

Thursday – December 5, 2024 - 11:00 a.m.

Agenda Briefing Worksession - For December 10, 2024, Council Meeting

Present: Vice-Mayor S. Antanette Mosley, Presiding; Councilman Bo Hess; Councilwoman Kim Roney; Councilwoman Sheneika Smith; Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: Mayor Esther E. Manheimer and City Manager Debra Campbell (both in attendance at Metro Mayor's Conference in Wilmington, N.C.)

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:

- Communications and Data

At 12:27 p.m., Vice-Mayor Mosley adjourned the agenda briefing worksession.

Tuesday - December 10, 2024 - 3:00 p.m.

Recovery Efforts Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor S. Antanette Mosley; Councilman Bo Hess; 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

Beau Mills from FountainWorks, introduced his team Susannah Childers, facilitator/recorder; and Emily Wilson, recorder. He said that this worksession will strive to build a shared understanding of the disaster recovery process.

Tracey Phillips from Hagerty, reviewed with Council the long-term recovery planning lifecycle.

Ms. Phillips gave a high level overview of the the framework for a resilient recovery is (1) create a Task Force (gather the leaders or decision-makers you need from across sectors and silos to set goals and develop priorities) (a) elected officials; (b) institutional leaders; and (c) recovery authorities (first responders, law enforcement); (2) empower and leverage your stakeholders (bring together your community "pillars" to support the decision-making and solution development process (a) key non-profits; (b) business leaders (e.g., Chamber of Commerce, Council on Governance); (c) high-capacity support teams and local experts (e.g., University departments and institutes); and (d) constituent voices and underserved or vulnerable communities; (3) use engagement as an engine (a) determine whether your priorities are framed as the public frames then; and (b) capture data for verifiable integration into implementation actions; (4) decision making (surface disagreements, knowledge gaps, barriers and challenges for resolution; (5) solution development (bring together the right teams to tackle the biggest challenges related to the impacts you experienced. Leverage recovery and resilience experts to support new, potentially innovative ideas; and (6) resource identification and prioritization (identify external resources and prioritize local funds to support your key priorities).

She explained that regarding resilience as an emergency recovery focus, the ability of individuals, institutions, businesses, and systems within the community to withstand and recover, no matter the disruptions or disasters experienced (1) develop long-term strategies for identifying local, state, and federal resources that can support the repair of infrastructure; (2) focus efforts on risk reduction, decreased vulnerability to disasters, and support everyday life; (3) choose solutions that align resources, partners, and priorities; (4) strategically optimize resources to achieve long term objectives and reduce social stress; (5) understand disaster impacts to frame opportunities to build back stronger; and (6) evolve from community and stakeholder priorities to implemented actions.

At Mr. Mills's request, City Council wrote down on post-it notes what was really important to them. The post-its were placed in the following categories: preparedness resiliency; community involvement; regional leader; culture and arts; reopening and expanding; business recovery resiliency; recovery for residents; natural environment recovery; infrastructure, healing, Council teamwork; City recovery and growth; and equity.

Mr. Mills then asked Council what they needed to work together to help achieve these things. The post-its were placed in the following categories: understanding where we are; know where we are going based on our foundation of knowledge; brainstorming sessions and conversation; equal dissemination of information; identifying what are projects for the City, the County, NGO's, all of the above; identifying the work plan and timeline (plan for the plan); getting realistic and timely info from staff; be in sync with staff; engaging the community beyond surveys; and use the info our community has already been given; leverage past plans.

Mr. Mills said that they will work with the City management team and help form the agenda design for the City Council annual retreat in February.

Mayor Manheimer said that if any Council member would like to be a part of the agenda for the retreat, to please let her know.

City Manager Campbell stressed that there is definitely a leadership role in recovery but they must work together with the community to create the future Asheville that most of us want.

At 4:37 p.m., Mayor Manheimer adjourned the recovery efforts worksession.

Tuesday – December 10, 2024- 5:00 p.m

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor S. Antanette Mosley; Councilman Bo Hess; 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:

II. CONSENT AGENDA:

- A. APPROVAL OF THE (1) COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON NOVEMBER 7, 2024, AND THE FORMAL**

MEETING HELD ON NOVEMBER 12, 2024; AND (2) ORGANIZATIONAL MEETING HELD ON DECEMBER 2, 2024

B. RESOLUTION NO. 24-257 - RESOLUTION RATIFYING AN EMERGENCY CONTRACT WITH CDM SMITH INC., FOR PROFESSIONAL SERVICES FOR THE NORTH FORK WATER PRODUCTION FACILITY TROPICAL STORM HELENE EMERGENCY RESPONSE

Action Requested: Adoption of a resolution ratifying a contract with CDM Smith, 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 covering Asheville was declared 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, the City of Asheville engaged outside assistance to address the needs of the community when those needs exceeded the capacity of City staff.
- In one such instance, the City engaged CDM Smith, Inc., for Professional Services for the North Fork Water Production Facility Tropical Storm Helene Emergency Response, to provide support and resources to help restore the ability of the North Fork WTP to produce potable water.
- This assistance 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. § 143-64.31(a) from the standard contracting processes in state law.
- This assistance was further needed to address an emergency or exigency within the meaning of 2 CFR § 200.320(c)(3).
- Staff is now requesting that Council ratify the City's contract with CDM Smith, Inc. for these services and waive any contracting policies or procedures that would normally have applied.

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 \$250,000, and it is anticipated that 100% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution ratifying the City's emergency contract with CDM Smith, Inc., a Massachusetts Corporation, for Professional Services, for Professional Services for the provision of the North Fork Water Production Facility Tropical Storm Helene Emergency

Response for the sum of \$250,000 and waive any contracting policies or procedures that would normally have applied.

RESOLUTION BOOK NO. 45 - PAGE 244

C. RESOLUTION NO. 24-258 - RESOLUTION RATIFYING AN EMERGENCY CONTRACT WITH STATE UTILITY CONTRACTORS INC. FOR THE NORTH FORK WATER TREATMENT PLANT / BURNETTE RESERVOIR EMERGENCY RESPONSE FOR TROPICAL STORM HELENE

Action Requested: Adoption of a resolution ratifying a contract with State Utility Contractors, Inc., entered into on an emergency basis in the immediate aftermath of Tropical System 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 covering Asheville was declared 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, the City of Asheville engaged outside assistance to address the needs of the community when those needs exceeded the capacity of City staff.
- In one such instance, the City engaged State Utility Contractors, Inc. for the North Fork Water Treatment Plant / Burnette Reservoir Hurricane Helene Emergency Response to provide and install a turbidity curtain to help restore the ability of the North Fork WTP to produce potable water.
- This purchase 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 purchase was further needed to address an emergency or exigency within the meaning of 2 CFR § 200.320(c)(3).
- Staff is now requesting that Council ratify the City's contract with State Utility Contractors, Inc. for this procurement and waive any contracting policies or procedures that would normally have applied.

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 \$204,996.00, and it is anticipated that 100% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution to ratify the City's emergency contract with State Utility Contractors, Inc., for the provision of the North Fork Water Treatment Plant Hurricane

Helene Emergency Response and waive any contracting procedures that might have otherwise applied.

RESOLUTION BOOK NO. 45 - PAGE 245

D. RESOLUTION NO. 24-259 - RESOLUTION RATIFYING A CONTRACT WITH SCHNABEL ENGINEERING SOUTH P.C. ENTERED INTO ON AN EMERGENCY BASIS IN THE IMMEDIATE AFTERMATH OF TROPICAL STORM HELENE, FOR EVALUATION AND ENGINEERING SERVICES TO REPAIR ATTRIBUTES OF THE BEE TREE DAM AND SPILLWAY

Action Requested: Adoption of a resolution ratifying a contract with Schnabel Engineering South, P.C. entered into on an emergency basis in the immediate aftermath of Tropical Storm Helene for providing emergency evaluation and engineering services to repair attributes of the Bee Tree Dam and Spillway.

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 in relation to Tropical Storm Helene 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 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 Schnabel Engineering South, P.C., to provide emergency evaluation and engineering services to repair attributes of the Bee Tree Dam and Spillway.
- The contract is for providing evaluation and engineering services to repair slough on the dam, spall on the spillway chute, and eroded areas at the outlet areas of the spillway of the Bee Tree Dam and Spillway that were impacted due to Tropical Storm Helene.
- Contract will cover the following work for the Bee Tree Dam and Spillway:
 - Visual evaluation of the dam, spillway, and associated areas
 - Emergency Support - Coordination with City, NC DEQ Dam Safety, surveyors , and contractors during and following Hurricane Helene
 - Preparation of a memorandum documenting the dam's performance during Hurricane Helene
 - Survey any areas of damage
 - Development of temporary emergency repair measures and concepts
 - Coordination with NC DEQ Dam Safety to obtain approval of the proposed emergency repairs.
 - Provide an evaluation and engineering services to repair slough on the dam, spall on the spillway chute, and eroded areas at the outlet areas of the spillway that were impacted due to Tropical Storm Helene.
- 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. § 143-64.31(a) 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).

Vendor Outreach:

- 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. § 143-64.31(a) from standard contracting processes in state law.
- This contract was further needed to address an emergency or exigency within the meaning of 2CFR § 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 \$100,000, and it is anticipated that 100% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution ratifying the City's emergency contract with Schnabel Engineering South, P.C., for providing emergency evaluation and engineering services to repair attributes of the Bee Tree Dam and Spillway.

RESOLUTION BOOK NO. 45 - PAGE 246

E. RESOLUTION NO. 24-260 - RESOLUTION RATIFYING A CONTRACT WITH SCHNABEL ENGINEERING SOUTH P.C. ENTERED INTO ON AN EMERGENCY BASIS IN THE IMMEDIATE AFTERMATH OF TROPICAL STORM HELENE, FOR EVALUATION AND ENGINEERING SERVICES TO REPAIR ATTRIBUTES OF THE NORTH FORK DAM AND SPILLWAYS

Action Requested: Adoption of a resolution ratifying a contract with Schnabel Engineering South, P.C. entered into on an emergency basis in the immediate aftermath of Tropical Storm Helene for providing emergency evaluation and engineering services to repair attributes of the North Fork Dam and Spillways.

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 in relation to Tropical Storm Helene 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 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 Schnabel Engineering South, P.C., to provide emergency evaluation and engineering services to repair attributes of the North Fork Dam and Spillways.

- The contract is for providing evaluation and engineering services for the North Fork Dam and Spillways:
 - Visual evaluation of the dam, spillways, and associated areas
 - Emergency Support - Coordination with City, NC DEQ Dam Safety, surveyors , and contractors during and following Hurricane Helene
 - Preparation of a memorandum documenting the dam's performance during Hurricane Helene
 - Survey any areas of damage
 - Development of temporary emergency repair measures and concepts
 - Coordination with NC DEQ Dam Safety to obtain approval of the proposed emergency repairs.
- 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. § 143-64.31(a) 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).

Vendor Outreach:

- 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. § 143-64.31(a) from standard contracting processes in state law.
- This contract was further needed to address an emergency or exigency within the meaning of 2CFR § 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 \$100,000, and it is anticipated that 100% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution ratifying the City's emergency contract with Schnabel Engineering South, P.C., for providing emergency evaluation and engineering services to repair attributes of the North Fork Dam and Spillways.

RESOLUTION BOOK NO. 45 - PAGE 247

- F. RESOLUTION NO. 24-261 - RESOLUTION RATIFYING A CONTRACT WITH SCHNABEL ENGINEERING SOUTH P.C. ENTERED INTO ON AN EMERGENCY BASIS IN THE IMMEDIATE AFTERMATH OF TROPICAL STORM HELENE, TO PROVIDE EMERGENCY REPAIRS TO ATTRIBUTES OF THE NORTH FORK AND BEE TREE DAMS AND SPILLWAYS**

Action Requested: Adoption of a resolution ratifying a contract with Phillips and Jordan, Inc. entered into on an emergency basis in the immediate aftermath of Tropical System Helene for providing emergency repairs to attributes of the North Fork and Bee Tree Dams and Spillways.

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 in relation to Tropical Storm Helene 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 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 Phillips and Jordan, Inc., to provide emergency repairs to attributes of the North Fork and Bee Tree Dams and Spillways.
- The contract is for providing emergency repairs to the attributes of the North Fork and Bee Tree and Spillways that were impacted due to Tropical Storm Helene.
 - Restore supporting earth under and around the all exposed waterlines
 - Temporary seeding and matting of slopes
 - Repair, backfill and and where possible slope earth at the wingwalls, eroded areas below the spillway chutes, channel banks, stilling basins and downstream embankment.
 - Repair of spall on Bee Tree spillway
 - Repair slough on Bee Tree Dam
 - Debris removal as necessary to ensure the access of the watershed properties.
- 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).

Vendor Outreach:

- 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 2CFR § 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 \$1,000,000, and it is anticipated that 100% of this expense will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution ratifying the City's emergency contract with Phillip and Jordan, Inc., for providing emergency repairs to attributes of the North Fork and Bee Tree Dams and Spillways.

RESOLUTION BOOK NO. 45 - PAGE 248

G. RESOLUTION NO. 24-262 - RESOLUTION RATIFYING AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY ENTERED INTO ON AN EMERGENCY BASIS TO ESTABLISH THE TERMS AND CONDITIONS UNDER WHICH THE COUNTY WILL FACILITATE THE PRIVATE AND COMMERCIAL PROPERTY DEBRIS REMOVAL AND WATERWAY DEBRIS REMOVAL INTAKE PROCESS FOR CITY OF ASHEVILLE PROPERTY

Action Requested: Adoption of a resolution ratifying an interlocal agreement with Buncombe County entered into on an emergency basis in the immediate aftermath of Tropical Storm Helene, to establish the terms and conditions under which the County will facilitate the private and commercial property debris removal (PPDR) and waterway debris removal intake process for City of Asheville property owners.

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 Buncombe County, to facilitate the private and commercial property debris removal (PPDR) and waterway debris removal intake process for City of Asheville property owners.
- The private and commercial property debris removal intake process, including application and right-of-entry, will require a coordinated effort between Buncombe County, the incorporated municipalities, and state and Federal agencies to ensure that proper procedures are followed and that residents receive clear and consistent information.
- Many residents and businesses will qualify for no-cost private property debris removal by a third-party debris-removal entity and the Federal Emergency Management Agency, but in order to qualify, property owners and residents will be required to participate in a detailed intake process.
- This interlocal agreement 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 interlocal agreement was further needed to address an emergency or exigency within the meaning of 2 CFR § 200.320(c)(3).

Vendor Outreach Efforts:

- Notwithstanding the existence of the emergency circumstances created by Tropical Storm Helene, the County utilized a competitive selection processor to contract with its PPDR vendor, TetraTech.

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.
- Enables a unified intake process for private property owners (both residents and business owners) regardless of location, which facilitates an efficient, clear and consistent process for our residents
- Reduces staff capacity required to administer program enrollment

Con(s):

- None, aside from the expenses incurred.

Fiscal Impact:

- It is anticipated that 100% of this expense will be reimbursed by FEMA under Category A (Debris Removal) expenses for the first 180 days and then 75% thereafter.
- However, the interlocal agreement requires the City to reimburse the County for any expenses not covered by FEMA, although none are expected, since the work is expected to be completed within the first 180 days.

Motion:

- Motion to adopt a resolution ratifying the City's emergency interlocal agreement with Buncombe County, to establish the terms and conditions under which the County will facilitate the private and commercial property debris removal (PPDR) and waterway debris removal intake process for City of Asheville property owners.

RESOLUTION BOOK NO. 45 - PAGE 249

- H. ORDINANCE NO. 5108 - ORDINANCE THAT (1) REPEALS ORDINANCE NO. 5066, WHICH ADOPTED THE FISCAL YEAR 2024-25 FEES & CHARGES MANUAL; (2) RE-ADOPTS THE FISCAL YEAR 2024-25 FEES AND CHARGES MANUAL INCLUDING CERTAIN AMENDMENTS; (3) AUTHORIZES THE CITY MANAGER OR ANY OF THEIR DESIGNEES TO WAIVE, SUSPEND, DEFER, OR MODIFY ANY FEE OR CHANGE, WHOSE ADJUSTMENT DOES NOT REQUIRE A PUBLIC HEARING PRIOR TO ADOPTION, IN THE RE-ADOPTED FISCAL YEAR 2024-25 FEES AND CHARGES MANUAL FOR ANY PERIOD DURING ANY DECLARED STATE OF EMERGENCY OR DISASTER COVERING ANY PART OF THE CITY OF ASHEVILLE (INCLUDING ANY CITY, COUNTY, STATE OR FEDERAL STATE OF EMERGENCY OR DISASTER DECLARATION); (4) RATIFIES ANY AND ALL HELENE-RELATED WAIVERS, SUSPENSIONS, DEFERRALS, OR MODIFICATIONS OF ANY CITY FEES AND CHARGES THAT HAVE ALREADY OCCURRED; AND (5) CONTINUES EACH OF THESE HELENE-RELATED WAIVERS, SUSPENSIONS, DEFERRALS, OR MODIFICATIONS OF ANY CITY FEES OR CHARGES UNTIL EITHER THE CITY MANAGER OR THEIR DESIGNEE DETERMINES THAT THEY SHOULD NOT BE CONTINUED OR UNTIL ALL PARTS OF THE CITY OF ASHEVILLE**

**ARE NO LONGER COVERED UNDER A DECLARED STATE OF
EMERGENCY OR DISASTER, WHICHEVER OCCURS SOONER**

Action Requested: Adoption of an ordinance that: (1) repeals ordinance 5066, which adopted the Fiscal Year 2024-25 Fees and Charges Manual; (2) re-adopts the Fiscal Year 2024-25 Fees and Charges Manual; (3) authorizes the City Manager or any of their designees to waive, suspend, defer, or modify any fee or charge in the re-adopted Fiscal Year 2024-25 Fees and Charges Manual for any period during any declared state of emergency or disaster covering any part of the City of Asheville (including any City, County, state or Federal state of emergency or disaster declaration); (4) ratifies any and all Helene-related waivers, suspensions, deferrals, or modifications of any City fees and charges that have already occurred; and (5) continues each of these Helene-related waivers, suspensions, deferrals, or modifications of any City fees or charges until either the City Manager or their designee determines that they should not be continued or until all parts of the City of Asheville are no longer covered under a declared state of emergency or disaster, whichever occurs sooner.

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.
- To facilitate this response and ensure access to essential goods and services for the community, the City Manager authorized the waiver of certain fees and charges for various services, including hurricane related building permits (which she has the authority to do per the Fees and Charges Manual) as well as other fees such as transportation-related fees for parking and transit (the mechanism for waiving these fees is not currently listed in the Fees and Charges Manual).
- To provide continued relief, staff requests to have these past adjustments to fees and charges ratified and continued.
- Staff also requests adding language to the ordinance granting the City Manager the authority to adjust fees and charges during declared states of emergency or disasters.
- As a result, this action also includes language that will allow the City Manager or their designee to waive, suspend, defer, or modify any fee or charge, which does not require a public hearing prior to adoption, for any period during any declared state of emergency or disaster covering any part of the City of Asheville (including any City, County, state or Federal state of emergency or disaster declaration).
- Staff intends to include similar language in future adopted fees and charges manuals so that staff will not need to request this additional Council action during declared states of emergency or disasters covering the City of Asheville.

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):

- The fee waivers and suspensions result in a fiscal impact for the City of Asheville operations budget for FY25.

Fiscal Impact:

- The fee waivers and suspensions result in a fiscal impact for the City of Asheville operations budget for FY25.
- Transportation department fees that were suspended include the following:
 - Transit fares - \$45,000 to \$50,000 per month
 - Parking fees (per month):
 - Garages - \$281,000
 - Meters - \$ 137,000
 - Monthly permits - \$106,000
 - Tickets/enforcement typically received - \$29,000
 - Street closure fees - \$5,200 per month
- The Fire Marshal's Office waived all inspection fees following disaster -\$15,000 per month
- Development Services waived hurricane-related permitting fees -\$274,000 per month
- Loss of revenue is not typically reimbursed by FEMA.

Motion:

- Motion to adopt an ordinance which: (1) repeals ordinance 5066, which adopted the Fiscal Year 2024-25 Fees and Charges Manual; (2) re-adopts the Fiscal Year 2024-25 Fees and Charges Manual; (3) authorizes the City Manager or any of their designees to waive, suspend, defer, or modify any fee or charge in the re-adopted Fiscal Year 2024-25 Fees and Charges Manual for any period during any declared state of emergency or disaster covering any part of the City of Asheville (including any City, County, state or Federal state of emergency or disaster declaration); (4) ratifies any and all Helene-related waivers, suspensions, deferrals, or modifications of any City fees and charges that have already occurred; and (5) continues each of these Helene-related waivers, suspensions, deferrals, or modifications of any City fees or charges until either the City Manager or their designee determines that they should not be continued or until all parts of the City of Asheville are no longer covered under a declared state of emergency or disaster, whichever occurs sooner.

ORDINANCE BOOK NO. 35 - PAGE 406

I. RESOLUTION NO. 24-263 - RESOLUTION RATIFYING THE MOUNTAIN CAPITAL COMMUNITY FUND'S (MCCF) OPERATING AGREEMENT WITH THE CITY OF ASHEVILLE, BUNCOMBE COUNTY, SELF-HELP VENTURES, MOUNTAIN BIZWORKS, AND CAROLINA SMALL BUSINESS DEVELOPMENT FUND FOR THE CONTINUED OPERATION OF THE MCCF PROGRAM

Action Requested: Adoption of a resolution ratifying the renewal of the Mountain Community Capital Fund's operating agreement with the City of Asheville, Buncombe County, Self-Help Ventures, Mountain BizWorks, and Carolina Small Business Development Fund.

Background:

- The Mountain Community Capital Fund (MCCF) is a loan-guarantee program that is comprised of the City of Asheville, Buncombe County, Self-Help Ventures, Mountain BizWorks, and Carolina Small Business Development Fund. It also includes funding from Dogwood Health Trust.
- The program provides loan guarantees to business owners who may experience difficulty securing traditional financing, including small businesses, low-income business owners, and MWBE business owners.

- The initial MCCF Operating Agreement had only two sources of collateral: the City's \$250,000 and the County's \$200,000. Since then, several additional sources of collateral and loan funds have been added to the Fund.
- Amendments to the Agreement reflect the fund's current operation and document new funding sources that have been added since MCCF began in 2018, including City ARPA \$875,000, County ARPA \$1,150,000, and Dogwood Trust \$450,000.
- The operating agreement for MCCF needs to be renewed to allow the program to continue to operate.
- The current expiration date is February 2025. If approved, this agreement will allow the fund to operate until 2029.
- The agreement needed to be signed before it could go to City Council to allow sufficient time for all parties to sign before the agreement sunset, and a new fund Custodian needed to be selected.
- To date, the City has contributed \$1,125,000 to the MCCF program (the Original \$250,000 collateral and \$875,000 in ARPA Funds to Mountain Community Capital for use of collateral in MCCF and MCCF loans).
- As of September 30, 2024, the performance of the MCCF program includes the following:
 - Guaranteed 76 loans, accounting for nearly \$3M in dollars lent over the life of the program.
 - There are 57 active loans in the MCCF portfolio.
 - There have been 6 claims, representing \$116,391 in claims paid to-date.
 - Of the 76 loans, 58% were for black-owned businesses, 18% were for Hispanic/Latino businesses, 50% were for women-owned businesses (note that demographics overlap between race and gender), 25% were for startups, and 75% were for existing businesses.
 - 274 jobs have been created or retained as a result of the program.

Council Goal(s):

- Improve and maintain core services

Committee(s):

- None

Pro(s):

- Allowed the City to immediately act to allow for the continuation of the Mountain Community Capital Fund without delay.

Con(s):

- None.

Fiscal Impact:

- There is no fiscal impact from entering into this agreement.

Motion:

- Motion to adopt a resolution ratifying the amendments to Mountain Community Capital Fund's (MCCF) operating agreement with the City of Asheville, Buncombe County, Self-Help Ventures, Mountain BizWorks, and Carolina Small Business Development Fund for the continued operation of the MCCF program.

RESOLUTION BOOK NO. 45 - PAGE 250

J. RESOLUTION NO. 24-264 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH CAROLINA

1926 D/B/A CAROLINA CAT FOR EQUIPMENT RENTALS UTILIZED BY MULTIPLE DEPARTMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to amend a contract with Carolina 1926 LLC DBA Carolina Cat for rental equipment utilized by various departments.

Background:

- A request for proposals was advertised in April 2024 for Rental Equipment Services.
- Six (6) Contracts were executed in July 2024 with 6 different vendors offering different types of equipment.
- Carolina 1926 LLC DBA Carolina Cat was one of the contracts executed, with a not-to-exceed amount of \$85,000.
- This contract is utilized by multiple departments to rent equipment needed for various tasks and projects.
- The \$85,000 not-to-exceed limit is projected to be reached sooner than anticipated due to Tropical Storm (TS) Helene recovery efforts; and therefore needs to be increased.
- The City's Procurement, Purchasing and Contracting Policy requires Council approval for General Service Contracts valued at \$90,000 or greater.

Vendor Outreach Efforts:

- At the time this contract was initially advertised, Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Electronic Vendor Portal (eVP) and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for any subcontracted services.
- No MWBE firms submitted bids with this prime contractor and all work will be self performed by the prime contractor.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Departments will continue to be able to access equipment needed to complete tasks via rental on an as-needed basis.
- The City will not need to purchase various equipment that may only be needed for short or intermittent periods.

Con(s):

- None

Fiscal Impact:

- The fiscal impact will vary depending upon utilization, but will not exceed the contract limit of \$170,000.
- Each rental will be paid for by the user department from their operating budget. Rentals used for recovery related to tropical storm Helene are expected to be eligible for FEMA reimbursement.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a Contract Amendment with Carolina 1926 LLC DBA Carolina Cat to increase the not to exceed amount from \$85,000 to \$170,000 for rental equipment to be utilized by multiple departments.

RESOLUTION BOOK NO. 45 - PAGE 251

K. RESOLUTION NO. 24-265 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH UNITED RENTALS (NORTH CAROLINA), INC. FOR EQUIPMENT RENTALS UTILIZED BY MULTIPLE DEPARTMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to amend a contract with United Rentals (North America), Inc for rental equipment utilized by various departments.

Background:

- A request for proposals was advertised in April 2024 for Rental Equipment Services.
- 6 Contracts were executed in July 2024 with 6 different vendors offering different types of equipment.
- United Rentals (North America), Inc was one of the contracts executed, with a not-to-exceed amount of \$85,000.
- This contract is utilized by multiple departments to rent equipment needed for various tasks and projects.
- The \$85,000 not-to-exceed limit is projected to be reached sooner than anticipated due to TS Helene recovery efforts; and therefore needs to be increased.
- The City's Procurement, Purchasing and Contracting Policy requires Council approval for General Service Contracts valued at \$90,000 or greater.

Vendor Outreach Efforts:

- At the time this contract was initially advertised, Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Electronic Vendor Portal (eVP) and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for any subcontracted services.
- No MWBE firms submitted bids with this prime contractor and all work will be self performed by the prime contractor.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Departments will continue to be able to access equipment needed to complete tasks via rental on an as-needed basis.
- The City will not need to purchase various equipment that may only be needed for short or intermittent periods.

Con(s):

- None

Fiscal Impact:

- The fiscal impact will vary depending upon utilization, but will not exceed the contract limit of \$170,000.
- Each rental will be paid for by the user department from their operating budget. Rentals used for recovery related to tropical storm Helene are expected to be eligible for FEMA reimbursement.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a Contract Amendment with United Rentals (North America), Inc to increase the not to exceed amount from \$85,000 to \$170,000 for rental equipment to be utilized by multiple departments.

RESOLUTION BOOK NO. 45 - PAGE 252

L. RESOLUTION NO. 24-266 - RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE WITH NICOR INC. AS A SOLE SOURCE PROVIDER OF COMPOSITE METER ENCLOSURE LID(S), LID RING(S), ASSOCIATED LID HARDWARE, AND ACCESSORIES IN CONNECTION WITH THE ADVANCED METERING INFRASTRUCTURE SYSTEM

Action Requested: Adoption of a resolution authorizing the sole source purchase with Nicor Inc. as a sole source provider of composite meter enclosure lid(s), lid ring(s), associated lid hardware, along with accessories in direct connection with the Advanced Metering Infrastructure System.

Background:

- A request for proposals (RFP-298) was issued on July 7, 2021. Aclara was selected as the preferred responsive provider for the Advanced Metering Infrastructure Project. Aclara partnered with Nicor Inc. for the fabrication, and supply, of approximately 63,000 composite water meter enclosure lids.
- As infrastructure implementation began, it was identified that the extent of variances across the City's meter enclosure infrastructure required a custom lid design to ensure safe and functional installation.
- Nicor Inc developed 7 trial iterations of a custom lid application, which were subsequently field tested by City of Asheville staff, ultimately yielding a final custom lid design that meets the City's requirements for both safety and functionality.
- A sole source for meter enclosures provides standardization of equipment that accommodates the installation needs for future advanced metering equipment.

Vendor Outreach Efforts:

- A request for proposals (RFP-298) was issued on July 7, 2021. Aclara was selected as the preferred responsive provider for the Advanced Metering Infrastructure Project. Aclara partnered with Nicor Inc. for the fabrication and supply of composite water meter enclosure lids.
- Nicor Inc. has been utilized as the only vendor with meter lid(s) compatible with the City's Water system and would provide continued standardization of the updated system. Nicor Inc. is a registered WMB.
- No further outreach efforts were made.

Council Goal(s):

- Improve/Expand and Maintain Core Services

Committee(s): N/A

Pro(s):

- Utilize the research and development for a specific mold and fit for the City's unique sized water meter enclosure system.
- Standardization of infrastructure materials
- Support full functionality, and future expansion of the new Advanced Metering Infrastructure system

Con(s):

- There are no cons entering into this sole source contract

Fiscal Impact:

- Funding for the purchase of composite meter enclosure lids, lid ring(s), associated lid hardware, and accessories will be via the Water Resources Operations Budget.

Motion:

- Motion to adopt resolution authorizing the sole source purchase with Nicor Inc. as a sole source provider of composite meter enclosure lid(s), lid ring(s), associated lid hardware, and accessories in connection with the Advanced Metering Infrastructure System.

RESOLUTION BOOK NO. 45 - PAGE 253

M. RESOLUTION NO. 24-267 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH WEISIGER GROUP, D/B/A CAROLINA CATERPILLAR FOR HEAVY TRUCK REPAIR AND SERVICE TO SUPPLEMENT FLEET MAINTENANCE CAPACITY

RESOLUTION NO. 24-268 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH FREIGHTLINER OF ARIZONA D/B/A VELOCITY RUCK CENTER FOR HEAVY TRUCK REPAIR AND SERVICE TO SUPPLEMENT FLEET MAINTENANCE CAPACITY

Action Requested: Adoption of two (2) resolutions authorizing the City Manager to amend the contracts with Weisiger Group / DBA Carolina Caterpillar and Freightliner of Arizona / DBA Velocity Truck Center for Heavy Truck Repair and Service to supplement Fleet Maintenance capacity.

Background:

- The Fleet Management Division of the Public Works Department maintains over 1,000 City owned vehicles and pieces of equipment.
- Contracted work is used to supplement existing staff resources at times of high demand or to provide services where the Fleet Division does not have suitable facilities or resources
- Council approved Resolution 24-95 on May 14th, 2024 to enter into a contract based on Request for Proposals (298-RFP-HDRRepair-FY24) advertised in February 2024.
- Weisiger Group / DBA Carolina Caterpillar was awarded a contract effective 7/1/2024.
- The original Contract amount for the initial (1) one year term to be \$120,000 with a total not-to-exceed contract amount of \$360,000 for all 3 years (if both optional renewals are exercised).

- Since Contract 92500089 went into effect on July 1st, 2024 approximately \$100,000.00 of the predicted \$120,000.00 needed for the initial one year term has been expended.
- A contract amendment is needed in the amount of \$120,000 per year, bringing the total not-to-exceed amount to \$240,000 per year, for a total of \$720,000 for all 3 years if both optional renewals are exercised.
- Council approved Resolution 24-96 on May 14th, 2024 to enter into a contract based on Request for Proposals (298-RFP-HDRepair-FY24) advertised in February 2024.
- Freightliner of Arizona / DBA Velocity Truck Center was awarded the contract effective 7/1/2024.
- The original Contract amount for the initial (1) one year term to be \$60,000 with a total not-to -exceed contract amount of \$180,000 for all 3 years (if both optional renewals are exercised).
- Since Contract 92500092 went into effect on July 1st, 2024 we have expended approximately \$25,000.00 of the predicted \$60,000.00 needed for the initial one year term.
- A contract amendment is needed in the amount of \$60,000 per year, bringing the total not-to-exceed amount to \$120,000 per year, for a total of \$360,000 for all 3 years if both optional renewals are exercised.
- City of Asheville (COA) Unit 353 requires an engine replacement and extensive exhaust work that has put unexpected expenses toward this contract.
- The need for Heavy Truck Repair services has exceeded Fleet expectations.

Vendor Outreach Efforts:

- Fleet staff worked alongside ABI Office throughout the Request for Proposals (RFP) and Selection process to ensure opportunities were extended to any and all Vendors.
- The RFP was advertised according to City's ABI and Purchasing Policies and Procedures.
- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Electronic Vendor Portal (eVP).
- The Asheville Business Inclusion Office's list of City Vendors for Outreach was consulted for any known relevant vendors before the RFP was advertised.
- No Minority and women owned Business Enterprise (MWBE) vendors were identified during this process.

Council Goal(s):

- Connected and Engaged Community
- Thriving Local Economy

Committee(s):

- None

Pro(s):

- Allows third party service work as a supplement to in house staff.
- Allows for a quicker and more efficient process in the repair of downed vehicles.
- Returns City vehicles to service in a timely manner.
- Provides flexibility in service delivery without significant capital investment in equipment or facilities that aren't used on a daily basis.
- Avoids the cost of transporting inoperable vehicles between vendors to obtain multiple quotes.
- Maintain a healthy working relationship with the Vendor by ensuring timely payments.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is available in the Fleet Division's operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment to add an additional \$120,000 per year to this contract, with Weisiger Group / DBA Carolina Caterpillar for Heavy Truck Repair and Service to supplement Fleet Maintenance, for a total not-to-exceed amount of \$720,000 for all 3 years if both optional renewals are exercised.
- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment to add an additional \$40,000 per year to this contract, with Freightliner of Arizona / DBA Velocity Truck Center for Heavy Truck Repair and Service to supplement Fleet Maintenance, for a total not-to-exceed amount of \$300,000 for all 3 years if both optional renewals are exercised.

RESOLUTION NO. 24-267 - RESOLUTION BOOK NO. 45 - PAGE 254

RESOLUTION NO. 24-268 - RESOLUTION BOOK NO. 45 - PAGE 255

N. RESOLUTION NO. 24-269 - RESOLUTION AUTHORIZING THE STANDARDIZATION PURCHASE OF TRENCH SAFETY EQUIPMENT FROM SPEED SHORE CORPORATION OR ITS AUTHORIZED VENDOR FOR SOLE SOURCE PROCUREMENT

Action Requested: Adoption of a resolution authorizing the standardization purchase of trench safety equipment from Speed Shore Corporation or its authorized vendor for sole source procurement.

Background:

- The Public Works Stormwater Division needs to purchase additional trench safety equipment.
- Stormwater currently owns and operates Speed Shore brand trench safety equipment.
- Speed Shore has exclusive distribution for this area through their vendor, United Rentals Inc.
- It is our intent to standardize this type of equipment.
- Standardization increases worker safety in hazardous trench environments and maintains efficient operations by reducing the risk of human error in shoring equipment assembly.
- Parts from other manufacturers of trench safety equipment do not work with our current owned Speed Shore system.
- Additionally, Speed Shore is the brand we have the ability to rent should we need to rent additional parts.
- According to NCGS §143-29, Procedure for letting of public contracts, one of the exceptions to the bidding requirement is standardization: "Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration" (NCGS § 143-129 (e)(6)).

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Clean, Safe and Healthy Environment

Committee(s):

- N/A

Pro(s):

- Increased safety and efficiency
- Compatibility with existing owned equipment and future rentals

Con(s):

- None

Fiscal Impact:

- Funding for this purchase is available in the stormwater enterprise capital fund. The cost for the equipment is approximately \$55,000.

Motion:

- Motion to adopt a resolution authorizing the standardization purchase of trench safety equipment from Speed Shore Corporation or its authorized vendor for sole source procurement.

RESOLUTION BOOK NO. 45 - PAGE 256

- O. RESOLUTION NO. 24-270 - RESOLUTION CERTIFYING AND DECLARING RESULTS OF SPECIAL BOND REFERENDUM ON THE BOND ORDERS AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS HELD FOR THE CITY OF ASHEVILLE, NORTH CAROLINA, ON NOVEMBER 5, 2024**

STATEMENT OF RESULTS OF SPECIAL BOND REFERENDUM ON THE BOND ORDER AUTHORIZING THE ISSUANCE OF \$20,000,000 GENERAL OBLIGATION HOUSING BONDS HELD FOR THE CITY OF ASHEVILLE, NORTH CAROLINA ON NOVEMBER 5, 2024

STATEMENT OF RESULTS OF SPECIAL BOND REFERENDUM ON THE BOND ORDER AUTHORIZING THE ISSUANCE OF \$20,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS HELD FOR THE CITY OF ASHEVILLE, NORTH CAROLINA ON NOVEMBER 5, 2024

STATEMENT OF RESULTS OF SPECIAL BOND REFERENDUM ON THE BOND ORDER AUTHORIZING THE ISSUANCE OF \$20,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS HELD FOR THE CITY OF ASHEVILLE, NORTH CAROLINA ON NOVEMBER 5, 2024

STATEMENT OF RESULTS OF SPECIAL BOND REFERENDUM ON THE BOND ORDER AUTHORIZING THE ISSUANCE OF \$20,000,000 GENERAL OBLIGATION PUBLIC SAFETY BONDS HELD FOR THE CITY OF ASHEVILLE, NORTH CAROLINA ON NOVEMBER 5, 2024

Action Requested: Adoption of a resolution certifying and declaring the results of the special bond referendum on the bond orders authorizing the issuance of general obligation bonds held for the City of Asheville, North Carolina on November 5, 2024.

Background:

- On July 23, 2024, City Council conducted a public hearing and adopted a resolution setting a special bond referendum on November 5, 2024, for \$20,000,000 in General Obligation Transportation Bonds, \$20,000,000 in General Obligation Housing Bonds,

\$20,000,000 in General Obligation Parks and Recreation Bonds, and \$20,000,000 in General Obligation Public Safety Bonds.

- The referendum was conducted and the Buncombe County Board of Elections has approved the Certificates of Results certifying that each of the four referenda items received a majority of votes at the election.
- These results will be advertised providing a 30-day period for any action or proceeding to challenge the regularity or validity of this special bond referendum.
- If no action or proceeding occurs within this 30-day period, the City will then seek Local Government Commission (LGC) approval of the bond orders at their February meeting and then return to City Council for approval of the bond budgets.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Provides funding for transportation, parks, housing, and public safety facility needs as identified in City master plans and Council strategic goals.
- Ensures City's compliance with North Carolina General Statutes.

Con(s):

- None.

Fiscal Impact:

- A GO bond commits the full faith and credit of the City of Asheville to repayment of the bonded debt. An additional tax levy will be required to fund the debt service on the bonds. This additional tax levy will be considered by and adopted by City Council as part of the Fiscal Year (FY) 2026-27 budget.

Motion:

- Motion to adopt a resolution certifying and declaring the results of the special bond referendum on the bond orders authorizing the issuance of general obligation bonds held for the City of Asheville, North Carolina on November 5, 2024.

RESOLUTION BOOK NO. 45 - PAGE 257

P. ORDINANCE NO. 5109 - TECHNICAL BUDGET AMENDMENT IN EACH OF THE CITY'S ANNUAL OPERATING FUNDS TO APPROPRIATE FROM RESTRICTED AND ASSIGNED FUND BALANCE THE REQUIRED BUDGET AUTHORIZATION FOR PRIOR YEAR CONTRACTS, PURCHASE ORDERS, AND OTHER CARRY-OVER APPROPRIATIONS THAT ROLLED FORWARD TO FISCAL YEAR 2024-25

Action Requested: Adoption of a technical budget amendment in each of the City's annual operating funds to appropriate from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to Fiscal Year 2024-25 (FY25).

Background:

- As part of its ongoing operations, the City enters into various contracts and purchase order agreements throughout the fiscal year.
 - Budget funds are encumbered for the full amount of the expected purchase.

- These contracts and purchase orders are often not fully completed and paid in one fiscal year.
- North Carolina General Statutes provide authorization for local governments to reserve the unexpended portion of these prior year commitments and roll those budgets forward to the new fiscal year.
- As a part of the FY24 annual audit, staff identified prior year commitments and carry-over appropriations to roll forward to FY25.
 - These dollar amounts were deducted from the unassigned fund balance amounts that were reported in the Annual Comprehensive Financial Report (ACFR).
 - The technical budget amendment will provide authorization to officially appropriate these amounts in the FY25 budget for each of the City's annual operating funds.
 - It is standard practice for staff to bring forward this technical budget amendment each year at the same City Council meeting in which the external auditors present the annual audit results.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Provides budget authorization for project closures, prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY25.

Con(s):

- None.

Fiscal Impact:

- There is no impact on unassigned or available fund balance in the City's operating funds.

Motion:

- Motion to adopt a technical budget amendment in each of the City's annual operating funds to appropriate from restricted and assigned fund balance the required budget authorization for project closures, prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2024-25.

ORDINANCE BOOK NO. 35 - PAGE 407

Q. RESOLUTION NO. 24-271 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW ONE-YEAR CONTRACT FOR FINANCIAL ADVISORY SERVICES WITH DEC ASSOCIATES WITH TWO ONE-YEAR RENEWAL OPTIONS

Action Requested: Adoption of a resolution approving a new one-year contract for financial advisory services with DEC Associates with two one-year renewal options at a first year amount of \$200,000 and a Not to Exceed amount of \$500,00 over the life of the contract.

Background:

- State statute requires the City of Asheville to have a financial advisor of record for the purpose of reviewing, evaluating, planning, developing, administering, soliciting, structuring, negotiating, and otherwise assisting the City in its financial responsibilities related to the issuance of debt.

- DEC Associates, Inc. has assisted the City with financial modeling, debt issuance, marketing of securities, and other financial services since 2014.
- The City's most recent contract with DEC Associates, which Council approved in September 2019, expired on September 24, 2024.
- The City has several active and upcoming debt issuances that require a financial advisor of record.
- Per City policy, contracts for Financial and Legal Services, such as Bond Counsel and other specialized or related areas are exempt from competitive bidding.
- DEC Associates, Inc. utilizes a complex model and the continued use of this firm maintains continuity in the management of the City's multi-year Capital Improvement Program (CIP) and Debt Model.
- Services rendered under this contract will have individual engagements defined through supplemental agreements for projects on an as-needed basis.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Contracting with DEC Associates provides outside expertise that enhances the City's financial management; and
- State statute requires a financial firm of record if issuing new debt.

Con(s):

- None

Fiscal Impact:

- Payments will be made for individual engagements on an as-needed basis and be paid through the City's multi-year Capital Improvement Program (CIP) and Debt Model

Motion:

- Motion to adopt a resolution approving a new one-year contract for financial advisory services with DEC Associates with two one-year renewal options at a first year amount of \$200,000 and a Not to Exceed amount of \$500,00 over the life of the contract.

RESOLUTION BOOK NO. 45 - PAGE 265

R. RESOLUTION NO. 24-272 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING LICENSING AND MANAGEMENT/OPERATIONS AGREEMENT WITH COMMONWEALTH GOLF PARTNERS II - ASHEVILLE, LLC, FOR THE PURPOSE OF MANAGEMENT OF THE ASHEVILLE MUNICIPAL GOLF COURSE

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amendment to the existing management & operations services licensing agreement with Commonwealth Golf Partners II - Asheville for the purpose of management of the Asheville Municipal Golf Course.

Background:

- The City of Asheville has owned the property located at 226 Fairway Dr, known as Asheville Municipal Golf Course, since the course opened in 1927, with a brief exception ending in the early 2000s when course ownership was transferred to Buncombe County. The City has owned the property consistently since 2006.

- In 2012 the City leased the property to Pope Golf LLC for a total term of 10 years.
- In the fall of 2022, the City filed a lawsuit against Pope Golf LLC for failure to pay rent payments as required within the lease agreement.
- The City elected not to renew an agreement with Pope Golf LLC and conducted an RFQ for a new management company.
- In total twelve companies submitted responses for varying types of operations agreements.
- Commonwealth Golf Partners II - Asheville (CGPA) was selected as the most qualified company for the City's needs in operation of the course.
- The City entered into a Management & Operations Services Licensing agreement with CGPA for a term of up to 10 years, beginning October 1, 2022.
- The agreement with CGPA provides the City with the ability to dictate maintenance levels for the course and retain control of maximum allowable green fee and passholder rates.
- The agreement requires a financial risk within the operation of the course, both for the City and CGPA.
 - In the case of a quarterly loss, the City is responsible for 65% of losses, CGP responsible for 35%.
 - In the case of a quarterly profit CGP earns 100% of the first \$5,000 and then 55% of remaining earnings, City earning 45% of all earnings after the first \$5,000.
- The course recently completed a \$2.8 million restoration in August 2024.
- Throughout construction CGPA accepted and covered operations losses per contract. The last two financial quarters prior to tropical storm Helene were profitable, showing the revenue share model created for the agreement worked.
- The course incurred significant damage to holes one through nine as a result of flooding caused by tropical storm Helene and has been permitted as a potential temporary debris site, resulting in the indefinite closure of half of the course.
- CGPA acted quickly clearing numerous downed trees and other hazards throughout holes 10 through eighteen to reopen the course as a nine-hole golf course beginning October 28, 2024.
- CGPA has made clear their desire to continue operating the course for the City and to return to a revenue share model when the course is able to reopen as an 18 hole course, however they cannot continue the revenue share model with a 9 hole course.
- City staff has negotiated a temporary amendment to the existing agreement effective through March 31, 2025 to allow time for staff to bring to Council suggested long term plans for the course and the license agreement. Effective April 1, 2025 the temporary amendment will revert to the original license agreement structure unless otherwise agreed in writing by both parties.
- Amendments to the license agreement include:
 - In the case of a quarterly loss, the City will be responsible for 100% of losses, CGPA responsible for 0%.
 - In the case of a quarterly profit CGPA will earn 0% of earnings, City earning 100% of all earnings.
 - Full control of budgetary decisions to the City, inclusive of purchases, staffing levels and greens fee rates
- Staff intends to bring recommendations for a long term plan to council before the conclusion of the amendment agreement March 31, 2025

Council Goal(s):

- Thriving Local Economy
- Well Planned & Livable City
- Equitable & Diverse Community
- Neighborhood Resilience

Committee(s):

- None

Pro(s):

- Allows the City to dictate expense controls and revenue management
- Allows the course to remain open to the public through at least March 31, 2025

Con(s):

- Places the City in a 100% 'risk position' financially with the operating budget
- An operating subsidy will be required while the course operates as a nine hole course

Fiscal Impact:

- CGPA anticipates potential losses as great as \$200,000 through March 31, 2025.
- A budget amendment is not required as funds have been identified in the Community & Regional Entertainment Facilities budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the existing management & operations services licensing agreement with Commonwealth Golf Partners II - Asheville for the purpose of management of the Asheville Municipal Golf Course.

RESOLUTION BOOK NO. 45 - PAGE 266

S. RESOLUTION NO. 24-273 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY FOR FINANCIAL CONTRIBUTIONS TO THE MCCORMICK FIELD RENOVATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute an interlocal agreement with Buncombe County Government for financial contributions to the McCormick Field renovation project.

Background:

- The City of Asheville has owned the property located at 30 Buchanan Place, known as McCormick Field, since 1984 and leases the property for operation as a minor league baseball stadium. The presence of the team contributes to the City's overall quality of life.
- The economic impact of the team is also very positive for local business. The impact is expected to exceed \$10 million annually. The Tourists team utilizes hundreds of local people as temporary seasonal workers each season.
- Having the team downtown contributes to the continuing revitalization of the South Slope district, making additional walkable options for pre and post game food and beverage customers for downtown businesses.
- The renovation project will bring the facility into compliance with Major League Baseball Player Development League facility standards and will include upgrades to allow for a significant increase in non-baseball events while allowing the facility to operate twelve months a year.
- This agreement with Buncombe County Government is one of three necessary for the City to issue debt service for the project.
- A long term lease with the Asheville Tourist to become effective 2026 - 2046 will be brought to Council for review and approval in January 2025, delayed from fall 2024 due to the impact of Tropical Storm (TS) Helene.

- A grant agreement with the Buncombe County Tourist Development Authority will be brought to Council for review and approval in January 2025, delayed from fall 2024 due to the impact of TS Helene.

Council Goal(s):

- Thriving Local Economy
- Well Planned & Livable City

Committee(s):

- Asheville City Council - March 12, 2023
- Buncombe County commissioners - March 21, 2023

Pro(s):

- Formalizes a long term commitment by Buncombe County to contribute funds towards the renovation project at McCormick Field

Con(s):

- None

Fiscal Impact:

- Reduces the total investment in the project by the City of Asheville by \$5 Million.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an interlocal agreement with Buncombe County Government for financial contributions to the McCormick Field renovation project.

RESOLUTION BOOK NO. 45 - PAGE 267

T. RESOLUTION NO. 24-274 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PYATT HEATING & AIR COMPANY INC. FOR THE PURCHASE AND INSTALLATION OF HVAC EQUIPMENT AT HARRAH'S CHEROKEE CENTER - ASHEVILLE

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Pyatt Heating and Air Company Inc. for the purchase and installation of HVAC Equipment at the Harrah's Cherokee Center- Asheville

Background:

- HCCA has been upgrading the HVAC system for nearly 5 years through multiple phases. The initial phase of the project included necessary design work for the entirety of HVAC replacement within the arena and common spaces, excluding the Thomas Wolfe Auditorium.
- To date, approximately 65% of the system has been upgraded.
- This contract includes work of replacement of two main air handler units in the area following the Phase 1 design work.
- This portion of the the project is funded in part by a grant received from the Buncombe County Tourism Development Authority
- Replacement will allow for more energy efficient operation of the chiller and HVAC system as a whole as the units being replaced are original to the building.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes using the State's Interactive Purchasing System.
- Four companies participated in site visits to review the project.
- Two companies submitted a bid for the project with Pyatt being the lowest responsible bidder in the amount of \$183,809.00.
- No responding/bidding companies were MWBE companies

Council Goal(s):

- A Thriving Local Economy
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Greater efficiencies within the HVAC system operations

Con(s):

- None.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Pyatt Heating and Air Company Inc for purchase and installation of HVAC equipment at the Harrah's Cherokee Center - Asheville Chiller in the amount of \$202,190.00.

RESOLUTION BOOK NO. 45 - PAGE 268

U. RESOLUTION NO. 24-275 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE-YEAR RENEWAL CONTRACT WITH MARATHON HEALTH TO PROVIDE ONGOING EMPLOYEE HEALTH CLINIC MANAGEMENT, AND HEALTHCARE SERVICES FOR EMPLOYEES AND THEIR DEPENDENTS AT THE EMPLOYEE HEALTH CENTER

Action Requested: Adoption of a resolution renewing the existing contract with Marathon Health, LLC for 1 year with an additional contract amount of \$1,515,000 to provide ongoing employee health clinic management, and healthcare services for employees and their dependents.

Background:

- Marathon Health, LLC currently provides management of the City's employee health services clinic.
- Ongoing uninterrupted healthcare and disease management and occupational health services at no cost is critical in maintaining the health and well-being of employees and their dependents.
- These services are an important component of the City's employee benefit program.

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.

- Staff was unable to identify other local vendors that provide clinic management, healthcare, occupational health services and management of The Asheville Project™

Council Goal(s):

- Clean, safe and healthy community

Committee(s):

n/a

Pro(s):

- The City will continue to offer an employee health services clinic, helping to recruit and retain quality staff.
- Employees and their dependents will have access to continued health services, including physical and mental health as well as preventative care.

Con(s):

- n/a

Fiscal Impact:

- \$1,515,000 for services through 2/22/2026
- Funding for this contract is available in the City's Health Insurance Fund

Motion:

- Motion to adopt a resolution authorizing the City Manager to renew the contract with Marathon Health, LLC for oversight and management of the City's employee health services clinic.

RESOLUTION BOOK NO. 45 - PAGE 269

V. RESOLUTION NO. 24-276 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH CIVIL SLOPE LLC AND/OR SUBLESSEE AT 84 COXE AVENUE, SUITE 240, ASHEVILLE, N.C., TO PROVIDE ONGOING OPERATIONS OF THE CITY'S EMPLOYEE HEALTH SERVICES CLINIC FOR EMPLOYEES AND THEIR DEPENDENTS, AND TO EXECUTE AN NECESSARY CHANGE ORDERS TO SAID LEASE

Action Requested: Adoption of resolution to authorize the City Manager to execute a lease agreement with CIVIL SLOPE LLC (Property Owner) and/or sublease with Great Smokies Medical Center, Inc. (current Lessee) for commercial space located at 84 Coxe Avenue, Suite 240, Asheville, NC to provide ongoing operations of the City's Employee Health Services Clinic for employees and their dependents, for a total initial lease term expenditure not to exceed \$601,214.92 (approximately \$120,243 per year for initial 5 year term); and further authorizing the City Manager documents necessary to give effect to this action.

Background:

- The current location for the Employee Health Services is 6 Brooklet Street, Suite 1, Asheville, NC 28801. The clinic provides (1) healthcare for employees and their eligible dependents, (2) the Asheville Project services, and (3) occupational health support.
- The current clinic location has a history of maintenance issues including water leaks and flooding, electrical and HVAC issues, and untimely responses to resolve issues that adversely impact clinic operations.

- Post Tropical Storm Helene, the building has incurred an increase in water leaks and electrical problems.
- The property owner moved overseas permanently with no property manager in place.
- The current lease for 6 Brooklet Street was executed in 2018 at \$12/square foot with 3% annual escalations. This lease is in its first renewal period with the second and final renewal option beginning September 2025. The lease expenditure calculated for FY 2025 at the present location is approximately \$60,000 annually with fees added for taxes and common area maintenance.
- Paragraph 14 of the existing lease allows for termination during the last one year of the lease term in the event of any damage, casualty or destruction. In the event of termination of the lease under any of the provisions of paragraph 14, both parties have the option to terminate on written notice within sixty (60) days of such occurrence. The City has provided the requisite notice.
- The new clinic space on Coxe Avenue will provide more space to offer preventative health education to employees on topics such as tobacco cessation, weight management, and disease management.
- Capital Management, Information Technology Services, Human Resources, and Employee Health Services Staff have physically inspected the new clinic space. All concur that it is adequate for clinic operations and larger than the current space at 6 Brooklet Street, Suite 1 so that service offerings can be expanded.
- New Lease Terms:
 - 3,746 square foot medical office space;
 - Base rent \$24/sf (3% annual escalation), triple net; plus additional rent (taxes, insurance and common area maintenance) of \$6.23/sf (up to 5% annual escalation);
 - Initial term of 5 years beginning on January 6, 2025 with an option to renew for two (2) additional 5 year periods.

Vendor Outreach Efforts:

- Not applicable.

Council Goal(s):

- A connected and engaged community.

Pro(s):

- The size of this facility increases operational capacity to provide direct and support clinical services.
- The condition of the updated facility mitigates disruptions in access to care due to ongoing maintenance needs.

Con(s):

- If execution of lease is not approved, the clinic will continue to operate in a space that does not allow for expansion of services; and is adversely impacted by ongoing maintenance issues.

Fiscal Impact:

- Lease for new location for City's Employee Health Services Clinic, with a five-year total lease expenditure not exceeding \$601,214.92, which includes 3% annual rental escalations.
- The current contract is approximately \$60,000 annually, while the new contract is approximately \$132,000 in the first year which includes common area maintenance fees.
- Funding for this contract is available in the City's Health Insurance Fund.

Motion:

- Motion to authorize the City Manager to enter into a lease/sublease for 84 Coxe Avenue, Suite 240, Asheville, NC to provide ongoing operations of the City's Employee Health Services Clinic for employees and their dependents, for an expenditure of \$113,241.58 for the first year, bringing the total lease expenditure for initial 5 year initial term to \$601,214.92 including all projected escalations, with an option to renew for two (2) additional 5 year term upon the same terms and conditions; and further authorizing the City Manager to execute any documents necessary to give effect to this resolution.

RESOLUTION BOOK NO. 45 - PAGE 270

W. RESOLUTION NO. 24-277 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A THREE-YEAR CONTRACT WITH FLOWBIRD, INC., WITH OPTIONS TO RENEW FOR TWO ADDITIONAL YEARS, FOR THE PURPOSE OF PROVIDING MOBILE PAYMENT OPTIONS FOR PARKING METERS; AND TO AUTHORIZE A SIX-MONTH EXTENSION OF THE CURRENT MOBILE PAYMENT CONTRACT WITH PASSPORT, INC. WITH A NEW TOTAL CONTRACT IN ORDER TO PROVIDE CUSTOMERS A SEAMLESS TRANSACTION TO THE NEW VENDOR

Action Requested: Adoption of a resolution authorizing the City Manager to execute a three-year contract with Flowbird, Inc., with two one-year options to renew, for the purpose of providing mobile payment options for parking meters, in an amount not to exceed \$225,000; and to authorize a six-month extension of the current mobile payment contract with Passport Labs, Inc. in an amount not to exceed an additional \$10,000 with a new total contract amount not to exceed \$171,000, in order to provide customers a seamless transition to the new vendor.

Background:

- Customers utilize the mobile pay option to pay by phone through a mobile pay app, QR Code, or phone number as an alternative to paying at the meter.
- Passport, Inc. has been the vendor for the City's mobile payment option for parking meters for the past 12 years.
- To ensure the City is receiving the best possible value for parking meter mobile payment services, the Parking Services Division of the Transportation Department developed and issued a Request for Proposals (RFP) in July 2024.
- The City of Asheville selected Flowbird as the new vendor for this service and wishes to have an overlap of services between the new vendor and Passport Labs Inc. to ensure a seamless transition for parking customers. Therefore, this action also requests authorization to extend the contract with the current vendor, Passport, to June 30, 2025.
- Extending the existing contract with Passport Labs Inc. will allow staff to work with the new vendor to change signage, stickers on meters, and work with the Communication & Public Engagement Department to communicate the change to customers, downtown businesses, and employees.

Vendor Outreach Efforts:

- Passport Inc. is the current contractor and is both the manufacturer and service provider. All work is self-performed.
- FlowBird was awarded the contract through a competitive RFP process. They are both the manufacturer and provider and are also self-performing.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- This action will support the continuation of current/existing mobile pay options while transitioning to the new vendor.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is available in the Parking Services Fund operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a three-year contract with Flowbird, Inc., with two one-year options to renew, for the purpose of providing mobile payment options for parking meters, in an amount, not to exceed \$225,000; and to authorize a six-month extension of the current mobile payment contract with Passport Labs, Inc. in an amount not to exceed an additional \$10,000 with a new total contract amount not to exceed \$171,000, in order to provide customers a seamless transition to the new vendor.

RESOLUTION BOOK NO. 45 - PAGE 271

X. RESOLUTION NO. 24-278 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH PASSPORT LLC TO AUTHORIZE A ONE-YEAR EXTENSION AND ADD ADDITIONAL FUNDING TO ENSURE THE CONTINUANCE OF PARKING ENFORCEMENT SERVICES

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amendment to the contract with Passport Labs, Inc., to authorize a one-year extension and add additional funding to the contract in the amount of \$150,000, not to exceed a total contract amount of \$239,000.

Background:

- The average monthly cost for enforcement services and permit management is \$12,500 per month, with an estimated annual cost to continue services of \$150,000. The current contract total is \$89,000 for the period of March 1, 2024 - December 31, 2024. The additional \$150,000 requested funding would bring the total contract amount to \$239,000.
- The required funding for the contract extension is already budgeted in the FY25 Parking Services Operating Budget. Additional funds as needed will be included in the upcoming FY26 Parking Services Operating Budget.
- An RFP process will be completed during this timeframe to select and implement a new parking enforcement and permit management system vendor, and this extension is necessary to ensure the continuation of parking enforcement services.

Vendor Outreach Efforts:

- Passport Labs, Inc. is the current contractor and is both the manufacturer and service provider. All work is self-performed.
- The City will conduct an RFP process in 2025 to select a new parking enforcement and permit management software vendor, following all vendor outreach requirements.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- This action will support the continuation of current enforcement software technology.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is available in the Parking Services Fund operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the contract with Passport Labs, Inc., to authorize a one-year extension and add additional funding to the contract in the amount of \$150,000, not to exceed a total contract amount of \$239,000.

RESOLUTION BOOK NO. 45 - PAGE 272

Y. ORDINANCE NO. 5110 - BUDGET AMENDMENT TO ACCEPT EMERGENCY SOLUTIONS GRANT FUNDING FROM THE N.C. DEPT. OF HEALTH AND HUMAN SERVICES

Action Requested: Adoption of a budget amendment to accept Emergency Solutions Grant funding from the NC Dept. of Health and Human Services

Background:

- Homelessness response in our community is coordinated through the Asheville-Buncombe Continuum of Care (CoC), a voluntary collaborative planning body subject to federal regulations.
- Federal regulations require that each CoC a) establishes a Homeless Management Information System (HMIS) to collect data on people experiencing homelessness and to comply with Federal reporting requirements and b) designates an entity to serve as the HMIS Lead to administer the HMIS.
- The Asheville-Buncombe CoC has designated the City of Asheville as its HMIS Lead, and in that capacity the City manages a contract on the CoC's behalf with the Michigan Coalition Against Homelessness (MCAH) to access HMIS software and technical support.
- The Asheville-Buncombe CoC is responsible for HMIS costs. The CoC Board voted at its August 15, 2024 meeting to approve a City application for Emergency Solutions Grant funding in the amount of \$4,810 to contribute to HMIS costs in 2025.
- Emergency Solutions Grant (ESG) funds are managed by the NC Department of Health and Human Services (NCDHHS). NCDHHS has awarded the City ESG funds in the amount of \$4,810 and will initiate a funding agreement with the City for a grant term of January 1, 2025 - December 31, 2025.
- A budget amendment is needed to accept the awarded \$4,810.
- The ESG funding agreement and all reporting and compliance will be managed by the City's Homeless Strategy Division which fulfills the City's responsibilities as the CoC's designated HMIS Lead.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Homelessness Strategies

Committee(s):

- Asheville-Buncombe Continuum of Care Board: August 15, 2024 (unanimous approval to submit application for funding)

Pro(s):

- Secures State-managed Federal resources for local homelessness response

Con(s):

- None noted

Fiscal Impact:

- Accepts \$4,810 in awarded grant funds for the Homeless Management Information System. The remaining cost of the HMIS will be funded with a federal Continuum of Care grant. The total cost of the system is \$69,359 annually.

Motion:

- Motion to adopt a budget amendment to accept Emergency Solutions Grant funding from the NC Department of Health and Human Services

ORDINANCE BOOK NO. 35 - PAGE 409

Z. RESOLUTION NO. 24-279 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH SITE DEVELOPMENT CORP FOR THE CONSTRUCTION OF THE NEW HAW CREEK SIDEWALK PROJECT

Action Requested: Adoption of a resolution authorizing a construction contract with Site Development Corp. in the amount not to exceed \$3,284,727.50 plus a construction contingency of \$328,472. for a total not to exceed contract of \$3,613,199.50, for the construction of the New Haw Creek Road Sidewalk Project.

Background:

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

Vendor Outreach Efforts:

- Due to the federal funding involved in this project, the Federal Disadvantaged Business Enterprises (DBE) program is being applied. The federally established goal for this project is 7% participation.
- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- The apparent low bidder performed outreach through advertisement and direct outreach, but resulted in no DBE participation.
- On August 12, 2024 construction bids were advertised and only received two bids.
- The project was readvertised on September 19th and received three bids.
- The three bids received were from:
 - Waynesville, NC based Appalachian Sitework Inc. for \$2,940,901;
 - Cliffside, NC based Site Development Corp. for \$3,284,727.50; and
 - Asheville, NC based NHC Constructors, Inc. for \$4,618,817
- Appalachian Sitework, Inc. was the apparent lowest, responsive, responsible bidder.
- An NCDOT evaluation committee determined on 11/15/2024 that the apparent low bidder did not perform Good Faith Efforts and determined that the apparent low bidder be considered as non-responsive, and their bid is to be rejected.
- The second low bidder, Site Development Corporation is achieving 8% MBE/DBE participation by utilizing Tree of the Life Construction Inc. from Kings Mountain, NC with concrete sidewalk and curb/gutter installation.

Council Goal(s):

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

Committee(s):

- None

Pro(s):

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

Con(s):

- Construction impacts to traffic while under construction.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing into a construction contract with Site Development Corp. in the amount not to exceed \$3,284,727.50 plus a construction contingency of \$328,472. for a total not to exceed contract of \$3,613,199.50, for the construction of the New Haw Creek Sidewalk project.

RESOLUTION BOOK NO. 45 - PAGE 273

AA. RESOLUTION NO. 24-280 - RESOLUTION APPOINTING JACK IGELMAN TO THE MILLS RIVER PARTNERSHIP BOARD OF DIRECTORS

Summary Jack Igelman is appointed as a member of the Mills River Partnership Board of Directors, to serve the unexpired term of Marc Hunt, term to expire June 19, 2025, or until Jack Ingelman's successor has been appointed.

RESOLUTION BOOK NO. 45 - PAGE 274

BB. RESOLUTION NO. 24-281 - RESOLUTION ADOPTING THE 2025 CITY COUNCIL MEETING SCHEDULE

Summary: City Council Agenda Briefing Worksessions
11:00 a.m.

1st and 3rd Thursday of each month (except for the months of January and October, which agenda briefing worksessions will be held on the 2nd and 4th Thursday of each month and except for July 3, August 7, September 18, November 6 [rescheduled to November 13] November 20 and December 18 due to formal meeting cancellations/ rescheduling.

Remote

City Council Formal Meetings

5:00 p.m.

2nd and 4th Tuesdays of each month

Council Chamber – 2nd Floor

City Hall Building, Asheville, N.C.

The following meetings are hereby cancelled: Tuesday, July 8, 2025; Tuesday, August 12, 2025; Tuesday, September 23, 2025; Tuesday, November 11, 2025; Tuesday, November 25, 2025; and Tuesday, December 23, 2025.

The canceled November 11, 2025, meeting will be rescheduled to Tuesday, November 18, 2025.

RESOLUTION BOOK NO. 45 - PAGE 275

CC. 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 October 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 October 2024 are included in the document.

Council Goal(s):

- A Financially Resilient City

Pro(s):

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

Con(s):

- None

Fiscal Impact:

- None.

Suggested Motion:

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

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

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

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

III. PRESENTATIONS & REPORTS:

A. FISCAL YEAR 2024 AUDIT PRESENTATION

City Manager Campbell was pleased to recognize Tony McDowell who was the recipient of the A. John “Jack” Vogt Lifetime Achievement Award for Outstanding Commitment to the Advancement of Local Government Budgeting & Evaluation. This award recognizes individuals who have advanced the field of budgeting and/or evaluation in North Carolina local government. Winners of this award meet this criteria: (1) At least ten years of local government experience in North Carolina; (2) Commitment to the field of local government budgeting and/or evaluation; (3) Commitment to professional development (ongoing commitment to learning); and (4) Innovation in budgeting and/or evaluation (demonstrated significant or new course set in local government budgeting and/or evaluation), and Commitment to nurturing, mentoring or educating others in the field.

Finance Director Tony McDowell outlined the following key takeaways: (1) The fiscal 2024 year-end audit was completed and submitted to the NC Local Government Commission (LGC) on November 27, 2024; (2) The Audit Opinion issued by Cherry Bekaert LLP was Unmodified or “Clean” which is the Highest Level of Assurance; (3) Cherry Bekaert identified no findings to report to management or the governing board; (4) Unassigned fund balance in the General Fund was 16.8%, down from 18.8% the prior year, but slightly above the City’s policy threshold of 15%; and (5) Because total fund balance decreased from the prior year, the LGC’s Performance Indicator Program (FPIC) requires the City to submit a written response to the LGC.

The City is required by State Statute (GS 159-34) to have an audit (1) each local government shall have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts. The auditor shall be selected by and report directly to the governing board; (2) Federal government requires Single Audits from all recipients who expend \$750,000 or more in federal financial assistance within a fiscal year - Financial Statements & Programmatic Compliance Evaluation; (3) Best practice, transparency, assurance to debt rating agencies; and (4) Importance of independent review (Asheville rotates audit firms every 5 years).

Fiscal Year 2024 Audit results are (1) Types of Audit Opinions - Adverse; Disclaim; Qualified; and **Unmodified – “Clean” (Highest Level of Assurance)**; (2) **No audit findings**; (3) November 27 Representation Letter provides a detailed summary of the key components of the audit - Which includes no fraud, illegal acts, or violations of laws and regulations noted; and (4) Fiscal Year 2024 Annual Comprehensive Financial Report (ACFR) provides a complete overview of the City’s financial position and is available on the City’s website on the Finance Department’s page.

Mr. McDowell then showed a chart of the General Fund unassigned Fund Balance.

Mr. Daniel Gougherty, Engagement Director from Cherry Bekhaert, provided City Council with information on their client service team; results of the audit; qualitative aspects of accounting practices, independence considerations, other required communications; other matters; internal control communication; corrected and uncorrected misstatements; internal control and compliance; upcoming financial reporting changes; and LGC performance indicators. They have issued unmodified opinions on the financial statements and on compliance of the City’s major federal and state awards identified in the schedule of findings and questioned costs. An unmodified opinion is also known as a “clean opinion” and is the highest-level opinion we can give under our auditing standards.

Mr. McDowell said the LGC implemented the Performance Indicators Program (FPIC) as a requirement for auditors and governing boards in North Carolina for audits beginning in Fiscal Year 2021. There are 21 financial performance indicators included in the program. If any of the indicators are negative, the governing board must respond within 60 days of the audit presentation with a letter signed by the majority of the board outlining what occurred and steps being taken to prevent a recurrence. Of the 21 financial performance measures, Asheville had one negative indicator in Fiscal Year 2024: FPIC Indicator: There was appropriated fund balance in the General Fund in the 2024 budget and your change in fund balance was negative.

He said next steps include (1) All of the materials from today (slides, Representation Letter, & ACFR) are available on the City’s website; (2) The team from Cherry Bekaert will present the fiscal year 2024 audit results to the full City Council at the 5pm formal meeting later today; (3) Staff will prepare the FPIC response for Council signatures and submittal within the next 60 days; and (4) Preliminary work on the Fiscal Year 2025 audit will begin in the spring.

In response to Councilwoman Turner, Assistant Finance Director Becki Ogles said that compensation time is not paid out.

IV. PUBLIC HEARINGS:

- A. PUBLIC HEARING TO CONSIDER AUTHORIZING AMENDMENTS TO THE FISCAL YEAR 2024-25 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN OF THE 2020-24 CONSOLIDATED PLAN OUTLINING NEW ACTIVITIES FOR DISASTER RESPONSE, INCLUDING RENTAL ASSISTANCE, BUSINESS RESTABILIZATION GRANTS, HOMELESS EMERGENCY SHELTER, AND CDBG PROGRAM ADMINISTRATION; AND REPURPOSING FUNDS ALLOCATED FOR CITY OF ASHEVILLE COMMUNITY CENTER IMPROVEMENTS - STEPHENS-LEE FOR PARKS & RECREATION DISASTER RECOVERY**

RESOLUTION NO. 24-282 - RESOLUTION AUTHORIZING AMENDMENTS TO THE FISCAL YEAR 2024-25 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN OF THE 2020-24 CONSOLIDATED PLAN

OUTLINING NEW ACTIVITIES FOR DISASTER RESPONSE, INCLUDING RENTAL ASSISTANCE, BUSINESS RESTABILIZATION GRANTS, HOMELESS EMERGENCY SHELTER, AND CDBG PROGRAM ADMINISTRATION; AND REPURPOSING FUNDS ALLOCATED FOR CITY OF ASHEVILLE COMMUNITY CENTER IMPROVEMENTS - STEPHENS-LEE FOR PARKS & RECREATION DISASTER RECOVERY

ORDINANCE NO. 5111 - BUDGET AMENDMENT TO ADD ADDITIONAL FUNDS FOR THE FISCAL YEAR 2024-25 CDBG FUND BUDGET

Community Development Division Manager James Shelton said that this is the consideration of adoption of a (1) resolution authorizing amendments to the Fiscal Year 2024-2025 CDBG Annual Action Plan of the 2020-2024 Consolidated Plan outlining new activities for disaster response, including Rental Assistance, Business Restabilization Grants, Homeless Emergency Shelter, and CDBG Program Administration, as well as repurposing funds allocated for City of Asheville Community Center Improvements - Stephens Lee for Parks & Recreation Disaster Recovery; and (2) a budget amendment in the amount of \$1,748,141 to adopt the additional funds for the Fiscal Year 2024-25 Community Development Block Grant Fund budget. This public hearing was advertised on November 29 and December 6, 2024.

Background:

- The City of Asheville is an entitlement community and participating jurisdiction with the U.S. Department of Housing and Urban Development (HUD) and receives formula funding through the Community Development Block Grant (CDBG). The City receives these allocations annually through a federal formula allocation process.
- On July 23, 2024, the City Council approved a resolution authorizing the 2024-2025 Annual Action Plan. Staff submitted the Action Plan to HUD on August 13, 2024 and the plan was approved by HUD on September 5, 2024.
- Over the course of September 26-29, the City of Asheville experienced unprecedented rainfall from Tropical Storm Helene and a predecessor heavy rain event. In relation to these damaging storms, a state of emergency has been in place in Asheville since September 25th.
- On October 30, 2024, HUD notified the City of Asheville that it would receive an additional grant from HUD's Designated Disaster Recovery Fund (DDRF) in the amount of \$1,748,141 to aid with disaster recovery from the effects of Tropical Storm Helene.
- In order to receive the DDRF funds, City Council will need to authorize the submission to HUD of amendments to the FY 2024-2025 Annual Action Plan and new goals for disaster recovery in the 2020-2024 Consolidated Plan, which will provide a concise summary of the actions and activities that will be used to address the disaster recovery.
- City staff also recommend amending the purpose of the \$380,171 allocated for City of Asheville Community Center Improvements - Stephens Lee to instead be used by the Parks & Recreation Department for disaster recovery efforts.

Council Goal(s):

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

Committee(s):

- Council Committees canceled until January 2025.
- Presented during the 11/19/24 Council briefing.

Pro(s)

- Approval of amendments to the Annual Action Plan clears the way for additional Community Development Block Grant (CDBG) Declared Disaster Recovery Funds to be granted to the city of Asheville. These funds will help address the impacts of Tropical Storm Helene, which have been severe. The funded activities will provide needed relief for rental assistance, business grants, and homeless emergency shelter.
- Redirected funds from Stephens Lee will support Parks and Recreation recovery efforts to bring existing park assets back online. This approach will also ensure the City is able to meet HUD timeliness requirements.

Con(s)

- The funding for Stephens Lee Community Center improvements will be repurposed for more immediate needs in Parks and Recreation .Improvements for the Stephens Lee Community Center will be prioritized for future CDBG allocations.

Fiscal Impact:

- THE CDBG DDRF funds are fully provided by the US Department of Housing and Urban Development
- These funds will support administrative costs.
- The amount previously allocated for Stephens Lee (\$380,171) will remain the same. The proposed use will change.
- The City’s anticipated CDBG DDRF award is \$1,748,141.

Mr. Shelton outlined the following key takeaways from his presentation as follows: (1) The US Department of Housing and Urban Development has awarded a grant of \$1.7M to the City of Asheville for Helene Disaster Recovery; (2) The City must submit amendments to the 2024-2025 Annual Action Plan outlining the intended uses of the funds in order to receive the grant; (3) City staff are proposing that the \$1.7M be used to help with providing rental assistance, business restabilization grants, homeless emergency shelter, and Community Development Block Grant (CDBG) program administration’ and (4) Staff also recommend that, while improvements to the Stephens-Lee Community Center’s outdoor space remain a top priority for the City, current funding be used for Parks & Recreation Disaster Recovery. He then provided the background as follows: (1) Each year, the US Department of Housing and Urban Development (HUD) provides the City with Community Development Block Grant (CDBG) funds to support affordable housing, public services, economic development, and community improvements; (2) Each year, the City must provide an Annual Action Plan to HUD that outlines the activities it will undertake with the CDBG funds; (3) In October, HUD notified the City that it would receive an additional CDBG grant in the amount of \$1,748,141 through its Declared Disaster Recovery Fund (DDRF) to aid with Helene recovery efforts; (4) In order to receive the DDRF grant funds, the City must submit amendments to the 2024-2025 Annual Action Plan that outline how the City intends to use the funds for disaster recovery; (5) Improvements to the Stephens-Lee Community Center’s outdoor space remain a priority for the Parks & Recreation Department while we propose repurposing existing CDBG funding to address immediate recovery needs in our parks. Community Center improvement will be funded with other capital resources, from sources such as future CDBG funding or 2024 General Obligation Bond funding; and (6) City Council must authorize the proposed Annual Action Plan amendments before they can be submitted to HUD for review and approval.

Below are the funding recommendations:

Program	Funding
DDRF Allocations	

Business Restabilization Grants	\$624,000
Rental Assistance	\$624,000
Homeless Emergency Shelter	\$250,000
CDBG Program Administration	\$250,141
DDRF Subtotal	\$1,748,141
Previously Approved CDBG Allocations	
City of Asheville Community Center Improvements - Stephens Lee	Identify other funding sources (i.e. future CDBG funding or GO Bonds)
Parks & Recreation Disaster Recovery	\$380,171

These recommendations are suggested because (1) **Rental Assistance & Business Restabilization:** Disaster recovery best practice is to address housing and business recovery simultaneously (a) Primary need for rental assistance is to assist families who are economically impacted but may not have had physical housing impacts and may not be receiving FEMA aid; (b) Businesses in Asheville have been severely impacted, both physically and economically, by the effects of Helene; and (c) Local advocacy groups place rental assistance and business grants at the top of their priority needs; (2) **Homeless Emergency Shelter:** Additional capacity support for shelters is needed until permanent housing solutions are available and identified - Need to strengthen homeless shelter system to serve those who do not have other available housing resources as emergency shelters close; (3) **CDBG Program Administration:** The Community Development Division, which manages the CDBG program for the City, will need additional capacity support to effectively administer these additional funds; (4) **Parks and Recreation Disaster Recovery:** Parks facilities were severely impacted by the storm, particularly the flooding at the Thompson St. Maintenance facility. This year's CDBG funding cycle allocated \$380,171 for community center outdoor improvements (ball court, playground, etc). Repurposing the funds allows for replacement of some of the lost fleet and may be used to assist with facility relocation; and (5) **Hagerty** has reviewed these recommendations and finds they align with best practices and current understanding of unmet need in the community.

Regarding limitations with available data, (1) Housing data is inherently slow and it is difficult to get an accurate picture of the current housing situation using traditional, reliable methods (i.e. HUD data); (2) Business economic data can also be unreliable in the near term (a) The NC Department of Commerce cautions that economic data will be revised in the months and years following its immediate release; (b) Businesses that closed temporarily and continued to pay their employees would not have those jobs reflected in the job loss numbers; and (c) We don't necessarily know which businesses are continuing to employ people, or which people are filling jobs: (i) Shocks like natural disasters induce "churn" in the labor market; (ii) Some businesses close, some residents move away, but new businesses and new jobs with new residents often get created as well; and (iii) Goal is to retain existing businesses and jobs; and (3) To make decisions in the near term for immediate needs, we have to rely on limited data, which is often anecdotal and qualitative, but indicates the great need in our community.

Regarding data that informs funding recommendations for business stabilization grants, (1) Asheville Metro Area lost 8,200 jobs in October, 4% of total employment (NC Dept. of

Commerce); (2) Asheville unemployment rate rose to 10.6% in October, a year-over-year increase of 7.7% from October 2023; and (3) The City authorized \$704,070 for small business grants to the *Mountain BizWorks Asheville-Buncombe Rebuilding Together Grant Fund* (totalling nearly \$3M from other sources) (a) 619 applications from Asheville businesses requesting \$13.2M in assistance during application period of November 15th - 27th; (b) Applicants reported that they employed 5,332 pre-Helene jobs and now employ 3,585, resulting in an overall decrease of 1,747 jobs; (c) Average applicant has 8.6 employees; (d) 21.7% are minority-led businesses, 56.4% are women-led businesses; (e) Mountain Bizworks is currently reviewing applications for eligibility and scoring them based on need, demographics, reopening plans, etc.; and (f) Expect to begin providing grant funds to businesses later in December 2024.

He then reviewed a chart of applicants by industry percent. Over 50% of applicants are food and beverage, retail, accommodation, and service industry businesses. Asheville likely experienced a greater degree of job loss in these sectors.

Regarding data that informs funding recommendations for rental assistance, (1) FEMA is providing rental assistance to physically displaced households (e.g. flood-damaged home), however residents experiencing unemployment or underemployment who did not sustain damage to their home are experiencing hardship with limited available resources; (2) The City's Affordable Housing Plan (published Sept. 2024) states that 36% of all Asheville households (or 13,641 households) are paying 30% or more of their income on housing costs, defined as "housing cost-burdened"; (3) The economic impact of the disaster has resulted in job loss, which is connected to the uptick in need for rental assistance, however we don't know the true extent of the current need based on the circumstances of each individual; (4) Eblen Charities has provided \$219,117 in rental assistance to 219 families from 9/27 - 11/30 in Buncombe County - This number is likely much greater now that they have brought on 2 additional caseworkers and they've added an electronic application platform and streamlined required documentation; and (5) Grace Covenant Presbyterian has provided \$1.1M in housing assistance to 727 families from 10/1 - 11/30 (a) Average assistance is approximately \$1,600 per family/individual; and (b) Assistance payments span the region and includes rental assistance outside Buncombe County

Regarding data that informs funding recommendations for homeless emergency shelter (1) Disaster-related shelter operated by the Rescue Mission is funded by Red Cross through 12/31; (2) Shelter continues to be needed for current occupants and people newly seeking shelter related to the disaster, and the CoC's Shelter Planning Work Group is pursuing options beyond 12/31; and (3) Will rely on the Continuum of Care to recommend how to best fund activities.

Regarding data that informs funding recommendations for CDBG Program Administration (1) The additional \$1.7M amounts to an increase of 174% in the amount of CDBG funds the Community Development division will administer in FY 2024, necessitating increased capacity support; (2) Timely processing of funding draw downs; and (3) Ensure sufficient oversight of expenditures and accountability.

Regarding data that informs funding recommendations for Parks & Recreation Disaster Recovery (1) The Stephens-Lee Community Center received \$936,000 in CDBG investments in 2022 and 2023; (2) This year's CDBG funding cycle allocated \$380,171 for outdoor improvements (ball court, playground, etc); (3) Parks & Recreation facilities were severely impacted by the storm, particularly the flooding at the Thompson Street Parks Maintenance facility; (4) Funds may be used to replace some of the lost fleet and/or for facility relocation; and (5) Community Center improvement will be funded with other capital resources, such as future CDBG funding or 2024 General Obligation Bond funding.

Throughout discussion, Mr. Shelton, along with Community & Economic Development Director Nikki Reid, responded to various questions/comments from Council, some being, but are

not limited to: clarification on how much money has the City provided to Eblen Charities and Grace Covenant Presbyterian and have those funds been distributed; concern that Eblen Charities is not getting the funds distributed quickly enough; are there barriers on why the City's funds are not drawn down; is there discussion on the staff level of redirecting our Eblen Charities funds to Buncombe County to get out to the community quicker; caution on who we allocate these dollars to since they are federal dollars and we have to be careful on accountability; support for redirecting our funds to Buncombe County for rental, mortgage and utility assistance; recap of how much City allocated for business stabilization grants and rental assistance grants; at what percentage can staff re-distribute the funds without having to amend the CDBG action plan, have a public comment period, and public hearing; are business stabilization grants being allocated quicker than rental assistance; because these are federal dollars, the City must make sure that no duplication of other federal dollars are being received at the same time to the same person, noting that we cannot track if the same person has duplication of services from charitable organizations; and, confirmation that most programs are for Helene-affected losses.

Councilwoman Roney asked staff to confirm that zero dollars of the allocated rental assistance have resulted in actual assistance.

Mayor Manheimer opened the public hearing at 6:07 p.m., and when no one spoke, she closed the public hearing at 6:07 p.m.

Mayor Manheimer said that members of Council have previously received copies of the resolution and ordinance and they would not be read.

Councilwoman Roney moved to adopt a resolution authorizing amendments to the Fiscal Year 2024-2025 CDBG Annual Action Plan of the 2020-2024 Consolidated Plan outlining new activities for disaster response, including Rental Assistance, Business Restabilization Grants, Homeless Emergency Shelter, and CDBG Program Administration, as well as repurposing funds allocated for City of Asheville Community Center Improvements - Stephens Lee for Parks & Recreation Disaster Recovery. This motion was seconded by Councilwoman Turner and carried unanimously.

RESOLUTION BOOK NO. 45 - PAGE 276

Councilwoman Roney moved to adopt a budget amendment in the amount of \$1,748,141 to adopt the additional funds for the Fiscal Year 2024-25 Community Development Block Grant Fund budget. This motion was seconded by Councilwoman Turner and carried unanimously.

ORDINANCE BOOK NO. 35 - PAGE 410

B. PUBLIC HEARING TO CONSIDER ZONING TEXT AMENDMENTS TO CHAPTER 7 OF THE CODE OF ORDINANCES TO BETTER ALIGN EXISTING CITY REGULATIONS WITH THE NORTH CAROLINA STATE BUILDING CODE

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO BETTER ALIGN EXISTING CITY REGULATIONS WITH THE NORTH CAROLINA STATE BUILDING CODE

Interim Public Works Director Amy Deaton said that this is the consideration of an ordinance to amend the UDO sections (Sec. 7-2-4) *Conflict or inconsistency with other laws, covenants, or deed restrictions*, (Sec. 7-2-5) *Definitions*, and (Sec. 7-12-1) *Flood protection* to better align existing City regulations with the North Carolina State Building Code and State Model Flood Ordinance for Special Flood Hazard Areas within the City. This public hearing was advertised on November 29 and December 6, 2024.

Background:

- Redevelopment of properties in the flood hazard area is regulated by a variety of rules and ordinances at the federal, state and local level.
- As a result of Hurricane Helene there is significant focus on recovery and redevelopment efforts, especially for flood-damaged properties.
- Current language in the UDO may appear to be in conflict with current practice such that a property owner may think that a building that has incurred substantial damage may be rebuilt to previous conditions, which is not necessarily always the case.
- In reviewing the 2021 NC Model Flood Damage Prevention Ordinance drafted by the NC Floodplain Mapping Program and as a result of the Community Assistance Visit (performed as part of our participation in the National Flood Insurance Program), other items were identified that need to be included for additional clarification and/or updates to our floodplain ordinance to aid staff administering the ordinance.
- The recommended modifications to our ordinance will ensure we remain in good standing with the National Flood Insurance Program (NFIP) and the Community Rating System (CRS).
- The NFIP provides federally backed flood insurance protection for property owners that live in a participating NFIP community. Compliance with this program is required for city residents to be eligible for flood insurance.
- The CRS is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the NFIP and provides discounted flood insurance premium rates for all city residents requiring this insurance.
- To clarify the code, staff recommends:
 - simplifying conflicting provisions (Sec. 7-2-4) so they are easier to understand,
 - aligning definitions “Substantial damage” and “Substantial improvement” (Sec. 7-2-5) with those that mirror FEMA and the NC State Building Code,
 - removing extraneous code that may be confusing (Sec 7-12-1(e)(1)(i)), and
 - clarifying that significantly damaged nonconforming properties must meet flood protection regulations (Sec 7-12-1)(e)(7)(c)), which is a requirement of state regulations.
- The city’s comprehensive planning, Living Asheville, supports these types of updates that seek to improve communication: “Promote clear and effective communication between city residents at all stages of development to ensure development responds to the needs and goals of affected residents.”

Vendor Outreach Efforts:

- N/A

Council Goal(s):

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

Committee(s):

- Planning & Zoning Commission - December 4, 2024 - approval on a 6-1 vote with revisions.

Pro(s):

- Supports the goals of the comprehensive plan and priorities of the City Council
- Improved understanding for staff, especially those processing permit applications
- Simplification and clarification of the zoning code for all

Con(s):

- None

Fiscal Impact:

- None

Suggested Motion:

- Motion to adopt the proposed text amendments to Chapter 7 of the Asheville Code of Ordinances sections 7-2-4, 7-2-5, and 7-12-1, and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan, and meet the needs of the community in that the amendment will 1) align city regulations with state and federal requirements, 2) clarify development language to better support permit applicants and city staff in the permitting process, and 3) simplify the city code for all users.

Ms. Deyton outlined the following key takeaways from her presentation as follows: (1) **Requesting updates to:** (a) (Sec. 7-2-4) *Conflict or inconsistency with other laws, covenants, or deed restrictions*; (b) (Sec. 7-2-5) *Definitions*; and (c) (Sec. 7-12-1) *Flood protection*; and (2) **Proposed updates will:** (a) Bring into compliance with state and federal requirements; (b) Better align with best practices for floodplain management; (c) Clarify development language to better support permit applicants and City staff in the permitting process; and (d) Simplify the City code for all users.

Ms. Deyton then reviewed the floodplain ordinance regulations from 1968 through 2002; along with information on the National Flood Insurance Program and the Community Rating System.

Ms. Deyton explained the UDO updates as follows: (1) **(Sec. 7-2-4) Conflict or inconsistency with other laws, covenants, or deed restrictions** - Simplifies ordinance language; (2) **(Sec. 7-2-5) Definitions** - Updates and additions to align with State Model Flood Ordinance; (3) **(Sec. 7-12-1) Flood protection (a)** Community Assistance Visit (CAV) requests; (b) Additional updates to align with state and federal requirements; and (c) Clarification language of regulations; (4) **(Sec. 7-2-5) Definitions (a)** Updates and additions to align with State Model Flood Ordinance; (b) Updates include Addition, Floodway, Mean Sea Level, Substantial Damage, etc.; (c) Additions include Digital Flood Insurance Rate Map (DFIRM), Letter of Map Change (LOMC), North American Vertical Datum of 1988 (NAVD 88), etc.; and (d) Deletions include Flood Fringe, Flood Profiles, National Geodetic Vertical Datum (NGVD), etc.; (5) **(Sec. 7-12-1) Flood protection (a)** CAV requests: (i) Statutory Authority [7-12-1(a)(1)]; (ii) Basis for establishing SFHA [7-12-1(b)(3)]; and (iii) Various updates to FEMA forms; (b) Additional updates to align with state and federal requirements: (i) Updates to agency names and reference to mean sea level; and (ii) Added the determination of substantial improvement/damage [7-12-1(d),(4)]; and (c) Clarification language of regulations: (i) Cumulative cost tracking from one (1) years to five (5) years to prevent; (ii) circumvention of the purpose and objectives of the ordinance [7-12-1(e)(2)(e)(4)]; (iii) Regulatory Flood Protection Elevation [7-12-1(e)(1)(q)]; and (iv) Nonconforming use or structure substantially damaged [7-12-1(e)(7)(c)].

She explained how these changes will affect flood properties, and how they affect non-conforming properties. She said if adopted by the City Council, all owners that submit permit applications for development after having been substantially damaged/improved will clearly be required to meet base flood elevation (BFE) plus the City of Asheville's two (2) foot freeboard.

She ended by saying the Planning & Zoning Commission, on December 4, 2024, approved the amendments on a 6-1 vote with the following conditions: (1) A revision to the current definition of "Structure" to match the language of the state model ordinance; and (2) A revision to the definitions of "Substantial Damage" and "Substantial Improvement" to eliminate the

phrase "at least" to precisely match the duration included in the ordinance. Those conditions have been included in the proposed ordinance before City Council. Staff recommends approval of the proposed UDO Ordinance updates.

There was considerable discussion surrounding the proposed amendments. Ms. Dayton responded to various questions/comments from Council, some being, but are not limited to: clarification on FEMA guidelines for exemptions of historic properties; need for public comment on substantial changes to make sure they understand what we are doing; what is the risk if we delay adoption of these amendments; request for data on number of commercial and residential structures that were substantially damaged; and request for data on how many permits have been received for substantial damage.

It was the consensus of Council to (1) review the technical amendments that are non-controversial and will bring our Code into compliance with state or federal law at the January 9 agenda briefing, before the January 14 Council meeting for these to be considered, with a subject matter expert to be available for questions; (2) bring back to City Council non-substantial amendments to our Code that conflict with other sections of our Code; and (3) after public comment, bring back to Council substantial changes that are out of compliance with the State Building Code or national flood insurance program requirements, i.e., durational, look back period for calculating substantial improvement and substantial damage, and requirements to elevate structures following substantial damage.

Councilwoman Roney supported additional public engagement in principle, but requested risk analysis from the City Attorney due to concern about impact on flood insurance requirements and rates.

Councilwoman Turner also asked for clarification on the historic exemption; clarification if sidewalks or parking lots are included in the 50% equation for meeting the substantial damaged definition.

Vice-Mayor Mosley moved to continue this public hearing until January 14, 2025. This motion was seconded by Councilman Hess and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Two individuals spoke to City Council about various matters, some being, but are not limited to: need to keep antisplacement in our hearts and minds; and postpone resuming transit fees until the end of March, 2025.

GENERAL ELECTION RESULTS - CITY OF ASHEVILLE - NOVEMBER 5, 2024

Attached hereto as Exhibit "A" is the abstract containing the number of legal votes in the General Election, City of Asheville, held on November 5, 2024.

Closed Session

At 7:15 p.m., Councilman Hess 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: GE Mobile Interim Solutions, formerly known as GE Industrial Financing Solutions, LLC, and GE Capital US Holdings, INC., vs. The City of Asheville and Buncombe County; Case Number 23 CVS 04414.; and City of Asheville v. Estate of Marie Anders; Case Numbers 16 CVS 2958, and 16 CVS 2973. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilwoman Ullman carried unanimously.

At 7:35 p.m., Vice-Mayor Mosley moved to come out of closed session. This motion was seconded by Councilwoman Turner and carried unanimously.

VIII. ADJOURNMENT:

Vice-Mayor Mosley adjourned the meeting at 7:35 p.m.

CITY CLERK

MAYOR