

Thursday – January 9, 2025 - 11:00 a.m.

Agenda Briefing Worksession - For January 14, 2025, Council Meeting

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

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

Discussion occurred on the following other issues and updates:

- Discussion of Unified Development Ordinance Amendments to Align with State Building Code and Federal Flood Insurance Program Guidelines

At 12:15 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – January 14, 2025 - 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 Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: Councilwoman Sage Turner

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

Mayor Manheimer said that Consent Agenda Item “I” will be removed from the Consent Agenda for discussion and/or an individual vote.

- A. **APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON DECEMBER 5, 2024, AND THE FORMAL MEETING HELD ON DECEMBER 10, 2024**
- B. **RESOLUTION NO. 25-1 - RESOLUTION RATIFYING AN EMERGENCY CONTRACT WITH BUCHANAN PUMP SERVICE AND SUPPLY FOR THE NORTH FORK WATER TREATMENT PLANT EMERGENCY RESPONSE FOR TROPICAL STORM HELENE AND WAIVE ANY CONTRACTING PROCEDURES THAT MIGHT HAVE OTHERWISE APPLIED**

Action Requested: Adoption of a resolution ratifying a contract with Buchanan Pump Service and Supply, 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 Buchanan Pump Service and Supply, for the North Fork Water Treatment Plant Tropical Storm Helene Emergency Response to repair a 500 hp raw water pump to help restore the ability of the North Fork Water Treatment Plant to produce potable water.
- Staff is now requesting that Council ratify the City's \$40,000 contract with Buchanan Pump Service and Supply for this procurement and waive any contracting policies or procedures that would normally have applied.
- A \$40,000 contract does not typically require City Council approval. Given that the contract with Buchanan Pump Service and Supply did not follow our typical contracting policies during the emergency it is being brought forward for ratification.

Vendor Outreach:

- 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).

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 \$40,000.

Motion:

- Motion to adopt a resolution to ratify the City's emergency contract with Buchanan Pump Service and Supply, for the provision of the North Fork Water Treatment Plant Tropical Storm Helene Emergency Response and waive any contracting procedures that might have otherwise applied.

C. ORDINANCE NO. 5112 - BUDGET AMENDMENT FOR THE MUNICIPAL BUILDING ROOF REPLACEMENT PROJECT

Action Requested: Adoption of: a budget amendment in the amount of \$701,800 in the City's General Capital Projects Fund which is anticipated to be funded with Federal Emergency Management Agency (FEMA) reimbursements and insurance funds, for the Municipal Building Roof Replacement Project.

Background:

- At the 11/12/24 City Council meeting, Council authorized the City Manager to enter into a contract with AAR of North Carolina, Inc. in the amount of \$638,000, for the Municipal Building Roof Replacement project, including a 10% contingency, for a total of \$701,800.
- The project is meant to replace damage from Tropical Storm Helene and is expected to be fully funded with a mix of insurance and FEMA funds.
- The breakdown between insurance and FEMA funds is unknown at this time.
- Due to the special funding sources, this contract requires a budget amendment to add funding to the budget. This is not new money - it is a budget amendment to utilize funding that was previously approved by Council.

Council Goal(s):

- Improve and Maintain Infrastructure and Core Services

Pro(s):

- Allows the City to budget for a previously approved project.

Con(s):

- None.

Fiscal Impact:

- This amendment will add \$701,800 to the City's budget which is expected to be fully reimbursed with FEMA and insurance funds.

Motion:

- Motion to adopt: a budget amendment in the amount of \$701,800 in the City's General Capital Projects Fund, which is anticipated to be funded with Federal Emergency Management Agency (FEMA) reimbursements and insurance funds for the Municipal Building Roof Replacement Project.

ORDINANCE BOOK NO. 36 - PAGE 1

D. RESOLUTION NO. 25-3 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH HIGHLAND BREWING COMPANY FOR THE PURPOSE OF TEMPORARY PUBLIC ACCESS TO THE GASHES CREEK NEIGHBORHOOD

Action Requested: Adoption of a resolution authorizing the City Manager to execute a license agreement not to exceed \$325,000 with Highland Brewing Company for the purpose of temporary public access to the Gashes Creek Neighborhood.

Background:

- Due to the flooding caused by Tropical Storm (TS) Helene and the subsequent 'wash out' of the Azalea Road bridge at recreation park, and the wash out of Azalea Road East,

access to the Gashes Creek Neighborhood and to the WNC Nature Center was not possible.

- Coordinating with City staff, Highland Brewing Company allowed public access to Gashes Creek Road through its parking lot located at 12 Charlotte Highway as a temporary solution; and
- The temporary access has been utilized by Gashes Creek residents as well as numerous agencies as part of the response efforts and continuity of operations, including: NC DOT, MSD, COA (multiple departments) Delivery Companies, School bus access etc.
- In order to facilitate space for the temporary roadway the land owner was required to move a street light pole and temporarily improve access between their parking lot and Gashes Creek Road.
- Additional traffic through the property has caused significant additional wear and tear on the parking lot areas throughout the property
- License financial terms are based on costs incurred by Highland to improve the access road, a negotiated fair market value for business interruption related to the loss of parking spaces, additional staff needs for parking/traffic support and other related expenses.
 - In addition, COA Public Works provided a repair/replacement estimate to best determine real adjusted cost to restore to condition prior to public use to best determine final negotiated fee structure.
- COA is not responsible for repair or restoration of property at the conclusion of the agreement, COA is only responsible for cash payment.
- Initial term is retroactive to September 27, 2024 through January 31, 2025 reverting to a month to month arrangement beginning February 1, 2025.
- Long term temporary access to Gashes Creek, through Azalea Road East is scheduled to open in January or February 2025, dependent on receipt of the purchased signals to allow two-way traffic, at which point access through Highland Brewing Company will be closed.
- Contract term assumes timely restoration of public right of way access to the neighborhood, while allowing for a month to month extension if construction delays occur.

Council Goal(s):

- Well Planned & Livable City
- Equitable & Diverse Community
- Neighborhood Resilience

Committee(s):

- None

Pro(s):

- Formalizes access for the public and City services to the Gashes Creek neighborhood until public right of way access can be restored.
- Staff anticipates expenses related to this agreement will be reimbursed through FEMA and the State.

Con(s):

- None

Fiscal Impact:

- Initial term expense of \$250,000 and potential additional monthly expense of \$62,500/month if extended.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a license agreement not to exceed \$325,000 with Highland Brewing Company for the purpose of temporary public access to the Gashes Creek Neighborhood.

RESOLUTION BOOK NO. 45 - PAGE 280

E. RESOLUTION NO. 25-4 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO PROVIDE \$624,000 FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT-DECLARED DISASTER RECOVERY FUND GRANT FOR RENTAL ASSISTANCE TO THE CITY OF ASHEVILLE RESIDENTS VIA THE COUNTY'S HELENE RECOVERY HOUSING ASSISTANCE GRANT PROGRAM

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County to provide \$624,000 from the Community Development Block Grant-Declared Disaster Recovery Fund (CDBG-DDRF) for rental assistance to low-to-moderate income City of Asheville residents via the County's Helene Recovery Housing Assistance Grant program.

Background:

- The City of Asheville is a participating entitlement community in the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program.
- The City of Asheville has received a supplemental grant of \$1,748,141 from the CDBG Declared Disaster Recovery Fund (CDBG-DDRF) program.
- On December 10, 2024, City Council authorized the allocation of \$624,000 in CDBG-DDRF funding for rental assistance.
- City staff recommends directing the full amount of the CDBG-DDRF rental assistance allocation (\$624,000) to Buncombe County's Helene Recovery Housing Assistance Grant program, which the County has created to provide emergency relief to residents affected by Helene.
- Buncombe County has the capacity to handle CDBG rental assistance funds and is capable of complying with all CDBG regulations.
- The county received 5,826 applications for housing assistance. 3,867 (66%) of the applicants were residents of Asheville and 4,479 (77%) requested rental assistance.
- Buncombe County can ensure that any City-provided funds are made available for rental assistance to City of Asheville residents whose incomes are less than 80% area median income (\$74,800 per year for a family of four).
- CDBG funds can be available for the County to deploy in their existing application cycle. This cycle opened applications between December 5 and 18, and the County anticipates processing payments in January 2025.
- In order to dedicate these funds to Buncombe County, the City and the County will need to execute an interlocal agreement.
- Tentatively, Buncombe County Commissioners would be briefed on the interlocal agreement on January 7 followed by a formal County Commission vote on January 21.

Council Goal(s):

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

Committee(s):

- None.

Pro(s)

- Newly received CDBG grant funds will be quickly distributed to City residents who meet the program's eligibility criteria.
- City residents will receive needed relief for rent that they are behind on and owe for up to 3 months worth of rent payments
- The County is familiar with the CDBG program and can effectively administer the program per CDBG requirements.

Con(s)

- None.

Fiscal Impact:

- \$624,000 from the CDBG-DDRF grant (total grant = \$1,748,141). No other fiscal impact.

Motion:

Motion authorizing the City Manager to enter into an interlocal agreement with and provide funding to Buncombe County for rental assistance payments for Asheville residents via the county's Helene Recovery Housing Assistance Grant program

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F. RESOLUTION NO. 25-2 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH PC CONSTRUCTION COMPANY FOR THE REHABILITATION OF THE NORTH FORK AND WILLIAM DEBRUHL WATER TREATMENT PLANTS WATER PURIFICATION FILTERS AND OTHER ASSOCIATED UPGRADES

Action Requested: Adoption of a resolution to authorize the City Manager to enter into a Professional Services Contract with PC Construction Company for the North Fork and William DeBruhl Water Treatment Plants Filter Rehabilitation project for a total of \$314,144.00.

Background:

- The City of Asheville's Water Resources Department serves 156,720 customers in Buncombe and Henderson Counties.
- The North Fork and William DeBruhl Water Treatment Plants have a combined capacity to produce 36 million gallons of drinking water per day, and provide approximately 80% of the City of Asheville's drinking water.
- The filter plants at both the North Fork and the William DeBruhl Water Treatment Plant have provided many years of service treating water and now require the replacement of their filter media and underdrain structures to ensure their ability to consistently produce clean water.
- The use of a Construction Manager at Risk will provide the opportunity for value engineering and the procurement of long lead time equipment to be used in the maintenance of these vital systems.
- This project will be divided into three phases. This request is for phase one. Phase two will include early procurement of equipment and materials. Phase three will include the guaranteed maximum price (GMP). Phases two and three will come to Council at a later date.

Vendor Outreach Efforts:

- PC Construction Company was chosen by the City of Asheville's Water Resources Department's Water Production Division to provide professional engineering services for this project.
- The Water Production Division utilized the RFQ process to provide a competitive opportunity for qualified Construction Managers at Risk, (CMAR).
- PC Construction Company was the most qualified of the three construction companies that provided proposals and interviewed for the project.
- No further outreach was undertaken.

Council Goal(s):

- Improve/Expand Core Services

Committee(s):

- N/A

Pro(s):

- Maintains the ability of the City of Asheville's Water Resources Department to continue to provide core services for our customers.
- Maintains the ability of the City of Asheville's Water Resources Department to treat drinking water, at the North Fork and William DeBruhl WTPs.
- Provides the opportunity to procure long lead time items in advance, which facilitates the contractors ability to plan and perform work. This is important because the rehabilitation of the filters requires production loss for a period of time to allow work to progress.
- Provides value engineering based on the experience and synergy of the Owner, Engineer, and CMAR, through value engineering.
- The CMAR will provide outreach, bidding, and contractor management.

Con(s):

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

Fiscal Impact:

- Phase 1 funding for this contract is estimated at \$285,757, including a \$28,387 owners allowance for a total of \$314,144. These funds are available in the Water Resources Capital Improvement Budget.

Motion:

- Motion to authorize the City Manager to enter into a professional services contract with PC Construction Company Professional Services CMAR Contract for the North Fork and William DeBruhl WTP Filter Rehabilitation for a total of \$314,144.00.

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G. RESOLUTION NO. 25-5 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THOMAS CONSTRUCTION CO. INC. FOR THE NEIGHBORHOOD ENHANCEMENT PROJECT AREA 7 - WATER DISTRIBUTION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a construction agreement with Thomas Construction Co, Inc for the Neighborhood Enhancement Project (NEP) Area 7 - Water Distribution Project.

Background:

- The scope of work for this project includes the installation of approximately 1,250 LF of 12-inch, 6,950 LF of 8-inch, 20,600 LF of 6-inch ductile iron water line, related appurtenances and other miscellaneous water system components including service connections and other appurtenances.
- The project will mostly replace existing problematic water lines; which have been identified as a need through a prioritization and master planning process, due to age, pipe failures and future water capacity needs. Construction will include lane/road closures and other necessary disruptions for water line installation.
- On November 5, 2024, the Water Resources Department (WRD) issued an advertisement for bids for Neighborhood Enhancement Project (NEP) Area 7 - Water Distribution Project.
- In response to the advertisement for bids, the WRD received five (5) bids on December 5, 2024.
Companies responding were:
 1. Buckeye Bridge, LLC - Canton, NC - Non MWBE - Bid \$11,831,260.40
 2. T&K Utilities, Inc. - Asheville, NC - Non MWBE - Bid \$16,345,497.00
 3. TeraFlex Group, LLC. - Waynesville, NC - Non MWBE - Bid \$10,877,864.00
 4. Thomas Construction Co, Inc.- Johnson City, TN - Non MWBE - Bid \$10,175,349.00
 5. TP Howard's Plumbing Co, Inc. - Fairview, NC - Non MWBE - Bid \$10,670,000.00
- Following an audit of the bids by City staff and the project engineers, Kimley-Horn & Associates, Thomas Construction Co, Inc was selected as the lowest responsible, responsive bidder.
- The Water Resources Department requests authorization to contract with Thomas Construction Co, Inc for the bid amount of \$10,175,349.00 plus a 10% contingency in the amount of \$1,017,535.90, for a total amount not to exceed \$11,192,884.90 for a term ending at project completion.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through the 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.
- No MWBE firms submitted bids as the prime contractor.

Council Goal(s):

- A Financially Resilient City
- A Clean and Healthy Environment
- Improve / Expand Core Services

Committee(s):

- Not applicable.

Pro(s):

- This project is aligned with the City's and the Water Resources Department's goal of continued investment and improvement of the City's water system through capital improvement projects, in order to provide safe and reliable service.

Con(s):

- None.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a construction agreement with Thomas Construction Co, Inc for the bid amount of \$10,175,349.00 plus a 10% contingency in the amount of \$1,017,535.90, for a total amount not to exceed \$11,192,884.90 for a term ending at project completion.

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H. MOTION TO ADOPT THE FISCAL YEAR 2025-26 BUDGET CALENDAR

Action Requested: Adoption of the Fiscal Year 2025-26 (FY26) Budget Calendar outlined below:

	Date
City Council Retreat	February 13-14, 2025
City Council Formal Meeting - Public Comment on FY26 Budget priorities	02/25/25
Policy, Finance & Human Resources Committee - Introduce FY26 Fees & Charges	03/11/25
Council Budget Work Session	03/11/25
Council Budget Work Session	03/25/25
Policy, Finance & Finance & Human Resources Committee - Fees & Charges continued discussion	4/08/25
City Council Formal Meeting - Adoption of FY26 Fees & Charges	04/08/25
Council Budget Work Session	04/08/25
Proposed Budget Document Published	05/09/25
City Council Formal Meeting - Proposed Budget Presentation	05/13/25
City Council Formal Meeting - Budget Public Hearing	05/27/25
City Council Formal Meeting - Budget Adoption	06/10/25

Background:

- As a part of the Fiscal Year 2025-26 operating and capital budget development process, staff is proposing the calendar for City Council and Council Committee meetings.
- Staff have already begun work to develop estimates for costs to deliver existing programs and services, needed capital infrastructure and facility investments, and major revenue sources.
- In addition to meeting the statutory requirement that City Council adopt a balanced budget before July 1, 2025, the FY26 budget process is intended to align the budget with ongoing organizational work planning, City Council priorities, Tropical Storm Helene recovery efforts, and community input.

- Community engagement efforts for the budget development are already underway, and include an early opportunity for public comment at the upcoming February 25 City Council meeting.
- The process culminates with the following actions as required by state law:
 - Formal presentation of the City Manager’s Proposed Budget on May 13, 2025.
 - A public hearing on the Proposed Budget on May 27, 2025.
 - Budget adoption on June 10, 2025.

Council Goal(s):

- A Financially Resilient City
- A Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Provides City Council, staff, and the community with a calendar of upcoming dates related to development of the FY26 budget.

Con(s):

- None.

Fiscal Impact:

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

Motion:

- Motion to adopt the Fiscal Year 2025-26 Budget Calendar.

I. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP INC. FOR THE BURTON STREET PARK PLAYGROUND AND BASKETBALL COURT REPLACEMENTS

This item was removed from the Consent Agenda for discussion and/or an individual vote.

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

Action Requested: Adoption of City of Asheville property tax refunds and releases for the month of November 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 November 2024 are included in the document.

Council Goal(s):

- A Financially Resilient City

Pro(s):

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

Con(s):

- None

Fiscal Impact:

- None.

Motion:

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

K. RESOLUTION NO. 25-13 - RESOLUTION INCREASING THE MEMBERSHIP OF THE ASHEVILLE HOUSING AUTHORITY FROM SEVEN TO ELEVEN COMMISSIONERS

Action Requested: Adoption of a resolution to increase the membership of the Asheville Housing Authority from seven to eleven commissioners.

Background:

- The Asheville Housing Authority was established by the Asheville City Council via resolution adopted on May 30th, 1940.
- The original membership of the Asheville Housing Authority was set at five commissioners.
- The City Council has authority, pursuant to N.C.G.S. § 157-7(c) to increase the membership by resolution or ordinance.
- On July 27th, 2021, the Asheville City Council increased the membership to seven commissioners.
- The City Council may increase the number of commissioners of the authority up to eleven.

Vendor Outreach Efforts: NA

Council Goal(s):

- Well-Planned and Livable Community; and

Committee(s):

- NA

Pro(s):

- Increasing the membership of the commission will enhance the capacity of the Authority to perform its duty of providing safe and sanitary dwelling accommodations for persons of low income.

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to adopt a resolution to increase the membership of the Asheville Housing Authority from seven to eleven commissioners.

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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 Smith moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda Item "I". This motion was seconded by Councilwoman Ullman and carried unanimously.

ITEM REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND/OR AN INDIVIDUAL INDIVIDUAL VOTE

I. RESOLUTION NO. 25-6 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP INC. FOR THE BURTON STREET PARK PLAYGROUND AND BASKETBALL COURT REPLACEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Patton Construction Group, Inc. in the amount of \$512,500, for the Burton Street Park Playground and Basketball Court Replacement Project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$51,250 (10%).

Background:

- Background: The eastern boundary of the Burton Street Neighborhood will be impacted by the planned widening of I-26. As an effort to lessen the burden of the North Carolina Department of Transportation's (NCDOT) I-26 Project, a community driven [Neighborhood Plan](#) was developed in 2018 which includes mitigation strategies.
- One of the mitigation strategies outlined in the Neighborhood Plan is to improve community infrastructure at the Burton Street Community Center by providing more parking, improving existing basketball courts and playground, and providing an additional meeting space.
- This project will relocate and replace the existing playground at the community center in order to allow for NCDOT to expand the parking area. The project will also replace a basketball court and provide an additional community meeting space.
- The [Project page](#) provides additional project information.
- Basketball and playground construction associated with this project is expected to start in early calendar year 2025 and be completed in mid calendar year 2025.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which included 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 project was initially advertised on September 18, 2024, and then canceled on October 11th, due to Tropical Storm Helene.

- The solicitation was readvertised on October 30, 2024, and the City received and opened bids on November 21, 2024, at 3:00PM. Four bids were received, including one MWBE firm. The following companies submitted bids:
 - Smart Builders Construction LLC dba Modern Mountain Builders, Asheville, NC, \$621,828.
 - J Bartholomew Construction, LLC, Hendersonville, NC, \$592,000.
 - Enterprises G, Inc., Blowing Rock, NC, MWBE, \$550,176.
 - Patton Construction Group, Inc, Asheville, NC, \$512,500.
- Patton Construction, Inc. was the lowest responsive, responsible bidder.
- No MWBE firms submitted bids with Patton Construction as the prime contractor.

Council Goal(s):

- Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- Moving the playground will allow for NCDOT to expand the community center parking area.
- New playground equipment and basketball court will extend the lifespan of these amenities.
- The playground, basketball court, and new meeting space will be fulfilling mitigation strategies outlined in the Neighborhood Plan by improving community infrastructure.

Con(s):

- Impacts to the community center during construction.

Fiscal Impact:

- \$410,000 was originally budgeted for the construction portion of this project in the adopted Capital Improvement Program (CIP). The Department will use an additional \$160,000 of 2024 General Obligation Bond funding to fully fund the project.

Dewayne Barton offered the Burton Street community's support to make sure that their neighborhood plan is fulfilled. He asked that they be included in conversations regarding any work around the Burton Street community.

City Attorney Branham responded to Council regarding construction contracts and the requirements under State law for awarding them.

In response to Councilwoman Roney regarding if Council can take action on construction contracts based on the disparity study, City Attorney Branham said that the disparity study will allow us to set sub-contracting goals; however, with construction contracts, a contractor may exercise due diligence and good faith efforts to find a minority or women owned sub-contractor. If they are unable to do so, they cannot be compelled to comply with the ABI sub-contracting goals. The City is currently building the capacity for Minority & Women-Owned Business Enterprises (MWBE), but this takes time.

In response to Councilwoman Roney, Mr. Dundas said that in our construction contracts we typically identify 10% for contingency and it is fairly unusual for staff to come back to Council for additional funds, unless the scope of work changes or an unidentified item in the project.

After a brief discussion, City Manager Campbell said that at an upcoming agenda briefing, staff will update Council on its contracting procedures and look at the disparity study and the aggressive way we are trying to recruit more MWBE participation.

Councilwoman Ullman moved to authorize the City Manager to execute a contract with Patton Construction Group, Inc., in the amount of \$512,500, for the Burton Street Park Playground and Basketball Court Replacement Project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$51,250 (10%). This motion was seconded by Vice-Mayor Mosley and carried unanimously.

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III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

Hazard Mitigation Grant Program Overview

Steve McGugan, Assistant Director - Hazard Mitigation from the NC Dept. of Public Safety explained that the Hazard Mitigation Grant Program (HMGP) is 1 of 4 Hazard Mitigation Assistance (HMA) grants provided by FEMA, focused at providing post-disaster assistance while simultaneously reducing risks to individuals and property from future disasters. The HMGP is only available after a Presidential Declaration. The HMGP focus is ensuring effective Governmental actions incorporate critical mitigation measures to reduce risk during post-disaster reconstruction. It is focused at breaking the cycle of damage, reconstruction and repeated damages. Specific focus areas are (1) Community-wide risk reduction projects; (2) Improving resilience of key infrastructure and resource life-lines; (3) Encouraging conservation of the floodplain; and (4) Increasing future mitigation planning.

He said regarding eligibility for HMGP, it is the role of states to apply for HMGP funding and local governments (acting as sub-applicants) to apply to their state for inclusion in FEMA HMA funding. Eligible Sub-Applicants are State agencies; Local governments; Federally recognized tribal governments; Private nonprofit organizations (1) the private nonprofit must own and operate a private nonprofit facility; (2) A ruling letter from the IRS, in effect as of the date of the declaration for HMGP, being tax exempt under Sections 501(c), (d) and (e) OR documentation from the state substantiating it is a nonrevenue producing nonprofit, organized or doing business under state law; and (3) Must provide one of the services below: (a) A facility that provides a critical service, defined as education, utility, irrigation, emergency, medical, or custodial care; (b) A facility that provides a noncritical but essential government service and provides those services to the general public; and (c) Certain types of facilities, such as senior centers, that restrict access in a manner clearly related to the nature of the facility and are still considered to provide essential government services to the general public.

He said the HMGP program possesses the capability to carry out a multitude of projects, as listed. The HMGP program timeline is NOT fast, due to approvals and size/scope/number of the projects. General HMGP Timeline is: (1) Application period (for State's applications) – 15 months - Hurricane Helene application period closes 29 Dec 25; and (2) Period of Performance (POP)– 48 months from close of application period - Hurricane Helene POP is 28 Dec 29, extendable up to 36 months. Keep in mind, the bigger the project(s) (i.e. the more homes to be completed, the longer residents may wait to see actual work performed on their home)

Key Points to Acquisition are (1) Home is normally located in the Special Flood Hazard Area (SFHA) or Floodway; (2) Project consists of Title Search, Appraisal, Survey, Offer to Purchase, Demolition; (3) Offer to Purchase is the value of the home the day before the event; (4)

Duplication of Benefits MAY affect the final Offer to Purchase; (5) The jurisdiction owns the property after the closing on the property; and (6) Must remain green space in perpetuity, only uses per 44 CFR §80.19. Key Points to Elevation are (1) Home is normally located in the SFHA only, can not elevate if in the Floodway; (2) Project consists of Title Search, Survey, Engineering, Construction; (3) Home is elevated a MINIMUM of 2 FEET above Base Flood Elevation (100 yr Flood); and (4) Deed restriction is placed on the home requiring NFIP for life of property.

Regarding the North Carolina Emergency Management (NCEM) State Centric Program, (1) Intended as full-service support to all State sub-applicants; Sub-Applicants choice to Opt-In or self-perform the awarded application; (2) NCEM HM assists in preparing sub-applicant applications to FEMA – requires Chairman of Board of Commissioners or City Council or their designated agent (DA) to sign the final application; (3) NCEM HM contracts and oversees approved applications, expending State funds and pulling down Federal reimbursement (no local funds committed); (4) NCEM HM closes out approved awards with FEMA and provides notification back to jurisdiction project closed; and (5) NCEM HM acts on behalf of the county to process/get approved any Land Leases of acquired properties.

Throughout the presentation, Mr. McGugan responded to various questions/comments from Council, some being, but are not limited to: who can apply for the different programs offered; how are reimbursements handled; examples of secondary source projects; which programs are voluntary; what resources are available for the HMGP to help the community decide on that their best options are; how are appraisals handled; how many applications have been received from City of Asheville residents; and is there enough money to handle all eligible applications.

FEMA's Temporary Shelter Assistance Extension Update

Homeless Strategy Division Manager Emily Ball outlined the following background as follows: (1) FEMA's Temporary Sheltering Assistance (TSA) program provides hotel stays to eligible disaster -impacted households for up to 180 days after the declared disaster; (2) While the program is approved through March 27, 2025, FEMA will continually assess eligibility for individual households to continue. FEMA began eligibility review January 3, 2025 and will continue to do so every two weeks; and (3) Based on the January 3, 2025 assessment, FEMA identified several categories of households no longer eligible after January 11, 2025: (a) People whose homes are assessed as safe to occupy; (b) People who have withdrawn from FEMA assistance; (c) People who have missed a scheduled FEMA inspection; and (d) People who have not made contact with a FEMA inspector.

Regarding the TSA extensions, (1) Only the State is authorized to ask FEMA to extend TSA; (2) Based on data received Friday from the State about households exiting TSA, particularly people who were homeless before the storm, and based on the severe winter weather, City staff requested that the State pursue a FEMA extension for all households in TSA; (3) The State made several requests, and FEMA authorized TSA extensions initially until January 12, 2025 and then until January 14, 2025 for all households; (4) 318 households were slated to exit TSA on January 14, 2025 due to missed inspections or no contact. FEMA announced January 13, 2025 that they have extended those households through January 25, 2025 - Households who exited TSA today were based on FEMA's assessment that their homes were safe to occupy; and (5) This extension will allow time for the State's Disaster Case Management team to make contact to assess needs and connect people with applicable resources.

Ms. Ball said that regarding collaboration (1) A subset of households no longer eligible for TSA were identified by FEMA as pre-disaster homeless; (2) Homeless Strategy Division staff received that list from FEMA on Friday afternoon and are collaborating with Disaster Case Management and shelter providers in the Continuum of Care to identify exit options for those households; (3) To support that collaborative effort, Eblen Charities partnered with the City to fund immediate 2-night extensions for 22 households to allow time for Disaster Case Management and

City staff to make contact with households to identify exit options - Eblen will continue to partner to support unmet needs as identified; (4) For all other households currently in TSA, City staff are gathering information from the State and Buncombe County about existing outreach efforts to identify where City support may be needed; and (5) People who need assistance can contact FEMA at 1-800-621-3362 or visit the Disaster Recovery Center at the Asheville Mall.

Councilwoman Roney thanked the voucher holders and advocates who came to City Hall last week to share their experiences and add to understanding of the situation.

Ms. Ball then responded to Councilwoman Roney's questions regarding how many TSA voucher holders were slated to exit TSA today (approximately 400), and is it possible that TSA voucher holders deemed ineligible may become re-eligible through an appeal process.

Capital Improvement Program (CIP) - Overview of Project Timing for Projects Planned Prior to Tropical Storm Helene including 2024 General Obligation Bond Projects

Capital Projects Director Jade Dundas provided Council with the following key takeaways: (1) Taking the time to celebrate some 2024 wins and to highlight capital projects that were in progress and/or planned before Helene; (2) Programming work plan with a focus on fulfilling past commitments and meeting future expectations (capital budget /bond/recovery); (3) Using a strategic approach for project development supported by good planning and strong communication; and (4) Working on the alignment and coordination of past commitments with the recovery needs - Storm-related infrastructure impacts will be the focus of the Jan. 23 Recovery Briefing

"Ribbon Cutting" Summer of 2024 included New Leicester Highway Sidewalk - \$3.4M; Murphy Oakley All Abilities Park Improvements- \$740K; Onteora Sidewalk and Resurfacing - \$1.3M; Carrier Park Playground - \$280K; Municipal Golf Course - \$3M; and Shiloh Sidewalk - \$323K. The Downtown public restroom opened on November 21, 2024, with a final price of \$530,000. The location is the intersection of Rankin and College and is being used and holding up well. The restroom is cleaned twice a day - Staff have reported 11 instances of maintenance and cleaning beyond the norm.

Regarding Memorial Stadium, it is substantially complete and the ribbon cutting is expected in the Spring of 2025.

Regarding the Downtown capital projects update, (1) anticipate these projects will break ground in Spring 2026; (2) economic impact of Helene on downtown business; (3) trying to minimize overlap of current and future projects; and (4) focused engagement with downtown will continue throughout 2025. Some projects are (1) Coxe Ave (a) Continuing to work through design; and (b) Anticipating an extensive DOT review process; (2) Lexington Ave (a) Will require public engagement and minimal design which will occur in the coming year; (b) Engagement activity will help identify appropriate building material; and (c) Pavers will be maintained until the project addresses the damage; (3) Downtown Signals (a) Long lead time for signal equipment is dictating the schedule; and (b) Signal replacement has major impacts to intersections; and (4) Patton/College Bike Lanes (a) Intersection work will be disruptive to pedestrian traffic; and (b) Coordinating the intersection work with the signals project will minimize disruption.

He said 2024/25 projects (cost and completion) are (1) McCormick Field - \$30M - Spring 2026; (2) Southside Connectivity Project - \$1.4M - Summer 2025; (3) Sidewalk Projects - (a) New Haw Creek - \$3.3M Fall 2026; (b) Johnston Blvd - \$3.3M Winter 2026; (c) Airport Rd. - \$2M Summer 2026; and (d) Patton Ave (west of bridge) - \$1.2M Spring 2026; (4) Municipal Building Structural Repairs - \$8M - 2026; and (5) Roof replacement at 29 Haywood - \$200K - June 2025.

Regarding the Fiscal Year 2025-26 General Fund CIP Project development look ahead, he outlined (1) Facilities (a) Municipal Building - relocation of fire admin and construction; (b) Parks Maintenance Facility - planning, site selection and design; and (c) Transit Maintenance Center - preliminary scoping and site feasibility (Long-term methodical approach); (2) Parks and Recreation - Weaver Park - Trail, playground, and ballfield construction; (3) Transportation (a) Airport Rd. sidewalk - construction; and (b) Patton Ave sidewalk - construction; and (4) Placemaking - Boosting the Block - engagement and conceptual design.

He said that we have a lot of work ahead of us and understand the importance of getting all of it completed as soon as possible. The projects represented on these slides are a sample and will likely be the first projects which require City Council action. We are working on advancing all projects but it is also recognized that all projects are at various stages of their development. Projects that are not listed are still being actively worked on.

Regarding 2024 Bond projects the project development look ahead, he outlined (1) Public Safety Facilities (a) Oakley Public Safety Facility Improvements - design; (b) N. Asheville Fire Station- Preliminary scoping and site selection; and (c) West Asheville Police Station Renovations - design and construction; (2) Parks and Recreation (a) Malvern Hills Park/Pool - engagement and design; (b) Shiloh Center Modernization - engagement and design; (3) Transportation (a) Street Resurfacing - construction; and (b) Lexington Ave Sidewalk - engagement and design; (4) Affordable Housing - Update on implementation of the Affordable Housing Plan on Jan. 28; and (5) Full list of 2024 Bond projects is available here: publicinput.com/ashevillebonds.

Regarding the infrastructure recovery process, (1) working through making damaged areas safe and preventing additional damage. Examples include: (a) Azalea Road restoration; (b) Municipal Building and TWA roof replacement projects; and (c) Communication Tower assessment and reconstruction work; (2) following the FEMA process is critical to maximize recovery funding - very much about risk mitigation which can also cause the project delivery timeline to be extended; and (3) detailed presentation on Helene-related infrastructure impacts on January 23 (a) explain the infrastructure recovery process and plan; (b) provide a progress update for work that is under way; and (c) Discuss preliminary project prioritization and funding.

He said that equity is an important criteria that helps guide us through project development. Equity is a guiding principle from the development of our planning documents such as Recreate Asheville and Close the GAP transportation plan through bidding and construction.

Throughout the presentation, Mr. Dundas responded to various questions/comments from Council, some being, but are not limited to: for what type of projects do we get public input; need to move forward with repairs if no public input is needed; begin communication with interested parties what the City's intentions are with regard to repairing city assets; what other City roads are still closed; regarding the multi-use path on Patton/College, concern about disruption of the area twice because it seems during this season of repair and disruption as well as lower daytime occupancy would be exactly the time to make this investment in transportation safely like we did in 2020 with Haywood Street; and concern about the delay in decriminalizing personal mobility devices and if there is a possibility to move that technical piece through to benefit multimodal commuters citywide while this project is indefinitely delayed.

In response to Councilwoman Roney, City Attorney Branham said that his office and the Transportation Department have been working closely on the personal mobility devices project, but it has been a more difficult and complex project than anticipated. He said that Transportation is close to making a recommendation and should be ready to come to City Council with an update soon.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE ASHEVILLE DOWNTOWN COMMUNITY IMPROVEMENT DISTRICT FOR DELIVERY OF DOWNTOWN BUSINESS IMPROVEMENT DISTRICT SERVICES

RESOLUTION NO. 25-7 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE ASHEVILLE DOWNTOWN COMMUNITY IMPROVEMENT DISTRICT FOR DELIVERY OF DOWNTOWN BUSINESS IMPROVEMENT DISTRICT SERVICES

Assistant City Manager Ben Woody said that this is the consideration of a resolution authorizing the City Manager to execute a contract with the Asheville Downtown Improvement District for delivery of downtown Business Improvement District services. This public hearing was advertised on January 3 and 11, 2025.

Background:

- The City Council is authorized to establish a Municipal Service District, also known as a “Business Improvement District” (hereinafter referred to as a “BID”) pursuant to N. C. Gen. Stat. 160A-537.
- A BID is utilized in order to finance, provide, or maintain, within the defined district, certain services, facilities, or functions in addition to, or to a greater extent, than those already provided
- to the entire City.
- City Council voted at their May 13, 2024 and June 11, 2024 City Council meetings to establish a BID boundary (roughly aligned with the central business district) and tax rate of .0877 per \$100 assessed valuation of taxable property.
- The establishment of the boundary and associated tax was included in the approved FY 2024-2025 budget and tax rate ordinance.
- On June 11, 2024, City Council also passed a resolution outlining desired BID services, reporting and engagement requirements for the BID Operator as well as the governance/advisory structure to be implemented.
- The elements outlined by City Council were incorporated into the Scope of Work for BID Operator Request for Proposals (RFP).
- Prior to launching the RFP, City staff sought input from those who live, work, and visit downtown, to help further shape the service needs and priorities for the district based on the following focus areas defined by City Council:
 - Safety & Hospitality: Ensuring a welcoming and secure environment for everyone
 - Enhanced Cleaning: Keeping our downtown clean and well-maintained
 - Special Projects: Undertaking initiatives that enhance the downtown experience
- The input received through the community engagement process further informed the scope of services outlined in the RFP.
- The City released the RFP for a BID operator on September 20, 2024. The timeline for the RFP process, including the submission deadline, was extended due to the impacts of Tropical Storm Helene. The primary impacts to the process were related to communications; the extended timeline ensured extensive outreach to prospective vendors including MWBEs along with additional time for prospective vendors to conduct sub-contractor outreach and prepare proposals.
- The submission deadline for prospective BID operators was November 13, 2024.
- Proposals were received from the following organizations:
 - **Asheville Downtown Improvement District (ADID), formerly Asheville Downtown Community Improvement District**, an organization founded

- through a partnership between the Asheville Downtown Association, Asheville Area Chamber of Commerce, and Nexstreet (MWBE) based in Asheville, NC.
 - **Sally Blagg, LLC**, a Minority & Women-Owned Business Enterprise (MWBE), based in Salisbury, NC. The proposal included involvement of Asheville-based organizations.
- An evaluation committee made up of City staff from 9 departments along with a representative from the Asheville Downtown Commission reviewed and scored proposals.
- The proposal from the Asheville Downtown Improvement District (ADID) was the highest scored based on the criteria defined in the RFP; staff is recommending that the City move forward with a contract.
- While no formal changes to the Operator's Scope of Work have been made, staff believe the role and services of the BID will be timely and beneficial to both downtown and broader economic recovery post-Helene. Supporting the success and resilience of downtown - our region's center of employment and commerce - is critical to recovery.
- In addition to the Scope of Services already outlined, the ADID team will hire a Business Resiliency Coordinator to support existing downtown businesses as well as businesses displaced by Hurricane Helene. The Coordinator will also work with public and private agencies to leverage small business and emergency recovery resources, and to coordinate marketing initiatives that support the local economy.
- The proposed initial contract term is for a 3 year period with two optional 1-year renewals. As with all City contracts, lack of performance can be a cause for termination or corrective action.
- The Asheville City Council maintains the final authority to approve the annual BID Budget and set the yearly tax rate.

Vendor Outreach Efforts:

- Staff conducted outreach to all MWBE vendors registered with the City of Asheville that provide services related to management, economic development, and waste management as well as additional outreach to local businesses and organizations. Prime contractors were also required to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- A pre-proposal meeting was held on September 26, 2024 with 11 attendees.
- Proposals were received from the following organizations:
 - **Asheville Downtown Improvement District (ADID)**, an organization founded through a partnership between the Asheville Downtown Association, Asheville Area Chamber of Commerce, and Nexstreet (MWBE). ADID is based in Asheville, NC.
 - **Sally Blagg, LLC**, a Minority & Women-Owned Business Enterprise (MWBE), based in Salisbury, NC. The proposal included involvement of Asheville-based organizations.

Council Goal(s):

- Clean, Safe and Healthy Environment
- Connected and Engaged Community
- An Equitable and Diverse Community
- Financially Resilient City
- Thriving Local Economy
- A Well-Planned and Livable Community

Committee(s):

- **August 30, 2024 - Downtown Commission** - Staff provided updates on the process of BID implementation, including results of public engagement, the updated scope of work and an overview of the forthcoming RFP process to select a service provider. The DTC

unanimously approved a motion to recommend that staff continue with the RFP process with additional details that were subsequently incorporated.

- **September 9, 2024 - Planning and Economic Development Committee** - staff provided updates on the process of BID implementation, including results of public engagement, the updated scope of work, recommendations from the Downtown Commission and an overview of the forthcoming RFP process to select a service provider.

Pro(s):

- The BID provides additional funding to meet the demonstrably greater need for certain services, facilities, and functions within the downtown district.
- Executing a contract for services is a critical step toward implementation.
- Per state requirements, the City shall provide, maintain, or let contracts for the services for which the payers of the district are being taxed within a reasonable time, not to exceed one year, after the effective date of the establishment of the district (by June 30, 2025). Authorizing staff to execute this contract keeps the City in alignment with this schedule.

Con(s):

- None at this time.

Fiscal Impact:

- Funding for this contract comes directly from the established tax within the defined BID boundary. The annual assessment rate is 0.0877 per \$100 of taxable value.

Assistant City Manager Ben Woody said the following key takeaways from his presentation are (1) As of July 1, 2024, following City Council authorization, a Business Improvement District was established in the downtown area with a tax rate of .0877 per \$100 assessed valuation of taxable property and annual budget for fiscal year 2024-2025 of \$1,250,000; (2) City Council directed staff to administer a competitive process to contract with a Service Provider/Operator to deliver services (supplemental to what the City provides) that support enhancements for downtown; (3) The City administered a Request for Proposals (RFP) and evaluation process that reflected community and Council priorities identified for the district, and recommends moving forward with a contract; (4) Staff is seeking City Council authorization to execute a contract with the highest scoring proposal (a partnership between the Asheville Downtown Association, Asheville Chamber of Commerce and Nextstreet) as the BID Operator; and (5) The contracted BID Operator will be responsible for regular reporting to City Council and the public, as well as data-tracking and public engagement to evaluate effectiveness of services.

The following are the scope of services (1) Safety, Hospitality and Cleanliness via Community Ambassador Team (a) Will not function as security or law enforcement, nor carry weapons of any kind; (b) Training to include: anti-racism, de-escalation, harm-reduction, mental health first aid, training with city operational departments and other agencies, participation in outreach coordination group; (c) Engagement Hospitality and Assistance; and (d) Enhanced Cleanliness and Maintenance; (2) Reporting, Data Collection and Community Input (a) Tracking of requests and services to be reported on an on-going basis via software tool; (b) Quarterly reports to City Manager and Downtown Commission; (c) Annual report and presentation to City Council; (d) Input regarding services to be sought 2x per year; and (e) Reports and data to be publicly available; NC public records and open meetings laws will be followed for work associated with operations of the BID; (3) Business Resiliency - Coordinator to be hired to support businesses impacted by Helene and serve as liaison for navigating recovery resources; and (4) Special Projects - Beautification, neighborhood identification, holiday decorations, public art.

Regarding the statutory compliance and governance, (1) Annual Cost Proposal - submitted annually including all admin, expenses and overhead along with revenues from non-City sources; (2) Accounting of Funds - presented at the end of each fiscal year in June along with a presentation and report to City Council; to be preceded by input regarding service needs for the upcoming year; (3) Annual City Budget Allocation - Asheville City Council maintains final authority to approve and/or modify the annual BID budget and set the yearly tax rate as part of its annual budget adoption process; and (4) Steering Committee/Board - responsible for overseeing and managing the operations and delivery of services in alignment with the scope of work (a) Will follow representation requirements previously established; (b) The application, nomination and appointment process will be transparent and subject to public records and open meetings laws; (c) City Council may accept nominations or request alternate nominees are submitted; and (d) All applications will be available to the public.

Mr. Woody said that regarding the BID operator RFP evaluation, (1) Outreach to all registered MWBE vendors that provide services related to management, economic development, and waste management. Additional outreach to local businesses and organizations; (2) Prime contractors were also required to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services; (2) A pre-proposal meeting was held on September 26, 2024 with 11 attendees; and (4) Proposals were received from the following organizations: (a) Asheville Downtown Improvement District (ADID), an organization founded through a partnership between the Asheville Downtown Association, Asheville Area Chamber of Commerce, and Nexstreet (MWBE). ADID is based in Asheville, NC; and (b) Sally Blagg, LLC, a Minority & Women-Owned Business Enterprise (MWBE), based in Salisbury, NC. The proposal included involvement of Asheville-based organizations.

Mr. Woody then went through the BID Operator RFP evaluation. The evaluation committee was comprised of the following City representatives - Economic Development/Business Inclusion; Sustainability; Public Works; Planning & Urban Design; Homeless Strategies; Fire/Community Responders; Asheville Police Department; Neighborhood Enhancement; and the City Manager's Office. The evaluation committee also included one Downtown Commission member. Asheville Downtown Improvement District (ADID) scored the highest. The proposed budget is \$1,250,000, in which he showed the income and expenses.

Regarding operations team recruitment and hiring, (1) Recruitment (a) MWBE engagement; and (b) Preference for prior experience; (2) Full Employer-Paid Benefits - Healthcare, Vision, Dental, 401K, PTO, Advancement Opportunities, Training; (3) Schedule (a) Initial operational hours will be 9 am to 11 pm, and (b) Operational hours may be adjusted based on need and may vary seasonally; and (4) Compensation -

Role	Rate Range
Supervisor	\$23 - \$25/hour
Ambassador I	\$18 - \$20/hour
Ambassador II	\$20.50 - \$22/hour
Power Washer	\$20.50 - \$22/hour

Painting/Graffiti Specialist	\$20.50 - \$22/hour
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The following are the dates of the implementation of services: January 14, 2025: City Council considers contract; January 31, 2025: Contract executed with service provider; February/March, 2025: Hiring and training of BID staff; March 2025: Initial services launched (a) Initial services to include: engaging businesses, hiring staff, and board selection and approval; and (b) Anticipated start of April 1 for on the ground services to begin; March/April, 2025: Service Provider reports activities and accomplishments to City Manager’s Office and Downtown Commission - Will include reporting on the launch of the Asheville Downtown Improvement District Program; June 2025: BID services fully operational; and June 2025: Service provider reports activities and accomplishments to City Council.

Mayor Manheimer opened the public hearing at 7:06 p.m.

Two individuals spoke in support of the BID and the BID operator.

Five individuals were concerned about the composition of the BID Steering Committee, and urged Council to revert back to the one-year term and open up the competitive RFP process again with the contract term of three years.

Mayor Manheimer closed the public hearing at 7:21 p.m.

Mr. Woody said that the initial expectation was for a one year term, with two one-year extensions. He explained that we put out the RFP on September 20 and allowed extensions in the submittal process in order for a deeper pool of vendors. However, we found that the people interested in the contract were concerned about a one-year contract since it takes a lot to purchase equipment and hire people for only one-year. The City then extended the contract term to three-years to give vendors some confidence that they had time to hire and purchase equipment. That said, if the contractor does not perform, the City can terminate the contract if we run into a performance issue. City Attorney Branham also noted that Council retains annual authority on the funding over the BID. If there is an issue, Council has the right to set a zero tax rate and the BID would be unfunded, regardless of the contract.

Councilwoman Roney said that after revisiting Council’s working agreements, she can imagine that it’s no surprise that she respectfully disagrees with this proposal, and she continues to have concerns that a BID is fundamentally the wrong tool for the serious issues we face. Additionally, (1) more than ever, it taps tax payers and commercial/residential renters of \$1.2-million funding through a new tax; (2) it doesn’t secure living wage jobs which is \$22.10-hour minimum; and (3) it doesn’t deploy qualified professionals trained in mental health, behavioral health, homelessness response, and opioid poisoning—real issues that still require real funding and uniquely qualified professionals. That said, she finds herself with the fiscal and social responsibility to consider remaining solutions. It appears at last available is to redirect these resources to a municipal service district with dedicated sanitation, arborist, and behavioral health services for downtown with a goal for the 24-7 services our community needs.

In response to Councilman Hess, City Attorney Branham reiterated that we have built in language reserving the Council the financial strength to change the funding every year to set the tax rate. He explained that the BID cannot supplant any services, but the services can be expanded. As long as it’s a supplement service, then it falls within the project scope of allowance.

Executive Director of the Asheville Downtown Association Haden Plemmons said that they would look to hire folks with lived experience or poverty, and will partner with workforce development group programs that already exist.

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

Councilwoman Ullman moved to authorize the City Manager to execute contract with the Asheville Downtown Improvement District (ADID) for a three year term with two additional one year options for renewal for managing and executing Downtown Business Improvement District operations and services in the maximum first year amount of \$1,250,000, less any fees for the collection and distribution of the BID tax; and for future annual amounts to be determined by the established tax rate set by City Council and revenues generated from the BID tax, less any fees for the collection and distribution of the BID tax, as well as additional funds which may be allocated by the City; and to further authorize the City Manager to execute any documents necessary to give effect to this resolution. This motion was seconded by Vice-Mayor Mosley and carried on a 5-1 vote, with Councilwoman Roney voting “no.”

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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 NO. 5113- ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO BETTER ALIGN EXISTING CITY REGULATIONS WITH THE NORTH CAROLINA STATE BUILDING CODE

Mayor Manheimer said that because Assistant City Manager Ben Woody is scheduled to meet with the Council of Independent Business Owners, and property owners later this week, City Council will listen to staff’s presentation and hold the public hearing; however, they will not vote until the January 28 meeting.

Mayor Manheimer said that this item was discussed and the public hearing was open and closed on December 10, 2024. This item was then continued to this date. On December 10, 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.

Interim Public Works Director Amy Deaton said that this is the consideration of an ordinance to update 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 Tropical Storm Helene there is significant focus on recovery and redevelopment efforts, especially for flood-damaged properties.
- Current language in the UDO about repair and replacement of buildings in the floodplain is unclear, leaving the potential for confusion about the requirements for properties identified as having been substantially damaged.
- 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 the City remains 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 federally backed flood insurance.
- A community that does not join the NFIP after being identified for one year as flood-prone, has withdrawn from the program, or is suspended from it, faces the following sanctions:
 - No resident will be able to purchase federally backed flood insurance.
 - Existing flood insurance policies will not be renewed.
 - No Federal grants or loans for development may be made in identified flood hazard areas under programs administered by Federal agencies such as Housing and Urban Development (HUD), Environmental Protection Agency (EPA), and Small Business Administration (SBA);
 - No Federal disaster assistance may be provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood.
 - No Federal mortgage insurance or loan guarantees may be provided in identified flood hazard areas. This includes policies written by Federal Housing Administration (FHA), Veterans Affairs (VA), and others.
 - Federally insured or regulated lending institutions, such as banks and credit unions, must notify applicants seeking loans for insurable buildings in flood hazard areas that there is a flood hazard and that the property is not eligible for Federal disaster relief.
- The longer the city's ordinances are not clearly aligned with NFIP requirements, the more risk we place on flood insurance policyholders and their eligibility for flood assistance and flood insurance as well as our eligibility for public assistance.
- 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.
- Requiring less than 2' of freeboard will impact our classification in the CRS program which could lower our class, meaning instead of a 10% reduction on flood insurance premiums, policyholders would only receive a 5% reduction.
- 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: NA

Council Goal(s):

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

Committee(s):

- Planning & Zoning Commission, December 4, 2024 - Approved 6 to 1

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

Ms. Deyton explained the following key takeaways from her presentation: (1) Staff is proposing minor updates to three sections of the UDO that 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; and (2) These updates are needed to comply with the National Flood Insurance Program (NFIP) requirements to maintain eligibility for flood assistance, flood insurance, and public assistance.

She gave a brief background of (1) These updates came to City Council on December 10, 2024; (2) After discussion by Council, staff was asked for these amendments to be placed into 3 categories and brought back before Council - Technical amendments; Conflicts; and Substantive amendments; and (3) For tonight, Council is being asked to consider amendments that are technical in nature to update our ordinance, clarify existing conflicts and potential ambiguity in our ordinance language.

The UDO updates include (1) Technical amendments (a) The majority of updates are nonsubstantive; and (b) Does not change permitting process or conditions; (2) Conflicts (a) Updates and additions to align with State Model Flood Ordinance; and (b) Revisions to clarify lookback period and historic structures exemption; and (3) Substantive amendments (a) Maintains the 2' freeboard requirement; and (b) Non-conforming uses [Sec 7-12-1(e)(7)] is a null clause.

The UDO conflicts are (1) Lookback period for calculating substantial damage and substantial improvement (a) Revisions to clarify that this period will *remain as currently administered at 1 year*; and (b) Staff have previously used a 1 year period, so this results in no

change; and (2) Process for historic structures exemption (a) Properties with historic designation may be exempted from the elevation requirements by obtaining a variance; (b) NFIP allows for these exemptions through a variance process or administrative review and approval; and (c) Staff recommends to *continue the variance process due to legal limitations on administrative decisions*.

Substantive amendments are (1) 2 foot freeboard requirement; (2) Non-conforming uses [Sec 7-12-1(e)(7)]; and (3) Additional language to preserve maximum development rights regarding allowable heights for buildings. Staff recommends new construction and structures that have been substantially damaged or are being substantially improved be required to meet base flood elevation (BFE) plus the City of Asheville's two (2) foot freeboard.

She reviewed the following chart:

Peer City Review - Freeboard Requirements		
City	Residential	Non-Residential
Boone	2'	2'
Brevard	2'	1'
Hendersonville	2'	2'
Winston Salem	2'	2'
Greensboro	2'	2'
High Point	2'	2'
Cary	2'	2'
Durham	2'	2'
Raleigh	2'	2'
Wilmington	2'	2'

Regarding substantive amendments, (1) Non-conforming uses [Sec 7-12-1(e)(7)] is a null clause and should be removed to avoid confusion and comply with State and Federal requirements; (2) NC Building Code already requires flood proofing or elevating of 1-2 feet above base flood elevations depending on the type of structure; (3) Following a public engagement process in November 2009, City Council increased the freeboard requirement for commercial properties from 1 to 2 feet. The freeboard requirement for residential properties was already 2 feet; (4) The State's recommended minimum is 2 feet above base flood elevations; and (5) Reducing the freeboard requirement to less than 2' will impact our points in the CRS program and

could lower our class, which means instead of a 10% reduction on flood insurance premiums, policyholders would only receive a 5% reduction.

Regarding National Flood Insurance Programs (NFIP) considerations, while participation in the NFIP is voluntary, there are disadvantages to not being in the program or being suspended from the program. If we were not in the program, there would not be access to: (1) Federally backed flood insurance or discounted premiums; (2) Renewal of flood insurance policies; (3) Federal grants or loans for development in identified flood hazard areas under programs administered by Federal agencies such as Housing and Urban Development (HUD), Environmental Protection Agency (EPA), and Small Business Administration (SBA); (4) Federal disaster assistance provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood; and (5) Federal mortgage insurance or loan guarantees provided in identified flood hazard areas. This includes policies written by Federal Housing Administration (FHA), Veterans Affairs (VA), and others.

In response to Councilwoman Ullman, Ms. Deyton confirmed that if we don't make these changes, the City will raise its risk of losing disaster recovery funds, including the CDBG-Disaster Recovery funds.

Mayor Manheimer opened the public hearing at 7:46 p.m.

One individual felt these amendments are a first step to bring our floodplain regulations into a better relationship with federal, state and the National Flood Insurance Program.

Four individuals hoped that City Council would continue this until the affected property owners have the opportunity to learn about the amendments and how it would affect their properties, and that Council hear the feedback prior to adopting any changes.

Mayor Manheimer closed the public hearing at 8:00 p.m.

City Attorney Branham said that the City has a duty to ensure property owners have the least ambiguity and the easiest process possible to rebuild and part of these amendments address that.

In response to Mayor Manheimer, City Attorney Branham said that there are certain situations in which staff can administer variances, but in North Carolina staff can only make objective determinations. If the variance is subjective, it must go elsewhere, such as through a quasi-judicial process.

Councilman Hess moved to continue this matter to January 28, 2025. This motion was seconded by Councilwoman Roney and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

RESOLUTION NO. 25-8 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE AIR QUALITY AGENCY BOARD

Vice-Mayor Mosley, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Asheville-Buncombe Air Quality Agency Board.

Evan Couzo resigned as a member of the Asheville-Buncombe Air Quality Board effective November 14, 2024, thus leaving an unexpired term to July 1, 2026.

The following individuals applied for the vacancy: Dr. Caitlin Crossett and Mrs. Sarah K. McGonigal.

The Chair and staff liaison of the Asheville-Buncombe Air Quality Agency Board recommended to appoint Dr. Caitlin Crossett.

Councilwoman Roney moved to appoint Dr. Caitlin Crossett the unexpired term of Mr. Couzo, term to expire July 1, 2026, or until Dr. Caitlin Crossett's successor has been appointed.. This motion was seconded by Councilman Hess and carried unanimously.

RESOLUTION BOOK NO. 45 – PAGE 287

RESOLUTION NO. 25-9 - RESOLUTION APPOINTING MEMBERS TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

Vice-Mayor Mosley, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Alcoholic Beverage Control (ABC) Board.

The terms of Max Haner and Nian Avery, as members on the ABC Board expired on November 12, 2024.

The following individuals applied for the vacancy: David Angelus, Kevin T. Blanton, Kenneth Ray Bussey Jr., Kimberly Collins, Patrick Fox, Brian Douglas Haynes, Susan Kelly, Michael Pesant and Andrew McNair Tyson.

The Chair of the ABC Board does not recommend reappointment of Nian Avery as Mr. Avery is ineligible due to lack of attendance. The Chair and staff recommended appointment of Kimberly Collins, Michael E. Pesant or Jan Davis.

After each Council member voted for the first seat, Kimberly Collins received 4 votes, Michael Pesant received 2 votes and Jan Davis received no votes. Therefore, Kimberly Collins was appointed to serve a three-year term, term to expire November 12, 2027, or until Kimberly Collins' successor has been appointed.

Each Council member then voted for the second seat with Michael Pesant and Jan Davis each receiving three votes. Councilwoman Ullman then moved to appoint Jan Davis to serve a three-year term, term to expire November 1, 2027, or until Jan Davis' successor has been appointed. This motion was seconded by Councilman Hess and carried unanimously.

RESOLUTION BOOK NO. 45 – PAGE 288

RESOLUTION NO. 25-10 - RESOLUTION APPOINTING ALTERNATE MEMBERS TO THE BOARD OF ADJUSTMENT

Vice-Mayor Mosley, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing alternate members to the Board of Adjustment.

The term of Michael Luciano (alternate) on the Board of Adjustment expires on January 21, 2025. In addition, John Kledis (alternate) and Wendy Tabb (alternate) have resigned, thus

leaving two unexpired terms until January 21, 2027. Also, Andrew Garrard (alternate) has resigned, thus leaving an unexpired term until January 21, 2025.

The following individual applied for the vacancies: Bill Roberts.

The Chair and the staff liaison recommended to reappoint Michael Luciano; and re-advertise for the remaining alternate seats, as the alternate seats must be City residents and Mr. Roberts is not.

Councilwoman Smith moved to (1) reappoint Michael Luciano as an alternate member to the Board of Adjustment, to serve a three-year term, term to expire January 21, 2028, or until Michael Luciano's successor has been appointed; and (2) instruct the City Clerk to readvertise for the remaining alternate seats. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 45 - PAGE 289

RESOLUTION NO. 25-11_ - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Mosley, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville-Buncombe Historic Resources Commission.

The term of Maria Delsasi expired on June 30, 2024. On June 11, 2024, City Council appointed John-Michael Hensen to fill the seat until June 11, 2027; however, Mr. Hensen was unable to accept due to his current service on the Urban Forestry Commission. In addition, Claire Thomas has resigned, thus leaving an unexpired term until June 30, 2026.

The following individuals applied for the vacancies: Nicholas J. Harden, Leslie Milling Humphrey, Carole H. Martin and Robert Mays.

The Chair and the staff liaison of the Historic Resources Commission recommend appointment of Robert Mays and Leslie Humphrey. .

Councilwoman Ullman moved to (1) appoint Robert Mays to serve the unexpired term of John-Michael Henson, term to expire June 30, 2027, or until Robert Mays' successor has been appointed; and (2) appoint Leslie Humphrey to serve the unexpired term of Clair Thomas, term to expire June 30, 2026, or until Leslie Humphrey's successor has been appointed. This motion was seconded by Councilman Hess and carried unanimously.

RESOLUTION BOOK NO. 45 - PAGE 290

RESOLUTION NO. 25-12 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD

Vice-Mayor Mosley, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Metropolitan Sewerage District Board..

The term of Chris Pelly expires on January 19, 2025.

No individuals applied for the vacancy.

Councilwoman Smith moved to reappoint Chris Pelly as a member to the Metropolitan Sewerage District Board, to serve a three-year term, term to expire January 19, 2028, or until Chris Pelly's successor has been appointed. This motion was seconded by Councilwoman Ullman and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council about various matters, some being, but are not limited to: support for expansion of Asheville Housing Authority from 7 to 11 members; concern about mass deportation; disaster relief needs to be a priority and needs more funding; and urge for more assistance for residents displaced from Tropical Storm Helene.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:38 p.m.

CITY CLERK

MAYOR