempt under N.C. Gen. Stat. § 143-129(e)(2) from the standard contracting processes in state law.
- This contract was further needed to address an emergency or exigency within the meaning of 2 CFR § 200.320(c)(3).

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Allowed the City to immediately act to address an emergency without delay.

Con(s):

- None, aside from the expenses incurred.

Fiscal Impact:

- The total cost of this executed contract is Not-to-Exceed \$500,000. An amendment will be processed, and final invoices are not expected to exceed \$1,000,000, and it is expected that 100% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution ratifying the City's emergency contract with Southern Disaster Recovery, LLC, for the provision of debris hauling and removal services.

RESOLUTION BOOK NO. 45 - PAGE 217

J. RESOLUTION NO. 24-237 - RESOLUTION RATIFYING A CONTRACT AND CONTRACT AMENDMENT WITH CONFER AND ASSOCIATES LLC ENTERED INTO ON AN EMERGENCY BASIS IN THE IMMEDIATE AFTERMATH OF TROPICAL STORM HELENE FOR THE PROVISION OF PREPARED MEAL SERVICES

Action Requested: Adoption of a resolution ratifying a contract and amendment with Confer and Associates, LLC entered into on an emergency basis in the immediate aftermath of Tropical Storm Helene for the provision of prepared meal services.

Background:

- Over the course of September 26-29, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene, and a predecessor heavy rain event. A state of emergency has been in place in Asheville since September 25th in relation to these damaging storms.
- The damage caused by Helene required an immediate response by the City to secure public safety, provide aid to the community, and secure public infrastructure.

- In responding to this crisis, the City of Asheville entered into emergency contracts to address the needs of the community when those needs exceeded the capacity of City staff.
- Under one such contract executed on October 8, 2024, the City engaged Confer and Associates, LLC, to provide prepared meal services to local first responders and partner agencies with an original contract amount not to exceed \$300,000.
- On October 30, 2024 it was determined that the original contract needed to be amended to increase the contract amount by \$250,000 due the number and continuing need for meal services, for an amended contract amount not to exceed \$550,000.
- The current contract and amendment value of \$550,000 will cover meal service through the completion of this service, which is currently set to finish on November 10, 2024.
- This contract was determined to be necessary in order to address a special emergency involving the health and safety of the people or their property, and therefore exempt under N.C. Gen. Stat. § 143-129(e)(2) from the standard contracting processes in state law.
- This contract was further needed to address an emergency or exigency within the meaning of 2 CFR § 200.320(c)(3).

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Allowed the City to immediately act to address an emergency without delay.

Con(s):

- None, aside from the expenses incurred.

Fiscal Impact:

- The total cost of this contract and amendment is \$550,000, and it is expected that 100% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution ratifying the City's emergency contract and contract amendment with Confer and Associates, LLC, for the provision of prepared meal services for first responders and partner agencies.

RESOLUTION BOOK NO. 45 - PAGE 218

K. RESOLUTION NO. 24-238 - RESOLUTION RATIFYING A CONTRACT WITH BILTMORE FARM HOTEL GROUP FOR LODGING NEEDS FOR FIRST RESPONDERS, ESSENTIAL EMPLOYEES AND OUT-OF-AREA EMERGENCY RESOURCES ASSOCIATED WITH TROPICAL STORM HELENE

Action Requested: Adoption of resolution authorizing ratification of a contract with Biltmore Farm Hotel Group for lodging needs for first responders, essential employees and out-of-area emergency resources associated with Tropical Storm Helene.

Background:

- The City of Asheville had a need to reserve lodging for employees and out-of-area resources who were essential to TS Helene emergency response efforts.

- The City outreached and engaged with multiple vendors throughout the area to provide these services.
- The number of rooms the City reserved at each location was dependent upon power, water, and internet capabilities; available staffing; and the number of available rooms at each property.
- Biltmore Farms Hotel Group (Hampton Inn & Suites) was made available to Asheville City Police and out-of-area law enforcement personnel critical to search, rescue and recovery efforts.

Vendor Outreach Efforts:

- Staff performed outreach to a variety of businesses through phone and email solicitation the weekend of 9/27/24 to 9/29/24.
- The City was able to connect with and ultimately reserve lodging—to varying degrees—at all of the properties that answered the calls and emails.

Council Goal(s):

- Connected and Engaged Community

Committee(s):

- N/A

Pro(s):

- Fulfilled required needs and provided lodging to essential first responders.

Con(s):

- None

Fiscal Impact:

- \$300,000 - this is expected to be eligible for FEMA reimbursement.

Motion:

- Motion to approve a resolution authorizing ratification of a contract with Biltmore Farm Hotel Group for lodging needs for first responders, essential employees and out-of-area emergency resources associated with Tropical Storm Helene.

RESOLUTION BOOK NO. 45 - PAGE 219

L. RESOLUTION NO. 24-239 - RESOLUTION RATIFYING A CONTRACT WITH HAGERTY CONSULTING INC. FOR RECOVERY MANAGEMENT SERVICES ENTERED INTO ON AN EMERGENCY BASIS IN THE IMMEDIATE AFTERMATH OF TROPICAL STORM HELENE

Action Requested: Adoption of a resolution ratifying a contract with Hagerty Consulting, Inc. for emergency management services in response to Tropical Storm Helene.

Background:

- Over the course of September 26-29, 2024, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene, and a predecessor heavy rain event. A state of emergency has been in place in Asheville since September 25th in relation to these damaging storms.
- The damage caused by Helene required an immediate response by the City to secure public safety, provide aid to the community, and secure public infrastructure.
- In responding to this crisis, the City of Asheville entered into several contracts to address the needs of the community when those needs exceeded the capacity of City staff.

- In several cases, the services rendered by these contracts were necessary to commence prior to the first available City Council meeting.
- Under one such contract, the City engaged Hagerty Consulting, Inc., for recovery management services.
- This contract was competitively procured via a Request for Proposals (RFP) process, but now requires ratification by the Council.
- The scope of work is intended to be flexible and scalable, allowing the City of Asheville to activate services as needed based on the specific requirements of disaster response and recovery related strategies.
- The scope of work includes capacity and support to the City in working with specific federal agencies to maximize access to direct financial reimbursement, grant support, and technical assistance.
- The federal agencies referenced in the scope of work are: the Federal Emergency Management Agency (FEMA) (Public Assistance, Individual Assistance, Hazard Mitigation), U.S. Department of Housing and Urban Development (HUD), and the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) disaster recovery programs.
- The contract will also assist with the development and implementation of long-term recovery.

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Allowed the City to immediately act to address an emergency without delay.

Con(s):

- None, aside from the expenses incurred.

Fiscal Impact:

- The initial total cost of this contract is not to exceed \$1,000,000, any future amendments will be made in accordance with applicable City policies. It is expected that 90% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution ratifying the City's contract with Hagerty Consulting, Inc., for the provision of recovery management services in response to Tropical Storm Helene in an amount not to exceed \$1 million.

RESOLUTION BOOK NO. 45 - PAGE 220

M. RESOLUTION. 24-240 - RESOLUTION RATIFYING A CORRECTION OF LOAN TERMS FOR THE ASHEVILLE AREA HABITAT FOR HUMANITY DOWN PAYMENT ASSISTANCE PROGRAM THAT WAS AWARDED \$146,000 BY CITY COUNCIL ON APRIL 23, 2024

Action Requested: Adoption of a resolution to ratify amended loan terms for Asheville Area Habitat for Humanity.

Background:

- On April 23, 2024, City Council approved a \$146,000 loan for home acquisition and down payment assistance for four (4) homeowners.
- Staff incorrectly identified the loan terms as a 30-year loan when they should have stated that each down payment assistance (“DPA”) loan will be due when the home is sold or transferred. There is also a provision that the DPA loan may be transferred to an income-qualified homebuyer to continue the home as an affordable unit.
- Because of an impending home closing, staff corrected the language in the Housing Trust Fund (HTF) agreement with Habitat and the corresponding legal agreements (Promissory Note and Deed of Trust).
- A home closing for the first homebuyer occurred on November 1, 2024. A down payment assistance loan of \$32,300 was provided using HTF funds at closing.
- The \$146,000 loan will be paid back at the sale or transfer of the four (4) Habitat homes instead of having a term of 30 years. Any funds not used for down payment assistance will be returned to the City by November 2027.

Council Goal(s):

- Quality Affordable Housing
- Thriving Local Economy

Committee(s):

- None

Pro(s):

- The amended loan terms allow for the intended use to go forward. The \$146,000 will go to down payment assistance for four homebuyers. The City will be repaid when those homeowners sell or transfer their home, unless another qualifying homeowner purchases the unit, or Habitat purchases the home and sells it to another low to moderate income homebuyer, and the down payment assistance loan will be transferred to the new owner, further extending the affordability of the unit.

Con(s):

- None noted.

Fiscal Impact:

- No new fiscal impact. The \$146,000 loan will be used for down payment assistance for 4 homebuyers and will be due and payable upon the sale or transfer of the home. Any funds not used for down payment assistance will be returned to the City by November 2027.

Motion:

- Motion to adopt a resolution to ratify amended loan terms for Asheville Area Habitat for Humanity.

RESOLUTION BOOK NO. 45 - PAGE 221

N. RESOLUTION NO. 24-241 - RESOLUTION AUTHORIZING THE CITY MANAGER TO TEMPORARILY SUSPEND AND DEFER AFFORDABLE HOUSING LOAN PAYMENTS TO THE CITY ON A CASE BY CASE BASIS, AS NECESSARY, TO ADDRESS IMPACTS FROM TROPICAL STORM HELENE

Action Requested: Adoption of a resolution ratifying any administrative decision to temporarily suspend or defer affordable housing loan payments to the Housing Trust Fund and further

authorizing the City Manager to temporarily suspend and defer affordable housing loan payments to the City on a case-by-case basis, as necessary, to address impacts from Hurricane Helene.

Background:

- Over the course of September 26-29, 2024, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene, and a predecessor heavy rain event. A state of emergency has been in place in Asheville since September 25th in relation to these damaging storms.
- On September 28, 2024, President Joseph R. Biden, Jr. declared a Federal Major Disaster in Buncombe County, North Carolina, and other areas affected by Tropical Storm Helene beginning on September 25, 2024, and continuing until rescinded.
- Many Asheville businesses are either closed or operating in a limited capacity due to the impacts of Hurricane Helene and the resulting loss of running water in many parts of Asheville, loss of power, and damage to property (commercial as well as residential) creating substantial economic challenges for property owners, tenants, business owners, employees, and customers.
- The City's Housing Trust Fund lends affordable housing developers funding to produce additional affordable housing units in the community.
- Some of the City's current Housing Trust Fund loan recipients have had their properties significantly impacted by Tropical Storm Helene and have requested the temporary deferral of loan payments.
- The City administratively granted a one-month payment deferral in response to these requests and is now seeking ratification of this action and further approval to extend the duration of the payment relief on a case-by-case basis.
- This action will suspend payment for a specific period of time. Impacted loans will be repaid in full.
- Criteria for suspending or deferring loan payments was provided. This criteria and the basis for the payment deferrals is similar to action taken during the COVID-19 Pandemic.

Council Goals:

- A Thriving Local Economy
- Quality, Affordable Housing

Committee:

- None

Pros:

- Temporarily reduces operating costs for affordable housing providers impacted by Hurricane Helene.
- City Manager authority to temporarily suspend or defer loan payments provides heightened responsiveness to community needs during this federally declared disaster/emergency.

Con:

- None noted.

Fiscal Impact:

- Loan payment deferrals have no impact on City operations and no long-term financial impact, as the amounts will be repaid as part of the final payment on outstanding notes.

Motion:

- Motion to adopt a resolution ratifying any administrative decision to temporarily suspend or defer affordable housing loan payments to the Housing Trust Fund and further

authorizing the City Manager to temporarily suspend and defer affordable housing loan payments to the City on a case-by-case basis, as necessary, to address impacts from Hurricane Helene.

David Greenson made a suggestion on the criteria for the HTF loan payment deferral criteria. He also supported rental assistance and support for those who were negatively impacted by the storm.

Affordable Housing Officer Sasha Vrtunski responded to questions from Council regarding the deferral program; what happens if tenants hold vouchers; and how long the suspension or deferral period will last.

RESOLUTION BOOK NO. 45 - PAGE 222

O. RESOLUTION NO. 24-242 - RESOLUTION APPROVING A CONTRACT WITH RATPDEV USA LLC ENTERED INTO ON AN EMERGENCY BASIS IN THE IMMEDIATE AFTERMATH OF TROPICAL STORM HELENE FOR SUPPLEMENTAL TRANSIT OPERATIONS AND MAINTENANCE SERVICES

Action Requested: Adoption of a resolution approving a contract with RATPDev USA, LLC (RATPDev) for Recovery and Relief Support and Supplemental Transit Operations and Maintenance Services, backdated to September 27, 2024 and continuing until the emergency/exigent circumstances requiring the additional services being provided have ended.

Background:

- In late September, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene, and a predecessor heavy rain event. On September 25th, a state of emergency was declared covering the City of Asheville.
- The damage caused by Helene required an immediate response by the City to secure public safety, provide aid to the community, and secure public infrastructure.
- In responding to this crisis, the City of Asheville has acquired supplemental services from outside parties to address the needs of the community when those needs exceeded the capacity of City staff.
- In one such instance, the City engaged RATPDev USA, LLC, the City's existing Asheville Rides Transit (ART) transit operations and maintenance contractor, to provide immediate and ongoing services related to emergency response and recovery.
- Services provided in the immediate aftermath included transport of evacuated persons and transport to shelters, delivery of distributed goods such as water, and the provision of modified transit services. Modified transit services include the operation of revised transit routes, utilization of alternative schedules, and utilization and maintenance of additional vehicles obtained specifically for recovery and response services.
- These transit services began on September 27, 2024, but the City and RATPDev have not yet entered into a contract for these services.
- The City plans to continue to provide these additional services until the emergency/exigent circumstances requiring the additional services have ended. Specifically, the City plans to provide these additional services until: (1) potable water has been fully restored in areas served by the City of Asheville's water system; and (2) the need for supplemental transportation services to provide access to and from emergency shelters, community care centers, and disaster recovery assistance centers has ended. The exact dates when these circumstances will end is unknown at this time.
- This contract was determined to be necessary in order to address a special emergency involving the health and safety of the people or their property, and therefore exempt under N.C. Gen. Stat. § 143-129(e)(2) from the standard contracting processes in state law.

- However, it should be noted that the existing transit contract was procured through a comprehensive competitive bidding process and the contractor has been deemed a responsible and responsive vendor.
- Supplemental contract rates are based on the rates in the existing transit operations and maintenance contract.
- This contract was further needed to address an emergency or exigency within the meaning of 2 CFR § 200.320(c)(3).
- Staff is requesting that the City Council approve a contract with RATPDev for these supplemental services, backdated to September 27, 2024, to pay for past services rendered and to continue to provide such services until the emergency/exigent circumstances requiring the additional services have ended.

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Allowed the City to immediately act to address an emergency without delay.

Con(s):

- None, aside from the expenses incurred.

Fiscal Impact:

- The cost of this contract is expected to be approximately \$217,000 per week based on existing contract rates.
- It is unknown how many weeks the supplemental contract will be in place; therefore, the total contract amount is unknown.
- The supplemental contract covers relief and recovery support, modified transit operations, and maintenance services specific to TS Helene. It allows the City to separate these services from the existing transit operations and maintenance contract to ensure that there is no overlap and that reimbursement from FEMA and/or FTA is possible.
- It is expected that 100% of this expense will be reimbursed by FEMA.

Motion:

- Adoption of a resolution approving an emergency contract with RATPDev USA, LLC (RATPDev) backdated to September 27, 2024 for Recovery and Relief Support and Supplemental Transit Operations and Maintenance Services, including past services rendered and continuing until the emergency/exigent circumstances requiring these supplemental services have ended.

RESOLUTION BOOK NO. 45 - PAGE 224

P. ORDINANCE NO. 5107 - BUDGET AMENDMENT FOR HELENE DISASTER RECOVERY AND RESPONSE EXPENSES, WHICH IS ANTICIPATED TO BE FUNDED WITH FEDERAL EMERGENCY MANAGEMENT AGENCY REIMBURSEMENTS

Action Requested: Adoption of: a budget amendment in the amount of \$4.2 million in the City's Enterprise Funds which is anticipated to be 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.
- 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.
- An initial budget amendment was adopted by City Council on October 22, 2024 in the amount of \$11 million in the Special Revenue Fund (General Fund expenses) and \$25 million in the Water Resources Capital Fund.
- The budget amendment for Council consideration on this agenda will add budgets in the Transit Services Fund, Stormwater Fund, and Water Resources Operating Fund.
- Additional budget amendments will likely be brought forward to City Council in upcoming meetings as costs continue to be incurred.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Allows the City to budget for 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 is the second budget amendment to provide budget authorization for Helene expenses; additional budget amendments will likely be required at future Council meetings. The revenue source for the budget amendments is anticipated to be Federal Emergency Management Agency (FEMA) reimbursements.

Motion:

- Motion to adopt a budget amendment in the amount of \$4.2 million in the City's Enterprise Funds, which is anticipated to be funded with Federal Emergency Management Agency (FEMA) reimbursements.

ORDINANCE BOOK NO. 35 - PAGE 404

- Q. RESOLUTION NO. 24-243 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH AAR OF NORTH CAROLINA INC. FOR THE MUNICIPAL BUILDING ROOF REPLACEMENT PROJECT; 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 with AAR of North Carolina, Inc. in the amount of \$638,000, for the Municipal Building Roof Replacement Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$63,800 (10%).

Background:

- The Municipal Building, located at 100 Court Plaza, serves as the headquarters for the Asheville Police Department and Asheville Fire Department. The facility also serves as the County’s Backup 911 Call Center and Fire Station 1.
- During Hurricane Helene, damage to the roof in approximately 75 locations caused severe leaking throughout the building.
- The existing roof can no longer be patched and repaired.
- Due to the critical nature and sensitivity of the emergency services provided in the building, a roof replacement is necessary in the immediate future.
- It is anticipated that the project will be funded through grant assistance from the Federal Emergency Management Agency (FEMA).
- It will take approximately six weeks for mobilization and materials delivery. After the contractor is mobilized, the project is anticipated to take six weeks to complete.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through direct email communication and solicitation processes using the State’s Electronic Vendor Portal (EVP) sites
- The advertisement for bid 298-CP25-B2202.ROOF was issued on October 9, 2024. Bids were received and opened at a formal bid opening on October 31, 2024. The following bids were received:

	<u>Base Bid</u>	<u>Total Bid with</u>
<u>Allowances</u>		
AAR of North Carolina, Inc.of Kernersville, NC 638,000.00	\$ 634,464.00	\$
Benton Roofing, Inc.of Flat Rock, NC 645,698.00	\$ 642,314.00	\$
Eskola, LLCof Charlotte, NC 720,918.00	\$ 717,650.00	\$
WxTite, LLCof Greensboro, NC 750,040.00	\$ 747,830.00	\$
Owens Roofing, Inc.of Smithfield, NC 769,556.00	\$ 767,268.00	\$
J. Bartholomew Construction of Hendersonville, NC 994,731.96	\$ 994,730.00	\$
WNC Roofing, LLC of Fletcher, NC \$1,088,190.00	\$1,083,750.00	
JT Murphy Construction, Inc. of Cary, NC \$1,199,175.00	\$1,193,160.00	
JT Murphy Construction, Inc. of Cary, NC	\$1,235,067.00**	none**

- JT Murphy Construction submitted two bids under separate cover. One of the bids, denoted above with asterisks, was deemed non responsive, as the contractor failed to acknowledge an addendum material to the bid.
- AAR of North Carolina, Inc. submitted the lowest responsive and responsible bid.
- No MWBE firms submitted bids with this prime contractor.

Council Goal(s):

- Improve and Maintain Infrastructure and Core Services

Committee(s):

- None

Pro(s):

- This work will allow for the continued operation of critical emergency services located in the Municipal Building.
- This work will prolong the life of the building.

Con(s):

- None

Fiscal Impact:

- The project cost is included in the adopted Capital Improvement Program (CIP). It is anticipated that federal reimbursement will be provided at least in part from Federal Emergency Management Agency (FEMA) grants.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with AAR of North Carolina, Inc. in the amount of \$638,000, for the Municipal Building Roof Replacement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$63,800 (10%).

RESOLUTION BOOK NO. 45 - PAGE 225

R. RESOLUTION NO. 24-244 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH FISERV FOR HARRAH'S CHEROKEE CENTER - ASHEVILLE'S POINT OF SALE SOFTWARE LICENSING

Action Requested: Adoption of a resolution authorizing the City Manager to amend the Harrah's Cherokee Center Asheville's (HCCA) contract with Fiserv by increasing the contract amount by \$48,072.00, for a revised amount of \$237,911.00, for software subscriptions for the point of sale system.

Background:

- Hardware and seven year software agreement was purchased in 2019 after a full RFP process following all City procurement and MWBE policies at the time.
- Software agreement has two years remaining.
- The City had a need to add 6 additional portable registers, which increases the contract amount.
- The contract is a software agreement between HCCA and Fiserv.
- Software Licenses are critical for the Point of Sale System to function properly.
- Contract is increased due to the addition of (6) additional point of sale units and associated software licenses to increase the total number of point of sale locations at shows.
- This will reduce guest's time in line and increase total sales.

Council Goal(s):

- A fiscally Sound City
- Smart City

Committee(s):

- None

Pro(s):

- Renewal of software licenses will allow sales/reporting of revenues to continue for the Food and Beverage department of HCCA.

Con(s):

- If software renewal is not completed sales of Food and Beverage products will no longer be allowed causing a loss of revenue to the venue and City.

Fiscal Impact:

- Funding for this purchase (estimated at \$48,100) is available in the HCCA Operating Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the contract with Fiserv to increase the amount by \$48,072.00, for a revised total maximum price amount of \$237,911.00.

RESOLUTION BOOK NO 45 - PAGE 226

S. RESOLUTION NO. 24-245 - RESOLUTION TO PERMIT THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE HOLIDAY JAMBOREE ON NOVEMBER 23, 2024

RESOLUTION NO. 24-246 - RESOLUTION TO PERMIT THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GROVE ARCADE TREE LIGHTING ON NOVEMBER 30, 2024

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Holiday Jamboree and the Grove Arcade Tree Lighting.

Background:

- N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and property owned, occupied, or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.
- The City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival.
- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
 - Asheville Downtown Association for the Holiday Jamboree to be held on November 23, 2024, at Pack Square Park
 - Asheville Downtown Association for the Grove Arcade Tree Lighting to be held on November 23, 2024, at Page Avenue.
- Alcohol boundaries are defined as per the accompanying event site maps.

Council Goal(s):

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

Committee(s):

- None

Pro(s):

- Allows fundraising opportunities for the sponsoring nonprofit organization.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to adopt resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Holiday Jamboree and the Grove Arcade Tree Lighting.

RESOLUTION NO. 24-245 - RESOLUTION BOOK NO. 45 - PAGE 227

RESOLUTION NO. 24-246 - RESOLUTION BOOK NO. 45 - PAGE 230

- T. RESOLUTION NO. 24-247 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH RESPONDER SUPPORT SERVICES FOR INDIVIDUAL MENTAL HEALTH SERVICES FOR EMPLOYEES AND THEIR FAMILIES**

Action Requested: Adoption of resolution authorizing an amendment to the existing contract with Responder Support Services to increase the amount by \$84,000.

Background:

- The City of Asheville offers Mental Health (MH) services to public safety employees and their families when they have fully utilized their 5 free sessions.
- These services are an important benefit to a population at-risk for job related trauma.
- Offering benefits such as this to first responders is critical to recruitment and retention of high quality staff.
- Previous contract approved did not have sufficient funds to cover additional demand for services.

Vendor Outreach Efforts:

- Vendor was previously vetted and selected.
- This amendment is to increase existing contracted services.

Council Goal(s):

- Clean and Healthy Environment

Committee(s):

- N/A

Pro(s):

- Offer important services to first responders and their families.

Con(s):

- N/A

Fiscal Impact:

- \$84,000 (which is expected to be sufficient funding through September of 2025). Budget will come from the employee health fund.

Motion:

- Motion to adopt a resolution authorizing an amendment to the existing contract with Responder Support Services to increase the amount by \$84,000. Previous contract approved did not have sufficient funds to cover additional demand for services.

RESOLUTION BOOK NO. 45 - PAGE 233

U. RESOLUTION NO. 24-248 - RESOLUTION DISSOLVING THE HOMELESS INITIATIVE ADVISORY COMMITTEE

Action Requested: Adoption of a resolution dissolving the Homeless Initiative Advisory Committee.

Background:

- On November 11, 2008 in Resolution 08-227, City Council established the Homeless Initiative Advisory Committee (HIAC) as a joint committee of the City of Asheville and Buncombe County to address issues related to homelessness.
- This Resolution was amended and replaced by Resolution No. 18-20, adopted on January 23, 2018.
- In addition to its role as an advisory committee, HIAC has served as the governance board for the NC-501 Asheville-Buncombe Continuum of Care (CoC).
- The CoC is a federal framework for community-level collaboration, planning, and federal resource distribution related to homelessness.
- In January 2023, the National Alliance to End Homelessness recommended that the Asheville-Buncombe CoC be restructured to create a new community-based membership body and that the membership body elect its own governance board outside of the City and County structure but with City and County participation.
- HIAC prioritized implementation of this recommendation and established a Governance Work Group to work with federal technical assistance to develop a new charter for the CoC, including a new governance structure.
- The new CoC membership drive began in December 2023, and on February 29, 2024, the CoC membership body met for the first time to adopt the new CoC charter.
- On April 25, 2024, the CoC membership met for the second time and elected a new governance board. By federal regulation, CoCs are self-governing, and the election of the new board immediately removed CoC governance from HIAC.
- At their July 25, 2024 meeting, HIAC voted unanimously to recommend to the City Council that it be dissolved as an advisory committee in order to consolidate efforts related to homelessness through the restructured Continuum of Care. Three HIAC members have been elected to the new CoC Board and other HIAC members are participating on CoC committees and work groups.
- The restructured Continuum of Care includes a dedicated board seat for City leadership staff, currently filled by City Manager Debra Campbell, and a non-voting liaison seat for Asheville City Council, currently filled by Mayor Manheimer.
- City staff in the Homeless Strategy Division continue to fulfill the City's responsibilities as the designated Lead Agency for the NC-501 Asheville-Buncombe Continuum of Care.

Council Goal(s):

- Homelessness Strategies

Committee(s):

- Homeless Initiative Advisory Committee recommended dissolution unanimously at their July 25, 2024 meeting

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution dissolving the Homeless Initiative Advisory Committee and repealing Resolution Nos. 08-227 and 18-20.

Councilwoman Roney thanked current and past HIAC members for their service over the years to help better serve our unhoused neighbors. She invited the public to join the Continuum of Care, which is a framework for community-level collaboration, planning, and federal resource distribution related to homelessness.

RESOLUTION BOOK NO. 45 - PAGE 234

V. RESOLUTION NO. 24-249 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT THE CITY OF ASHEVILLE'S PLANNING, HOMELESS MANAGEMENT INFORMATION SYSTEM, AND COORDINATED ENTRY GRANT APPLICATIONS IN THE FEDERAL FISCAL YEAR 2024 CONTINUUM OF CARE COMPETITION FROM THE U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT; AND IF AWARDED, AUTHORIZE THE CITY MANAGER TO ACCEPT AND SIGN ALL OF THE APPROPRIATE AGREEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to sign and submit the City of Asheville's Planning, Homeless Management Information System, and Coordinated Entry grant applications in the Federal Fiscal Year (FY) 2024 Continuum of Care Competition and accept any funds awarded.

Background:

- The U.S. Department of Housing and Urban Development (HUD) Continuum of Care program provides federal resources to local communities for homeless and housing programs through the Continuum of Care (CoC) structure.
- Communities access funding by applying together through a designated lead agency, called the Collaborative Applicant.
- The NC-501 Asheville-Buncombe Continuum of Care has designated the City of Asheville as the Lead Agency/Collaborative Applicant.
- The City is responsible for submitting the Consolidated Application to HUD, which consists of individual project applications submitted by local agencies and a narrative application describing the community's collective efforts to end homelessness.
- Applications include projects for Helpmate and Homeward Bound to provide rental assistance and case management to help people exit homelessness and projects for the City of Asheville to provide necessary infrastructure for the Continuum of Care as follows:
 - In its capacity as Lead Agency/Collaborative Applicant, the City is eligible for a non-competitive Planning grant equal to 5% of funds available. In the FY2024 Consolidated Application, that amount is \$102,043.
 - The CoC has also designated the City of Asheville as the Homeless Management Information System (HMIS) Lead. In that capacity, the City manages a contract with the HMIS vendor on the CoC's behalf and provides staff to administer the system. The FY2024 HMIS grant will provide funds for these costs in the amount of \$63,744.

- Based on guidance from the CoC's Technical Assistance provider, the CoC Board approved the City to apply for a Coordinated Entry grant to create capacity to operate the Coordinated Entry system once redesigned in the amount of \$244,904.
- The CoC Board will approve the final submission to HUD in advance, and City staff will submit the CoC-Board-approved Consolidated Application, including the Planning and HMIS project applications.
- Both the Planning and HMIS grants are renewals of longtime funding and will be used during a grant period of January 1, 2026 - December 31, 2026. If awarded, the new Coordinated Entry grant would also operate January 1, 2026 - December 31, 2026. All grants will be budgeted through the City's annual budget process.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Quality Affordable Housing
- Connected and Engaged Community

Committee(s):

- Asheville-Buncombe Continuum of Care Board will approve final submission to HUD

Pro(s):

- Renews federal resources for Continuum of Care infrastructure
- Supports Council priority on Homelessness Strategies

Con(s):

- None noted

Fiscal Impact:

- If awarded, renewal grants will fund \$102,043 in planning costs for the City to fulfill its role as CoC Lead Agency and \$63,744 to operate the Homeless Management Information System (HMIS), and the new grant will fund \$244,904 to operate the Coordinated Entry system.
- All grants would require a 25% match (\$102,673) to be met using City general funds for staff positions in the Homeless Strategy Division allocated in the regular annual budget process.
- These grants would take effect January 1, 2026 and are budgeted as part of the annual budget process.

Motion:

- Motion to adopt a resolution authorizing the City Manager to sign and submit the City of Asheville's Planning, Homeless Management Information System, and Coordinated Entry grant applications in the FY2024 Continuum of Care Competition and accept any funds awarded.

RESOLUTION BOOK NO. 45 - PAGE 235

W. RESOLUTION NO. 24-250 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ENTERPRISES G INC. FOR THE ROGER FARMER SPORTS COURT PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Enterprises G, Inc., in the amount of \$247,451.77, for the Roger Farmer Sports Court

Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$24,000.

Background:

- In order to expand recreation opportunities in West Asheville, a series of improvements at Roger Farmer Park are taking place.
- As the westernmost park in the Asheville Parks & Recreation system, this public space acts as both a neighborhood park and a regional destination.
- The current sports court is beyond its expected life and is in disrepair.
- The new multi-sport court will feature lines for basketball and futsal, as well as provide access for other activities such as roller skating with a fenced perimeter.
- The scope of work includes removing the old basketball courts and installing a new concrete court with fencing and goals.
- Due to the lead time for the sport court fencing/goal system and temperature requirements for the acrylic court paint, this project is scheduled to start in Spring 2025 and be complete by Summer 2025.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Bids were advertised on August 22nd, 2024. Five bids were received at the bid opening deadline of September 18th, 2024. Below are the bids received.
 - Enterprises G, Inc., \$247,451.77, Black Mountain
 - J Bartholomew Construction, LLC, \$284,000.00, Hendersonville
 - Smathers Contracting, \$298,900.00, Candler
 - BH Graning Landscapes, Inc. \$381,909.00, Sylva
 - French Broad Paving, Inc., \$425,000.00, Marshall
- Enterprises G, Inc is the lowest responsive responsible bidder on this project. They are a minority owned business.
- Enterprises G, Inc., is a minority owned business and all work will be self performed by them.

Council Goal(s):

- Clean, Safe and Healthy Environment, Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- The Sports Court improvements will draw additional users to the park.
- This park is in need of upgrades and this project will demonstrate the City's investment to improve park amenities.

Con(s):

- None

Fiscal Impact:

- This project is funded through the current Parks and Recreation Capital Funding.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Enterprises G, Inc., in the amount of \$247,451.77, for the Roger Farmer Sports Court project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$24,000.

RESOLUTION BOOK NO. 45 - PAGE 236

X. RESOLUTION NO. 24-251 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TRANSYSTEMS CORPORATION FOR THE SOUTHSIDE ACCESSIBILITY IMPROVEMENT PROJECT CONSTRUCTION ENGINEERING AND INSPECTION SERVICES; 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 with TranSystems Corporation in the amount of \$210,160.10, for the Southside Accessibility Improvement Project construction engineering and inspection services; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$31,000 for a total not to exceed contract of \$241,160.10.

Background:

- The purpose of the Southside Accessibility Improvements Project is to increase pedestrian safety and create connectivity in Asheville’s multimodal network for recreation and transportation use.
- Project components include widening sidewalk segments on Southside Avenue, Buchanan Avenue and Short Coxe Avenue to 10 feet to become a multi-use path.
- “Sharrow” pavement markings will be installed on Short Coxe as reminders that bicyclists are also allowed to use the road.
- This project will also install speed cushions and bicycle “sharrows” on Depot Street.
- City Council Resolution No. 24-195 authorized the City Manager to execute a construction contract with DanGrady Company, LLC for the Southside Accessibility Improvement Project construction.
- City of Asheville staff publicly advertised for Construction Engineering and Inspection services, as required for a professional service selection process.
- Three professional engineering submittals were received and evaluated based on their qualifications, experience and technical approach.
- The evaluation of those submittals, ranked by an evaluation committee, resulted in TranSystems Corporation being the highest ranked firm.
- Negotiations with TranSystems Corporation resulted in an agreed fee of \$210,160.10.
- Construction engineering and inspection (CEI) must be performed in accordance with North Carolina Department of Transportation (NCDOT) Specifications in order for the Department and Federal Highway Administration to participate in the costs of a project.
- The project has a total construction timeline of 12 months, with substantial completion at 9 months. The anticipated start date for the construction is in November 2024 with completion of all work in November 2025.

Vendor Outreach Efforts:

- With all federally funded projects, the Disadvantaged Business Enterprise (DBE) program is required for construction services, but not professional engineering services such as this agreement.
- The federally established DBE goal for this project is 5% participation for construction services, which will be exceeded for the construction portion of the project.

- Because this agreement with TranSystems is for professional services, the DBE participation is not considered.

Council Goal(s):

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

Committee(s):

- Council Agenda Review - 11/09/2023
- Asheville City Council - "Southside Neighborhood Projects Report" - 11/14/2023
- Asheville City Council Tours - 12/08/2023 and 12/14/2023

Pro(s):

- Pedestrian intersection improvements throughout the project area
- Connection of four existing greenways with safe pedestrian and cycling features
- Another important step towards completing the River to Ridge Greenway Network

Con(s):

- Construction delays and nuisance 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 professional services contract with TranSystems Corporation in the amount not to exceed \$210,160.10 plus a project contingency of \$31,000 for a total not to exceed contract of \$241,160.10.

RESOLUTION BOOK NO. 45 - PAGE 237

Y. ASHEVILLE RIDES TRANSIT FLEET

RESOLUTION NO. 24-252 - RESOLUTION AUTHORIZING THE CITY MANAGER TO UTILIZE SOLE SOURCE PROCUREMENT FOR TECHNOLOGY EQUIPMENT AND SERVICES FOR THE ASHEVILLE RIDES TRANSIT FLEET

RESOLUTION NO 24-253 - RESOLUTION AUTHORIZING THE PURCHASING DIVISION TO EXECUTE PURCHASE ORDERS WITH GILLIG TO ACQUIRE FOUR 30-FOOT CLEAN DIESEL BUSES, UTILIZING THE WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES COOPERATIVE PURCHASING AGREEMENT, FOR THE ASHEVILLE RIDES TRANSIT SYSTEM INCLUDING APPROVED SOLE SOURCE PROCUREMENT OF TRANSIT-RELATED TECHNOLOGY FOR THE ASHEVILLE RIDES TRANSIT FLEET

Action Requested: This consists of two requested actions.

1. Adoption of a resolution supporting the sole-source procurement of transit-related technology equipment and services for the Asheville Rides Transit (ART) transit fleet.

2. Adoption of a second resolution authorizing the Purchasing Division to execute a purchase order with Gillig to acquire four (4) 30-foot clean diesel buses for Asheville Rides Transit (ART) at \$2,291,176. The purchase will be made using the Washington State Department of Enterprise Services Cooperative Purchasing Agreement and includes approved sole-source technology as part of the turnkey package.

The sole source technology includes CAD/AVL ITS system, video cameras, surveillance, and automated passenger counters, which will not exceed \$325,656, bringing the total turnkey cost for the four (4) buses to \$2,616,832.

Turnkey Gillig Bus Purchase	Amount
Four (4) 30' Clean Diesel Gillig Buses	\$ 2,291,176
Sole Source Technology for (4) Buses	\$ 325,656
Total	\$ 2,616,832

Background:

Sole Source Authorization

- The city utilizes multiple integrated transit technology systems in its Asheville Rides Transit (ART) transit fleet, consisting of thirty-five (35) buses.
- These technologies are essential for ensuring uniformity in operations, improving service reliability, and providing critical safety and passenger information.
- For operational standardization and continued compatibility, it is necessary to ensure that all buses are equipped with the same transit technology platforms. These platforms include the CAD/AVL (Computer-Aided Dispatch/Automatic Vehicle Location) system, video surveillance, pedestrian and bike detection, and automated passenger counters (APC). Standardizing these systems across the fleet minimizes training time for drivers and maintenance personnel, improves system interoperability, and ensures data integrity for critical performance reporting, including ridership statistics and safety metrics.
- To achieve this level of standardization, staff is requesting a sole source procurement authorization, pursuant to N.C.G.S. 143-129(e)(6), for the following technology components to be installed for as long as the transit Division continues to use them in the City's transit fleet :
 - IVN 5/ Next Stop Automated Voice Annunciation Systems: Provides audible passenger announcements and syncs with the interior LED signage to keep riders informed about current and upcoming stops.
 - Seon- Video Surveillance Cameras: These internal and external video and audio surveillance systems ensure safety and security throughout the transit network. Using the same equipment allows consistent data capture, system monitoring, and streamlined maintenance.
 - UTA Model 31 (M31) APC. Automated Passenger County (APC) systems accurately record ridership data, crucial for service planning, reporting, and optimizing route efficiency. Ensuring all buses use the same APC system guarantees consistency in data collection across the fleet.
 - Mobileye Shield Pedestrian and Bike Detection System: This system provides advanced warning and detection of pedestrians and cyclists, enhancing safety for vulnerable road users. Standardizing this system across the fleet promotes a uniform safety protocol.
- These technologies are already used on the existing ART buses. Therefore, maintaining consistency across the fleet is crucial for operational efficiency, compatibility, and safety.

- In this case, competitive bidding is not feasible or advisable, as procuring similar but non-compatible equipment from alternative vendors could result in increased costs, integration challenges, and potential service disruptions.
- The use of sole-source procurement is permitted in this instance pursuant to N.C.G.S. 143-129(e)(6) as equipment compatibility is the overriding concern.
- The Washington State Department of Enterprise has approved the City of Asheville to participate in the State's Cooperative Purchasing Agreement for Transit Buses Master Contract No. 06719 to purchase buses from Gillig, utilizing the Washington State Department of Enterprise Services Cooperative Purchasing Agreement approved by the Washington State Department of Enterprise on October 20, 2021.

Bus Purchase

- Diesel buses are to be purchased due to the lack of alternative suitable options that are lower emission. Gillig does not have hybrid buses available for purchase.
- Federal funding to purchase the buses and associated accessories will be provided from Fiscal Year (FY) 2022, FY 2023, and FY2024 Section 5339 Federal Funds.
- Additionally, this purchase utilizes \$655,000 in Federal Transit Administration (FTA) 5307 funds that were rescinded by Buncombe County to the City of Asheville and which were accepted and budgeted into the City's Transit Capital Fund on September 24, 2024.
- Additionally, this action includes the sole source technology described above from several vendors for equipment installed on each bus to ensure that every bus has consistent technology.
- The buses are anticipated to be delivered within 12 to 15 months after the purchase order is issued, and the local match is already programmed in Fiscal Year City's Adopted Capital Improvement Program (CIP).

Vendor Outreach Efforts:

- N/A. Funding for this project is provided in part from Federal Grants. The City is using a Cooperative Purchasing Agreement for Transit Buses under an existing Master Contract with the Washington State Department of Enterprise.
- Additionally, for the bus technology, this is a sole source procurement due to the need to standardize equipment across all city buses; therefore, no outreach to additional vendors was done

Council Goal(s):

- Improve/Expand Core Services

Committee(s):

- None (Committees are currently suspended during response and recovery efforts from Hurricane Helene.)

Pro(s):

- These resolutions will allow the Transit Division to efficiently purchase the technology equipment and services required to standardize and maintain the City's CAD/AVL ITS system, video cameras, real-time audible announcements, and pedestrian and bike detection transit technology on the ART transit fleet.
- These actions will enable staff to purchase replacement buses needed to continue to provide current transit services.

Con(s):

- The purchase of diesel buses is inconsistent with the City's sustainable fleet policy.

Fiscal Impact:

- Revenues identified to support the requested action will come from a combination of a Federal Transit Administration (FTA) grant and City funds as outlined below:

Funding sources	Amount
FTA 5339 Grants (FY22, FY23, and a portion of FY24) - City - budgeted in prior fiscal years	\$ 861,832
FTA 5307 Grant - County rescinded - Budgeted by City Council September 24, 2024	\$ 655,000
City Transit CIP FY 25	\$ 1,100,000
Total	\$ 2,616,832

Motions:

- Motion to adopt a resolution supporting the sole-source procurement of transit-related technology equipment and services for the Asheville Rides Transit (ART) transit fleet as described in the associated staff report.
- Motion to adopt a resolution authorizing the the purchase of four (4) 30-foot clean diesel Gillig buses for Asheville Rides Transit (ART) for \$2,291,176, using the Washington State Department of Enterprise Services Cooperative Purchasing Agreement which includes approved sole-source technology as part of the turnkey package in an amount not to exceed \$325,656. The total cost of the buses and included sole source technology, including CAD/AVL ITS system, video cameras, surveillance, and automated passenger counters, will not exceed \$2,616,832.

In response to Councilwoman Roney, Assistant Transportation Director Jessica Morriss said that there are no more 30-foot hybrid buses available on the market anymore.

**RESOLUTION NO. 24-252 - RESOLUTION BOOK NO. 45 - PAGE 238
RESOLUTION NO. 24-253 - RESOLUTION BOOK NO. 45 - PAGE 239**

Z. RESOLUTION NO. 24-254 - RESOLUTION AUTHORIZING THE SALE OF ONE 2011 FREIGHTLINER DUMP TRUCK WHICH IS BEYOND ITS USEFUL LIFE AND DEEMED SURPLUS CITY PERSONAL PROPERTY

Action Requested: Adoption of a resolution authorizing the sale of one (1) 2011 Freightliner Dump Truck which is beyond its useful life and deemed surplus City personal property.

Background:

- The City's Stormwater Department identified one (1) dump truck as surplus personal property, with no anticipation of future utilization by the City.
- The 2011 Freightliner Dump Truck is expected to sell for more than \$30,000.
- All bids are solicited through online auction.
- Pursuant to N.C.G.S. §160A-266, the Sale and Disposal of Personal Property valued at \$30,000 or more must be approved by the City Council.
- The City's Purchasing Manager has authority to dispose of personal property valued at less than \$30,000 by private negotiation and sale.

Vendor Outreach Efforts:

- Not Applicable

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Prudent asset management
- Space utilization eliminates the need to store large, unused equipment
- Competitive process yielded market price

Con(s):

- None

Fiscal Impact:

- The vehicle is fully depreciated and the Stormwater Fund will recognize the entire amount as revenue.

Motion:

- Motion to adopt a resolution authorizing the sale of one (1) 2011 Freightliner Dump Truck which is beyond its useful life and deemed surplus City personal property.

RESOLUTION BOOK NO. 45 - PAGE 241

- AA. RESOLUTION NO. 24-255 - RESOLUTION AMENDING THE 2024 CITY COUNCIL MEETING SCHEDULE TO ADD THE CITY COUNCIL ORGANIZATIONAL MEETING ON MONDAY, DECEMBER 2, 2024, AT 10:00 A.M. IN THE COUNCIL CHAMBER, LOCATED ON THE 2ND FLOOR OF CITY HALL**

RESOLUTION BOOK NO. 45 - PAGE 242

- BB. 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 September 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 September 2024 were provided.

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 September 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 Roney and carried unanimously.

III. PRESENTATIONS & REPORTS:

City Manager Campbell was pleased to announce our new Transportation Director Ashley Haire.

A. MANAGER'S REPORT - RECOVERY UPDATE

City Manager Campbell said that the Manager's report tonight will include a presentation from staff with information about a proposed organizational structure for us and the community to respond to the unprecedented conditions we are faced with to recover from this storm. We presented some of this information last Thursday at Council's agenda briefing. Hopefully we responded in this revised presentation to some of the issues and concerns that were raised by Council at that meeting. Assistant City Manager Rachel Wood has been designated as our Recovery Coordinator and our Sustainability Director Bridget Herring will serve as the Deputy Coordinator. Ms. Wood and other staff will be presenting the bulk of the presentation; however, we will also have representatives from Hagerty Consulting Inc. who are assisting the City with our recovery efforts will also present on their role.

She said that for several weeks she has been participating in Buncombe County's press briefings. We have been providing updates about numerous topics such as where and how to access needed services, the status of water restoration and distribution efforts, community safety tips, debris removal, damage assessments, how to reopen, the building permit process and other key topics. At these briefings, she has consistently started her comments by thanking everyone in the community for their continued support to help us recover from this devastating storm. And, she has consistently closed her comments by extending her continued thanks to the Mayor and City Council, all our dedicated City of Asheville employees, our other partners in the County, State and federal government, as well as our private and nonprofit partners who continue to work diligently to help our community. Although we have a long way to go, we are making steady progress. Together as a community we will build back better. She hoped this presentation provides a little bit of a road map as to how we propose to organize to support community efforts to address the tremendous challenges and opportunities ahead of us.

Assistant City Manager Rachel Wood outlined the following key takeaways from her presentation as follows: (1) An operational recovery framework is designed to align with federal and state funding resources to initiate both rapid response and long term recovery processes; (2) The City's operational framework and associated direction and input from the City Council and

the community will help identify actions required to successfully recover from the storm; (3) Contracted services with subject matter experts such as Hagerty Consulting, Inc. will add capacity in navigating the complexities of emergency response and long-term recovery resources; (4) This operational framework is intentionally developed to be reassessed in a regular cadence so it can remain nimble and responsive to the unmet needs of the community and Council's priorities as they change throughout the recovery process; (5) Subject-specific Recovery Support Groups (RSGs) have been created with input from subject matter experts to align with immediate needs and federal/state funding resources; and (6) Ongoing partnerships and collaboration between staff, Council, state and federal agencies, nonprofits and the private sector is needed to help Asheville recover as a more resilient community.

Tracey Phillips, Deputy Director of Hagerty, discussed the role of Hagerty and their collaboration with City staff in the recovery process, along with the key federal/state agency roles in disaster recovery and response.

Sharie Blanton Project Manager with Hagerty for Asheville, reviewed Hagerty in collaboration with City staff in the recovery process (1) Debris Policy and Operations (a) SDR hauled ~17,300 cubic yards (CYs) from Wed, 10/09/24 to Sun, 10/27/24 (19 days); (b) US Army Corp of Engineers (USACE) and Ashbritt hauled ~53,000 CYs from Sat, 11/02/24 to Sun, 11/09/24 (8 days); and (c) Secured ~\$6.4M of FEMA Public Assistance (PA) reimbursement for debris work through a Category A - Debris Removal - Expedited Project; and (2) Water and Infrastructure (a) Drafting two (2) Category B - Emergency Protective Measures (EPMs) projects for submission to FEMA PA to cover initial, estimated temporary water repairs (~\$11.7M) and other citywide emergency/response costs (~\$6.4M); and (b) Developing the Damage Inventory (DI) required for FEMA PA cost recovery. Regarding housing, (1) Hagerty's FEMA and HUD housing experts collaborated with City staff on initial program insights and housing priorities; (2) participated in a Housing Recovery Workshop in collaboration with City staff where the team identified key challenges, resources, and next steps; (c) discussed potential pathways to potential funding sources focused on rental assistance, home repairs, homelessness initiatives, and small business support; and (d) developed a framework to identify community needs and priorities, solutions, and potential funding sources.

Ms. Wood then reviewed a chart of the 90-day disaster recovery framework. She then reviewed the following organizational recovery alignment chart:

Federal Recovery Support Function	Asheville Recovery Support Group	Council Committees
Health & Human Services	<ul style="list-style-type: none"> ● Housing 	Housing & Community Development
Housing	<ul style="list-style-type: none"> ● Housing 	Housing & Community Development
Economic (Commerce)	<ul style="list-style-type: none"> ● Economic Recovery 	Planning & Economic Development

Infrastructure Systems	<ul style="list-style-type: none"> • Debris • Water • Infrastructure 	Policy, Finance, & Human Resources
Community Planning & Capacity Building	<ul style="list-style-type: none"> • Cost Recovery • Community Capacity Building (Long Term Recovery Plan) 	Policy, Finance & Human Resources Equity & Engagement Committee
Natural & Cultural Resources	<ul style="list-style-type: none"> • Art and Cultural Resources 	Environment & Safety

The proposed recovery briefing schedule is as follows: (1) 11/19 Recovery Briefing (a) Recovery Support Group Updates; and (b) Planning for 12/10 Work Session; (2) 12/5 Recovery Briefing (a) Recovery Support Group Updates; (b) Overview of recovery related items for Council action on 12/10; and (c) Planning for 12/10 Work Session; (3) 12/10 Recovery Work Session - Facilitated Discussion on Recovery Strategies and Priorities; (4) Mid-December (date TBD) Recovery Briefing (a) Work Session Follow-Up; (b) Recovery Support Group Updates; and (c) Retreat Preparation; (5) January 2025 (date TBD): Council Retreat; and (6) Ongoing on Monday, Wednesday, & Friday: Council Email Updates.

She then gave a recovery briefing update on (1) Housing; (2) Economic Recovery; and (3) cost recovery.

Regarding housing updates, Community & Economic Development Director Nikki Reid provided the following information: (1) **Staff Activities:** (1) Coordinated with service providers, Buncombe County, federal partners and non-profit agencies to secure Gold's Gym as shelter location through the end of December; (2) Collaborated with CoC shelter work group to identify an alternate location for Code Purple and plan is now in place; (3) Participated in housing meetings with area stakeholders; (4) Performed initial physical assessments and collected data on damage to structures in city limits; (5) Secured approval from HUD for waivers granting greater flexibility with existing federal CDBG funds; (6) Provided permitting point of contact to NC Department of Emergency Management for temporary housing considerations; and (7) Following up with housing developers on the status of existing and planned projects in the housing pipeline; (2) **Available Resources to Support Community** ARCHR (Asheville Regional Coalition for Home Repair) has a single point of intake for low-income homeowners with storm-damage and in need of disaster repairs www.ashevillehabitat.org/housing-programs/disaster-repairs/; City has designated \$1M in funding for rental assistance and \$1.465M for home repairs, with initial funding for programs at Eblen Charities and ARCHR via Habitat for Humanity; and (3) **Possible Council Action Needed:** (a) On October 31, 2024, the City was awarded \$1,748,141 in additional Community Development Block Grant (CDBG) funds (i) Council to provide initial policy guidance in November; (ii) Staff will proceed with HUD-required public notice of proposed allocation plan in late November; and (iii) Council to vote on allocation plan on December 10; (b) Policy discussion about liens for disaster-related home repair - ARCHR has requested the City suspend the standard requirement of liens for disaster-related home repairs of \$50,000 and below (i) Currently, the City requires liens with investments of \$10,000 and above (CDBG) and Buncombe County requires liens with investments of \$15,000 and above; and (ii) Policy Consideration: ARCHR's experience is that some homeowners will refuse assistance based on a lien requirement. ARCHR often stacks multiple sources of funds for one home repair to avoid lien

triggers, increasing administrative burden. Council could consider lifting this requirement for disaster-related home repairs; and (c) Receive updates on the progress and remaining funding allocations for rental assistance and home repair.

Regarding the economic recovery updates, Director of Planning & Urban Design Stephanie Dahl provided the following information: (1) **Staff Activities:** (a) Have attended or presented at 20+ meetings with business owners and advocacy groups. Used input received to identify immediate priorities list; (b) Continuing to provide special assistance with storm related permitting including fee waivers for all storm-related permits; restarted early assistance meetings for storm-related projects; (c) Completed all commercial building assessments necessary to provide assistance with customers experiencing substantial damage in flood hazard areas; assessing current ordinances ability to balance sustainability and economic development needs; (d) Working across agencies and advocacy groups to identify and promote funding opportunities; and (e) Next steps include convening partners to align data collection and reassess business retention needs; focus groups with The Block and MWBEs; (2) **City Resources to Support Community:** [Guidance for Severely Impacted Flood Areas](#) (including available grants and relief information); [Tropical Storm Helene Open for Business Guidelines](#); City has designated \$704,000 in Business Stabilization Grants (to be administered by Mountain BizWorks- program opening date to be announced soon); and (3) **Possible Council Action Needed:** (a) **Possible Council Action Needed:** (1) Consider advocating for additional funding to reimburse businesses for procuring potable water; (2) Continue to share resources for businesses; (3) Review/provide feedback on economic development tools/resources for recovery - IEDC's [Leadership in Times of Crisis: A Toolkit for Economic Recovery and Resiliency](#); (4) Consideration of policy and processes regarding redevelopment and reconstruction of property. Further discussion at upcoming briefings to include: (a) Streamlining review and permitting process; (b) Standards to rebuild; and (c) Temporary allowances to restart businesses.

Regarding cost recovery updates, Ms. Wood provided the following information: (1) **Staff Activities:** (a) **Oct. 9:** Prepared Preliminary Funding Request Letter for Senator Budd, Senator Tillis and Speaker Johnson (Mayor distributed during tour) -\$1.36 Billion; (b) **Oct. 16:** Preliminary Revenue Loss and Infrastructure Damage Assessment submitted to Office of State Budget & Management; (c) **Oct. 28:** Received \$6,387,969 to cover first half of Debris-related estimated expenses (Cat. A); (d) **Oct. 31:** Updated Funding Request Letter for Federal Delegation (distributed via the City's lobbyists) -\$1.6 Billion; (e) **Nov. 8:** Updated Funding Request Provided to FEMA Administrator, Deanne Criswell (staff-level meeting) -\$1.86 Billion; and (f) **Ongoing:** Continue to refine financial impact projections. Staff and Hagerty goal to submit initial Emergency Protective Measures (Cat. B) funding request by Nov. 27; (2) **Available Resources:** Damage Assessment Spreadsheet continues to be refined. Working with Hagerty to recoup disaster-related expenses reimbursed as quickly as possible; and (3) **Possible Council Action Needed:** Continue to communicate resource needs to State and Federal Elected Officials including the expedited adoption of all measures to ensure full funding for ongoing disaster relief, including those agencies and programs providing direct support to disaster survivors and small businesses such as FEMA, SBA, and CDBG Disaster Recovery.

Mayor Manheimer said that City Council will be holding a regular cadence of briefings as we move through the first 180 days to oversee the transactional recovery pieces. In those briefings she would like to see information about our park recovery, the state of our parks, what parks will be priorities, what is happening to the parks we lease, etc. We want to fix everything we can if we have the opportunity to recover the funds, so Council needs to understand that process of fund recovery. She also felt we need a good assessment of our water system and how this storm is changing our capital needs and how Council can advocate to build resiliency measures. She would like to hear about our greenways, sidewalks, streets, etc. Because of main roads being closed, perhaps we need to invite a N.C. Dept. of Transportation representative

to our briefing to hear about what roads they are prioritizing. She suggested Council receive information about the number of residential, commercial and industrial buildings that have been impacted by the storm, and how many are damaged beyond repair and might want to consider a buy-out program. She felt Council needs to have data points around this to fully understand the impacts of this and then build that into a long-term recovery plan, and how that will look in a land use plan. She said that Maui has put out their long-term recovery plan which includes all the same categories and subsections from affordable housing to utilities and that is a road map that we can use here in our area. She also asked for our projected revenue losses, i.e., sales tax, utility billings, parking revenue, etc. She said that there are a lot of opportunities to get discretionary funding from the federal and state governments, and City Council is making that ask, emphasizing the need for recovery dollars.

FEMA Federal Coordinating Officer Hannah Vick responded to various questions/ comments from Council, some being, but are not limited to: has the deadline for the FEMA _____ program been extended and if not, why and can it be; how many of the 1600 County-wide people still in hotels and transitional housing are City of Asheville residents; request to have residents register before January 7, 2025, for Federal FEMA assistance even though you might not have a need now; and how long with FEMA representatives be at the Asheville Mall site. Ms. Vick said that for questions she could not readily answer, she would obtain that information and provide it to City Council.

City Manager Campbell, along with Ms. Wood, responded to various questions/ comments from Council, some being, but are not limited to: need to find ways to engage the community; need for a project dashboard on the website showing our work, the contracts, the timeline for the project, etc.; request to make sure that the City Council Environment & Safety Committee has adequate involvement in recovery support groups; update on establishing a Blue Ribbon Committee to be made up of members on the Planning & Zoning Commission, Sustainability Advisory Committee, Urban Forestry Commission, RiverLink, Mountain True, Riverfront Redevelopment Commission, etc.; how can the City help to get the \$500,000 into the hands of our renters now or how can we support our partners by helping expand their capacity or with additional partners; has the City been in contact with Beacon, an informal coalition of people to serve in rental assistance; the City should look at the Durham Emergency Rental Assistance Program that gives cash payments to people to help with rent and utility payments; suggestion to start charging again for metered parking spaces but leave the parking decks still open for free parking; ways to engage the public and our advisory boards in the recovery process; support for a blue ribbon commission; and implementation of our approved plans that include community engagement, especially our Climate Justice Initiative with Neighborhood Vulnerability Index data.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

In response to Councilwoman Turner, City Attorney Branham said that in North Carolina, local governments have not been empowered to implement a moratorium on evictions. City Council does not have that authority. In the past, the state, through the Governor's authority, implemented such a moratorium during COVID-19. We have been, along with our state and federal lobbyist efforts, and will continue to push for an eviction moratorium.

Several individuals spoke to City Council about various matters, some being, but are not limited to: need for affordable housing; need assistance for service workers; request to lobby for

eviction moratorium; suggestion to add information on the City's website to direct people to resources; need rent freezes and mortgage assistance; release the remaining \$500,000 in American Rescue Plan Act funds to be used for rental assistance; open up emergency positions with the City for our out of workforce; use influence to stop the Housing Authority from evicting people; rebuild Asheville by putting money in local businesses with grants, not loans; the Buncombe County Tourism Development Authority needs to be held accountable and LIFT funds should be used to support affordable housing; be creative in getting rental assistance out as quickly as possible and incentivize landlords to do the right thing; don't use the Enka Candler Commerce Park as a debris site; encourage and grant permission to fund and build rescue rail tracks that have a solar transportation network throughout the City, with a solar production facility in the area; and don't develop in our floodplains.

When Mayor Manheimer noted that this is Vice-Mayor Kilgore's last formal Council meeting, Vice-Mayor Kilgore thanked everyone for her four-year education. She has learned so much in the past years that she feels she can go out and help the community.

Closed Session

At 7:28 p.m., Councilwoman Ullman moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, the handling or settlement of a claim regarding the following: American Finance Trust, Inc. v. City of Asheville, having a case file number of 21 CVS 4729. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilwoman Roney and carried unanimously.

At 8:02 p.m., Councilwoman Turner moved to come out of closed session. This motion was seconded by Councilwoman Ullman and carried unanimously.

VIII. ADJOURNMENT:

Vice-Mayor Kilgore adjourned the meeting at 8:02 p.m.

CITY CLERK

MAYOR