

Thursday – July 24, 2025 - 11:00 a.m.

Agenda Briefing Worksession - For July 29, 2025, Council Meeting

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

Absent: Councilwoman Sheneika Smith

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:

- ART Comprehensive Operations Analysis

Closed Session

At 12:47 p.m., Councilman Hess moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). The laws that make the information privileged and confidential are N.C. Gen. Stat. § 143-318.10(e); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, the handling or settlement of a claim regarding the following: The City of Asheville v. HCA Healthcare, Inc; Case Number 1:22-cv-00114-MR; and Miall v. City of Asheville; Case Number 1:23-cv-00259-MR-WCM. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Vice-Mayor Mosley and carried on a 6-0 roll call vote.

At 12:09 p.m. Councilwoman Roney moved to come out of closed session. This motion was seconded by Vice-Mayor Mosley and carried on a 4-0 roll call vote.

At 12:09 p.m., Vice-Mayor Mosley adjourned the agenda briefing worksession.

Tuesday – July 29, 2025 - 4:00 p.m

Special Meeting - Closed Session

At 4:00 p.m., Councilman Hess moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). The laws that make the information privileged and confidential are N.C. Gen. Stat. § 143-318.10(e); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, providing the City Attorney with instructions concerning the handling or settlement of a claim or judicial action regarding, but not limited to the following: The City of Asheville v. HCA Healthcare, Inc; Case Number 1:22-cv-00114-MR; and Miall v. City of Asheville; Case Number 1:23-cv-00259-MR-WCM. The statutory authorization is contained in N.C. Gen.

Stat. § 143-318.11(a)(3). The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Vice-Mayor Mosley and carried unanimously.

At 4:57 p.m., Councilwoman Roney moved to recessed the closed motion to return to the formal meeting, noting that the closed session would continue at the end of the formal meeting. This motion was seconded by Vice-Mayor Mosley and carried unanimously.

Tuesday – July 29, 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; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: Councilwoman Maggie Ullman

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING JULY 2025 AS "INDEPENDENT RETAILER MONTH"

Mayor Manheimer read the proclamation proclaiming July, 2025, as "Independent Retailer Month " in the City of Asheville. She presented the proclamation to Sheree Lucas, Executive Director of Go Local Asheville, who briefed City Council on some activities taking place during the month.

B. IN MEMORY OF JAMES FERGUSON

Vice-Mayor Mosley took a moment to honor the life and legacy of Mr. James Ferguson, Asheville native and Civil Rights attorney, and to hold his family in our hearts.

II. CONSENT AGENDA:

A. APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON JUNE 18, 2025, AND THE FORMAL MEETING HELD ON JUNE 24, 2025

B. RESOLUTION NO. 25-157- RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DESIGN CONTRACT WITH PROGRESSIVE ARCHITECTURE ENGINEERING P.C.FOR THE WALTON STREET PARK IMPROVEMENTS PROJECT; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY CHANGE ORDERS THAT MAY ARISE DURING THE PROJECT UP TO THE CONTINGENCY AMOUNT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Progressive Architecture Engineering, P.C., in the amount of \$140,000.00, for the Walton Street Park Improvement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$21,000.00 (+/-15%).

Background:

- The City of Asheville is re-envisioning the use of the historic Walton street pool area and the pool house. The goal of this effort is to integrate modern amenities while respecting the historic nature of the pool and bathhouse in service of the surrounding neighborhood and for the enjoyment of generations to come.
- The park was designated as a Local Historic Landmark in October 2022 and subsequently listed in the National Register of Historic Places in December 2023. These accolades followed a great deal of community engagement in conjunction with the proposed improvements to the rest of the park.
- In the Summer of 2024, the Southside United Neighborhood Association (SUNA) organized a steering committee in a formal agreement with the City of Asheville to collaborate on a community-driven engagement effort focused on re-envisioning the historical pool area within the park. After delays from Helene, a community led preference survey was relaunched on March 31st, to gather ideas, preferences and evaluate use patterns for the old pool site and building. The survey concluded on May 31, 2025, with findings posted at <https://publicinput.com/walton>. A community-shared vision statement endorsed by SUNA will be available July 31, 2025.
- A Request for Qualifications to solicit design teams for design and engineering of the Walton Street Park Project was advertised Thursday, March 20, 2025. Four firms submitted design qualifications for this project: Progressive Architecture Engineering P.A., CHA Consulting, Peacock Architects and Urban Design Partners. A team of City representatives reviewed the teams and ranked them based on qualifications.
 - The design team led by Progressive Architecture Engineering P.A., with offices in Asheville, Charlotte, and Raleigh, was selected as the most qualified firm to provide design services. Additionally, one of the Progressive team subconsultants is local to Asheville.
- Progressive Architecture Engineering P.A.'s design fee proposal has been reviewed and negotiated to \$140,000.00
- The scope for this design contract includes: planning, budgeting, design documents, public meeting attendance, preparing construction documents, and construction oversight with a goal to improve public space use with a cohesive and inspired design for the historic Walton Street Park pool area.
- Extensive community engagement was done for this project, led by the community with assistance from the City.
- Anticipated schedule is for design to start Summer 2025 with design wrapping up in mid-2026. Construction is anticipated to begin mid-2026 and be complete by mid- 2027.

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. Two of the subconsultants are minority owned.
- All A/E design firms on the City's MWBE list were emailed prior to advertising the project to inform them of upcoming City of Asheville Design Projects.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- None

Pro(s):

- By providing an adaptive reuse of the historic Walton pool space, it will celebrate and honor its historic past and provide a space and / or activity area informed by community input.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is included in the adopted 2024 GO Bond Capital Budget and is budgeted under Project Y2503.

Motion:

- Adoption of a resolution authorizing the City Manager to enter into a contract with Progressive Architecture Engineering, P.C., in the amount of \$140,000.00, for the Walton Street Park Improvement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$21,000 (+/-15%).

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C. RESOLUTION NO. 25-158 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ADW ARCHITECTS, P.A. FOR THE OAKLEY FIRE STATION 9 NEW CONSTRUCTION PROJECT; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY CHANGE ORDERS THAT MAY ARISE DURING THE PROJECT UP TO THE CONTINGENCY AMOUNT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with ADW Architects, P.A. in the amount of \$1,099,500.00, for the Oakley Fire Station 9 New Construction project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$87,960.00 (8%).

Background:

- The approved 2024 Public Safety Facilities Bond measure includes a new fire station in the East Asheville neighborhood of Oakley. The new fire station will replace the 1960s era Fire Station #9 at 749 Fairview Road.
- The new fire station will be located at 711 Fairview Road—one block from the existing station—on the site of the current East Asheville Police Resource Center.
 - Once the new fire station is complete, the old Fire Station 9 will be renovated to be the new East Asheville Police Resource Center.
- As per Council Resolution 07-91, the new fire station will be designed to achieve LEED Silver certification.
- The project will strive for LEED Gold certification if an energy savings payback period of less than ten years is achieved for the LEED Gold standard.

- A Request for Qualifications (RFQ) seeking design professionals was issued April 4, 2025, and qualifications were received May 1, 2025. Fourteen design teams submitted qualifications:
 - ADW Architects - Charlotte, NC
 - Altura Architects - Asheville, NC
 - ARCA Design - Asheville, NC
 - Clark Nexsen - Asheville, NC
 - Craig Gaulden Davis - Greenville, SC
 - Creech & Associates - Charlotte, NC
 - Davis Kane Architects - Raleigh, NC
 - DP3 Architects - Greenville, SC
 - Legerton Architecture - Asheville, NC
 - Masters Architecture - Asheville, NC
 - Michael Graves - Charlotte, NC
 - Passero Engineering & Architecture - Charlotte, NC
 - Peacock Architects - Hendersonville, NC
 - Stewart Cooper Newell Architects - Gastonia, NC
- A committee of City Staff across various departments evaluated the submissions, and ADW Architects was ranked the most qualified for the project.
- NC general statutes require that municipalities select architectural and engineering firms on the basis of the best qualified firm for the project. Cost of services is part of contract negotiations after the selection process.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes using the NC electronic Vendor Portal (eVP); and requested that submitting firms outreach to Minority & Women-Owned Business Enterprise (MWBE) service providers for subconsultant services.
 - No MWBE subconsultants were included in the design team with this architect.

Council Goal(s):

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

Committee(s):

- None

Pro(s):

- This project fulfills one of the Public Safety expectations established in the 2024 bond referendum.
- The new fire station will provide a healthier and more functional facility for the City's firefighters, improved response times, and a greater resource for the community.
- The project will advance the City towards its sustainability goals.

Con(s):

- The new facility will displace the current Oakley Police substation. Once construction starts the police substation will need a temporary space to operate.

Fiscal Impact:

- Funding for this contract is included in the approved 2024 Public Safety Facilities Bond.

Motion:

- Motion to authorize the City Manager to enter into a contract with ADW Architects, P.A. in the amount of \$1,099,500.00, for the Oakley Fire Station 9 New Construction project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$87,960.00 (8%).

D. RESOLUTION NO. 25-149 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CDM SMITH INC. TO PROVIDE A TEMPORARY TURBIDITY REDUCTION SYSTEM FOR THE NORTH FORK WATER TREATMENT PLANT

ORDINANCE NO. 5153 - BUDGET AMENDMENT FOR THE NORTH FORK WATER TREATMENT PLANT WITH CDM SMITH INC.

Action Requested: Adoption of a resolution to authorize the City Manager to enter into a Services Contract with CDM Smith Inc. for the North Fork Water Treatment Plant Temporary Pretreatment System, and the associated budget amendment in the amount not to exceed \$36,905,584.

Background:

- The City of Asheville's Water Resources Department serves 156,720 customers in Buncombe and Henderson Counties.
- The Mills River, North Fork and William DeBruhl Water Treatment Plants (WTP) have a rated production capacity of 43.5 million gallons/day, and provide the drinking water for the City of Asheville's water system.
- This system also has connections with Hendersonville, Black Mountain, Biltmore Forest and Woodfin, and provides water to supplement these systems and their customers.
- The North Fork Water Treatment Plant has a capacity to produce 31 million gallons of drinking water per day, and provides approximately 70% of the City of Asheville's drinking water.
- The North Fork WTP is essential for the City of Asheville's water system and must remain in operation 24 hours a day, 7 days a week and 365 days a year to provide drinking water.
- Due to the pristine nature of the watershed, the City of Asheville water system relies heavily on sedimentation control through the erosion control that takes place naturally in a healthy ecosystem.
- The turbidity of the reservoir during Helene was a clear indication that weather events can have a devastating and unpredictable impact on erosion in the watershed and sedimentation in the reservoir.
- Throughout the events following Tropical Storm Helene, it became abundantly clear that measures must be maintained to ensure there is always a direct filtration system in the water that can be scaled quickly when weather events overwhelm the watershed's ability to manage erosion.
- Following Tropical Storm Helene, FEMA assigned the US Army Corps of Engineers (USACE) with a direct federal assistance (DFA) mission to provide a temporary pretreatment system for the North Fork Water Treatment Plant to reduce turbidity of the water before entering the treatment plant.
- The USACE Temporary Pretreatment System provides needed redundancy to the North Fork Water Treatment Plant and the ability to continuously treat and provide potable drinking water to the City of Asheville water distribution system and surrounding municipalities.
- The USACE's DFA mission to manage the Temporary Pretreatment System will end on August 9, 2025
- This contract would allow the City of Asheville to assume management of a temporary pretreatment system.

Vendor Outreach Efforts:

- CDM Smith Inc., was chosen by the City of Asheville's Water Resources Department's Water Production Division to provide services for this project.

- The Water Production Division utilized the RFP process to provide a competitive opportunity for qualified firms and companies.
- CDM Smith Inc., was the only qualified construction company that provided a proposal for the project.
- No further outreach was undertaken.

Council Goal(s):

- Clean, Safe & Healthy Environment

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 WTP.
- Provides the North Fork WTP with ability to treat water if the quality has been significantly changed by storm or flooding events.
- Protects the City of Asheville and Buncombe County from prolonged periods of time without water due to storm events.

Con(s):

- N/A

Fiscal Impact:

- Estimated cost is approximately \$3,075,465.30 per month for year one, with an estimated year one total of \$36,905,583.60. The contract will end upon completion of the North Fork WTP Permanent System.
- The City has applied for funding through FEMA-Public Assistance and once approved the cost share will be 90/10 Federal/State.

Motion:

- Motion to authorize the City Manager to enter into a services contract with CDM Smith Inc., for the North Fork WTP Temporary Treatment System, and the associated budget amendment in the amount not to exceed \$36,905,584.

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E. RESOLUTION NO. 25-150 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BERING-WESTON JV, LLC, TO PROVIDE A TEMPORARY TURBIDITY REDUCTION SYSTEM FOR THE WILLIAM DEBRUHL WATER TREATMENT PLANT

ORDINANCE NO. 5154 - BUDGET AMENDMENT FOR THE WILLIAM DEBRUHL WATER TREATMENT PLANT WITH BERING-WESTON JV, LLC.

Action Requested: Adoption of a resolution to authorize the City Manager to enter into a Services Contract with Bering-Weston JV, LLC for the William DeBruhl Water Treatment Plants Temporary Pretreatment System, and the associated budget amendment in the amount not to exceed \$18,802,253.

Background:

- The City of Asheville's Water Resources Department serves 156,720 customers in Buncombe and Henderson Counties.
- The Mills River, North Fork and William DeBruhl Water Treatment Plants (WTP) have a rated production capacity of 43.5 million gallons/day, and provide the drinking water for the City of Asheville's water system.
- This system also has connections with Hendersonville, Black Mountain, Biltmore Forest and Woodfin, and provides water to supplement these systems and their customers.
- The William DeBruhl Water Treatment Plant has a capacity to produce 5 million gallons of drinking water per day, and provide approximately 17% of the City of Asheville's drinking water.
- The William DeBruhl WTP is essential for the City of Asheville's water system and must remain in operation 24 hours a day, 7 days a week and 365 days a year to provide drinking water.
- Due to the pristine nature of the watershed, the City of Asheville water system relies heavily on sedimentation control through the erosion control that takes place naturally in a healthy ecosystem.
- The turbidity of the reservoir during Helene was a clear indication that weather events can have a devastating and unpredictable impact on erosion in the watershed and sedimentation in the reservoir.
- Throughout the events following Tropical Storm Helene, it became abundantly clear that measures must be maintained to ensure there is always a direct filtration system in the water that can be scaled quickly when weather events overwhelm the watershed's ability to manage erosion.
- Following Tropical Storm Helene, FEMA assigned the US Army Corps of Engineers (USACE) with a direct federal assistance (DFA) mission to provide a temporary pretreatment system for the William DeBruhl Water Treatment Plant to reduce turbidity of the water before entering the treatment plant.
- The USACE Temporary Pretreatment System provides needed redundancy to the William DeBruhl Treatment Plant and the ability to continuously treat and provide potable drinking water to the City of Asheville water distribution system and surrounding municipalities.
- The USACE's direct federal assistance (DFA) mission to manage the Temporary Pretreatment System will end on August 18, 2025
- This contract would allow the City of Asheville to assume management of a temporary pretreatment system.

Vendor Outreach Efforts:

- Bering-Weston JV, LLC was chosen by the City of Asheville's Water Resources Department's Water Production Division to provide services for this project.
- The Water Production Division utilized the RFP process to provide a competitive opportunity for qualified firms and companies.
- Bering-Weston JV, LLC was the only qualified construction company that provided a proposal.
- No further outreach was undertaken.

Council Goal(s):

- Clean, Safe & Healthy Environment

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 William DeBruhl WTP.
- Provides the William DeBruhl WTP with ability to treat water if the quality has been significantly changed by storm or flooding events.
- Protects the City of Asheville and Buncombe County from prolonged periods of time without water due to storm events.

Con(s):

Fiscal Impact:

- Estimated \$1,566,854.40 per month in year 1, with an estimated year one total of \$18,802,252.80. The contract will end upon completion of the William DeBruhl WTP Permanent System.
- The City has applied for funding through FEMA-Public Assistance and once approved the cost share will be 90/10 Federal/State.

Motion:

- Motion to authorize the City Manager to enter into a services contract with Bering-Weston JV, LLC to provide a Services Contract for the William DeBruhl WTP Temporary Treatment System, and the associated budget amendment in the amount not to exceed \$18,802,253.

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F. RESOLUTION NO. 25-151 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CDM SMITH INC. TO PROVIDE ENGINEERING, DESIGN SERVICES AND PROVIDE CONSTRUCTION OVERSIGHT FOR THE NORTH FORK WATER TREATMENT PLANT IMPROVEMENTS PROJECT

ORDINANCE NO. 5155 - BUDGET AMENDMENT FOR THE NORTH FORK WATER TREATMENT PLANT WITH CDM SMITH INC.

Action Requested: Adoption of a resolution to authorize the City Manager to enter into a Professional Services Contract with CDM Smith Inc. Company for the North Fork Water Treatment Plants Treatment Improvement project, and the associated budget amendment in the amount of \$6,705,000 to be reimbursed with FEMA-PA and State of NC funds.

Background:

- The City of Asheville's Water Resources Department serves 156,720 customers in Buncombe and Henderson Counties.
- The Mills River, North Fork and William DeBruhl Water Treatment Plants (WTP) have a rated production capacity of 43.5 million gallons/day, and provide the drinking water for the City of Asheville's water system.
- 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 North Fork and William DeBruhl Water Treatment Plants are direct filtration plants that rely on stable low turbidity water from the Burnette and Bee Tree Reservoirs to produce high quality drinking water for the City of Asheville water distribution system..

- In late September 2024, 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, 2024 in relation to Tropical Storm Helene.
- The North Fork and William DeBruhl Water Treatment Plants, water transmission lines, watersheds, and reservoirs, were severely impacted resulting in the loss of water service to much of the City of Asheville and surrounding communities.
- The Treatment Improvements project will provide the North Fork Water Treatment Plant and staff with the ability to respond quickly to rapidly changing water quality issues much like those that were experienced during Tropical Storm Helene.
- The Treatment Improvements project will provide sedimentation to the North Fork Water Treatment Plant, which will provide resilience for the water treatment system and in doing so will provide added reliance for the customers of the City of Asheville water system.

Vendor Outreach Efforts:

- CDM Smith Inc. Company was chosen by the City of Asheville's Water Resources Department to provide professional engineering services for this project.
- The Water Production Division utilized the RFQ process to provide a competitive opportunity for qualified engineering firms.
- CDM Smith Inc. Company was the most qualified of the six engineering firms that provided proposals and interviewed for the project.
- No further outreach was undertaken due to the unique and technical aspects of the required services provided.

Council Goal(s):

- Clean, Safe & Healthy Environment

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 Water Treatment Plant.
- Provides resilience and robust treatment technologies to provide quality drinking water in all circumstances.
- The CDM Smith Inc. Company provides expertise in design, installation, and project management, which requires less time of City of Asheville staff.

Con(s):

- None

Fiscal Impact:

- The contract with CDM Smith Inc. is estimated at \$6,205,000, including a \$500,000 unspecified additional services contingency for a total of \$6,705,000.
- The cost is expected to be reimbursed with a combination of FEMA-Public Assistance and State of NC funding, with the 90/10 cost share.

Motion:

- Motion to authorize the City Manager to enter into a professional services contract with CDM Smith Inc. Company Professional Services Contract for the North Fork Water Treatment Plant Treatment Improvements Project, and the associated budget amendment in the amount of \$6,705,000.

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**G. RESOLUTION NO. 25-152 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT
WITH GARVER USA COMPANY TO PROVIDE ENGINEERING, DESIGN
SERVICES AND PROVIDE CONSTRUCTION OVERSIGHT FOR THE WILLIAM
DEBRUHL WATER TREATMENT PLANT IMPROVEMENTS PROJECT**

**ORDINANCE NO. 5156 - BUDGET AMENDMENT FOR THE WILLIAM
DEBRUHL WATER TREATMENT PLANT WITH GARVER USA COMPANY**

Action Requested: Adoption of a resolution to authorize the City Manager to enter into a Professional Services Contract with Garver USA Company for the William DeBruhl Water Treatment Plants Treatment Improvement project, and the associated budget amendment in the amount of \$3,326,469 to be reimbursed with FEMA-PA and State of NC funds.

Background:

- The City of Asheville's Water Resources Department serves 156,720 customers in Buncombe and Henderson Counties.
- The Mills River, North Fork and William DeBruhl Water Treatment Plants (WTP) have a rated production capacity of 43.5 million gallons/day, and provide the drinking water for the City of Asheville's water system.
- 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 North Fork and William DeBruhl Water Treatment Plants are direct filtration plants that rely on stable low turbidity water from the Burnette and Bee Tree Reservoirs to produce high quality drinking water for the City of Asheville water distribution system..
- In late September 2024, 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, 2024 in relation to Tropical Storm Helene.
- The North Fork and William DeBruhl Water Treatment Plants, water transmission lines, watersheds, and reservoirs, were severely impacted resulting in the loss of water service to much of the City of Asheville and surrounding communities.
- The Treatment Improvements project will provide the William DeBruhl Water Treatment Plant and staff with the ability to respond quickly to rapidly changing water quality issues much like those that were experienced during Tropical Storm Helene.
- The Treatment Improvements project will provide sedimentation to the William DeBruhl Water Treatment Plant, which will provide resilience for the water treatment system and in doing so will provide added reliance for the customers of the City of Asheville water system.

Vendor Outreach Efforts:

- Garver USA Company was chosen by the City of Asheville's Water Resources Department to provide professional engineering services for this project.
- The Water Production Division utilized the RFQ process to provide a competitive opportunity for qualified engineering firms.
- Garver USA Company was the most qualified of the six engineering firms that provided proposals and interviewed for the project.
- No further outreach was undertaken due to the unique and technical aspects of the required services provided.

Council Goal(s):

- Clean, Healthy & Safe Environment

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 William DeBruhl Water Treatment Plant.
- Provides resilience and robust treatment technologies to provide quality drinking water in all circumstances.
- The Garver USA Company provides expertise in design, installation, and project management, which requires less time of City of Asheville staff.

Con(s):

- None

Fiscal Impact:

- The contract with Garver USA Company is estimated at \$3,078,069.00, including a \$248,399.03 project management and construction contingency for a total of \$3,326,468.03.
- The cost is expected to be reimbursed with a combination of FEMA-Public Assistance and State of NC funding, with the 90/10 cost share.

Motion:

- Motion to authorize the City Manager to enter into a professional services contract with Garver USA Company Professional Services Contract for the William DeBruhl Water Treatment Plant Treatment Improvements Project, and the associated budget amendment in the amount of \$3,326,469.

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H. RESOLUTION NO. 25-153 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EMERGENCY PROFESSIONAL SERVICES CONTRACT WITH SCHNABEL ENGINEERING SOUTH FOR REPAIRS AT THE NORTH FORK DAM AND SPILLWAYS DUE TO TROPICAL STORM HELENE

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an emergency professional services contract with Schnabel Engineering South for repairs at the North Fork Dam and Spillways due to 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 is engaging outside assistance to address the needs of the community as those needs exceed the capacity of City staff.
- North Fork Auxiliary Spillway is designed to allow excess water from the Burnette Lake to pass over the fusegates (8) and if necessary sacrifice the fusegates to ensure the integrity of the earthen dam.
- The large amount of precipitation from TS Helene activated the North Fork Auxiliary Spillway.
- The second step in the activation is for fusegate four (4) to tip / break apart. This allows a larger volume of water to pass from the Burnette Lake while maintaining the integrity of the earthen dam.
- The Auxiliary Spillway operated as designed.
- This contract is for design, construction bidding and administration services to return the structures to their original functions.
- Assistance with requirements and correspondences of NC Dam Safety.

Vendor Outreach Efforts:

- On March 13, 2025, An emergency RFQ was sent to engineering firms with specialties associated with earthen dams (geotechnical, structural, contract administration, construction oversight, etc.).
- Two firms submitted proposals.
- Schnabel Engineering South "Schnabel" was chosen as the most qualified.
- The cost of the proposed contract is \$160,700.00 with \$16,070.00 contingency for a total amount not to exceed \$176,770.00
- Scope of work covers these main areas:
 - Design services for fusegate replacement at the North Fork Dam
 - Assistance with bidding for services
 - Assistance with requirements and correspondences with NC Dam Safety
 - Construction services

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Allows the City to quickly address an emergency without delay.

Con(s):

- None

Fiscal Impact:

- The cost \$160,700.00 with \$16,070.00 contingency for a total of \$176,770.00
- Funding is available in the Water Capital Projects Fund. All costs are expected to be reimbursed by FEMA.

Motion:

- Motion authorizing the City Manager to enter into an emergency professional contract with Schnabel EngineeringSouth for work associated with the emergency response to Tropical Storm Helene at the North Fork Dam and Spillways in an amount not to exceed \$176,770.

I. RESOLUTION NO. 25-154 - RESOLUTION RATIFYING A CONTRACT WITH FAYETTEVILLE PUBLIC WORKS COMMISSION TO PROVIDE MUTUAL AID DURING THE RECOVERY PROCESS AFTER TROPICAL STORM HELENE

Action Requested: Adoption of a resolution ratifying an agreement with Fayetteville PWC for mutual aid services provided after Tropical Storm Helene.

Background:

- The City of Asheville's Water Resources Department serves 156,720 customers in Buncombe and Henderson Counties.
- The Mills River, North Fork and William DeBruhl Water Treatment Plants (WTP) have a rated production capacity of 43.5 million gallons/day, and provide the drinking water for the City of Asheville's water system.
- This system also has connections with Hendersonville, Black Mountain, Biltmore Forest and Woodfin, and provides water to supplement these systems and their customers.
- The North Fork Water Treatment Plant has a capacity to produce 31 million gallons of drinking water per day, and provides approximately 70% of the City of Asheville's drinking water.
- The North Fork WTP is essential for the City of Asheville's water system and must remain in operation 24 hours a day, 7 days a week and 365 days a year to provide drinking water.
- During the immediate aftermath of Tropical Storm Helene, the City of Asheville received aid through NC Water Warn, to help repair and restore damaged water infrastructure. The town of Fayetteville provided staff, resources and equipment to assist Asheville in our restoration, which helped our community and made our recovery possible.

Vendor Outreach Efforts:

- Mutual aid was solicited through the NC Water Warn Network after the devastation from TS Helene. Several utilities responded to assist. This agreement is with the Fayetteville PWC who assisted during this time.

Council Goal(s):

- Clean, Safe & Healthy Environment

Committee(s):

- N/A

Pro(s):

- Repaired the City of Asheville's Water Resources Department to continue to provide core services for our customers.

Con(s):

-

Fiscal Impact:

- The cost of the mutual aid totalled \$342,321.57.
- The services were for the purposes of Tropical Storm Helene-related recovery efforts and are expected to be fully reimbursed with FEMA-PA funds.

Motion:

- Motion to authorize the ratification of an agreement with Fayetteville Public Works Commission who assisted with repairs to the water system in the City of Asheville.

J. RESOLUTION NO. 25-155 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH IMAGETREND LLC FOR THE ASHEVILLE FIRE DEPARTMENT'S RECORDS MANAGEMENT SYSTEM

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with ImageTrend, LLC. for the Asheville Fire Department Records Management System.

Background:

- The Fire Department utilizes third-party software to manage a high volume of critical records, including incident responses, training and certifications, asset management, fire inspections, and personnel data.
- To improve data management and analytical capabilities, the department initiated a formal evaluation of records management system vendors.
- An interdepartmental committee evaluated the proposals and selected ImageTrend, LLC as the highest-ranked vendor.
- This Software as a Service (SaaS) solution was procured through a competitive Request for Proposals (RFP) process.
- Vendor proposals were scored based on several variables, which included the vendor's ability to meet the City's technical requirements, their implementation plan, overall experience, and cost-effectiveness.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses in the solicitation process, which included posting of the RFP on the State's Electronic Vendor Portal System.
- Staff attempted to identify MWBE vendors offering this service in the City's database, but none were present.

Council Vision 2036 Focus Area(s):

- Connected and Engaged Community

Committee(s):

- N/A

Pro(s):

- The new system is intended to make the process of recording information simpler, faster, and more accurate; increasing consistent data collection and saving staff time.
- The system will provide better tools to analyze the thousands of records being managed. This allows the fire department to better identify trends, measure performance, and make data-driven decisions to improve public safety.

Con(s):

- None

Fiscal Impact:

- The contract is for three years with two one-year options to renew. The contract cost by year is Year 1 - \$89,999.00, Year 2 - \$77,521.50, Year 3 - \$82,948.01, Optional renewal 1 - \$88,754.37 and Optional renewal 2 - \$94,967.17. The total contract price, including the optional renewals, is \$434,190.05.
- Funding for this contract is available in the Fire Department operating budget.

Motion:

- Motion to authorize the City Manager to enter into a three-year contract with two optional, one-year renewals, with ImageTrend, LLC., for a fire department records management system, at a total cost not to exceed \$434,190.05.

RESOLUTION BOOK NO. 46 - PAGE 39

K. RESOLUTION NO. 25-156 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LICENSE AGREEMENT AMENDMENT WITH BELL ATLANTIC MOBILE (D/B/A VERIZON WIRELESS) AT 166 RESERVOIR ROAD (ALSO REFERRED TO AS LOWER WHITE FAWN TOWER) FOR EQUIPMENT CHANGES

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amendment to the license agreement between Bell Atlantic Mobile (dba Verizon Wireless) and the City of Asheville, allowing for additional equipment and increasing the monthly rent at the City-owned Lower White Fawn telecommunications tower.

Background:

- The City of Asheville owns real property at PIN #9648-56-7004 and 9648-55-8749, whose address is 166 Reservoir Road. The City owns a telecommunications tower that is located on the site, known as the Lower White Fawn Tower.
- The tower is used for public safety equipment, and vacant space is leased to telecommunications companies for cellular antennas and associated equipment.
- Verizon Wireless has an existing license agreement on the tower, which is not scheduled to expire until 2028. It may be renewed for five years after that date.
- Verizon Wireless has submitted an application to the Real Estate Office to install additional equipment on the tower.
- Verizon Wireless was required to perform a structural analysis to determine whether the tower could support the additional equipment, and it has confirmed that the modifications are allowed.
- Based on the proposed additional equipment to the tower and market research of telecom rental rates, City staff recommends an increase in rent in the amount of \$475 per month.
- Currently, Verizon pays \$3,843.36 per month, and Verizon has agreed to this increase.

Council Goal(s):

- A Thriving Local Economy

Committee(s):

- None

Pro(s):

- Additional loading on the tower will increase City revenues.
- The long-term commitment from Verizon is a secure future revenue stream for the City.
- Replace outdated equipment while increasing communication resilience as a service.
- The tower weight increases from 1177.9 lbs to 1706.9 lbs, a 45% increase compared to the weight of the Licensee's existing tower equipment. Total tower and foundation capacity are at 80%, well within range.

Con(s):

- The City will not be using this additional weight for its own public safety purposes.

Fiscal Impact:

- Revenues will increase by 3% per year to be recorded in the General Fund.

Motion:

- Motion to approve the resolution authorizing the City Manager to execute a license agreement amendment with Bell Atlantic Mobile (dba Verizon Wireless).

RESOLUTION BOOK NO. 46 - PAGE 40

**L. ORDINANCE NO. 5157- BUDGET AMENDMENT TO ACCEPT AWARDED
GRANT FUNDS FROM DESTINATION HOME, SV FOR THE RIGHT AT HOME
HOMELESSNESS PREVENTION INITIATIVE THROUGH THE
ASHEVILLE-BUNCOMBE CONTINUUM OF CARE**

Action Requested: Adoption of a budget amendment to accept \$275,000 in funding awarded from Destination Home, SV for the Right at Home homelessness prevention initiative through the Asheville-Buncombe Continuum of Care.

Background:

- The City of Asheville is the designated Lead Agency for the Asheville-Buncombe Continuum of Care (CoC). The CoC oversees homelessness response in Asheville and Buncombe County.
- The CoC has been invited to participate in a 3-year pilot initiative on homelessness prevention called Right at Home. Right at Home is seeking to pilot prevention services (e.g. rental assistance, case management) in 10 communities across the country and has selected Asheville-Buncombe for inclusion in the pilot.
- The CoC Board unanimously approved this opportunity at its May 8, 2025 meeting.
- The City as the CoC's Lead Agency submitted the planning grant as authorized by the CoC Board and by City Council on June 10, 2025, and the grant has been approved.
- The City as the CoC's Lead Agency will manage the planning grant on the CoC's behalf by entering into an agreement with Destination Home SV, a 501(c)3 organization, which serves as the fiscal manager for the Right at Home partnership.
- The planning grant will add a funded staff position to the Homeless Strategy Division in the Community and Economic Development Department for project management of the initiative during both the 6-12 month planning phase and the 3-year implementation period to deliver homelessness prevention services as developed during the planning phase, contingent on final approval from the CoC Board and Right at Home.
- Planning is expected to conclude by June 2026 with implementation to begin in July 2026.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Quality Affordable Housing

Committee(s):

- Asheville-Buncombe Continuum of Care Board - May 8, 2025 - unanimous approval to submit a planning grant to participate in the Right at Home initiative

Pro(s):

- Secures new resource for homelessness prevention
- Adds funded project management capacity in Homeless Strategy Division

Con(s):

- None noted

Fiscal Impact:

- This amendment will add \$275,000 to the Special Revenue Fund.
- Matching funds will not be required for this grant.

Motion:

- Motion to adopt a budget amendment to accept \$275,000 in funding awarded from Destination Home, SV for the Right at Home homelessness prevention initiative through the Asheville-Buncombe Continuum of Care.

ORDINANCE BOOK NO. 36 - PAGE 262

M. RESOLUTION NO. 25-159 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT SUBAPPLICATIONS AND RECEIVE FUNDS FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAZARD MITIGATION GRANT PROGRAM

Action Requested: Adoption of a resolution authorizing the City Manager to apply for grants in the Federal Emergency Management Agency Hazard Mitigation Grant Program, and authorizing the City Manager to accept funds if granted, and to execute all documents related to implementation and management of Hazard Mitigation Grant Program projects

Background:

- The Tropical Storm Helene Hazard Mitigation Program (HMGP) is funded by the Federal Emergency Management Agency (FEMA). The program uses a state-centric model. Program priorities are managed at the state level, and funds are distributed to the state as the primary applicant. Subapplicants (local governments, state agencies, etc.) apply to the state for project approval, and grant reimbursement.
- The state level program is managed by the NC Division of Emergency Management for both property acquisition and community infrastructure mitigation projects.
- HMGP is a competitive process open to the entire state with priority given to areas affected by tropical storm Helene.
- Mitigation project priorities will focus on risk reduction, resilient infrastructure, and future mitigation planning.
- The deadline to submit letters of interest (LOI) to NCEM is October 31st, 2025, and the window to apply for specific types of subapplication grants will be opened at various times as dictated by the state.
- To date, the city has submitted nine LOIs for initial review for projects aligned with the above mitigation project priorities.
- City staff will submit all grant subapplications for projects based on the readiness of each submittal.
- Projects funded by this program are required to meet strict eligibility criteria, and most of the projects must demonstrate cost effectiveness as measured by the FEMA benefit cost analysis.
- Mitigation projects that lead to construction are anticipated to have a lengthy FEMA review process, between one to three years. Staff will continue with design and planning activities to prepare for construction once a letter of award is received.
- The period to complete the project is 48 months, starting at the receipt of a letter of award.
- Future formal action for City Council, related to awarded projects, will come in the form of a Budget Amendment to receive the funding, and adjust the CIP.

Council Goal(s) and Priorities:

- Clean, Safe and Healthy Environment
- Financially Resilient
- Thriving Local Economy
- Well-planned and Livable Community

Committee(s):

- Policy, Finance & Infrastructure Worksession

Pro(s):

- Allows the City to participate in the Hazard Mitigation Grant Program, and pursue projects that mitigate potential hazards caused by natural disasters, or improve resiliency measures.
- Matching funds are expected to be paid by the State.
- The scale of funding available provides an opportunity to make significant inroads towards mitigation and resiliency efforts, which may overlap with the City's broader goals.

Con(s):

- Program performance schedules are aggressive and will require significant staffing, and resources to meet deadlines.
- Mitigation projects that lead to construction are anticipated to have a lengthy FEMA review process, leading to a long waiting period between design and construction.

Fiscal Impact:

- No action at this time. A budget amendment will be presented to City Council for each individual project grant award.
- All projects will be reimbursement based.
- FEMA requires a 25% match for HMGP community infrastructure mitigation projects. The City expects that matching funds are to be paid by the state of North Carolina.

Motion:

- Motion to adopt a resolution authorizing the City Manager to submit subapplications for the Federal Emergency Management Agency Hazard Mitigation Grant Program and authorizing the City Manager to accept grant funds if awarded and to execute all documents related to implementation and management of Hazard Mitigation Grant Program projects.

Councilwoman Roney spoke in support of this action.

RESOLUTION BOOK NO. 46 - PAGE 43

N. RESOLUTION NO. 25-160 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BIOHABITATS OF NORTH CAROLINA INC. FOR DESIGN AND ENGINEERING SERVICES TO RESTORE THE FRONT NINE HOLES OF THE ASHEVILLE MUNICIPAL GOLF COURSE

ORDINANCE NO. 5158 - BUDGET AMENDMENT FOR THE ASHEVILLE MUNICIPAL GOLF COURSE

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Biohabitats of North Carolina, PC for design and engineering services to restore the front

nine holes of the Asheville Municipal Golf Course; and approval of a budget amendment in the amount of not to exceed \$1,586,695 to add federal and state funds to the General Capital Projects Fund.

Background:

- The contract is for design and engineering services to provide stormwater design, golf course design, resiliency measures and construction administration to reconstruct the front nine holes of the Asheville Municipal Golf Course.
- The property is on the National Historic Registry of Places.
- The golf course was designed by Donald Ross, a “Golden Age” golf course architect who recognized the importance of providing affordable and accessible golf opportunities to the public.
- The Asheville Municipal Golf Course is home to the Skyview Golf Tournament. The Skyview Golf Association was founded in 1959 in an effort to promote golf competition among Black golfers throughout the United States. The tournament has been held annually since 1960 and is a legacy in the golf community.
- The golf course was damaged due to flood waters caused by tropical storm Helene resulting in the loss of use of the front nine holes, and associated loss of revenue. The damage was documented with the Federal Emergency Management Agency (FEMA), and is included as a project under the Public Assistance program.

Contracting Process and Vendor Outreach Efforts:

- This is a qualifications based selection process.
- Staff performed outreach to minority and women owned businesses (MWBE) through solicitation processes using the NC electronic Vendor Portal (eVP)
- Staff also contacted 12 MWBE vendors directly with notification of upcoming City of Asheville professional services opportunities, this project being one of the opportunities on the list
- 11 firms responded to the RFQ, Biohabitats was selected by staff as the best qualified firm to deliver the requested services.

Council Goal(s) and Priorities:

- A Clean, Safe and Healthy Environment

Committee(s):

- N/A

Pro(s):

- Restoration of a local asset using FEMA funding
- A revenue source for the city is restored
- Opportunity to design for resiliency

Con(s):

- Longer project delivery time with FEMA requirements and review

Fiscal Impact:

- The amount of the design fee contract with a 10% contingency is \$1,586,695. It is expected to be reimbursed by the Federal Emergency Management Agency - Public Assistance (FEMA-PA) program at 90% and the remaining 10% is expected to be paid by the state.

Motion:

- Adoption of a resolution authorizing the City Manager to enter into a contract with Biohabitats of North Carolina, PC for design and engineering services to restore the front nine holes of the Asheville Municipal Golf Course; and approval of a budget amendment in the amount of not to exceed \$1,586,695 to add federal and state funds to the General Capital Projects Fund.

**RESOLUTION BOOK NO. 46 - PAGE 44
ORDINANCE BOOK NO. 36 - PAGE 263**

O. RESOLUTION NO. 25-161 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH UNITED CASUALTY AND SURETY INSURANCE TO COMPLETE THE N.C. DEPT. OF TRANSPORTATION SOUTHSIDE CONNECTIVITY IMPROVEMENT PROJECT WITH PATTON CONSTRUCTION GROUP LLC

Actions Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with United Casualty and Surety Insurance (“the Surety”) to complete the North Carolina Department of Transportation (NCDOT) funded Transportation Improvement Project (NCDOT EB-5790) Southside Connectivity Improvements project, with the Completion Contractor, Patton Construction Group, LLC.

Background:

- Prior Contractor Defaulted:
 - On June 8, 2024, a request for bids for construction of an accessibility improvement project including sidewalk widening along Buchanan Avenue, Biltmore Avenue and Southside Avenue was advertised with bids due on July 25, 2024.
 - Three bids were received, and DanGrady Company, LLC was the lowest responsive bidder.
 - DanGrady Company, LLC met NCDOT responsibility requirements through the NCDOT prequalification process and was awarded the contract (City Council Resolution No. 24-195, August 27, 2024)
 - On May 16, 2025, DanGrady Company, LLC was notified that they were in default of the contract for non-performance.
 - On May 28, 2025, DanGrady Company, LLC was notified that the default of the contract was final for non-performance, that DanGrady, LLC’s right to work on the project was terminated, and that the City of Asheville would notify Boss Bonds and United Casualty and Surety (the “Surety”) of this declaration of default and request that the Surety fulfill the remaining construction contract.
 - On May 28, 2025, the City notified the Surety of DanGrady Company’s default and requested assistance under the terms of the Performance Bond. On June 2, 2025, United Casualty and Surety retained an attorney to resolve the claim for contractor non-performance.
 - This contract will replace the contract that was awarded to DanGrady Company, LLC in September 2024, but has been terminated due to default/non-performance issues.
- New Contractor through Surety Company:
 - On July 10, 2025, the City of Asheville, NCDOT, and United Casualty and Surety reached an agreement where United Casualty and Surety authorized Patton Construction, an NCDOT pre-qualified Completion Contractor, and the second lowest, responsive, responsible bidder in the City’s original bid, to complete the remaining work (approximately 98% of the project remains to be completed) under the contract.

- The City has the desire to have the completion process begin as soon as possible to correct nonconforming work and meet the pedestrian access needs for the upcoming baseball season.
- The City will pay the amount already encumbered for the original contract, \$1,283,975.44, plus any approved contingency, to the Surety and the Surety will pay the difference between this contract amount and the new amount to be paid to the Completion Contractor (currently estimated to be an additional amount of \$720,871).

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Well Planned and Livable Community
- Transportation and Accessibility

Committee(s):

- N/A

Pro(s):

- Completion of the project.

Con(s):

- None

Fiscal Impact:

- Funds for the original construction were encumbered in the amount of \$1,283,975.44 for the original contract with DanGrady Company, LLC.
 - These funds will be released back to the project upon termination of the right to work on the project by DanGrady Company, LLC.
- The City will now pay the original contract funds to United Casualty and Surety. The surety company who is entering into a construction contract with Patton Construction to complete the Project. The Surety will pay any additional cost of the completion contract, currently estimated to be \$720,871, which is the difference between DanGrady Company's contract amount and the Completion Contractor's new contract amount).
- There is no additional fiscal impact to the City to complete the project.

Motion:

- Motion authorizing the City Manager to enter into a contract with United Casualty and Surety Insurance("the Surety") to complete the the North Carolina Department of Transportation (NCDOT) funded Transportation Improvement Project (NCDOT EB-5790) Southside Connectivity Improvements project ("the Project"), with Patton Construction Group, LLC (the replacement, "Completion Contractor").

RESOLUTION BOOK NO. 46 - PAGE 45

- P. RESOLUTION NO. 25-162 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH AVL UNPAVED ALLIANCE TO ALLOW THEM TO BUILD, MANAGE, AND MAINTAIN TWO NATURAL SURFACE TRAILS - FRENCH BROAD RIVER WEST TRAIL AND THE AZALEA PARK TRAIL**

Action Requested: Adoption of a resolution authorizing the City Manager to execute an agreement with the AVL Unpaved Alliance to build and maintain natural surface trails at Azalea Park and French Broad River West.

Background:

- In October 2022, the Asheville City Council adopted the GAP Plan. The updated Greenway Master Plan identifies natural surface trails as a new greenway typology. Typology assignment defines the experience, width, easement requirements, and other design characteristics.
- The [Asheville Unpaved Guidebook](#), part of the GAP, provides a framework for partnerships, construction guidelines, and accessibility requirements for this typology that will connect users to their natural environment, as well as to other neighborhoods, transportation hubs, and commercial districts, for a fraction of the cost of traditional greenway design and construction.
- The AVL Unpaved Alliance (“Alliance”) is a consortium of community partners: Asheville on Bikes, Connect Buncombe, and Pisgah Area SORBA. Since March 2018, these nonprofit partners have collaborated with City staff on natural surface trail projects located on City-owned or City-controlled properties.
- The Alliance has raised the necessary funds for these projects, including a TPDF grant of \$188,355 awarded by the Tourism Development Authority in 2022.
- This pilot project initiative will utilize property controlled by lease or ownership by the City of Asheville to promote connectivity and equitable access to alternative transportation and recreation opportunities throughout the city.
- The two trails are:
 - [French Broad River West Trail](#), located near the French Broad River Greenway, and
 - [Azalea Park Trail](#), located in Azalea Park
- The Alliance will hire a professional trail builder through an external Request for Proposal (RFP) process to construct the trails, under the project management of the Alliance, with oversight from City staff.
- Once built, the Alliance will provide three years of trail maintenance. If both parties agree, the agreement can be renewed for an additional three years. When this agreement expires, the City will maintain the trails.
- The trails will be natural surface (dirt) and built to the highest professional trail-building standards, providing sustainable trails with minimal environmental impact. The trail construction will also include trailhead kiosks.
- This pilot project initiative will utilize property controlled by lease or ownership by the City of Asheville and will activate City-controlled properties that are currently not managed.
- During the planning stage for these trails, the City conducted public outreach to adjacent property owners and neighborhood groups where the trails will be located. The top concerns of attendees of these meetings were encampments in the woods and impacts on wildlife.
- Both trail projects were viewed favorably by attendees of the sessions.

Vendor Outreach Efforts:

- N/A. No City funds are being provided for the construction or the first three years of maintenance for the natural surface trails. All work will be performed by the AVL Unpaved Alliance (Alliance). It is expected that the Alliance will conduct a Request for Proposals (RFP) or Bidding process to construct the trails.

Council Goal(s):

- Transportation and Accessibility
- Well-Planned and Liveable Community

Committee(s):

- Planning & Economic Development Committee, June 12, 2023 - informational item as part of an update on the GAP Plans.
- Multimodal Transportation Commission, June 28, 2023 - informational item as part of an update on the GAP Plans.
- Greenway Committee, June 1, 2023 - informational item as part of an update on the GAP Plans.
- Planning and Zoning Commission, June 1, 2022 - presented as part of the adoption of the GAP Plans - voted unanimously in support of adopting the GAP Plans.

Pro(s):

- The Alliance will construct the natural surface trails on city-owned or controlled property at no expense to the City and maintain them for a period of three years.

Con(s):

- The City will assume responsibility for maintaining the trails upon the expiration of the agreement.

Fiscal Impact:

- There is no initial fiscal impact. The Alliance proposes constructing all the proposed natural surface trails and maintaining them for three years following construction for no cost.
- After three years, the agreement may be extended or modified, which may include the trails being included in the Parks and Recreation maintenance inventory.

Motion:

- Motion to approve a resolution authorizing the City Manager to execute an agreement with the AVL Unpaved Alliance to build and maintain natural surface trails at Azalea Park and French Broad River West.

RESOLUTION BOOK NO. 46 - PAGE 47

Q. RESOLUTION NO. 25-163 - RESOLUTION RATIFYING THE NOT-TO-EXCEED CONTRACT WITH SOUTHERN DISASTER RECOVERY LLC TO INCLUDE ALL PRIOR SPENDING AND FUTURE SPENDING UNDER SAID CONTRACT FOR THE PURPOSE OF HAULING AND REMOVAL OF DISASTER DEBRIS FROM TROPICAL STORM HELENE

Action Requested: Adoption of resolution ratifying the not-to-exceed contract with Southern Disaster Recovery, LLC, in the amount of \$6,000,000, to include all prior spending and future spending under said contract for the purpose of Tropical Storm Helene-related recovery efforts.

Background:

- Over the course of September 26-29, 2024, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene and a predecessor heavy rain event, resulting in catastrophic damage, primarily from the ensuing flooding and landslides.
- A state of emergency went into effect in Asheville on September 25th in relation to these damaging storms.
- The equipment and staffing capacity needed for recovery efforts exceeded that which was available of the City's internal capacity, rendering it necessary to contract for these services.
- Contracted services will consist of the hauling and removal of disaster debris.

- General Services Contract 92500520 was executed on June 16, 2025, with Southern Disaster Recovery, LLC, with a Not-To-Exceed limit of \$6,000,000, for the purposes of Tropical Storm Helene-related recovery efforts.
- This contract was executed under NC State Contract 19-IFB-015120-DAD.

Vendor Outreach Efforts:

- General Services Contract 92500520 with Southern Disaster Recovery, LLC, was completed under NC State Contract 19-IFB-015120-DAD, thus no outreach efforts were conducted by the City.

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Public Works will be able to continue to contract for services needed to complete Tropical Storm Helene-related recovery efforts, which exceeds the department's internal capacity.

Con(s):

- None.

Fiscal Impact:

- The fiscal impact will vary depending upon utilization, but the contract has a Not-To-Exceed limit of \$6,000,000.
- Services rendered will be paid from the funds allocated to Public Works for the purposes of Tropical Storm Helene-related expenses.
- The contracted services are for the purposes of Tropical Storm Helene-related recovery efforts and are expected to be eligible for reimbursement at 90% from FEMA and the remaining 10% from the State.

Motion:

- Move to adopt the resolution ratifying the not-to-exceed contract with Southern Disaster Recovery, LLC, in the amount of \$6,000,000, for services rendered for Tropical Storm Helene-related recovery efforts.

RESOLUTION BOOK NO. 46 - PAGE 48

R. RESOLUTION NO. 25-164 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH DEBRISTECH LLC FOR THE PROVISION OF DEBRIS MONITORING SERVICES

Action Requested: Adoption of resolution authorizing the amendment to Contract 92500474 with DebrisTech, LLC, increasing the not-to-exceed limit from \$500,000 to \$1,200,000 for the purpose of Tropical Storm Helene-related recovery efforts.

Background:

- Over the course of September 26-29, 2024, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene and a predecessor heavy rain event, resulting in catastrophic damage, primarily from the ensuing flooding and landslides.
- A state of emergency went into effect in Asheville on September 25th in relation to these damaging storms.

- The equipment and staffing capacity needed for recovery efforts exceeded that which was available of the City's internal capacity, rendering it necessary to contract for these services.
- General Services Contract 92500474 was executed with DebrisTech, LLC, for a total authorized not-to-exceed limit of \$500,000 for the purposes of Tropical Storm Helene-related recovery efforts.
- Contracted services consisted of debris monitoring services to oversee the following processes:
 - Remove titled property from City right-of-ways, private property, City property, or other areas within City limits as directed; and
 - Document towing, storage, and disposal processes in accordance with state and federal regulations, and provide all requested documentation to the City of Asheville.
- There are now several general debris removal projects being conducted under FEMA's Public Assistance Program that will require monitoring, including Richmond Hill Park, Reed Creek Greenway, Depot Street Box Culvert, and remaining public property punch list items.
- To account for the monitoring costs associated with these additional projects, the not-to-exceed limit of the contract is being increased from \$500,000 to \$1,200,000.

Vendor Outreach Efforts:

- General Services Contract 92500474 with DebrisTech, LLC, was completed under NC State Contract 19-IFB-015120-DAD, thus no outreach efforts conducted by the City.

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Public Works will be able to contract for services needed to complete Tropical Storm Helene-related recovery efforts, which exceeds the department's internal capacity.

Con(s):

- None.

Fiscal Impact:

- The fiscal impact will vary depending upon utilization, but will not exceed the limit of \$1,200,000.
- Services rendered will be paid from the funds allocated to Public Works for the purposes of Tropical Storm Helene-related expenses.
- The contracted services are for the purposes of Tropical Storm Helene-related recovery efforts and are expected to be eligible for reimbursement at 90% from FEMA and the remaining 10% from the State.

Motion:

- Move to adopt resolution authorizing the amendment to Contract 92500474 with DebrisTech, LLC, increasing the not-to-exceed limit from \$500,000 to \$1,200,000 for the purpose of Tropical Storm Helene-related recovery efforts.

S. RESOLUTION NO. 25-165 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENTS WITH WNC LANDSCAPING LLC AND STERI-CLEAN OF NC FOR THE LITTER AND CLEANLINESS PROGRAM

Action Requested: Adoption of a resolution authorizing the City Manager to execute contract amendments with WNC Landscaping LLC and Steri-Clean of NC to increase total contract amounts, and authorizing an increase in the total overall project funding for the Litter & Cleanliness Program.

Background:

- In 2023, City Council adopted resolutions authorizing the City Manager to enter into 2 contracts for the Litter and Cleanliness Program for a total combined project amount not to exceed \$500,000.
- The Litter and Cleanliness Program contracts are with WNC Landscaping for roadside and hotspot litter collection and Steri-Clean of NC for biohazardous waste collection.
- The original \$500,000 for the program was provided via ARPA grant funding and has been expended.
- In FY25, additional general fund savings were added to the contracts to extend the service through the remainder of FY25, bringing the total project amount to \$618,640.
- For FY26, \$110,000 will initially be added to the WNC Landscaping Roadside Litter and Hot Spot Collection contract.
- For FY26, \$90,000 will initially be added to the Steri-Clean of NC biohazardous waste collection contract
- As with the original project resolution, the new resolution will authorize the City Manager to execute any amendments and change orders to adjust the total amount of each individual contract, as well as change orders for individual contract renewals, within the new total project not-to-exceed amount of \$818,640.

Vendor Outreach Efforts:

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

Council Goal(s):

- Clean, Safe and Healthy Environment

Committee(s):

- N/A

Pro(s):

- Allows for continuation of litter collection services throughout the City of Asheville.

Con(s):

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

Fiscal Impact:

- \$85,000 from ARPA funding and \$115,000 from Public Works Sanitation Division's FY26 general fund budget

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute contract amendments with WNC Landscaping LLC and Steri-Clean of NC to increase each total contract amount for litter collection, for a total combined project amount not to exceed

\$818,640; and further authorizing the execution of amendments and change orders to adjust the total amount of each individual contract, as well as change orders for individual contract renewals, within the total combined project not-to-exceed amount of \$818,640.

RESOLUTION BOOK NO. 46 - PAGE 50

**T. MOTION APPROVING THE BOARD OF ALCOHOLIC BEVERAGE
CONTROL'S TRAVEL POLICY ADOPTED JANUARY 26, 2016**

Each year the N.C. ABC Commission, in compliance with Chapter 18-B700, Article 7, g (2), requires its 167 ABC boards to get annual approval of board travel policies from their appointing authorities. Section g (2) of 18B-700 states, "The local board shall annually provide the appointing authority's written confirmation of such approval...". The ABC Board approved the current policy on January 26, 2016. In 2021, the ABC Board incorporated all the elements to changes in the City's Travel Policy, and we made no changes to the current policy.

The ABC Board formally requests the City of Asheville's written confirmation of the Asheville Board of Alcoholic Control Travel Policy.

**U. RESOLUTION NO. 25-166 - RESOLUTION REAPPOINTING JACK IGELMAN
TO THE MILLS RIVER PARTNERSHIP BOARD OF DIRECTORS**

Summary Jack Igelman is appointed as a member of the Mills River Partnership Board of Directors, to serve a three-year term, term to expire June 19, 2028, or until Jack Ingelman's successor has been appointed.

RESOLUTION BOOK NO. 46 - PAGE 51

**V. 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 May and June 2025.

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 May and June 2025 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 May and June 2025.

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

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

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

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

Urban Land Institute Advisory Services Panel

City Manager Campbell thanked the Mayor, Vice-Mayor and other Council Members who were able to attend the kick-off dinner this past Sunday with Urban Land Institute (ULI) staff and panel members. She also thanked the Charlotte Chapter staff for helping to make this happen. Finally, she extended a heartfelt thank you to the City of Asheville staff for all the hard work that has gone into planning and hosting this event thus far.

Planning and Urban Design Director Stephanie Dahl said that the following are key takeaways from this presentation: (1) The Urban Land Institute Advisory Panel assists communities impacted by disasters by providing impactful recommendations to address issues such as economic development and revitalization, housing attainability, community resilience, and a thriving built environment; (2) The City of Asheville is partnering with national land use and economic experts at the Urban Land Institute (ULI) to proactively address economic and environmental recovery after Tropical Storm Helene; (3) The ULI panel will focus on how Asheville can balance economic development and environmental protection and sustainability, especially within the riverfront commercial districts; and (4) The work on the panel will culminate with a public presentation on Friday, August 1, with a final report available in the coming weeks.

City Council's priority recovery areas are (1) People; (2) Housing; (3) Infrastructure and Environment; and (4) Economy.

What they have heard so far regarding Infrastructure and Environment is the following key themes from public engagement: Build back for future resilience to disasters (even if it takes longer); Sustainability and adaptability are key; Focus on future water system resilience; Improved stormwater flow; Fortify roads and bridges; Telecommunications redundancy; and Floodplain management - repairing bridges; parks infrastructure; streambank/riverbank restoration; more vegetation along waterways; and preserving flood-prone areas from development.

What they have heard so far regarding the Economy is the following key themes from public engagement: Small business support; Workforce development; Support for arts & culture; Economic diversification; and Floodplain management in commercial corridors.

Ms. Dahl said the purpose of the project is to continue building out the City's emerging strategic plan for economic recovery by incorporating the advice of natural experts.

The ULI's Advisory Panel Scope is (1) *Economy: Industry Resilience & Diversification*: Develop strategies to accelerate recovery and build resilience in Asheville's hospitality sectors post-Helene, while exploring economic diversification and tools for business preparedness against future disruptions; (2) *Workforce: Economic Mobility*: Address opportunities to enhance workforce economic mobility and adaptability after the disaster; (3) *Real Estate Development*: Examine policies, regulations, and incentives that drive more resilient private development in flood hazard areas that serve to balance economic activity with floodplain function; and (4) *Public Investment, Infrastructure, and Parks*: Examine crucial public investments for flood resilience in riverfront commercial districts and stormwater infrastructure.

Ms. Dahl then identified the ULI panelists and the ULI staff.

She then reviewed key dates for the plan, noting that in late fall, the City will receive the official report from ULI.

Helene Recovery Boards & Advisory Boards Alignment

City Manager Campbell said that Assistant City Manager Ben Woody will be providing information on a revised structure that staff is recommending that Council consider in terms of a path forward for boards and commissions. Staff believes this proposed structure is needed and that it will effectively and efficiently support the community's recovery efforts and enhance our interactions with advisory boards and commissions.

Assistant City Manager Ben Woody provided the following key takeaways from his presentation: (1) Effective public participation is clearly aligned with goals, adheres to timeframes, and provides the context within which a decision must be made; (2) Fountainworks provided a proposal to revise the advisory board structure to establish 4 Helene Recovery Boards to align with Council Recovery Priorities; (3) The Helene Recovery Boards will include no more than 11 members, appointed from existing advisory board membership and the general public; (4) The Helene Recovery Boards will be time limited and will have regularly scheduled meetings based on alignment with Council Committee work plans; (5) Quasi-judicial boards and boards that are technical in nature or allocate funding will resume their regular meeting schedules; and (6) The remaining advisory boards will meet on an as needed basis based on assignments from Council, a Council Committee and/or staff.

Building community trust through thoughtful engagement (which the following is adapted from the International Association of Public Participation Core Values and Spectrum of Public Participation is "Effective public participation hinges on choosing the right level of engagement to match the goals, timeframes, and context of the decision. Aligning technique with intention is essential not just for meaningful input, but for building and maintaining public trust." Why this matters for Council recovery and advisory boards is that generally speaking, when advisory boards have community context and clear direction from the bodies that appoint them, they result in: Authentic Dialogue; Shared Learning; and More Representative Outcomes.

Examples of engagement techniques include, but are not limited to: Focus Groups; Public Workshops; Open Houses; Tours & Field Trips; Symposia; World Cafes; Charrettes;

In-person Polling; Stakeholder Interviews; Revolving Conversations; Accessible and Inclusive Surveys; Task Force; and City Council Advisory Board.

Mr. Woody then gave a brief overview of our four boards - (1) Autonomous Boards (there are 2 boards staffed by City employees; (2) Quasi-Judicial Boards (there are 4 boards staff by City employees); (3) administrative boards (there are 2 boards staffed by City employees); and (4) Advisory Boards (prior to Helene, there were 15 boards staffed by City employees that were meeting regularly).

The following are the existing advisory boards that are currently paused: Affordable Housing Advisory Committee; African American Heritage Committee; A-B Riverfront Commission; Asheville Downtown Commission; Audit Committee; Citizens-Police Advisory Committee (no current members); Community Entertainment Facilities Commission; Human Relations Commission; Multimodal Transportation Commission; Neighborhood Advisory Committee; Noise Advisory Board; Public Art & Cultural Commission; Recreation Board (no current members); Sustainable Advisory Committee; and Urban Forestry Commission.

The following are the proposed Helene Recovery Boards - People & Environment; Housing; Infrastructure; and Economy. The purpose of Helene Recovery Boards are (1) Advisory boards are a critical sounding board for the City Council and help foster a more responsive and effective local government; (2) Advisory board members provide expertise, represent the community, and ultimately develop policy recommendations on items coming to City Council for consideration or action; and (3) Advisory boards will be given work plans from Council Committees that align with Council Committee work plans and ultimately support and advance the FY26 City Council Priority Recovery Areas.

The Helene Recovery Board structure is proposed to be (1) No more than 11 members per Helene Recovery Board; (2) The Chair and Vice Chair, or their designee, (2) from each existing advisory board will be assigned to a Helene Recovery Board; (3) 4 to 5 additional members will be appointed by Council through an application process open to the general public; (4) Work of the 4 Helene Recovery Boards will be supported by staff.; (5) Meetings will be streamed online and accessible to the public; (6) Recovery Boards will have regularly scheduled meetings; and (7) Recovery Board work plans will be based on Council Committee assignments and needs.

Mr. Woody then gave some example work assignments for the Helene Recovery Board alignment with the organizational work plan.

He then provided the Helene Recovery Board alignment with existing advisory boards as follows: (1) **Economy** - Affordable Housing Advisory Committee; African American Heritage Committee; A-B Riverfront Commission; Asheville Downtown Commission; Community Entertainment Facilities Commission; Public Art & Cultural Commission; and Urban Forestry Commission; (2) **Infrastructure** - Audit Committee; Community Entertainment Facilities Commission; Multi-modal Transportation Commission; Noise Advisory Board; Public Art & Cultural Commission; Sustainability Advisory Committee; and Urban Forestry Commission; (3) **Housing** - Affordable Housing Advisory Committee; Asheville Downtown Commission; Audit Committee; Human Relations Commission; Neighborhood Advisory Committee; and Noise Advisory Board; and (4) **People & Environment** - A-B Riverfront Commission; African American Heritage Committee; Human Relations Commission; Multi-modal Transportation Commission; Neighborhood Advisory Committee; and Sustainability Advisory Committee.

Boards that will continue or resume include (1) Quasi-Judicial - Planning & Zoning; Board of Adjustment; Historic Resources Commission; and Civil Service Board; and (2) Technical or Allocate Funding - Mountain Community Capital Fund; Asheville Regional Housing Consortium;

Design Review Committee; Board of Electrical Examiners; Soil Erosion & Stormwater Control; and Firefighters' Relief Fund.

Advisory boards that will meet on an as-needed basis include: Affordable Housing Advisory Committee; African American Heritage Committee; A-B Riverfront Commission; Asheville Downtown Commission; Audit Committee; Citizens-Police Advisory Committee (no current members); Community Entertainment Facilities Commission; Human Relations Commission; Multimodal Transportation Commission; Neighborhood Advisory Committee; Noise Advisory Board; Public Art & Cultural Commission; Recreation Board (no current members); Sustainable Advisory Committee; and Urban Forestry Commission.

The proposed structure for existing advisory boards will meet **On-Demand**: Most of the current advisory boards only meet when assigned a task: (1) Council-created advisory boards (13) meet on-demand, only when a task is assigned by Council, Council Committee, or staff; (2) Advisory boards must get approval from Council or a Council Committee to work on items that are not assigned; and (3) This ensures alignment of board work with Council priorities, while balancing limited staff resources to provide support.

Members of boards that are meeting on an as-needed basis have the following pathways to propose new tasks that have not been directed by City Council: (1) Ask their board's representative on the Helene Recovery Boards to present the idea to their respective Recovery Board; (2) Share the idea at a Council Committee meeting; (3) Share the idea at a City Council meeting; and (4) Contact City Council members.

Next steps include (1) Staff begin developing engagement, administrative, and legal framework to establish new recovery and advisory board structure; (2) August 21: final proposal shared at the Council Agenda Briefing; (3) August 26: Council adopt resolution establishing new framework; and (4) Appointment and Application process completed by the Fall of 2025

Councilwoman Roney said that she has a suggestion to share In addition to confirming a path forward for existing advisory boards. We have a generous proposal from the Realignment Work Group (RWG) to support our advisory boards ability to meet, acknowledging staff capacity through recovery from Hurricane Helene. The benefits of the RWG proposal include: (1) A proven track record of three years of the RWG, who have successfully noticed their own public meetings through the Clerk's office. They have engaged current and former advisory board members, compiled data, and brought forward recommendations to better utilize the invaluable resource of our advisory boards; (2) Glad to see Citizens-Police Advisory Committee (CPAC) and the Recreation Board here as they haven't met since 2020. However, today we see that the Transit Committee and Active Transportation Committee under the Multimodal Transportation Commission are not included in this staff proposal for a path forward, and yet these boards in addition to CPAC and Recreation Board fit in both our core services as well as our Recovery goals of People, Infrastructure, Economy, and Housing; and (3) Our advisory boards represent volunteers that we appointed for their professional and lived experience, so while it may seem like a lot of work to allow them to meet, the volunteers of the RWG are offering essentially volunteer Clerk support to expand our capacity. She appreciated staff's providing a path forward instead of following through with formal dispersal of the advisory boards. She also expects we will begin to hear frequent requests for our advisory boards to meet, so she thinks we should direct staff to accept the generous offer from the RWG to support these meetings alongside the Clerk, and you can count me if you need a majority to move forward with this direction so everyone can prepare to move forward together.

Councilwoman Turner was concerned about allowing Chairs and Vice-Chairs (or their designees) to be automatically on the 4 Recovery Boards, as sometimes they are chosen for that

seat for their administrative skills. She has heard the struggles amongst the members about Council hearing their voice and asking for a better process.

Councilman Hess echoed Councilwoman Turner's concern. He felt that the more we can obtain feedback from public engagement, the better.

In response to Councilwoman Turner and Councilman Hess, City Manager Campbell reminded Council that Council has the opportunity to appoint 4-5 other appointments to each of the 4 Recovery boards from either the existing board members or the general public

When Councilwoman Sage asked what would happen to the recovery boards and advisory boards at the end of the two years, City Manager Campbell said that we will have lessons learned and ideas on how to make our advisory boards more impactful.

City Attorney Branham responded to Mayor Manheimer when she asked why shouldn't a community volunteer group take over the scope of City staff. In summary, City Attorney Branham said all advisory boards are legal public bodies and fall under the same Open Meetings Law as does the City Council. Certain requirements must be met, not just noticing a meeting, but throughout the actual meetings. Training is required for our City staff and Chairs on how to conduct meetings, and there are legal risks and consequences if we fail to follow every rule. The City provides legal counsel to our advisory boards for this reason. It's not the boards or the members who might be liable, but the City. External community groups would still need to interact regularly with City staff when board members need answers to questions or legal advice. We don't want to have advisory boards work on tasks that do not align with Council priorities. Staff capacity will still be necessary. The proposal outlined by Mr. Woody is part of the solution that staff has put together to address these concerns.

IV. PUBLIC HEARINGS:

A. CONTINUATION OF PUBLIC HEARING TO CONSIDER REZONING 99999 TRADE STREET FROM RIVER ARTS DISTRICT - NEIGHBORHOOD TRANSITION TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT

ORDINANCE NO 5159 - ORDINANCE TO REZONE 99999 TRADE STREET FROM RIVER ARTS DISTRICT - NEIGHBORHOOD TRANSITION TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT

At the June 24, 2025, City Council meeting, City Council held the public hearing for this matter and continued it to this date.

Principal Planner Will Palmquist said that this is the consideration of an ordinance to rezone 99999 Trade St from River Arts Form District - Neighborhood Transition (RAD-NT) to RM-8 Residential Multi-Family Medium Density District. This public hearing was advertised on June 13 and 20, 2025.

Project Location and Contacts:

- The rezoning petition consists of one property totalling 0.27 acres and located at 99999 Trade St (PIN 9638-98-2953).
- Owner: Brunos LLC.

Summary of Petition:

- The applicant requests a rezoning of one property to the Residential Multi-Family Medium Density (RM-8) district.

- The property is currently zoned River Arts Form District - Neighborhood Transition (RAD-NT).
- The property is currently vacant.
- The subject property is designated "Traditional Neighborhood" on the city's Future Land Use (FLU) Map. A change to the FLU Map is not required.

Staff Recommendation:

- Staff recommends **approval** of this rezoning request based on the reasons stated below.
- At the previous City Council meeting on this matter, a neighboring property owner raised questions about the ownership of a small portion of the property which is a subject of this rezoning, claiming that it is a public right of way.
- This matter has been discussed with the Applicant and it has been agreed that this Rezoning Ordinance, if approved, shall not become effective until this ownership issue has been resolved.

Comprehensive Plan Consistency:

- The proposed rezoning supports a number of goals in the Living Asheville Comprehensive Plan including:
 - **Increase and Diversify the Housing Supply** - by promoting zoning policies to encourage more housing.
 - **Celebrate the Unique Identity of Neighborhoods Through Creative Placemaking** - by continuing to support contextually appropriate infill development and a variety of housing types.
- The proposed rezoning is compatible with the Future Land Use designation of "Traditional Neighborhood" which is described, in part, that "The types of housing can vary and often include a mix of housing types such as single family with accessory dwelling units, duplexes, townhomes and multifamily apartments usually located seamlessly together".
- Residential Multi-Family High Density (RM-8) is cited as an appropriate zoning district within the "Traditional Neighborhood" Future Land Use category.

Compatibility Analysis:

- The purpose of the Residential Multi-Family Medium Density (RM-8) district is, "to permit a full range of medium density multi-family housing types along with single-family detached and attached residences.
- This district is intended to provide a transitional area between high density single-family and multi-family areas, and to permit medium density multi-family development in areas where existing conditions make higher density development inappropriate.
- Non-residential development normally required to provide the basic elements of a balanced and attractive residential area is also permitted." (UDO Sec. 7-8-6).
- The proposed rezoning petition is compatible with the surrounding land uses, including:
 - Residential Medium-Family Medium Density (RM-8) zoned property to the east and south of the subject property.
 - River Arts Form District - Neighborhood Transition (RAD-NT) zoned property to the west and south of the subject property.

Council Goal(s):

- This project is most closely aligned with the council goal of *A Well-Planned and Livable Community*.

Committee(s):

- Planning & Zoning Commission (PZC) - June 4, 2025 - Recommended Approval (Vote 6:0)

Pro(s):

- Provides zoning regulation consistent with the larger WECAN neighborhood, which is already zoned Residential Multi-Family Medium Density (RM-8).

Con(s):

- A reduction in the diversity of allowed land uses.
- Removal of the form-based code elements in the RAD-NT district which promotes a more urban and walkable development pattern.
- Reduction in maximum height of adjacent RAD-NT-zoned properties to the north and west as they would now be adjacent to residentially-zoned properties and limited to 3 stories and 45' in height, instead of the maximum 4 stories and 55' in height.

UDO District Comparison

UDO Provision	River Arts Form District - Neighborhood Transition (RAD-NT)	RM-8: Residential Multi-Family Medium Density
Allowed uses:	<ul style="list-style-type: none"> • Townhouse • Multi-Family • Accessory Dwelling Unit • Limited public, institutional, recreational, commercial, and retail uses 	<ul style="list-style-type: none"> • Single-Family Detached • Duplex • Townhouse • Multi-Family • Accessory Dwelling Unit • Cottage Development • Limited public, institutional, and recreational uses
Density:	8 units per acre	2 units / 4,000 s.f., plus 1 more unit for each 1,000 s.f.
Structure Size:	n/a	MF: 4,000 max s.f. footprint, 12,000 s.f. max total size
Lot Size Minimum:	n/a	Min. 4,000 s.f.
Lot Width Minimum:	Min. 100'	Min. 40'
Building Height:	4 stories/55' OR 3 stories/45' if adjacent to RS/RM zoning	Max. 40'
Building Setbacks:	Front: 0' min, 10' max	Front: 15'
Parking	None required for residential uses	Standard (1 per unit typically)
Bike parking	0.5 per unit (short & long)	0.1 per unit
Build-to-Zone	70% primary street	n/a
Transparency	20% residential OR 50%/20% non-res	n/a

Sidewalks	8'-wide primary, 6'-wide side	Only required if 20+ houses
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Mr. Palmquist reviewed the existing and proposed zoning, the aerial imagery and the future land use map. The Planning & Zoning Commission voted unanimously to approve the project. On June 24, 2025, City Council voted to continue to allow time to investigate property ownership matters. He provided a zoning district comparison between the two districts. He reiterated the pros and cons of the rezoning. Regarding the compatibility analysis, he said the purpose of the Residential Multi-Family Medium Density (RM-8) district is, "to permit a full range of medium density multi-family housing types along with single-family detached and attached residences. This district is intended to provide a transitional area between high density single-family and multi-family areas, and to permit medium density multi-family development in areas where existing conditions make higher density development inappropriate. Non-residential development normally required to provide the basic elements of a balanced and attractive residential area is also permitted." (UDO Sec. 7-8-6). The proposed rezoning petition is compatible with the surrounding land uses, including: Residential Medium-Family Medium Density (RM-8) zoned property to the east and south of the subject property; and River Arts Form District - Neighborhood Transition (RAD-NT) zoned property to the west and south of the subject property. He then explained how the project was consistent with the Living Asheville Comprehensive Plan. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the rezoning. He noted that the rezoning ordinance, if approved, shall not become effective until this ownership issue has been resolved.

In response to Councilwoman Turner, City Attorney Branham said that the downzoning restriction is on City Council itself without approval or agreement of the property owner. The applicant can downzone its own property if they wish.

Councilwoman Roney said that she was not inclined to downzone property less than a half mile from some of the most frequent and late night transit service in the City, and removes the sidewalk requirements.

Vice-Mayor Mosley moved to approve the rezoning request for the property located at 99999 Trade St from River Arts Form District - Neighborhood Transition (RAD-NT) to Residential Multi-Family Medium Density (RM-8) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan and meets the development needs of the community in that the request: 1) promotes zoning policies to encourage more housing; and, 2) supports contextually appropriate infill development and a variety of housing types. This ordinance shall be effective only upon the verification by the City that all of the real property described in Section 1 of this Ordinance and shown on the Zoning Map, which is the subject of this rezoning is owned by Brunos LLC, or its assigns. This motion was seconded by Councilman Hess and carried on a 4-2 vote, with Councilwoman Roney and Councilwoman Turner voting "no."

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B. PUBLIC HEARING TO CONDITIONAL ZONE 93 AND 95 SPRINGSIDE DRIVE FROM RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO RS-4-CZ RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT - CONDITIONAL ZONE

At the applicant's request, Councilwoman Roney moved to continue this public hearing to August 26, 2025. This motion was seconded by Councilwoman Turner and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council about various matters, some being, but are not limited to: urge the City to adopt a resolution opposing UNC-Asheville's plan to bulldoze a 45-acre urban forest in a quiet neighborhood to build a 5,000 seat mixed-use stadium and concert venue, market-rate housing and retail; urge City Council to adopt the Realignment Working Group's proposal to support continuity of advisory boards during Helene recovery; need for Walton Street pool; need for affordable housing for the homeless; request for an aquatic facility near the VA Hospital; request for the City to stop obstructing the Steady Collective and ensure they have a stable location to operate in Asheville; and community rights.

In response to Councilwoman Roney, City Attorney Branham said that as the law stands today, our noise ordinance would apply to stadiums. Councilwoman Roney supported a resolution or a statement concerning UNC-A's development of the urban forest. Mayor Manheimer said that she would contact individual Council members to see if there is a majority who support placing a resolution on the August 21 agenda briefing and possibly on the August 26 formal meeting.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:12 p.m.

CITY CLERK

MAYOR