

Thursday – February 6, 2025 - 11:00 a.m.

Agenda Briefing Worksession - For February 11, 2025, Council Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor S. Antanette Mosley; Councilman Bo Hess (left meeting at 1:31 p.m.); Councilwoman Kim Roney (left meeting at 1:31 p.m.); Councilwoman Sheneika Smith; Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

City Council held an agenda briefing worksession to discuss the upcoming and future agenda items. In addition, the 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:

- FEMA Individual Assistance Data
- CDBG-DR Process Overview and Update on Direct Allocation

At 1:36 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – February 11, 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 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 COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON JANUARY 23, 2025, AND THE FORMAL MEETING HELD ON JANUARY 28, 2025**
- B. **RESOLUTION NO. 25-21 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SERVICES CONTRACT WITH HYDROMAX USA FOR THE VALVE CONDITION ASSESSMENT PROGRAM PROJECT**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a general services contract with Hydromax USA for the Valve Condition Assessment Program Project.

Background:

- A large-scale water system outage occurred at the end of December 2022, beginning of January 2023 that impacted Asheville's Water Resources service area, and, as a result of the water outage, Asheville City Council voted to form a Water Outage Independent Review Committee (IRC) whose task was to analyze the event and make

recommendations for water system improvements, which would reduce the risk of future large-scale outages.

- One recommendation from the IRC was to implement an independent valve assessment of all large transmission main valves within the water system.
- Valve condition assessments within the system have been conducted and will continue to be conducted by dedicated Water Resources staff. This project will supplement internal efforts and be utilized to fully satisfy the IRC recommendation.
- This project addresses existing system water valves ranging from 2 to 36 inches and located throughout the City of Asheville's Water System.
- Key objectives entail a thorough examination, documentation, and enhancement of the functionality of the elected water valves.
- The work includes, but is not limited to, collecting GPS attribute data, coordinates & pictures for each valve, adjusting the height and aligning valve boxes as needed, exercising and recording the number of turns for each valve, and cleaning valve boxes as necessary.
- There is no definitive project scope of services for the service provider to complete as they will be utilized to support and supplement the existing Water Department valve crew by completing identified tasks as directed and needed.

Vendor Outreach Efforts:

- A qualifications based selection process began on August 13, 2024 by issuance of a request for proposals with the deadline for submission being September 9, 2024.
- Outreach and engagement followed the City's business inclusion processes.
- Two proposals were received from:
 - Hydromax, LLC - Chandler, IN - Non MWBE
 - Wachs Water Services, Inc. - Washington D.C. - Non MWBE
- ABI office audited all proposal documents and noted required compliance.
- A team of pertinent Water Resources Department staff reviewed and scored the proposals based on specified criteria.
- Due to the type of the proposed contract, bids were not required for the proposals but submissions did include proposed rate and fee schedules for various tasks, which were reviewed and scored as part of the submittal criteria.
- Hydromax USA, Inc. received the highest averaged score from the review team and thus was selected as the most qualified service provider.
- No further outreach was undertaken.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None.

Pro(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.
- Awarding the contract would allow the Water Resources Department to complete the project and satisfy the recommendation from the WOIRC in a timely manner.

Con(s):

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

Fiscal Impact:

- \$2,500,000 is the maximum value of the proposed contract as the selected service provider can be assigned tasks up to but not exceeding that limit.
- The required funds are available within the Water Resources Department Capital Improvement Project budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a general services contract with Hydromax USA for the Valve Condition Assessment Program Project for services to provide examination, documentation, and enhancement of the functionality of the elected water valves for an amount not to exceed \$2,500,000.

RESOLUTION BOOK NO. 45 - PAGE 303

C. RESOLUTION NO. 25-22 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH ATLANTIC EMERGENCY SOLUTIONS FOR HEAVY TRUCK REPAIR AND SERVICE TO SUPPLEMENT FLEET MAINTENANCE CAPACITY

RESOLUTION NO. 25-23 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH CUMMINS INC. D/B/A CUMMINS SALES & SERVICE 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 Atlantic Emergency Solutions Inc and Cummins Inc DBA Cummins Sales & Service 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 24-94 on May 14th, 2024 to enter into a contract based on Request for Proposals (298-RFP-HDRepair-FY24) advertised in February 2024.
- Atlantic Emergency Solutions Inc was awarded a contract effective 7/1/2024.
 - The original Contract amount for the initial (1) one year term to be \$50,000 with a total not-to-exceed contract amount of \$150,000 for all 3 years (if both optional renewals are exercised).
 - Since Contract 92500088 went into effect on July 1st, 2024, Fleet has expended approximately \$48,000.00 of the predicted \$50,000.00 needed for the initial one year term.
 - A contract amendment is needed in the amount of \$50,000 per year, bringing the total not-to-exceed amount to \$100,000 per year, for a total of \$300,000 for all 3 years if both optional renewals are exercised.
- Council approved Resolution 24-97 on May 14th, 2024 to enter into a contract based on Request for Proposals (298-RFP-HDRepair-FY24) advertised in February 2024.
- Cummins Inc DBA Cummins Sales & Service was awarded a 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 92500090 went into effect on July 1st, 2024, Fleet has expended approximately \$43,000.00 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.
- The need for Heavy Truck Repair services has exceeded Fleet expectations.
- Tropical Storm Helene put additional stresses on much of the City's Trucks and Equipment causing higher needs for Maintenance and Repair than anticipated.

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.
- Maintains 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 \$50,000 per year to this contract, with Atlantic Emergency Solutions Inc 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.
- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment to add an additional \$60,000 per year to this contract, with Cummins Inc DBA Cummins Sales & Service for Heavy Truck Repair and Service to supplement Fleet Maintenance, for a total not-to-exceed amount of \$360,000 for all 3 years if both optional renewals are exercised.

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RESOLUTION NO. 25-23 - RESOLUTION BOOK NO. 45 - PAGE 305**

D. ORDINANCE NO. 5115 - BUDGET AMENDMENT FOR THE PURPOSE OF THE ACQUISITION OF EQUIPMENT NEEDED TO CONTINUE OPERATIONS OF THE UTILITY CUT PROGRAM

Action Requested: Adoption of a budget amendment in the amount of \$500,000 from Debt Proceeds in the Street Cut Fund for the purpose of the acquisition of equipment needed to continue operations of the utility cut program.

Background:

- The Street Cut Program is an enterprise fund that: (a) repairs streets when cut by partner organizations for utility installations and repairs and (b) issues permits for disturbances to City right-of-way for non-partner entities.
- The Street Cut Fund has several pieces of equipment in need of replacement, including an asphalt patch truck, a crew cab pickup and excavator.
- The City utilizes debt proceeds in the form of a short-term installment loan to fund the replacement of Street Cut Fund equipment and then charges the partner organizations for the debt service on the loan as part of their quarterly billings.
- Funding for the replacement of this equipment was not included in the annual adopted budget ordinance so a budget amendment is required.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- None

Pros:

- Replacing equipment that has reached its useful service life will allow for less down time thus a faster response and repair of streets.

Cons:

- n/a

Fiscal Impact:

- As noted above, the City will fund these equipment purchases through its planned annual issuance of a short-term installment loan and debt service on the purchases will be paid for through billings to the partner organizations.

Motion:

- Motion to adopt a Budget Amendment for the funding to purchase equipment.

ORDINANCE BOOK NO. 36 - PAGE 83

E. RESOLUTION NO. 25-24 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO ADMINISTER THEIR MATCHING CODE PURPLE FUNDING; AND TO EXECUTE A FUNDING AGREEMENT UTILIZING CITY AND COUNTY FUNDS WITH ASHEVILLE-BUNCOMBE COMMUNITY

CHRISTIAN MINISTRY TO PROVIDE CODE PURPLE EMERGENCY SHELTER THIS WINTER

RESOLUTION NO. 25-25 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A FUNDING AGREEMENT WITH ASHEVILLE-BUNCOMBE COMMUNITY CHRISTIAN MINISTRY IN THE AMOUNT OF \$222,000 SOURCED THROUGH AMERICAN RESCUE PLAN ACT FUNDS PREVIOUSLY ALLOCATED FOR CODE PURPLE

Action Requested: Adoption of a (1) resolution to authorize the City Manager to enter into an interlocal agreement with Buncombe County to administer their matching Code Purple funding and also to execute a funding agreement with Asheville Buncombe Community Christian Ministry in the amount of \$100,000 to provide Code Purple shelter services, and (2) a resolution to authorize the City Manager to enter into a funding agreement with Asheville Buncombe Community Christian Ministry in the amount of \$222,000 sourced through American Rescue Plan Act funds previously allocated for Code Purple.

Background:

- Code Purple is a longstanding community initiative begun by shelter providers to provide additional capacity with fewer requirements during extreme weather conditions to ensure safety and survival for people experiencing homelessness.
- In FY 2024-2025, the City of Asheville and Buncombe County have each budgeted \$50,000 to support Code Purple operations. Buncombe County has requested that the City administer their matching budgeted funds for Code Purple and has initiated an interlocal agreement to that effect. Buncombe County funds have already been budgeted for this purpose.
- The Asheville-Buncombe Continuum of Care has led Code Purple planning efforts and made recommendations about best use of City and County budgeted funds for Code Purple, and established an operational plan with Asheville Buncombe Community Christian Ministry (ABCCM) serving as the primary Code Purple shelter provider.
- At their September 12, 2024 meeting, the CoC Board approved funding as requested by ABCCM, composed of budgeted City and County general funds and City American Rescue Plan Act (ARPA) funds.
- Code Purple shelter is typically available beginning October 15.
- ABCCM's planned location for men was destroyed by Tropical Storm Helene and an alternate location on 20th Street with comparable capacity was identified for operations that began in November 2024.
- Due to Tropical Storm Helene, Buncombe County was delayed until January 13, 2025 in providing the interlocal agreement reflecting this arrangement.
- Code Purple shelter will be available through April 30, 2025 when the temperature is 32 or below, or 33-40 with precipitation. Code Purple events will be called by the Code Purple Communications Team in accordance with the Code Purple Manual.
- The interlocal agreement will have an effective date retroactive to July 1, 2024 and shall terminate on June 30, 2025.
- On September 24, 2024, via City Council Resolution 24-217, the City Council approved a reallocation of \$278,000 in ARPA funds from Ramada to Code Purple. Staff recommends entering into a contract with ABCCM in the amount of \$222,000 of ARPA for Code Purple Services, to augment budgeted funds from the City and County to more fully support operational costs this winter as recommended by the CoC. The remaining \$56,000 in Code Purple funding will be available for the next Code Purple season (2025-2026).

Vendor Outreach Efforts:

- Funding opportunity was published on the City’s website, announced at CoC and Code Purple planning meetings, and distributed to community partners through the CoC newsletter.

Council Goal(s):

- Quality Affordable Housing
- Connected and Engaged Community

Committee(s):

- Asheville-Buncombe Continuum of Care Board - unanimously voted to approve ABCCM’s funding request at its September 12, 2024 meeting.

Pro(s):

- Provides essential, life-saving emergency shelter for people experiencing homelessness during extreme weather
- Facilitates funding partnership with Buncombe County and minimizes administrative burden on shelter provider

Con(s):

- None noted

Fiscal Impact:

- \$100,000 is available in FY 2025 in the Community & Economic Development operating budget, funded with \$50,000 in operating funds and \$50,000 in matching funds from Buncombe County..
- For the remaining cost of \$222,000, the City will utilize existing ARPA funding.

Motion:

- Motion to (1) adopt a resolution to authorize the City Manager to enter into an interlocal agreement with Buncombe County to administer their matching Code Purple funding and also to execute a funding agreement with Asheville Buncombe Community Christian Ministry in the amount of \$100,000 to provide Code Purple shelter services, and (2) adopt a resolution to authorize the City Manager to enter into a funding agreement with Asheville Buncombe Community Christian Ministry in the amount of \$222,000 sourced through American Rescue Plan Act funds previously allocated for Code Purple.

**RESOLUTION NO. 25-24 - RESOLUTION BOOK NO. 45 - PAGE 306
RESOLUTION NO. 25-25 - RESOLUTION BOOK NO. 45 - PAGE 307**

F. RESOLUTION NO. 25-26- RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TRANSYSTEMS CORPORATION FOR THE NEW HAW CREEK SIDEWALK PROJECT CONSTRUCTION ENGINEERING AND INSPECTION SERVICES

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with TranSystems Corporation in the amount of \$299,752.69, for the New Haw Creek Sidewalk construction engineering and inspection services; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$30,000 for a total not to exceed contract of \$329,752.69.

Background:

- The New Haw Creek Sidewalk Project is part of the 2016 Transportation Bond funded sidewalk improvements.

- This 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 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 18 months, beginning in spring 2025 and completed by the summer of 2026.
- City of Asheville staff publicly advertised for Construction Engineering and Inspection services, as required for a professional service selection process on 4/05/2024.
- Three professional engineering submittals were received and evaluated based on their qualifications, experience and technical approach.
- The evaluation of those submittals, ranked by an evaluation committee, resulted in TranSystems Corporation being the highest ranked firm.
- Negotiations with TranSystems Corporation resulted in an agreed fee of \$299,752.69.
- Construction engineering and inspection must be performed in accordance with North Carolina Department of Transportation specifications in order for the Department and FHWA to participate in the costs of a project.

Vendor Outreach Efforts:

- Due to the federal funding involved in this project, the Federal Disadvantaged Business Enterprises program is being applied only to the construction portion of the project.
- The federally established goal for the construction of this project is 7% participation.
- Site Development Corporation, the contractor constructing the project 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 liveable 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 Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a professional services contract with TranSystems Corporation in the amount of \$299,752.69, for the New Haw Creek Sidewalk Project construction engineering and inspection services; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$30,000 for a total not to exceed contract of \$329,752.69.

RESOLUTION BOOK NO. 45 - PAGE 308

G. RESOLUTION NO. 25-27 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH GARBAGE PAL INC. FOR PORTABLE FACILITIES FOR TROPICAL STORM HELENE RECOVERY

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment with Garbage Pal LLC for \$43,790 to increase the total contract amount to \$133,690 for portable restroom and hygiene facilities to support recovery efforts from Tropical Storm Helene.

Background:

- The City entered into a contract with Garbage Pal LLC on September 28, 2024 to protect and preserve human health, lives, and safety in the immediate aftermath of Tropical Storm Helene.
- Garbage Pal provided portable restrooms to many of our public safety first responders and provided portable restrooms and trash receptacles at the water points of distribution.
- The requested amendment to the existing contract is for \$43,790 and will bring the total contract price to \$133,690.
- The requested amendment will pay previously accrued invoices. The contract will be fully closed out once all remaining invoices are paid.
- All services through this contract have been fulfilled and all equipment has been demobilized.

Vendor Outreach Efforts:

- Due to the immediate need resulting from the storm, staff reached out to multiple vendors seeking pricing and availability. The outreach process included contacting multiple vendors but did not strictly follow business inclusion processes.

Council Goal(s):

- Clean, Safe and Healthy Environment

Committee(s):

- N/A

Pro(s):

- The need for a clean environment assisting with lack of water resources due to Tropical Storm Helene.
- Portable facilities in areas facing water shortages provided immediate access to clean water and sanitation

Con(s):

- N/A

Fiscal Impact:

- It is anticipated that this contract amendment will be reimbursed by FEMA.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment with Garbage Pal LLC for \$43,790 to increase the contract amount to \$133,690 for portable facilities for Tropical Storm Helene recovery.

RESOLUTION BOOK NO. 45 - PAGE 309

H. RESOLUTION NO. 25-28 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND AN AGREEMENT WITH AZTECA SYSTEMS, LLC FOR HOSTING THE ENTERPRISE ASSET MANAGEMENT SYSTEM SOFTWARE LICENSE, MAINTENANCE, AND SUPPORT

Action Requested: Adoption of a resolution authorizing the City Manager to amend a contract with Azteca Systems, LLC for hosting the Cityworks enterprise asset management system software license, maintenance, and support.

Background:

- The Cityworks software provides a platform for Water Resources, Public Works, and Parks & Recreation asset management, work orders, inventory management, and reporting.
- Cityworks was first selected as a vendor through a competitive selection process in 2016 and is highly integrated with the City's geographic information system (GIS) program and includes all major physical assets maintained by Water Resources, Public Works, and Parks & Recreation (water mains, valves, hydrants, streets, signs, picnic shelters, etc.)
- Cityworks software is used to manage assets and work activities in the wake of Tropical Storm Helene.
- This software is also utilized to track the use and costs of assets through the preventative maintenance of assets.
- Amending the current contract will provide a fully hosted product for an additional year.
- The fully hosted option allows for better security, data backup, and disaster recovery.
- The amendment also allows for more efficient management of Water Resources, Public Works, and Parks & Recreation physical assets and infrastructure.

Vendor Outreach Efforts:

- No outreach was required as this is amending an existing contract.
- The City of Asheville conducted a competitive procurement process for an asset management software system for both Public Works and Water in 2016 and 2017.
- The asset management system is designed to be used with any other city departments as needed.
- There are a limited number of vendors providing enterprise asset management software, and after reviewing all available options, Azteca Cityworks was selected as the best overall value for the City of Asheville.

Council Goal(s):

- Improve/Expand Core Services

Committee(s):

- N/A

Pro(s):

- Amending the current contract will provide a fully hosted product (software as a service) for an additional year. This allows for better security, data backup, and disaster recovery.
- More efficient management of Water Resources, Public Works, and Parks & Recreation physical assets and infrastructure.
- Automation of work orders and reporting.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is available in the Water Resources, Public Works, and Parks & Recreation departmental operating budgets.
- Fiscal Year 2025 Cityworks licensing totaling \$116,233.50

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend an agreement with Azteca Systems, LLC for hosting the Cityworks enterprise asset management system software license, maintenance, and support.

RESOLUTION BOOK NO. 45 - PAGE 310

I. 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 December 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 December 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 December, 2024.

J. RESOLUTION NO. 25-29 - RESOLUTION TO DECREASE THE MEMBERSHIP OF THE ASHEVILLE HOUSING AUTHORITY FROM ELEVEN TO NINE COMMISSIONERS

Action Requested: Adoption of a resolution to decrease the membership of the Asheville Housing Authority from eleven to nine 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 or decrease the membership by resolution or ordinance.
- On July 27, 2021, the Asheville City Council increased the membership from five to seven commissioners.
- On January 14, 2025, the Asheville City Council increased the membership from seven to eleven members.
- The City Council now wishes to decrease the membership to 9 commissioners, eliminating the seats currently held by Tilman Jackson and Reginald Robinson.

Vendor Outreach Efforts: NA**Council Goal(s):**

- Well-Planned and Livable Community; and

Committee(s):

- NA

Pro(s):

- Altering the membership of the commission at this time will increase efficiency, and therefore 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 decrease the membership of the Asheville Housing Authority from eleven to nine commissioners, eliminating the seats currently held by Tilman Jackson and Reginald Robinson.

Mayor Manheimer gave some context to this item. She said that at a recent meeting City Council increased the Board membership from 7 to 11 and this would reduce the Board membership back to 9. We have some new people who are now serving on the Housing Authority Board and we also have an interim Housing Authority Director. She said it is the decision of the Mayor to appoint members to this Board. She noted that a number of great candidates applied for the open seats and she interviewed many great candidates, some which were seated. We are in the process of sending out correspondence thanking those that applied but were not seated. One final item is that this reduction will eliminate the resident-seat and that seat will be filled. She has someone in mind and that person will be notified of their forthcoming appointment as soon as the vacancy becomes available, which is June, 2025.

In response to Councilwoman Roney when she asked what kind of position the City is in with this action removing the resident-seat Board, City Attorney Branham said that removal of the one resident-seat triggers the duty of the Mayor to appoint someone to the resident-seat. However, in re-reading the statute, it is clear to him that there the statute contemplates a brief

delay between the time the resident-seat is open and the time the new appointment is made. The Mayor has begun the process of making that resident-seat appointment when a seat opens in June. That appointment of the resident-seat will ensure compliance with the statutes.

Several individuals spoke to the character of Mr. Jackson and Mr. Robinson, noting they are of high character, leaders in the community and have the support of the community. They asked for transparency in the removal process and that the two individuals be given the opportunity to respond to accusations made.

In addition, a few individuals spoke in support of the final adjustments to the Housing Authority Board to best position it for success.

RESOLUTION BOOK NO. 45 - PAGE 311

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

III. PRESENTATIONS & REPORTS:

A. I-26 CONNECTOR PROJECT UPDATE

Assistant Transportation Director Jessica Morriss, outlined the recent work on the I-26 connector project as follows: (1) The City has a long history of working with NCDOT on the I-26 Connector Project, including many phases of planning, alternatives review, community involvement, and environmental review; (2) NCDOT BID the Project in 2023 and BIDs were submitted in February 2024. Unfortunately, all BIDS came in over NCDOTs estimate and budget; (3) Rather than rebidding, NCDOT decided to implement a new and innovative process called “Optimization & Refinement” (O&R) that lasted roughly 6 months: (a) O&R allowed NCDOT to select a contractor and then work with the City and contractor to talk through potential cost saving measures; and (b) The team identified and discussed options for 30-40 design changes and their pros/cons; (4) The City’s internal team that worked closely with NCDOT during the O&R process included: Stephanie Monson-Dahl & David Hazzard, Planning and Urban Design; Jessica Morriss & Christopher Cairns, Transportation; and Rachel Wood & Ben Woody, CMO; (5) The changes do not alter bike/ped connections or “betterments” & aesthetic elements agreed to by the City/NCDOT; and (6) Many of the design changes that were analyzed, resulted in reductions to the footprint of the project, both horizontally and vertically: (a) Examples include: removal of lanes in some locations, removal of some bridges, lowering of the elevations of bridges and retaining walls, removal of redundant on/off ramps, etc.; (b) Design changes largely align with City goals and objectives to reduce impacts to adjacent properties and neighborhoods and to reduce visual impacts; and (c) The City strongly supports the positive changes made in the vicinity of Hillcrest Apartments and Hill Street to lower/eliminate retaining walls, and changes to Patton Avenue east of the Bowen Bridge that maximize the opportunity for future use of ROW areas. The next steps are that the City has developed an inter-departmental stakeholder team to continue to work with NCDOT through the Design Build process. That team includes PUD, Transportation, Water, PW, CED, CAPE, and others as needed.

Nathan Moneyham, Division 13 Construction Engineer, updated City Council on the I-2513BD timeline: January 2023 – Procurement Began; February 2024 – Bid Opening; March 2024 - Best and Final Offer Process Began with Optimization and Refinement Process; May 2024

– BAFO Bid Opening and Project Awarded to Archer-Wright JV; June 2024 – O&R Process Began; and January 2025 – Successful Completion of O&R Process.

He said that throughout the O&R process there has been significant coordination with local stakeholders (1) Meetings with City of Asheville (COA) staff (a) Review Concepts and Provide Feedback; and (b) Determine COA Priorities; (3) This coordination was critical to the success of the O&R process; and (4) Through this process the Department, DB Team, and COA staff were able to collaboratively determine scope reductions that maintained (a) All FEIS and ROD commitments; (b) Maintained Separation of I-26 and Patton Ave Traffic; and (c) Pedestrian and Cyclist connections.

Mr. Moneyham said that in the aftermath of Helene, coordination efforts were impacted due to the needed focus of the local staff of both the Department and the COA on the recovery effort. While the recovery effort was and continues to be our immediate priority, the long-term transportation needs that I-2513 addresses are still critical to Asheville and WNC. Central Department Staff continued to work with the DB team to complete the O&R process on schedule. This was only possible due to the significant coordination effort and communication with local stakeholders.

Regarding the result of the I-2513BD Q&R process, (1) Scope reductions, material changes, risk mitigations resulted in a successful completion of the O&R process; (2) Overall Savings to the Project are approximately \$125 Million dollars - \$63 Million in Bridge Reductions; \$26 Million in Miscellaneous Structures; \$24 Million in Paving; \$7 Million in Earthwork; and (3) With these savings the Department is moving forward with the project on its original schedule with completion expected in 2031.

Using maps, he showed the project area, along with the reduction of bridges in various locations.

Regarding next steps, he said that additional outreach will include (1) Updates to the project website reflecting the changes to the scope; and (2) Public Project Update Meeting to be scheduled in the coming months. With the O&R Process complete and an agreement with the DB Team in place, design work on the project will commence. There will be continued coordination with local stakeholders including the COA as we work toward final design. The Department is continuing to evaluate the construction phasing and work zone traffic control for additional time and cost savings. The estimated project schedule is (1) ROW Acquisition – Fall of 2025; (2) Utility Relocation – Spring of 2026; and (3) Construction – Fall of 2026.

Councilwoman Roney asked when will residents, businesses, and property owners no longer impacted due to reduced footprint be alerted to confirmed reductions and delays. She asked what it would look like to have follow up conversations with Burton Street, Hillcrest, and Montford/Stumptown. Mr. Moneyham replied that from a federal perspective, all those commitments are still upheld so they will not go back through and re-do the community outreach process; however, they do plan to go back with this revised plan with a public update and offer a time for people to look at the revised plan and ask questions about the final design.

When Councilwoman Roney asked for confirmation that the Burton Street commitments will be upheld, Mr. Moneyham replied that they all are still intact.

Councilwoman Roney said that many in our community advocated for improved outcomes during the design-build phase. Since the reduced footprint is anticipated to result in positive mitigation for human and ecosystem impacts, are you anticipating taking this back to the Aesthetics Committee or the Metropolitan Planning Organization (MPO). Mr. Moneyham said that he will be presenting to the MPO next week. He said their main interaction is with the City on

the aesthetic elements, noting that all the aesthetic guidelines in place are still in tact

A. MANAGER'S REPORT

Employee Recognitions

City Manager Campbell said that in response to Tropical Storm Helene, numerous City employees exhibited extraordinary courage, compassion, and commitment both during and after the emergency. At this time, she would like to honor and acknowledge all of our employees, but we had a request from a resident, Ms. Kay Williams" who wanted us to provide special recognition to some employees in our Water Resources Department. Tonight, we honor and recognize the outstanding public service of four City employees who exhibited outstanding public service who have exhibited outstanding public service during Hurricane Helene: Justin Rice, Jud Bledsoe, Oliver Burns and Levi Solsby.

She said that Justin Rice began his day on Sept. 27 at North Fork, providing vital information to first responders and helped assess conditions at the plant and throughout the water distribution system. In the storm's immediate aftermath, Justin and Jud Bledsoe evacuated Water Resources employees Oliver Burns and Levi Solesby from DeBruhl water treatment plant. Justin, Jud, Oliver and Levi then worked together to help evacuate several Bee Tree residents and their pets, including Ms. Kay Williams. Justin provided the first descriptions of the catastrophic damage Helene caused water production and distribution systems. Regarding Helene recovery, as the liaison between Water Resources and private contractors, Justin was instrumental in restoring water service. His extensive knowledge and unshakable demeanor have been invaluable as Water Resources rebuilt and continue to maintain systems that serve almost 160,000 customers.

City Manager Campbell then recognized Tony McDowell who has received the Jack Vogt Award from the North Carolina Local Government Budget Association. She said that at the December 10, 2024 Council meeting as part of the presentation on the findings of our annual Audit, we recognized Tony McDowell for being selected as this year's Jack Vogt Award winner! This award recognizes a North Carolina local government budget professional with an outstanding, career-long dedication to service, innovation, and mentorship.

Ms. Heather Curry, past president of the North Carolina Local Government Budget Association provided City Council with Mr. McDowell's many accomplishments and for being a committed public servant.

Floodplain Assistance Support Team (FAST) Update

Urban Planner Clay Mitchell provided City Council with the following key takeaways from his presentation as follows: (1) In the wake of TS Helene there was Uncertain future of buildings and land; Uncertain terminologies; Uncertain regulations; and Uncertain Options; and (2) The City needed to be easily accessible and provide a central voice; and (3) Multiple departments collaboratively created FAST - Flood Assistance Support Team.

Mr. Mitchell provided City Council with the structure and objectives of the FAST Team, being (1) Empathetic and responsive support; (2) Rapid and honest communication; and (3) Immediate availability. Regarding membership and operations, (1) Membership and Operations (1) Administered by team of Directors; (2) Inter-departmental representation; (3) Dedicated email and web presence; and (4) Dedicated meetings available for property/business owners and professional teams.

Tasks and Responsibilities include (1) Notify property owners of FEMA required Substantial Damage Estimates; (2) Knowledge of process for city permits; (3) Respond to all quickly and carefully; (4) Hold weekly internal meetings; (5) Prepare and attend multiple weekly meetings for impacted/interested parties; (6) Track and record progress; and (7) Monitor permitting process.

Mr. Mitchell said that since January 13, 2025, they have (1) Created team and implementation plan; (2) Scheduled internal and external meetings; (3) Created internal data management system; and (4) Drafted and published a public web portal. Formal rollout began on January 21, with the first FAST Session on January 21 at 1pm. The most recent was today (Feb 11) at 1pm.

He noted the following flood permits action: 83 permits were “on hold” - 37 Permits reviewed/issued; 31 Meetings/contact permit in process - awaiting update; 8 Permits with substantial damage concerns; and 7 Permits held awaiting updates. FAST Sessions (total) are 25 Property/building related FAST Sessions; and 15 Permit-related FAST Sessions.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (1) TO INCREASE THE THRESHOLD FOR LEVEL III SITE PLAN REVIEW, ADJUSTING CORRESPONDING REVIEW THRESHOLDS AND PROVIDING INCENTIVES FOR THE INCLUSION OF AFFORDABLE HOUSING ALONG TRANSIT SUPPORTIVE CORRIDORS AND WITHIN MIXED-USE DISTRICTS; (2) TO ELIMINATE THE REQUIREMENT TO PROVIDE A MINIMUM NUMBER OF PARKING SPACES FOR RESIDENTIAL DEVELOPMENT PROJECTS ALONG TRANSIT SUPPORTIVE CORRIDORS AND WITHIN MIXED-USE ZONING DISTRICTS; AND (3) TO UPDATE THE UDO'S DEFINITIONS AND CERTAIN COMMERCIAL ZONING DISTRICTS TO REMOVE REGULATORY BARRIERS AND ENCOURAGE THE DEVELOPMENT OF HOUSING ALONG TRANSIT SUPPORTIVE CORRIDORS

Councilwoman Turner moved to continue the public hearing to amend Unified Development Ordinance to increase the threshold for Level III site plan review, adjusting corresponding review thresholds and providing incentives for the inclusion of affordable housing along transit supportive corridors and within mixed-use districts to March 11, 2025. This motion was seconded by Vice-Mayor Mosley and carried unanimously.

Councilwoman Turner moved to continue the public hearing to amend the Unified Development Ordinance to eliminate the requirement to provide a minimum number of parking spaces for residential development projects along transit supportive corridors and within mixed-use zoning districts to March 11, 2025. This motion was seconded by Vice-Mayor Mosley and carried unanimously.

Councilwoman Turner moved to continue the public hearing to amend the Unified Development Ordinance to update the UDO's definitions and certain commercial zoning districts (to remove regulatory barriers and encourage the development of housing along transit supportive corridors) to March 11, 2025. This motion was seconded by Vice-Mayor Mosley and carried unanimously.

B. PUBLIC HEARING PREVIOUSLY HELD - VOTE TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO CHANGE THE DEVELOPMENT REGULATIONS RELATED TO COTTAGE DEVELOPMENTS

C. PUBLIC HEARING PREVIOUSLY HELD - VOTE TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE IN ORDER TO UPDATE REGULATIONS FOR FLAG LOT STANDARDS

This is the consideration of a resident-led text amendment to Section 7-16-1 (b) (20) to change the development regulations related to cottage developments. This public hearing was advertised on October 13 and 20, 2023. On October 24, 2023, this public hearing was continued to January 23, 2024. On January 23, 2024, this public hearing was continued to February 13, 2024. On February 13, 2024, this public hearing was continued to April 23, 2024. On April 23, 2024, at the request of the applicant that the public hearing be continued, City Council continued the hearing to September 10, 2024.

Mayor Manheimer said that on September 10, 2024, the public hearing was open and closed and the matter was continued to this date.

For information purposes only, the following staff report regarding cottage development standards was provided to City Council and the public:

“Action Requested: Consideration of a resident-led text amendment of Section 7-16-1(b)(20) to change the development regulations related to cottage developments.

Background:

- The intention of the Cottage Development Ordinance is to permit smaller, single-unit dwellings to live in clustered communities oriented around common open space.
- This is currently permitted in RS-8, RM-6, RM-8 and RM-16 zoning districts.
- As multi-family residential is already an allowed use within RM districts, the anticipated impact of this amendment would be primarily within RS-8 zoning.
- This resident-led UDO amendment proposes to:
 - reduce the minimum number of cottages from five to two. (The petitioner has amended the original to leave the current minimum of five cottages for properties south of I-40 and north of the Blue Ridge Parkway as a response to concerns from the Shiloh neighborhood.)
 - eliminate the 200 foot separation requirement between cottage developments, and
 - to eliminate the clause that orients cottages toward the primary street.
- The Missing Middle Housing Study recommends not decreasing the minimum number of cottages to anything less than three, because that would undermine the primary intent of the cottage cluster: to create community-oriented living and shared open space.
- The proposed text amendment has been reviewed against the recently-passed state legislation (SB 382) that limits municipal downzoning action. This review found no conflict with this legislative regulation.
- Staff presented an overall anti-displacement strategy and timeline for Council policy consideration at a Council work session on September 24, 2024 and had proposed to be able to present specific anti-displacement and housing updates in January. However, Tropical Storm Helene impacted the work plan by prioritizing staff to support recovery efforts.
- On September 10, 2024, the City Council public hearing was held and then Council agreed to postpone a vote until February 11, 2025.

Comprehensive Plan Consistency:

- This proposal’s intention generally aligns with a number of themes within the *Living Asheville Comprehensive Plan* including ‘A Livable Built Environment’. The following goals are applicable to this zoning amendment:

- Increase and Diversify Housing Supply

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Planning and Zoning Commission, 08-2-2023, Recommended approval by 3-1 vote
- Urban Forestry Commission, 4-10-2024, Support staff alternate ordinance

Pro(s):

- Reduces the land requirement for the creation of new cottage developments, which may lead to more housing units.

Con(s):

- This resident-led proposal undermines the intent of community-based housing by reducing the minimum number of cottages to two, which is effectively a way to implement an allowance for two housing units per lot that is currently precluded by single-family zoning.
- A better process would be to consider adjustments to residential single-family zoning and/or permitting duplexes in all zoning districts.
- Conflicts with the recommendations regarding cottage development of the City's Missing Middle Study

Fiscal Impact:

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

Staff Recommendation:

- Staff recommends denial of the resident-led proposed zoning text amendment to Section 7-16-1(b)(20) of the UDO and finds it unreasonable and not in the public interest because it undermines the intent of the Cottage Cluster ordinance as stated in the UDO, and acts as a way to circumvent permitted uses within certain residential zoning districts.

Suggested Motion:

- Motion to deny the resident-led proposed wording amendments to Chapter 7 of the Asheville Code of Ordinances and find that the proposed amendments are not reasonable, are not in the public interest, and are not consistent with the City's comprehensive plan and supportive studies.

Alternate Motion if Approved:

- Motion to approve the resident-led proposed wording amendments to Chapter 7 of the Asheville Code of Ordinances and find that the proposed amendments are reasonable, in the public interest, and consistent with the Comprehensive Plan.”

For information purposes only, the following staff report regarding flag lot standards was provided to City Council and the public:

“Action Requested: Consideration of a resident-led zoning text amendment/petition to revise Section 7-11-2(j) of the UDO in order to update regulations for flag lots.

Background:

Proposal Background-

- Mr. Barry Bialik, resident, originally submitted a petition for City Council to consider changes to this ordinance in 2023.

- City Council originally raised concerns about the timing of this proposal because the findings and recommendations from the Missing Middle Housing Report (MMHR) had yet to be finalized and lack of community input.
- The Missing Middle Report was published in spring of 2024; staff analyzed the resident-led proposal, performed community engagement, and prepared a staff-supported alternative proposal for Council review.
- The petitioner submitted an amendment to the proposal on April 4, 2024, after it had been reviewed by the Planning and Zoning Commission.
- The proposal that is being presented to Council today has not been re-reviewed by any board, commission or committee, and includes some recommended changes from what was reviewed by the PZC, as shown below.
- The resident-led and staff-supported proposals were placed on Council's April 23, 2024 meeting for consideration. Based on public comment in advance of the meeting, the items were continued until September 10, 2024. On September 10, 2024, the City Council public hearing was held and then Council agreed to postpone a vote until February 11, 2025.
- Staff withdrew the staff-supported proposal from Council's agenda based on Council direction to prepare for adoption of one or more regulations or programs to support an anti-displacement strategy for Legacy Neighborhoods or other areas with populations vulnerable to displacement.
- Staff presented an overall anti-displacement strategy and timeline for Council policy consideration at the Council work session on September 24, 2024 and had proposed to be able to present a mix of specific anti-displacement and housing updates in January though Tropical Storm Helene impacted the work plan by prioritizing staff to support recovery efforts.
- In late September, PUD was directed to focus housing measures on commercial corridors before embarking on residential area rezoning efforts.

Technical Review

- Flag Lots allow a substandard subdivision of land in order to facilitate development for abnormally shaped property and/or to overcome difficult site constraints.
- This petition seeks to relax flag lot standards for the purposes of promoting more residential development in the City of Asheville.
- In general, staff believe this to be an ineffective tool for increasing housing supply because it incentivizes single-family homes and tends to create disorganized development patterns.
- The UDO currently requires all flag lots that are created to meet the following standards:
 - The minimum width of the flag lot at the street shall not be less than 20 feet.
 - The minimum width of the flagpole portion of the lot shall be 20 feet.
 - That the flagpole portion of the lot shall not be counted when calculating minimum lot area, width and depth, and off-street parking requirements.
 - That a gravity sewer service line be installed where public sewer is available.
 - Limits applicant to the creation of one flag lot per subdivision of eight lots or less; and/or no more than 2 flag lots or 10 percent of the total lots in a subdivision for subdivisions of more than eight lots.
 - Additionally, the Subdivision section of the ordinance (Section 7-15-1(i)1(c)) discourages the creation of irregular lots.
 - The proposed text amendment has been reviewed against the recently-passed state legislation (SB 382) that limits municipal downzoning action. This review found no conflict with the legislative regulation.
- The amended resident-led petition proposes the following changes to the City's ordinance:

- Reduction of both the width at the street and the width of the flag pole portion of the lot from 20 to 10 feet unless the driveway is not shared with the parent parcel, in which case the required width will be 16 feet.
- Inclusion of the flagpole area of the lot as calculated lot area for determining compliance with UDO requirements for lot size, lot width, parking and other elements.
- Elimination of the UDO requirement for installation of a gravity sewer service line.
- Expansion of the limit to the number of flag lots that can be created in a subdivision from 10 percent to 25 percent.
- Inclusion of a provision for a three-foot setback requirement for the parent parcel along the flagpole.
- The most recent changes to the resident proposal have addressed staff's technical concerns with the amendment.

Proposed Changes Since Approval by the Planning & Zoning Commission

Clause	Existing Regulation	As Approved by the PZC	Current Proposal
Minimum flagpole width	20 feet	Five feet	16 feet unless part of a shared driveway, then 10 feet
Flag lots allowed in a subdivision	10 percent of lots	Unlimited	25 percent of lots
Parent parcel side setback along flagpole	Minimum lot standard (typically 6 feet)	Minimum lot standard (typically 6 feet)	Three feet
Structure Size	NA	NA	1,000 SF footprint, 1,400 SF total area (The proposal to limit the size of the flag lot structure would conflict with recent legislative changes in regard to SB 382 and so has been removed from this proposed ordinance update.)
Front Setback	Minimum lot standard (typically 15 feet)	As measured from the street	Six feet, unless a duplex is placed between lots, then zero

Comprehensive Plan Consistency:

- This proposal aligns with a number of themes within the *Living Asheville Comprehensive Plan* including 'A Resilient Economy'. The following goals are applicable to this zoning amendment:
 - Increase and Diversify Housing Supply

- Promote the Development and Availability of Affordable Housing and Workforce Housing
- This proposal does not align with the theme of ‘Interwoven Equity’ and some goals within “A Livable Built Environment”.
 - Improve Community Involvement in Decision Making
 - Prioritize Investments Equitably and Fairly Across Neighborhoods
 - Encourage Responsible Growth

Council Goal(s):

- It is the applicant’s intention that this proposal supports the following Council goals:
 - Quality Affordable Housing

Committee(s):

- Planning and Zoning Commission (PZC), 08-2-2023, Approved with Conditions by 3-1 vote
- Technical Review Committee (TRC), 08-21-2023 and 09-18-2023 - TRC reviewed the original resident-led proposal at the request of PZC.
 - They noted two concerns:
 - 1. a reduced flag pole does not allow for proper utility installation or grading for stormwater, and
 - 2. possible negative impacts to neighborhood livability.
 - After considering the proposed text amendment at two meetings, the Technical Review Committee did not approve the text amendment as initially proposed (i.e. 5 foot flagpole). However they approved a staff alternate proposal with conditions by 4-1 vote.
 - While the staff alternate is more closely aligned with the amended proposal Council is considering today, there are still differences.
- Neighborhood Advisory Committee, 10-23-2023, Heard report
- Planning and Economic Development Committee, 01-08-2024, Scheduled as Informational Only
- Urban Forestry Commission, 4-10-2024, Support staff alternate ordinance.

Pro(s):

- May increase the land available for the creation of new residential lots, which may lead to more housing units.
- Flag lots are currently permitted, so the relative benefit of these proposed changes are uncertain.

Con(s):

- The promotion of more flag lots goes against the recommendations of the Missing Middle Housing Study by incentivizing more single-family development that tends to be more expensive housing.
- The proposed changes may establish nonconforming parent parcels by allowing setbacks and lot widths below the minimum zoning district standards.
- This proposal would impact all properties in any residential zoning district.

Fiscal Impact:

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

Staff Recommendation:

- Staff recommends denial of the resident-led proposed zoning text amendment to revise Sections 7-11-2(j) of the UDO primarily for procedural reasons.

Suggested Motion:

- Motion to deny the resident-led proposed wording amendments to Chapter 7 of the Asheville Code of Ordinances and find that the proposed amendments are not reasonable, are not in the public interest, and not wholly consistent with the Comprehensive Plan.

Alternate Motion if Approved:

- Motion to approve the resident-led proposed wording amendments to Chapter 7 of the Asheville Code of Ordinances and find that the proposed amendments are reasonable, in the public interest, and consistent with the Comprehensive Plan.”

Mayor Manheimer re-opened the combined public hearing at 6:37 p.m.

Five individuals spoke in support of the amendments to cottage development standards and flag lot standards, noting that we do need to honor the culture of the neighborhoods.

Five individuals spoke in opposition to the amendments to the cottage development standards and the flag lot standards until an overlay is developed for the legacy neighborhoods.

Mayor Manheimer closed the combined public hearing at 6:59 p.m.

Councilwoman Turner thought there was majority support to have some type of protective measures to our legacy neighborhoods against changes to our ordinances and growth patterns, while we are in a housing crisis. In summary, she felt that Council could approve the amendments to the cottage development standards and the flag lot standards throughout the City and exclude them in the following five legacy neighborhoods - East End, Southside, Burton Street, Shiloh and Emma, in order for public engagement.

Councilwoman Roney thanked the leadership of our legacy neighborhoods for again coming to provide comment. Now at year 5 of supporting overlay as part of advancing affordable housing and neighborhood resiliency, she hears and acknowledges a serious issue today - sequencing including engagement. With confidence that Council will dig into our Strategic Goal of Equitable, Affordable Housing at our retreat this week, and that we'll get back in sequence with meaningful engagement of our neighborhoods as we work towards adoption of our Affordable Housing Plan, Missing Middle Housing Plan, and Displacement Risk Assessment, she moved to deny the resident-led proposed wording amendments to Chapter 7 of the Asheville Code of Ordinances and find that the proposed amendments are not reasonable, are not in the public interest, and are not consistent with the City's comprehensive plan and supportive studies. This motion was seconded by Vice-Mayor Mosley.

In response to Mayor Manheimer, City Attorney Branham said that the original motion, if passed, would be final; however, anyone can offer an amendment and the maker of the motion can accept the amendment or not.

Councilwoman Turner requested that the motion be withdrawn so another motion could be put forward.

Councilwoman Roney said that she wants us to do our goal of equitable and affordable housing, wants an overlay, wants a public benefits table, wants to build affordable housing on our corridors where we have our infrastructure, and wants our neighborhood plans to get implemented as they have been waiting forever, and that's why she supports the staff-recommended motion.

Mayor Manheimer said that overlays can be a lot of different things and Council hasn't directed staff as to what that would be. An overlay could be a freezing of zoning in certain areas

but could also treat the land uses differently within the overlay area. Council will need to provide more specific direction to staff.

In response to Vice-Mayor Mosley regarding staff talking with legacy neighborhoods with thoughts of what an overlay would look like, Planning & Urban Design Director Stephanie Dahl said that the type of engagement and timing of engagement was not sufficient and we need to make improvements; however, these amendments (along with the three UDO amendments continued to March 11, 2025) have been in front of Council for over a year. They have met with the legacy neighborhoods during that time last summer and worked with them to try to create an educational and collaborative opportunity to work on an overlay - we had that shared goal during the summer. At the end of the summer, the legacy neighborhoods decided to go in a different direction and work on their own for coming up with recommendations for their individual neighborhoods about what they wanted for anti-displacement. At that time, it was the end of August and into September in the process of coordinating responses back to the City when Tropical Storm Helene hit. The unfortunate piece of this is that almost all the work was lost in the storm. Staff did not go back early enough to reboot the process which they started and went on for months last year. She noted that these two UDO amendments have been in the public arena at the Coalition of Asheville Neighborhoods, Neighborhood Advisory Committee, the Planning & Zoning Commission, and the Legacy Neighborhoods Coalition for at least a year now.

City Attorney Branham said that if the motion to deny passes, staff can bring back these text amendments anytime, and also City Council can reconsider the motion immediately or at the next meeting.

The motion to deny the resident-led proposed wording amendments to Chapter 7 of the Asheville Code of Ordinances regarding cottage development standards was approved on a 4-3 vote, with Mayor Manheimer, Councilwoman Turner and Councilwoman Ullman voting "no."

The motion to deny the resident-led proposed wording amendments to Chapter 7 of the Asheville Code of Ordinances regarding flag lot standards was approved on a 4-3 vote, with Mayor Manheimer, Councilwoman Turner and Councilwoman Ullman voting "no."

Councilman Hess moved to reconsider the motion to deny the citizen-led zoning text amendment regarding cottage development standards. He stressed that we must protect our legacy neighborhoods and didn't want this to drag one for another year. He felt that Council needed to see the carved out portions of the legacy neighborhoods and time to review those maps. We wanted to make sure that our legacy neighborhoods are protected and also get housing. This motion was seconded by Councilwoman Turner.

City Attorney Branham said that it would be up to City Council on whether to remand this text amendment back to the Planning & Zoning Commission for their review.

In response to Councilwoman Smith, City Attorney Branham said that this is a simple text amendment that can come back at any point, but a majority vote of Council is required to direct staff to do that.

The motion to reconsider the motion to deny the citizen-led zoning text amendment regarding cottage development standards passed on a 4-3 vote, with Vice-Mayor Mosley, Councilwoman Roney and Councilwoman Smith voting "no."

Councilman Hess moved to continue the citizen-led zoning text amendment regarding cottage development standards until March 11, 2025. This motion was seconded by Councilwoman Tuner and carried on a 4-3 vote, with Vice-Mayor Mosley, Councilwoman Roney and Councilwoman Smith voting "no."

Councilman Hess moved to reconsider the motion to deny the citizen-led zoning text amendment regarding flag lot standards. This motion was seconded by Councilwoman Turner and carried on a 4-3 vote, with Vice-Mayor Mosley, Councilwoman Roney and Councilwoman Smith voting “no.”

Councilman Hess moved to continue the citizen-led zoning text amendment regarding flag lot standards until March 11, 2025. This motion was seconded by Councilwoman Tuner and carried on a 4-3 vote, with Vice-Mayor Mosley, Councilwoman Roney and Councilwoman Smith voting “no.”

In response to Councilwoman Roney, City Attorney Branham said that on March 11, the two citizen-led zoning text amendments will be re-considered and Council can choose to re-open the public hearing; however, there is no legal requirement to do so.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

- A. RESOLUTION NO. 25-30- RESOLUTION AUTHORIZING STAFF TO SUBMIT AN ADMINISTRATIVE ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY (CDBG-DR) GRANT TO THE US DEPT. OF HOUSING & URBAN DEVELOPMENT IN ORDER TO ACCESS UP TO 5% (\$11,250,500) OF THE TOTAL ALLOCATION TO PAY FOR AND REIMBURSE THE CITY FOR GRANT RELATED ADMINISTRATIVE COSTS**

ORDINANCE NO. 5119 - BUDGET AMENDMENT FOR THE TOTAL AMOUNT OF THE CDBG-DR ALLOCATION

Community Development Division Manager James Shelton said that this is the consideration of a resolution authorizing staff to submit an Administrative Action Plan for the CDBG-DR grant to the U.S. Department of Housing and Urban Development (HUD) in order to access up to 5% (\$11,250,500) of the total allocation to pay for and reimburse the City for grant-related administrative costs; authorizing the City Manager to execute all documents necessary to give effect to this resolution; and approving a budget amendment in the amount of \$225,010,000, for the total amount of the CDBG-DR allocation, noting that these funds are subject to HUD approval of the CDBG-DR Action Plan and are not anticipated to be available for expenditure until later in calendar year 2025.

Background:

- On January 16, 2025, HUD announced that the City of Asheville will receive a direct allocation of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds in the amount of \$225,010,000.
- To receive the CDBG-DR funds, the City Council will need to authorize an Action Plan that provides a concise summary of the programs and activities that will be funded to address unmet disaster recovery needs. Staff anticipate bringing that Action Plan to Council for review and approval on April 8, 2025.
- Staff can request access to administrative funds from HUD before submitting the formal Action Plan. These costs include planning and staffing associated with completing and implementing the final CDBG-DR Action Plan.
- This request will allow staff to submit an Administrative Action Plan to HUD and access 5% of the total allocation for administrative costs.

- At the same time, this request includes a budget amendment for the total future allocation of the grant, \$225,010,000.
- Receipt of the \$225,010 is subject to HUD approval of the City's CDBG-DR Action Plan and is not anticipated to be available for expenditure until later in calendar year 2025.
- The City will utilize 5% for administrative costs once HUD approves the Administrative Action Plan. The remaining funds will not be spent until after the City Council approves the Action Plan in April and the City Manager executes the grant agreement.

Vendor Outreach Efforts:

- Not applicable

Council Goal(s):

- Connected and Engaged Community
- Financially Resilient City
- Equitable and Diverse Community
- Well-Planned and Livable Community

Committee(s):

- None, council committees suspended due to ongoing response to Tropical Storm Helene

Pro(s):

- Allows the city to be more quickly reimbursed for staffing, planning, and general administration of CDBG-DR related activities

Con(s):

- None

Fiscal Impact:

- This action will approve an appropriation of \$225,010,000 to the City's Special Revenue Fund for CDBG-DR reimbursable activities, including up to 5% or \$11,250,500 for administrative costs.

Mr. Shelton then reviewed the following key takeaways from his presentation: (1) On January 8th, HUD announced that the City of Asheville would receive a direct allocation of CDBG - Disaster Recovery funding of \$225,010,000; (2) The City must now develop an Action Plan that identifies unmet needs and outlines the programs and activities we will fund and submit it to HUD by April 21st. Once the plan is approved by HUD, these funds are anticipated to be available for expenditure in late fall 2025; (3) The City can request access to up to 5% of funding to pay for administrative costs in advance of receiving the full grant amount to pay and reimburse for costs associated with developing the Action Plan and for ongoing program administration; and (4) Requires that we submit an Administrative Action Plan to HUD that indicates our proposed uses of the administrative dollars.

Regarding the CDBG-DR administrative costs, (1) Up to 5% of the total grant amount can be used to pay and reimburse for administrative costs of developing the Action Plan and ongoing program administration (a) \$11,250,500; and (b) Must budget for the life of the grant = 6 years; (2) Eligible administrative expenses include staff time, consulting fees, public engagement costs, technical assistance, and ongoing administrative costs of overseeing the life of the grant; (3) In order to access the administrative funds, the City must submit an Administrative Action Plan to HUD - HUD will review and approve the plan within 30 days of receipt; and (4) Requesting early access to these funds is completely optional and we will have full access to them once we receive the full grant agreement, but requesting them early allows us to begin reimbursing for costs we are already incurring like: (a) Consultant services for Action Plan development; and (b) Public

engagement costs, like interpretation.

When Mayor Manheimer asked for public comments, none were received.

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

Councilwoman Turner moved to adopt a resolution authorizing city staff to submit an Administrative Action Plan for the CDBG-DR grant to the US Department of Housing and Urban Development (HUD) in order to access up to 5% or \$11,250,500 of the total allocation to pay for and reimburse the city for grant related administrative costs; and authorizing the City Manager to execute all documents necessary to give effect to this resolution. This motion was seconded by Councilwoman and carried unanimously.

RESOLUTION BOOK NO. 45 - PAGE 84

Councilwoman Turner moved to approve a budget amendment in the amount of \$225,010,000, for the total amount of the CDBG-DR allocation, noting that these funds are subject to HUD approval of the CDBG-DR Action Plan and are not anticipated to be available for expenditure until later in calendar year 2025. This motion was seconded by Councilwoman Ullman and carried unanimously.

ORDINANCE BOOK NO. 36 - PAGE 152

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council about various matters, some being, but are not limited to: immigration issues; multi-modal transportation; and the UDO text amendments regarding cottage development and flag lot standards.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:00 p.m.

CITY CLERK

MAYOR