

Thursday – August 21, 2025 - 11:00 a.m.

Agenda Briefing Worksession - For August 26, 2025, Council Meeting

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

Absent: Councilwoman Sheneika Smith
Councilwoman Sage Turner

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

Closed Session

At 11:47 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); and (2) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6). This motion was seconded by Councilwoman Roney and carried on a 5-0 roll call vote.

At 1:21 p.m. Vice-Mayor Mosley moved to come out of closed session. This motion was seconded by Councilwoman Ullman and carried on a 6-0 roll call vote.

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

Tuesday – August 26, 2025 - 5:00 p.m

Regular Meeting

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

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING AUGUST, 2025, AS "OVERDOSE AWARENESS MONTH"

Councilman Hess read the proclamation proclaiming August, 2025, as "Overdose Awareness Month " in the City of Asheville. He presented the proclamation to Jackson Seaver

from Next Step Recovery, and others, who briefed City Council on some activities taking place during the month.

II. CONSENT AGENDA:

At the request of Mayor Manheimer, Consent Agenda Item “Q” was removed from the Consent Agenda for discussion and/or individual vote.

- A. APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON JULY 24, 2025, AND THE FORMAL MEETING HELD ON JULY 29, 2025**
- B. RESOLUTION NO. 25-167 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ENGINEERING DESIGN SERVICES AGREEMENT WITH ARDURRA GROUP INC. FOR THE NORTH FORK TRANSMISSION MAIN NO. 3**

Action Requested: Adoption of a resolution to authorize the City Manager to enter into a Professional Services Contract with Ardurra Group, Inc. for the North Fork Transmission Main No. 3 project.

Background:

- The proposed North Fork Transmission Main No 3 project has been prioritized by the Water Resources Department as a needed mitigation project to reduce risks of system outages as a result of natural disasters and add redundancy to the water distribution system.
- This project as proposed will involve the construction of approximately 30,000’ new transmission main between the North Fork Water Treatment Plant and a transmission main interconnection location at Bee Tree Junction, with the possibility of interconnections to other transmission mains along the route.
- The 31 MGD North Fork Water Treatment Plant is located in the eastern portion of the City of Asheville’s distribution system.
- Currently two existing transmission mains connect North Fork into the distribution system along various roads and cross country sections. Approximately $\frac{3}{4}$ of a mile downstream from the North Fork Water Treatment Plant, the two transmission mains pass through an area where the river gorge is at its most constricted, bound by the roadway, bridge and natural rock cliff banks.
- Between September 25 and 27, 2024, Tropical Storm Helene impacted the region and upslope-induced rainfall along the Blue Ridge escarpment produced historic flooding and significant damage to Western North Carolina.
- The resulting flooding eroded the roadway shelf and washed away an approximate 2000’ section of the road and the transmission mains at the constricted area and as a result of the loss of these transmission mains, City of Asheville Water Resources was unable to distribute water from the North Fork Water Treatment Plant leading to a water outage for the majority of the service area for 14 days, until the transmission mains were repaired.
- A very similar event occurred in 2004 as Tropical Storms Francis and Ivan moved through the region, leaving the transmission mains destroyed and portions of the City of Asheville’s water distribution system without water for approximately 7 days.
- In the aftermath of Hurricane Helene, it has been determined that a new transmission main from the City’s primary water treatment plant is needed and it must be routed at a higher elevation further away from a restricted river corridor to reduce vulnerabilities to future flooding events. This proposed mitigation project is intended to meet those goals.
- Utilizing FEMA’s Hazard Mitigation Grant Program, the Water Resources Department has applied for funding approval for the development and design of this critical project and

once approved the cost share will be 75/25, Federal/State.

- To meet schedule deadlines and milestones needed for the grant funding an accelerated design schedule is needed and will require the City of Asheville Water Resources Department to enter into the professional services contract with Ardurra Group, so preliminary design and survey can begin, prior to receiving grant funding approval.
- To achieve this City of Asheville staff and our consulting partners at Hagarty have identified \$268,000.00 worth of preliminary design work that can be expended prior to grant approval but would be reimbursable once grants are approved.
- It is the desire of the Water Resources Department to encumber the \$268,000.00 from their Capital Improvement Project budget so this contract can be established and the critical work begun, while State and Federal partners review the grant funding applications.
- Expenditures on the contract will not exceed \$268,000.00 until the grant funding is approved at which time a budget amendment will be proposed to fully fund this professional services contract.

Vendor Outreach Efforts:

- Utilizing a Qualifications Based Selection process, the Water Resources Department issued a Request for Qualifications on May 9, 2025.
- Four responses to the Request for Qualifications were received from the following firms.
 - Ardurra
 - GMC
 - Hazen and Sawyer
 - SeamonWhiteside
- A team of City of Asheville Water Resources staff reviewed and ranked the responses based on the specific rating criteria, which was outlined in the Request for Qualifications.
- Ardurra Group, Inc. was selected as the most qualified firm for the proposed tasks
- No other vendor outreach was performed.

Council Goal(s):

- Clean, Safe & Healthy Environment
- A Financially Resilient City

Committee(s):

- None.

Pro(s):

- This project will add a high degree of resilience and redundancy to the City of Asheville Water Distribution System.
- Protects the City of Asheville and Buncombe County from prolonged water outages due to potential storm events.
- Maintains the ability of the City of Asheville's Water Resources Department to continue to provide core services for our customers.

Con(s):

- The proposed project will require significant funding from Federal and State grants to complete, so there is a risk that expenditures on the project may not get reimbursed if the grant funding is not approved.

Fiscal Impact:

- Estimated contract not to exceed value of \$9,741,000.00. It is anticipated grant funding through FEMA's Hazard Mitigation Grant Program (HMGP) will be available at a 75/25 Federal / State cost share.

- To advance the contract and begin preliminary design prior to full funding approval, Water Resources Department will encumber \$268,000 from the City of Asheville Water Resources Department Capital Improvement Project budget for the project and these funds are fully reimbursable after grant funding approval

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a professional services contract with Ardurra Group, Inc.. to provide engineering services for the North Fork Transmission Main No. 3 project.

RESOLUTION BOOK NO. 46 - PAGE 52

C. RESOLUTION NO. 25-168 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE ASHEVILLE-BUNCOMBE CONTINUUM OF CARE DEFINING THE CITY'S ROLE AS LEAD AGENCY AND HOMELESS MANAGEMENT INFORMATION SYSTEM LEAD

Action Requested: Adoption of a resolution authorizing the City Manager to execute a Memorandum of Understanding with the Asheville-Buncombe Continuum of Care defining the City's roles as Lead Agency and Homeless Management Information System Lead.

Background:

- The Asheville-Buncombe Continuum of Care (CoC) oversees homelessness response in Asheville and Buncombe County.
- CoCs are voluntary planning bodies rather than standalone organizations and designate Lead Agencies to provide strategic and administrative support.
- The Asheville-Buncombe CoC formed via charter approved by its Membership on February 29, 2024.
- The charter named the City of Asheville as the CoC's designated Lead Agency and Homeless Management Information System (HMIS) Lead and specified that a Memorandum of Understanding would be developed between the CoC and City defining duties, responsibilities and assessment process for each of those roles.
- The City's Homeless Strategy Division fulfills the Lead Agency and HMIS Lead responsibilities, staffing the CoC and serving as system administrator for the HMIS.
- Homeless Strategy Division staff have collaborated with the CoC's Technical Assistance provider to draft the MOU, which has been reviewed by the City's Legal Department and CoC Board Officers prior to being presented to the CoC Board.
- The CoC Board approved the MOU at its August 14, 2025 meeting, codifying the City's role as CoC Lead Agency and HMIS Lead.
- The CoC will assess the City's performance in those roles no later than June 30, 2027 based on duties and responsibilities established in the MOU.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Quality Affordable Housing

Committee(s):

- Asheville-Buncombe Continuum of Care Board - August 14, 2025 - unanimous approval of the MOU
- Housing and Community Development - August 19, 2025 - unanimous recommendation that City Council approve the MOU

Pro(s):

- Clarifies the City's duties and responsibilities in supporting the CoC as its Lead Agency and HMIS Lead

Con(s):

- None noted

Fiscal Impact:

- Establishes potential for future revenue via administrative costs for managing CoC funding as applicable

Motion:

- Motion to authorize the City Manager to execute a Memorandum of Understanding with the Asheville-Buncombe Continuum of Care defining the City's roles as Lead Agency and Homeless Management Information System Lead

RESOLUTION BOOK NO. 46 - PAGE 53

D. RESOLUTION NO. 25-169 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BUNCOMBE COUNTY TO ACCEPT FUNDING FOR THE CITY OF ASHEVILLE YOUTH LEADERSHIP ACADEMY

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an agreement with Buncombe County to receive funding for the City of Asheville Youth Leadership Academy (CAYLA).

Background:

- The City of Asheville Youth Leadership Academy (CAYLA) is a program for high school students that focuses on career exploration, leadership development, and the acquisition of 21st-century job skills. CAYLA aims to provide young people with work experience in Asheville, contributing to their future career development.
- CAYLA funds the Asheville City Schools Foundation (ACSF) to disburse \$2,000 scholarships to graduating CAYLA students to support their continuing education at their higher learning institution of choice.
- CAYLA was first created in 2007 under the direction of Mayor Bellamy. The program received authorization most recently in 2022, when Council passed resolution 22-182 authorizing the City Manager to execute a Memorandum of Understanding with ACSF to administer its annual disbursement of CAYLA scholarships for an additional five years.
- Buncombe County has offered to provide the City with \$65,000 in funding for the purpose of administering CAYLA activities.
- Buncombe County has financially supported the CAYLA program since 2018.
- The authorization of this annual agreement with Buncombe County will allow for their continued financial support for the program.

Vendor Outreach Efforts:

- N/A

Council Goal:

- Diverse Community
- Thriving Local Economy

Committee(s):

- N/A

Pro(s):

- The Community and Economic Development Department receives \$65,000 to administer the CAYLA program.

Con(s):

- None.

Fiscal Impact:

- This agreement will result in the City receiving \$65,000 to administer the CAYLA program. This funding is already included in the FY 2025-26 Operating Budget.

Motion:

- Motion to authorize the City Manager to enter into an agreement with Buncombe County to accept \$65,000 of funding for the City of Asheville Youth Leadership Academy (CAYLA).

RESOLUTION BOOK NO. 46 - PAGE 54

E. RESOLUTION NO. 25-170 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GENERAL SERVICES CONTRACT WITH TETRA TECH INC. FOR COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY IMPLEMENTATION CONSULTING SERVICES

Action Requested: Resolution authorizing the City Manager to enter into a general services contract with Tetra Tech, Inc. for CDBG-DR Implementation Consulting Services

Background:

- In September 2024, the City of Asheville (City) was severely impacted by Tropical Storm Helene (DR-4827-NC), producing unprecedented impacts on the City's infrastructure, economy, and housing.
- When a community's recovery needs exceed what is available through recovery resources from FEMA or other federal agencies, Congress may appropriate additional recovery funding through the United States Department of Housing and Urban Development's (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) Program.
- HUD allocated \$225,010,000 in funds to the City of Asheville on January 16, 2025.
- The Community and Economic Development Department issued a Request for Proposals (RFP) for consultation services to assist the Community Development Division in implementing these funds for Helene Recovery
- After an initial scoring round of proposals received, 4 firms were invited to participate in a final interview process. Tetra Tech, Inc. scored the highest in both the proposal scoring and interview scoring phases.
- We anticipate Tetra Tech, Inc. to provide long-term, comprehensive services to implement our (CDBG-DR) allocation.
- These services will encompass program management, staff augmentation, grant compliance and monitoring, environmental reviews, project implementation, and administrative coordination and support.

Vendor Outreach Efforts:

- Used the City's competitive procurement process for Federally Funded general services contracts (298-RFP-CDBG-DRImplement-FY25).

Council Goal(s):

- A Fiscally Resilient City

Committee(s):

- N/A

Pro(s):

- A firm specializing in Disaster Recovery will greatly assist with effective program implementation.

Con(s):

- None.

Fiscal Impact:

- The proposed contract for this project, including contingency, totals \$8,371,036. This amount is expected to be fully offset by reimbursements from the CDBG-DR grant.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a general services contract with Tetra Tech, Inc. in the amount of \$7,279,162 for CDBG-DR Program Implementation Consulting Services; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 15% (\$1,091,874).

RESOLUTION BOOK NO. 46 - PAGE 55

F. RESOLUTION NO. 25-171 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CLIFTONLARSONALLEN LLP FOR INTERNAL AUDIT SERVICES FOR COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY COMPLIANCE

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a general services contract with CliftonLarsonAllen LLP for Community Development Block Grant - Disaster Recovery (CDBG-DR) Internal Audit, for a term of six years or until project completion, with total costs not to exceed \$1,002,575 over the duration of the contract.

Background:

- The mission of the City's Internal Audit Division is to promote efficient, effective, and accountable city government by conducting financial, operational, and compliance audits of all City departments, divisions, and programs.
- The City of Asheville has received a Community Development Block Grant - Disaster Recovery (CDBG-DR) allocation of \$225,010,000 from the U.S. Department of Housing and Urban Development (HUD). The City has developed an action plan that provides a framework for the expenditures of funds.
- Internal auditing and continuous program monitoring for the CDBG-DR are federal requirements and must be in compliance with the Single Audit Act of 1984 and 2 CFR 200 Subpart F – Audit Requirements, the Government Accountability Office Government Auditing Standards and U.S. Department of Housing and Urban Development regulations.
- The contractor will perform continuous program monitoring and programmatic and financial audits of the CDBG-DR funding to ensure efficiency of the process and

compliance with the CDBG-DR action and implementation plan (forthcoming from a consultant assisting with implementation), as well as all applicable regulations and requirements.

- To facilitate the co-sourced Internal Audit model employed by the Division, contracted Internal Audit Services were sought via a Request for Proposals (RFP) in the summer of 2025.
- The City received ten RFP responses which were reviewed by a team consisting of City staff.
- CliftonLarsonAllen LLP was the highest scoring RFP responder.
- Actual costs will be billed on a per-hour basis.

Vendor Outreach Efforts:

- Not applicable; Federally funded grant opportunity

Council Goal(s):

- Financially Resilient City

Committee(s):

- None

Pro(s):

- Provides services to support compliance with the requirements of CDBG-DR grant funding.

Con(s):

- None

Fiscal Impact:

- The proposed contract for this project totals \$1,002,575. This amount will be fully offset by reimbursements from the CDBG-DR grant.

Suggested Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a general services contract with CliftonLarsonAllen LLP for CDBG-DR Internal Audit, for a term of six years or until project completion, with total costs not to exceed \$1,002,575 over the duration of the contract.

RESOLUTION BOOK NO. 46 - PAGE 56

G. RESOLUTION NO. 25-172 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GENERAL SERVICES CONTRACT WITH ICF INC., LLC FOR HOME-ARP PROGRAM CONSULTING SERVICES

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a general services contract with ICF Incorporated, LLC in the amount of \$469,456 for HOME-ARP Program Consulting Services; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 10% (\$46,945).

Background:

- The Asheville Regional Housing Consortium (ARHC) was awarded \$4,706,922 in one-time funding via the HOME - American Rescue Plan (HOME-ARP) Program in 2021
- The Allocation Plan for the HOME-ARP Program funding was approved by the ARHC and Asheville City Council on March 28, 2023 as part of Resolution No. 23-69 and was approved by the U.S. Department of Housing and Urban Development (HUD)
- The approved Allocation Plan includes \$704,979.30 for Administrative and Planning costs, of which \$674,966.49 remains after costs were incurred for the development of the Allocation Plan itself.
- The Community and Economic Development Department issued a Request for Proposals (RFP) for consultation services to assist the Community Development Division in implementing these funds for the development of affordable housing and funding supportive services including case management, mental health, and substance abuse services.
- ICF Incorporated, LLC submitted a proposal in response to the RFP and received the highest average score from the review committee.

Vendor Outreach Efforts:

- Used the City's competitive procurement process for Federally Funded general services contracts (298-RFP-HOMEConsulting-FY25).

Council Goal(s):

- Quality Affordable Housing

Committee(s):

- N/A

Pro(s):

- Will augment staff capacity and bring on seasoned professionals to implement the HOME-ARP program that will develop affordable housing and implement supportive services projects.

Con(s):

- None.

Fiscal Impact:

- The proposed contract for this project, including contingency, totals \$516,401. This amount will be fully offset by reimbursements from the administrative allowance of the HOME-ARP program grant.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a general services contract with ICF Incorporated, LLC in the amount of \$469,456 for HOME-ARP Program Consulting Services; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 10% (\$46,945).

RESOLUTION BOOK NO. 46 - PAGE 57

H. RESOLUTION NO. 25-173 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE N.C. DEPT. OF COMMERCE SMALL BUSINESS INFRASTRUCTURE GRANT FUND FOR RESTORATION OF PUBLIC INFRASTRUCTURE IN THE BILTMORE VILLAGE HISTORIC DISTRICT OVERLAY; TO ACCEPT SAID GRANT FUNDS IF AWARDED; AND ENTER INTO ANY AGREEMENT DOCUMENTS FOR SUCH ACCEPTANCE

Action Requested: Adoption of a resolution to authorize the City Manager to submit an application to the NC Department of Commerce Small Business (SmBIZ) Infrastructure Grant fund for restoration of public infrastructure in the Biltmore Village Historic District overlay; to accept said grant funds if awarded; and enter into any agreement documents necessary for such acceptance.

Background:

- In Spring of 2025, the NC General Assembly enacted SL 2025-2 known as "The Disaster Recovery Act - Part 1", which included a \$55 million funding allocation for infrastructure that supports small businesses impacted by Tropical Storm Helene.
- The subsequent Small Business Infrastructure (SmBIZ) Grant Program is being administered by the NC Department of Commerce Rural and Economic Development Division.
- The purpose of the grant is to provide financial assistance for recovery and resilience to communities specifically impacted by Helene by:
 - restoring and repairing critical infrastructure,
 - allowing small businesses to resume function and operations to support economic recovery; and
 - to assist in restoring or expanding small businesses' ability to attract customers to business districts to help retain business, expand access, spur private investment to create stability, and leverage resources to create resiliency and economic growth.
- The grant program defines small businesses as those with 150 or fewer employees.
- During Tropical Storm Helene, Biltmore Village was impacted by flooding and debris, including the public infrastructure.
- Biltmore Village is one of Asheville's four (4) local historic overlay districts.
- Biltmore Village is one of the City's most-frequented commercial historic areas, and grant funding to restore and repair the historic infrastructure would aid economic recovery for the district, and thus the City as a whole.
- The original plan for the historic district was laid out in the late 1880s-early 1890s by renowned architect Richard Morris Hunt, founder of the American Institute of Architects (AIA), and preeminent landscape architect Frederick Law Olmsted.
- The original plan for the district includes historic infrastructure features impacted by Helene and other causes over time, which includes brick sidewalks, granite curbing, sewer grates, decorative street lights, and street trees and landscaping.
- Pre-Helene, it's estimated that there were around fifty (50) small businesses in Biltmore Village that were/are served by this infrastructure.
- City staff are currently in the early stages of project scoping; it is anticipated that a phased approach and additional funding sources will be needed to fulfill the larger goal of rehabilitation of the historic infrastructure throughout the district.
- If awarded, these grant funds will be used for design and construction of phase one.

Council Goal(s):

- A Well-planned & Liveable Community

Pro(s):

- Funding will be made available for restoring and repairing critical infrastructure in Biltmore Village.

Con(s):

- None.

Fiscal Impact:

- The grant application will request ~\$2.5 million in funding to complete the initial phase of the project; it is anticipated that additional funding sources will be needed to complete the larger goals of the project.

Motion:

- Motion to adopt a resolution authorizing the City Manager to apply for funding from the NC Department of Commerce Small Business (SmBIZ) Infrastructure Grant program to restore and repair infrastructure in Biltmore Village; and further authorizing the City Manager to accept said grant funds if awarded and to enter into any agreement necessary for grant acceptance.

RESOLUTION BOOK NO. 46 - PAGE 58

I. RESOLUTION NO. 25-174 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MCGILL ASSOCIATES FOR THE PURPOSE OF ASSESSING DAMAGE FROM TROPICAL STORM HELENE TO CITY-OWNED STREET LIGHT INFRASTRUCTURE IN HISTORIC BILTMORE VILLAGE

ORDINANCE NO. 5160 - BUDGET AMENDMENT FOR STREET LIGHT INFRASTRUCTURE IN HISTORIC BILTMORE VILLAGE

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with McGill Associates in an amount not to exceed \$132,000, including a 10% contingency, for the purpose of assessing damage from Tropical Storm Helene to City-owned street light infrastructure in Historic Biltmore Village, and the associated budget amendment in the amount of \$132,000 to be reimbursed with FEMA-PA and State of NC funds.

Background:

- Tropical Storm Helene caused varying levels of damage to the custom, City-owned, street light infrastructure located in the Biltmore Village Historic District.
- The consultant will provide a detailed inventory of necessary repairs and opinions of probable cost to restore the historic style street lighting.
- The street light infrastructure includes both above-ground and below-ground infrastructure, including underground conduits and wiring, junction boxes, etc. and above-ground items, including electric meters, disconnects, switches, etc., as well as the poles, fixtures, bulbs, and associated wiring.
- Because the infrastructure is City-owned, the City is seeking to fund the damage assessment, as well as the ultimate repair of the lighting, through FEMA Public Assistance grant funds.
- In order to maximize the potential for FEMA reimbursement, the City released an RFQ in April seeking a qualified firm to conduct professional assessments of the street lights and related infrastructure to determine the extent of storm-related damage, evaluate the condition and function of each light and corresponding infrastructure, and provide detailed inventory of necessary repairs and costs, as well as recommendations for mitigation measures to incorporate into the repairs to prevent or reduce future damages resulting from flooding/water intrusion.
- The City received three responses to the RFQ—McGill Associates, RVE Consulting Engineers, and Tanko Lighting; McGill Associates was chosen through a qualifications based selection process as the most qualified to perform the assessment services for City-owned street lights in Historic Biltmore Village.
- The final report from this contract's assessment will be used as a basis for a future contract to implement repairs to the street light system.
- Draft report delivery is expected 8 weeks after commencement of work.

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Provides technical expertise for assessment as a critical step toward restoring operation of Biltmore Village Street Lights.
- Minimizes the risk of having reimbursement denied by FEMA.
- Provides opportunity to assess options and costs associated with improving the resiliency of the infrastructure.

Con(s):

- Preparation of a damage assessment, report, cost estimates and recommendations for mitigation options likely results in a longer time horizon for the ultimate repairs taking place.

Fiscal Impact:

- The fiscal impact will depend on the amount of time and materials utilized but will not exceed the limit of \$132,000.
- The contracted services are for Tropical Storm Helene related recovery efforts and are expected to be eligible for reimbursement through the FEMA Public Assistance program.

Motion:

- Move to adopt resolution authorizing the City Manager to execute a contract with McGill Associates in an amount not to exceed \$132,000, including a 10% contingency, for the purpose of assessing damage from Tropical Storm Helene to City-owned street light infrastructure in Historic Biltmore Village, and the associated budget amendment in the amount of \$132,000 to be reimbursed with FEMA-PA and State of NC funds.

RESOLUTION BOOK NO. 46 - PAGE 59

ORDINANCE BOOK NO. 36 - PAGE 267

J. RESOLUTION NO. 25-175 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT CHANGE ORDERS FOR THE ANNUAL PAYMENTS TO BUNCOMBE COUNTY FOR THE ONGOING EXISTING PUBLIC SAFETY INTEROPERABILITY SYSTEM/CENTRALIZED DATA ENTRY AND COUNTY IDENTIFICATION BUREAU INTERLOCAL AGREEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to execute 1) a contract change order in the amount of \$717,782 for the annual payments to Buncombe County for the Public Safety Interoperability System and Centralized Data Entry (PSIP/CDE) interlocal agreements, and 2) a contract change order in the amount of \$613,190 for the annual payments to Buncombe County for the County Identification (ID) Bureau interlocal agreement.

Background:

- The City of Asheville and Buncombe County have interlocal agreements regarding the provision of certain joint public safety-related services.
- The Public Safety Interoperability System/Centralized Data Entry information system and the Identification (ID) Bureau are both operated as County services.

- Based on the interlocal agreements, the City pays 50% of the cost of the County Identification (ID) Bureau program and approximately 29% of the cost of the Public Safety Interoperability System and Centralized Data Entry (PSIP/CDE) programs.
- Each year during the annual budget process, the County provides the City with estimates for the City's share of each program's cost.
- The Identification Bureau conducts employment fingerprinting, concealed carry permits, etc., and houses CDE.
- Centralized Data Entry (CDE) - manages records on arrests and processing of persons in Buncombe County's record management system. A critical component of that process is quality control. They provide criminal histories and fingerprinting services.
- The Public Safety Interoperability Partnership's (PSIP) purpose is to define terms and conditions under which criminal justice, emergency medical, and fire protection software will be accessed and used by the public safety agencies in Buncombe County. The primary goal is to create and maintain an effective automated multijurisdictional public safety information technology system.
- For fiscal year 2025-26, the County estimates that the City's share of the PSIP/CDE costs will be \$717,782 and the City's share of the ID Bureau will be \$613,190.
- The requested contract change orders will allow staff to encumber those amounts in the City's financial system. The County bills the City quarterly based on actual expenses.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Provides authorization for the City to formally encumber annual amounts to pay existing interlocal agreements.

Con(s):

- None

Fiscal Impact:

- Funding for these contracts is available in the Non-Departmental and Police Department operating budgets.

Motion:

- Motion to authorize the City Manager to execute (1) a contract change order in the amount of \$717,782 for the annual payments to Buncombe County for the Public Safety Interoperability System/Centralized Data Entry (PSIP/CDE) interlocal agreements, and 2) a contract change order in the amount of \$613,190 for the annual payments to Buncombe County for the County Identification (ID) Bureau interlocal agreement.

RESOLUTION BOOK NO. 46 - PAGE 60

K. RESOLUTION NO. 25-176 - RESOLUTION APPROVING THE FISCAL YEAR 2024-25 ANNUAL TAX SETTLEMENT REPORT; AND AUTHORIZING THE MAYOR TO EXECUTE AN ORDER OF COLLECTION FOR FISCAL YEAR 2025-26

Action Requested: Adoption of a resolution approving the FY 2024-25 Annual Tax Settlement and adopting the Order of Collection for FY 2025-26.

Background:

- Buncombe County has billed and collected City property taxes, including the City's fee charged for motor vehicles licenses, for many years.

- In 2019, Buncombe County and the City of Asheville entered into an updated agreement for the County to continue billing and collecting property taxes under a revised fee structure through June 30, 2025.
- In May 2025, City Council approved a three-year extension of the agreement under the same terms of the existing agreement.
- In August 2023, City Council adopted an addendum to the agreement with provisions recommended by legal staff at the University of North Carolina School of Government to ensure full conformity to the provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.
- In accordance with these provisions and pursuant to NCGS § 105-373, the Tax Collector must provide to City Council an annual settlement of property tax collected in the previous fiscal year for approval; and pursuant to NCGS § 105-321, following approval of the Tax Collector's Annual Settlement for the preceding year an Order of Collection to the Tax Collector must be adopted authorizing the collection of the current fiscal year property taxes.
- Staff is recommending approval of both the Annual Settlement and the new year Order of Collection.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Allows the City to continue receiving tax revenue proceeds from the County while ensuring compliance with provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution approving the FY 2024-25 Annual Tax Settlement and adopting the Order of Collection for FY 2025-26.

RESOLUTION BOOK NO. 46 - PAGE 61

L. RESOLUTION NO. 25-177 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH LOOMIS ARMORED US, LLC, FOR CASH PICKUP AND DELIVERY SERVICES THROUGH DECEMBER 2025

Action Requested: Adoption of a resolution authorizing the City Manager to extend the contract between the City and Loomis Amored US, LLC, for cash pickup and delivery services through December 2025.

Background:

- Various City departments and divisions accept cash payments for services - including Water, Parking, Harrah's Cherokee Center Asheville and Development Services.
- State Statute (NC 159-32) requires that cash receipts in excess of \$500 be deposited with a financial institution on a daily basis.

- To ensure compliance with State statute and improve employee safety, Finance and the aforementioned departments have undertaken an effort to standardize cash deposit activities across the City using Smart Safes and armored car pickup.
- Under the proposed contract, Loomis Armored US, LLC will provide armored vehicle cash pick-up & delivery services as well as State Statute compliant “smart safes” for the periods of time in between cash pickup.
- Original contract amount of \$160,000 will not be exceeded.
- Original resolution authorized services through fiscal year 2025.
- All safes were not installed until December 2020 causing the end of the 5 year contract to be December 2025.

Vendor Outreach Efforts:

- N/A - Completed in FY21 when original contract was executed.

Council Goal:

- Fiscally Resilient City

Committee::

- No prior committee approval.

Pro:

- Continuity of service with existing vendor
- Improved employee safety, ensuring that employees are not responsible for carrying cash to the bank.
- Compliance with State Statute though the use of Smart Safes on site.
- Efficient use of City resources, APD officers will not be needed to escort Water Resources deposits to the bank.

Con(s):

- None

Fiscal Impact:

- None. The total amount of this contract will not be changing. The only update is the period of service.

Motion:

- Motion to adopt a resolution approving a contract extension between the City and Loomis Armored US, LLC, for cash pickup and delivery services through December 2025.

RESOLUTION BOOK NO. 46 - PAGE 62

M. RESOLUTION NO. 25-178 - RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY FOR THE FISCAL YEAR 2025-26 HOMEOWNER GRANT PROGRAM

Action Requested: Adoption of a resolution authorizing the execution of an interlocal agreement between the City of Asheville and the County of Buncombe to continue the Homeowner Grant Program.

Background:

- In FY 2021-22, Buncombe County launched an economic public assistance program called the Homeowner Grant Program in which the City of Asheville also participates.
- The program is designed to assist homeowners of low and moderate income as defined by homeowners earning 80% of Area Median Income (AMI) or less.

- Grantees who apply for the program, meet the AMI criteria and other qualifications, and reside in the City limits, will receive a maximum grant award of \$300 from Buncombe County and \$200 from the City of Asheville.
- The County is responsible for administering the program and paying any grants awarded, and thereafter invoice the City for its share of any grants awarded.
- This Council action will approve the City continuing as a partner in this program in Fiscal Year 2025-26.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Supports homeownership for City households whose income is below 80% of AMI.

Con(s):

- None.

Fiscal Impact:

- The City has budgeted \$75,000 in the Fiscal Year 2025-26 General Fund Budget to fund its participation in the Homeowner Grant Program.

Motion:

- Motion to adopt a resolution authorizing the execution of an interlocal agreement between the City of Asheville and the County of Buncombe to continue the Homeowner Grant Program

RESOLUTION BOOK NO. 46 - PAGE 63

N. ORDINANCE NO. 5161 - BUDGET AMENDMENT FOR HELENE DISASTER RECOVERY AND RESPONSE EXPENSES, FUNDED WITH FEDERAL EMERGENCY MANAGEMENT AGENCY REIMBURSEMENTS

Action Requested: Adoption of a budget amendment in the amount of \$6.0 million in the City's Special Revenue Fund funded with Federal Emergency Management Agency (FEMA) reimbursements through the federal and state governments.

Background:

- At the end of September 2024, the City of Asheville experienced large-scale devastation and destruction as a result of Tropical Storm Helene that affected residents, businesses and city-owned property and infrastructure.
- The City has and will continue to incur expenses related to Tropical Storm Helene Disaster Recovery and Response.
- To date City Council has approved Helen-related budget amendments in the City's Special Revenue Fund that total \$22.8M.
- This budget has been utilized to fund expenses related to Helene that include costs from the initial response, ongoing staff expenses, and the contract with Hagerty Consulting.
- Spending authority from these prior Helen-related budget amendments is nearing full utilization, so additional budget is needed in order to meet State Statute requirements related to pre-audits and budget authorizations

- Staff is recommending that Council amend the Helene budget by \$6.0M to fund upcoming expenses such as a temporary Bridge for Gashes Creek and Hardesty Lane as well as force account labor expenses related to FEMA projects.
- Additional budget amendments may need to be brought forward to City Council in future meetings.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Allows the City to budget for expenses related to Tropical Storm Helene response and recovery and be in compliance with NC General Statutes related to pre-audits.

Con(s):

- None.

Fiscal Impact:

- Staff anticipates that this \$6.0M budget authorization will be fully reimbursed through federal and state disaster recovery reimbursements.

Motion:

- Motion to adopt a budget amendment in the amount of \$6.0 million in the City's Special Revenue Fund funded with Federal Emergency Management Agency (FEMA) reimbursements from the federal and state governments.

ORDINANCE BOOK NO. 36 - PAGE 268

O. RESOLUTION NO. 25-179 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL ON SEPTEMBER 5-7, 2025

RESOLUTION NO. 25-180 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT OKTOBERFEST ON OCTOBER 4, 2025

RESOLUTION NO. 25-181 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGANFEST ON OCTOBER 5, 2025

RESOLUTION NO. 25-181 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE SURREAL SIRKUS ARTS FESTIVAL ON OCTOBER 25, 2025

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Goombay Festival, Oktoberfest, Asheville Veganfest, and at the Surreal Sirkus Arts Festival.

Background:

- N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and property owned, occupied, or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.

- The City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival.
- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
 - YMI Cultural Center for the Goombay Festival to be held on September 5-7, 2025, at Pack Square Park
 - Asheville Downtown Association for Oktoberfest to be held on October 4, 2025, at Pack Square Park
 - Triangle Vegfest for Asheville Veganfest to be held on October 5, 2025, at Pack Square Park
 - Arts 2 People for the Surreal Sirkus Arts Festival to be held on October 25, 2025, at Pack Square Park
- Alcohol boundaries are defined as per the accompanying event site maps.

Council Goal(s):

- Thriving Local Economy

Committee(s):

- None

Pro(s):

- Allows fundraising opportunities for the sponsoring nonprofit organization.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to adopt resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Goombay Festival, Oktoberfest, Asheville Veganfest, and at the Surreal Sirkus Arts Festival

RESOLUTION NO. 25-179 - RESOLUTION BOOK NO. 46 - PAGE 64

RESOLUTION NO. 25-180 - RESOLUTION BOOK NO. 46 - PAGE 67

RESOLUTION NO. 25-181 - RESOLUTION BOOK NO. 46 - PAGE 70

RESOLUTION NO. 25-182 - RESOLUTION BOOK NO. 46 - PAGE 73

- P. RESOLUTION NO. 25-183 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO ALL OPIOID SETTLEMENT AGREEMENTS IN ORDER TO MAXIMIZE THE TOTAL FUNDING ATTRIBUTED TO NORTH CAROLINA AND ITS LOCAL GOVERNMENTS, AND TO ENSURE THE CITY'S ELIGIBILITY TO RECEIVE FUNDS FROM EACH SETTLEMENT**

Action Requested: Adoption of resolution authorizing the City Attorney to enter into all Opioid Settlement Agreements in order to maximize the total funding attributed to North Carolina and its local governments, and to ensure the City's eligibility to receive funds from each settlement.

Background:

- The opioid overdose epidemic continues to ravage individuals across the nation, North Carolina, and here in Asheville.
- Several local governments across the country have filed lawsuits against opioid manufacturers, pharmaceutical distribution companies, chain drug stores, and related entities to hold those companies accountable for their misconduct.
- The City of Asheville previously participated in two initial settlements in order to receive funding from under those agreements.
- Additional settlements with separate defendants have now been reached, and future additional settlements are likely.
- The City of Asheville is receiving \$2,847,281 in opioid settlement funds from 2022 through 2038.
- By joining these settlements and approving the negotiated agreements, the City of Asheville will help to increase the total funds flowing to North Carolina local governments, and ensure that Asheville will receive a portion of those funds.
- In order to join each settlement, it is necessary to direct a representative of the City to execute the legal agreements.
- In past settlement agreements, the City Council has directed the City Attorney to consent to the City's inclusion.
- This resolution will empower the City Attorney to continue the City's participation in all future opioid settlements.

Vendor Outreach Efforts:

- Not Applicable

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- Allows the City to share in the settlement funds from all opioid settlements moving forward, and increases the total share of funds flowing to North Carolina local governments.

Con(s):

- None

Fiscal Impact:

- Allows the City to receive unspecified amounts of additional Opioid settlement funds.

Motion:

- Motion to adopt a resolution authorizing the City Attorney to execute all documents necessary to enter into all future opioid settlement agreements, and to provide such documents to settlement administrators.

RESOLUTION BOOK NO. 46 - PAGE 76**Q. ORDINANCE AMENDING THE MEMBERSHIP AND APPOINTMENTS TO THE HUMAN RELATIONS COMMISSION OF ASHEVILLE**

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

R. REPORT OF SETTLEMENT TERMS RE: MISSION HEALTH ANTITRUST LITIGATION, CIVIL ACTION NO. 1:22-cv-00114 WITH (A) HCA HEALTHCARE INC.; HCA MANAGEMENT SERVICES, LP; HCA, INC.; MH MASTER HOLDINGS, LLLP; MH HOSPITAL MANAGER, LLC; AND MH MISSION HOSPITAL, LLLP (COLLECTIVELY, THE “MISSION DEFENDANTS”) AND (B) ANC HEALTHCARE, INC. F/KA/ MISSION HEALTH SYSTEM, INC. AND MISSION HOSPITAL, INC. (COLLECTIVELY, THE “ANC DEFENDANTS”)

Action Requested: None. These terms are being reported to the City Council pursuant to § 143-318.11(a)(3)

Settlement Terms:

- The Mission Defendants’ creation of a \$1,000,000 charity care fund to cover any liabilities owed under its existing charity policy by families and individuals at up to 400% of the Federal Poverty Level;
- The Mission Defendants’ commitment to act in accordance with Sections 7.13(b) and 7.25 the January 31, 2019 Asset Purchase Agreement (APA), making reasonable efforts to extend by three years the service commitments related to the Transylvania Regional Hospital through January 31, 2032, and binding themselves to the final judgment in the Atrium litigation by an additional year, until January 31, 2028;
- The Mission Defendants’ agreement to confidentially share with enumerated representatives of Plaintiffs the written meeting materials provided to the Advisory Board and Local Advisory Boards for the duration of the Advisory Board Designation pursuant to Sections 7.12(a) and 7.12(b) of the APA;
- The Mission Defendants’ commitment to use reasonable commercial efforts to achieve quality verification as a trauma center for Mission Hospital by the American College of Surgeons by June 2026, and maintain that status thereafter through June 2030;
- The Mission Defendants’ commitment to engage in good-faith negotiations for a one-year period to rent space in the building located at 377 Gallimore Road, Brevard, North Carolina 28712, for fair market value for purposes of ensuring the provision of adult day care services at that location; to the extent a rental agreement is ultimately agreed to by the Mission Defendants and any tenant who intends to use 377 Gallimore Road for adult day care, the Mission Defendants shall take commercially reasonable efforts to encourage the Dogwood Health Trust to pay that rent on behalf of the tenant.
- The Mission Defendants’ will make a payment of \$2.5 million toward Plaintiffs’ costs and attorneys’ fees arising from this action; and
- The ANC Defendants will make payments totaling \$2 million toward Plaintiffs’ litigation expenses and attorneys’ fees arising from this action, payable in installments.
- In exchange for the foregoing, Plaintiffs will dismiss all claims raised in these matters.

S. RESOLUTION NO. 25-184 - RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A 5-YEAR CONTRACT WITH WEST PUBLISHING COMPANY TO CONTINUE CITY ACCESS TO WESTLAW'S ONLINE LEGAL RESEARCH SERVICES

Action Requested: Adoption of a resolution authorizing the City Attorney to execute a 5 year contract with West Publishing Company to continue City access to Westlaw's online legal research services.

Background:

- The City's Legal Department currently uses West Publishing Company for Westlaw legal research services.
- In order to continue this service, the City Attorney's Office is requesting authorization for a five year contract at a total cost of \$142,560.43.
- Funding for the contract is included in the General Fund Budget.

Vendor Outreach Efforts:

- Vendor is self performing - not applicable

Council Goal(s):

- A well-planned and livable community
- Connected and engaged community

Committee(s):

- Not applicable

Pro(s):

- Provide continued City access to Westlaw's online legal research services.

Con(s):

- None

Fiscal Impact:

- The first year cost is expected to be \$28,512 in FY26 and is included in the City Attorney's operating budget.

Motion:

- Move to adopt a resolution authorizing the City Attorney to execute a 5 year contract with West Publishing Company to continue City access to Westlaw's online legal research services for a total contract cost of \$142,560.43.

RESOLUTION BOOK NO. 46 - PAGE 77

T. ORDINANCE NO. 5163 - ORDINANCE REPEALING SECTIONS 19-1, 19-6, 19-7 AND 19-14 IN THE CODE OF ORDINANCES AND REPLACE WITH REVISIONS TO ALLOW FOR, AND REGULATE THE USE OF, MICROMOBILITY DEVICES WITHIN THE CITY OF ASHEVILLE

Action Requested: Adoption of an ordinance amending Chapter 19, Traffic, sections 19-1, 19-6, 19-7, 19-14, and 19-16 of City Code to allow for, and regulate the use of, micromobility devices within the City of Asheville.

Background:

- In October 2023, Council passed a resolution directing staff to proceed with the College Patton Complete Streets Project and to prepare ordinance amendments to permit the use of all modes of personal transportation within bike lanes.
- There are a number of existing ordinances that need to be amended as part of this effort, and it is necessary to address other types of transportation facilities, such as sidewalks, roads without bike lanes, greenways, etc., at the same time.
- Staff has developed recommendations for ordinance revisions based on industry best practices, feedback from Boards and Commissions, and the legal framework within which the City operates.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Transportation and accessibility

Committee(s):

- Active Transportation Committee - December 7, 2023
- Multimodal Transportation Commission - December 13, 2023
- Downtown Commission - December 15, 2023
- Riverfront Commission - February 2024
- Planning, Economic Development and Environment Committee - January 8, 2024
- Planning, Economic Development and Environment Committee - September 9, 2024
 - Motion to adopt a resolution to repeal Sections 19-1, 19-6, 19-7, 19-14 in City Code and replace with the language represented in the accompanying staff report; And to further include a map and potential dismount zones for future recommendations.
- Planning, Economic Development and Environment Committee - July 15, 2025

Pro(s):

- Updating ordinances to remove barriers to the use of personal micromobility devices will help legitimize these forms of transportation, decriminalize their use, and advance Council goals associated with improving accessibility, affordability, and transportation safety.
- These ordinance changes will continue to prohibit the renting of e-scooters, etc. from the public right-of-way by "shared mobility" companies.

Con(s):

- Additional education to the public will be needed to communicate changes effectively.

Fiscal Impact:

- None

Motion:

- Motion to adopt an ordinance amending Chapter 19, sections 19-1, 19-6, 19-7, 19-14, 19-16 of the City Code to allow for, and regulate the use of, micromobility devices within the City of Asheville.

ORDINANCE BOOK NO. 36 - PAGE 271

U. RESOLUTION NO. 25-185 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE N.C. DEPT. OF TRANSPORTATION PUBLIC TRANSIT APPRENTICESHIP GRANT PROGRAM FUNDS

Action Requested: Adoption of a resolution authorizing the City Manager to accept grant funds for the Public Transit Apprenticeship Grant Program for Fiscal Year 2026 in the amount of \$57,178 from the North Carolina Department of Transportation, and authorizing the City Manager to execute any documents necessary for grant acceptance, and authorizing the City Manager to fund the City of Asheville's 10% funding portion for the program for Fiscal Year (FY) 2025-26 for an amount not to exceed \$5,718.

Background:

- The North Carolina Department of Transportation (NCDOT) funds an annual program that places recent university graduates with an interest in public transit within a city/transit agency for 1 year as a full-time, paid staff member.
- The City has participated in this program several times over the last decade and currently has a Transit Apprentice who started in September 2024.
- In December, Transportation Department staff submitted an application to the program manager at NCDOT requesting approval to participate in the program in FY 26.
- NCDOT notified the City in January that it was approved to participate in the program again in FY 26.
- NCDOT provides 90% of the funding for the salary and benefits of the apprentice; the City Transit Operations Fund would provide the remaining 10%. The total cost for the Apprentice for FY26 is \$57,178, with the State paying \$51,460 and the City paying \$5,718.
- The transit apprentice will work within the Transit Division of the Transportation Department and assist the division with ongoing work program items related to transit service.
- The apprentice is also required by the NCDOT to prepare a research report at the end of the apprenticeship.
- The Transit Apprentice would begin work in summer/fall of 2025.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- 90% of apprentice costs are covered by NCDOT.
- Supports the Transit Division to assist in transit-related projects and programs.

Con(s):

- The City provides 10% of the cost, not to exceed \$5,718.

Fiscal Impact:

- NCDOT provides 90% of the funding for the salary and benefits of the apprentice; the City Transit Operations Fund would provide the remaining 10%. The total cost for the apprentice for FY 26 is \$57,178, with the State paying \$51,460 and the City paying \$5,718.
- The funding for this program is already included in the FY 2025-26 operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to accept grant funds for the Public Transit Apprenticeship Grant Program for Fiscal Year 2026 in the amount of

\$57,178 from the North Carolina Department of Transportation and authorizing the City Manager to execute any documents necessary for grant acceptance, and authorizing the City Manager to fund the City of Asheville's 10% funding portion for the program for Fiscal Year (FY) 2025-26 for an amount not to exceed \$5,718.

RESOLUTION BOOK NO. 46 - PAGE 78

V. RESOLUTION NO. 25-186 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE N.C. DEPT. OF TRANSPORTATION - INTEGRATED MOBILITY DIVISION FOR SECTION 5303 METROPOLITAN PLANNING PROGRAM ANNUAL FUNDING TO FUND A PORTION OF THE EXISTING TRANSIT DIVISION PERSONNEL BUDGET IN FISCAL YEAR 2026

Action Requested: Adoption of a resolution authorizing the City Manager to accept the North Carolina Department of Transportation - Integrated Mobility Division for Section 5303 Metropolitan Planning Program annual funding in the amount of \$143,146 for Fiscal Year 2026, and enter into any agreements necessary for grant acceptance.

Background:

- The purpose of this item is to accept the grant funds for FY 26.
- The City applies annually to the North Carolina Department of Transportation - Integrated Mobility Division to receive Section 5303 funds (Metropolitan Planning Program).
- The City uses the Section 5303 funding to fund existing transit planning activities such as grant management, administration, and reporting; short and long-range transit planning; analyses of transit operations; and required semi-annual DBE program preparation and reporting.
- The funds supplement the Transit Division personnel budget, which includes the Transit Division Manager and additional transit planning staff positions.
- The total grant is \$159,051 and includes a 20% match. The Federal Transit Administration will provide 80% of the anticipated funding (\$127,240), with the North Carolina Department of Transportation and the City of Asheville each providing 10% of the remaining amount at \$15,906 and \$15,906 respectively.

Vendor Outreach Efforts:

- N/A. This is a grant to fund a portion of the Transit Division personnel budget.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Supplements funding for multiple transit planning positions.
- Enables the City of Asheville to leverage \$127,240 in Federal Funding and \$15,906 in State funds to support the City's transit planning activities.

Con(s):

- The City is responsible for 10% local match, which is \$15,906.

Fiscal Impact:

- The total grant is \$159,051 and includes a 20% match. The Federal Transit Administration will provide 80% of the anticipated funding (\$127,240), with the North

Carolina Department of Transportation and the City of Asheville each providing 10% of the remaining amount at \$15,906 and \$15,906 respectively.

- This funding and match is already included in the FY 2026 adopted budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to accept the North Carolina Department of Transportation - Integrated Mobility Division for Section 5303 Metropolitan Planning Program annual funding in the amount of \$143,146 for Fiscal Year 2026, and to enter into any agreements necessary for grant acceptance.

RESOLUTION BOOK NO. 46 - PAGE 79

W. RESOLUTION NO. 25-187 - RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE ORDER WITH GILLIG TO ACQUIRE FIVE 25-FOOT HYBRID BUSES FOR ASHEVILLE RIDES TRANSIT, USING THE WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES COOPERATIVE PURCHASING AGREEMENT AND INCLUDES APPROVED SOLE-SOURCE TECHNOLOGY AS PART OF THE TUNKEY PACKAGE

RESOLUTION NO. 25-188 - RESOLUTION AUTHORIZING THE SOLE-SOURCE PROCUREMENT OF TRANSIT-RELATED TECHNOLOGY EQUIPMENT AND SERVICES FOR THE ASHEVILLE RIDES TRANSIT, WHICH SOLE SOURCE TECHNOLOGY INCLUDES CAD/AVL ITS SYSTEM, VIDEO CAMERAS, SURVEILLANCE, AND AUTOMATED PASSENGER COUNTERS

ORDINANCE NO. 5164 - BUDGET AMENDMENT TO ADD FUNDS FOR BUS PURCHASES

Action Requested: This consists of three requested actions.

1. Adoption of a resolution authorizing the execution of a purchase order with Gillig to acquire five (5) 35-foot hybrid buses for Asheville Rides Transit (ART) at \$4,924,530, using the Washington State Department of Enterprise Services Cooperative Purchasing Agreement and includes approved sole-source technology as part of the turnkey package.
2. Adoption of a resolution authorizing the sole-source procurement of transit-related technology equipment and services for the Asheville Rides Transit (ART) transit fleet, which sole source technology includes CAD/AVL ITS system, video cameras, surveillance, and automated passenger counters, which will not exceed \$337,085, bringing the total turnkey cost for the five (5) buses to \$5,261,615.
3. Approval of a budget amendment of \$4,291,650 to add grant funds for the bus purchases.

Turnkey Gillig Bus Purchase	Amount
Five (5) 35-Foot Hybrid Gillig Buses	\$ 4,924,530
Sole Source Technology for (5) Buses	\$ 337,085
Total	\$ 5,261,615

Background:

- **Bus Purchase:**
 - 35-foot hybrid buses are to be purchased due to the lack of alternative suitable options for shorter buses. Gillig does not have 30-foot hybrid buses available for purchase.
 - Federal funding to purchase the buses and associated accessories will be provided from Federal Fiscal 2022 Section 5339c Low or No Emission Discretionary Funds.
 - This action includes the sole source technology described below from several vendors for equipment installed on each bus to ensure that every bus has consistent technology.
 - The buses are anticipated to be delivered within 12 to 15 months after the purchase order is issued, and the local match is already programmed in the City's Adopted Capital Improvement Program (CIP).
 - Pursuant to N.C.G.S. § 143-129(e)(3) this purchase is not subject to standard requirements for letting of public contracts.
 - The City of Asheville City Council has previously authorized the use of the Washington State Department of Enterprise Services Cooperative Purchasing Agreement to procure transit buses for Asheville Rides Transit.
- **Sole Source Authorization**
 - The City utilizes multiple integrated transit technology systems in its Asheville Rides Transit (ART) transit fleet, consisting of thirty-five (35) buses.
 - These technologies are essential for ensuring uniformity in operations, improving service reliability, and providing critical safety and passenger information.
 - For operational standardization and continued compatibility, it is necessary to ensure that all buses are equipped with the same transit technology platforms.
 - These platforms include the CAD/AVL (Computer-Aided Dispatch/Automatic Vehicle Location) system, video surveillance, pedestrian and bike detection, and automated passenger counters (APC).
 - Standardizing these systems across the fleet minimizes training time for drivers and maintenance personnel, improves system interoperability, and ensures data integrity for critical performance reporting, including ridership statistics and safety metrics.
 - To achieve this level of standardization, staff is requesting a sole source procurement authorization, pursuant to N.C.G.S. § 143-129(e)(6), for the following technology components to be installed for as long as the Transit Division continues to use them in the City's transit fleet:
 - Hanover Automated Voice Annunciation Systems: Provides audible passenger announcements and synchronizes with the interior LED signage to keep riders informed about current and upcoming stops.
 - Seon-Video Surveillance Cameras: These internal and external video and audio surveillance systems ensure safety and security throughout the transit network. Using the same equipment allows consistent data capture, system monitoring, and streamlined maintenance.
 - UTA Model 31 (M31) APC. Automated Passenger County (APC) systems accurately record ridership data, crucial for service planning, reporting, and optimizing route efficiency. Ensuring all buses use the same APC system guarantees consistency in data collection across the fleet.
 - Mobileye Shield Pedestrian and Bike Detection System: This system provides advanced warning and detection of pedestrians and cyclists, enhancing safety for vulnerable road users. Standardizing this system across the fleet promotes a uniform safety protocol.
 - These technologies are already used on existing ART buses. Therefore, maintaining consistency across the fleet is crucial for operational efficiency, compatibility, and safety.

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

Vendor Outreach Efforts:

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

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None.

Pro(s):

- This action will enable staff to purchase replacement buses needed to continue to provide current transit services.
- These resolutions will allow the Transit Division to efficiently purchase the technology equipment and services required to standardize and maintain the City's CAD/AVL ITS system, video cameras, real-time audible announcements, and pedestrian and bike detection transit technology on the ART transit fleet.
- Federal Funds will reimburse the City for 80% of the total costs of the five (5) hybrid buses.

Con(s):

- None.

Fiscal Impact:

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

Funding sources	Amount
FTA 5339 Grants Federal Fiscal Year 2022 section 5339c Low or No Emission Discretionary	\$ 4,291,650
City Transit CIP FY 26 (includes 10% required match)	\$ 969,965
Total	\$ 5,261,615

Motion:

- Motion to adopt resolutions authorizing the sole-source procurement of technology including CAD/AVL ITS systems, video cameras, surveillance, and automated passenger counters; and authorizing the execution of a purchase order with Gillig to acquire five (5)

35-foot hybrid buses for Asheville Rides Transit (ART) at a cost of \$4,924,530, through the Washington State Department of Enterprise Services Cooperative Purchasing Agreement, for a total of amount not to exceed \$5,261,615; and approval of a budget amendment of \$4,291,650 to add grant funds for the bus purchases.

RESOLUTION NO. 25-187 - RESOLUTION BOOK NO. 46 - PAGE 80
RESOLUTION NO. 25-188 - RESOLUTION BOOK NO. 46 - PAGE 81
ORDINANCE BOOK NO. 36 - PAGE 276

X. RESOLUTION NO. 25-189 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUNCOMBE COUNTY FOR THE PURPOSE OF PROVIDING REDUCED TRANSIT FARES FOR COUNTY EMPLOYEES THROUGH THE ASHEVILLE RIDES TRANSIT PASSPORT PROGRAM FOR FISCAL YEARS 2026 AND 2027

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County for the purpose of providing reduced transit fares for County employees through the Asheville Rides Transit Passport Program for Fiscal Years 2026 and 2027 and execute all documents.

Background:

- The City of Asheville developed the Passport Program to offer safe and affordable transportation options for employees in our community. Participating organizations include, Biltmore Farms, Biltmore Company, UNCA, Deerfield Retirement Community, Omni Grove Park Inn, New Belgium, and others.
- Through this program, the City of Asheville will partner with Buncombe County by entering into an agreement where Buncombe County agrees to be invoiced, on a quarterly basis, for trips taken by their employees using their Employee ID card (cardholders) for local fiscal years 2026 and 2027.
- For the duration of the Agreement, the County shall be charged \$0.52 each time a cardholder boards a City bus. The County shall be required to pay the City no more than three thousand one hundred twenty-five dollars and zero cents (\$3,125.00) per year.
- North Carolina General Statue, § 160A-461 Interlocal cooperation authorized, requires a resolution be ratified by City Council when any unit of local government in the state enters into contracts or agreements with another.

Vendor Outreach Efforts:

- N/A. This is an agreement between the City of Asheville and Buncombe County.

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- N/A

Pro(s):

- The revenue will help offset the non-grant funded portion of the operational costs.
- Reduction of greenhouse gas emissions and traffic congestion.

Con(s):

- None

Fiscal Impact:

- The County shall be charged \$0.52 each time a cardholder boards a City transit bus. The County shall be required to pay the City no more than three thousand one hundred twenty-five dollars and zero cents (\$3,125.00) per year.
- The revenue helps offset the non-grant funded portion of the operational costs for the City's transit system.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County for the purpose of providing reduced transit fares for County employees through the Asheville Rides Transit Passport Program for Fiscal Years 2026 and 2027 and execute all documents.

RESOLUTION BOOK NO. 46 - PAGE 82

Y. ORDINANCE NO. 5165 - ORDINANCE AMENDING THE 2025-26 FEES & CHARGES MANUAL TO INCLUDE A PARKING FEE FOR SPECIAL EVENTS AT MEMORIAL STADIUM

ORDINANCE NO. 5166 - BUDGET AMENDMENT FOR PARKING FEE FOR SPECIAL EVENTS AT MEMORIAL STADIUM

Action Requested: Adoption of an ordinance amending the Fees and Charges Manual to include a parking fee for special events held at Memorial Stadium and a budget amendment of \$15,000 to add the revenue expected to be collected with the new fee.

Background:

- The community has experienced significant impacts from event participants and spectators parking illegally during events at Memorial Stadium and McCormick Field.
- CREF and the Asheville Tourists developed a comprehensive parking management plan as part of conditional zoning approval for the McCormick Field Centennial Restoration and Capital Improvements Project based on traffic and parking being identified as the community's greatest concern with the project.
- Events at Memorial Stadium can draw crowds in excess of 2,000 per event.
- The community has expressed satisfaction with the parking management plan that has been developed and implemented for games and events at McCormick Field.
- The Asheville Tourists are willing to contract with the City to provide parking management services for events at Memorial Stadium.
- Event organizers with an attendance in excess of 750 participants will be charged a parking management fee of \$142/hour for a minimum of 3 hours as part of the rental fee with the City of Asheville.

Council Goal:

- A Fiscally Resilient City

Committee(s):

- N/A

Pros:

- Provides authorization through the Fees and Charges Manual for the City to offer parking services through Asheville Tourist for Special Events held at Memorial Stadium
- Provides a consistent approach for traffic and parking management for all events at Memorial Stadium and McCormick Field
- The parking management plan has been successfully implemented at McCormick Field and is supported by neighboring community

Cons:

- Might be a financial burden for some youth groups such as Asheville Youth Football & Cheerleading-Cougars.

Fiscal Impact:

- The City anticipates this will generate approximately \$15,000 annually.
- The City will pay the Asheville Tourists to manage the parking for Memorial Stadium events, which will be budgeted with this amendment.
- The expense will be offset with an additional \$15,000 in revenue from the parking fee.

Motion:

- Motion to approve an ordinance amendment to the fees and charges manual for Fiscal Year 2025-26 and a budget amendment of \$15,000 to add the revenue expected to be collected with the new fee.

ORDINANCE NO. 5165 - ORDINANCE BOOK NO. 36 - PAGE 277

ORDINANCE NO. 5166 - ORDINANCE BOOK NO. 36 - PAGE 279

Z. RESOLUTION NO. 25-190 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH KIMLEY-HORN AND ASSOCIATES FOR THE NORTH REED CREEK GREENWAY PHASE I

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Kimley-Horn and Associates, Inc. in the amount of \$490,600 for Design and Construction Administration Services for North Reed Creek Phase I, and further, authorizing the City Manager to execute any additional service requests that may arise during the project up to the Contingency amount of \$49,060 (10%).

Background:

- Greenways have been a key component of City initiatives and master planning for over two decades. They are understood as critical “green infrastructure” that provide a valuable pedestrian and bicycle-focused transportation network as an alternative to the traditional vehicular-focused network.
- Greenways are also recognized as green spaces that offer significant environmental, psychological, and physical health benefits. (See [Greenways of Asheville](#))
- The planning process for the Reed Creek Greenway began in 1999. The first section opened in 2006.
- More recently, a northern expansion of the greenway to W.T. Weaver Blvd. (at the entrance to UNC Asheville) was dedicated in 2014.
- The Reed Creek Greenway has been identified as a priority in the City of Asheville Greenway, ADA, and Pedestrian (GAP) Plan (adopted October 2022; see [Close the GAP](#)).
- In that same year, the French Broad River Metropolitan Planning Organization provided a grant for a feasibility study to extend the Reed Creek Greenway further north to the intersection of Broadway Street and Riverside Drive, and south to the intersection of Clingman Avenue and Hilliard Avenue.
- A comprehensive “Reed Creek Greenway Feasibility Study” was completed by McAdams for the City of Asheville in 2024. The findings in this study will inform the design phase of this project.
- The total contract cost will be \$539,660.

- This project includes the Design of a ~0.39 mile greenway that extends the existing Reed Creek Greenway north towards Riverside Drive.
- The greenway shall include a continuous, 12-foot wide paved pathway that follows, in general, the alignment described under “**Alternative #1C, Hillside and Roadside**” of the Feasibility Study.
- The Anticipated Design Timeline is September 2025 - September 2026.
- The RFQ was issued Feb. 26, 2025. The six (6) firms below were evaluated by a selection committee, with Kimley-Horn and Associates ranked the highest (most qualified).
 - Alta Planning + Design
 - Civil and Environmental Consultants (CEC)
 - Flood Focus Engineering
 - Kimley-Horn
 - Mattern & Craig Engineers · Surveyors
 - Summit Design and Engineering
- Funding for North Creek Greenway Phase I was approved through a 2024 Bond Referendum.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses, through solicitation processes using the State’s Interactive Purchasing System.

Council Goal(s):

- Transportation and Accessibility
- Connected and Engaged Community
- Thriving Local Economy

Committee(s):

- None

Pro(s):

- This project will directly achieve Council goals and resolutions. It will provide a safe, accessible, multimodal transportation route that connects Downtown to greater Asheville and beyond.
- Greenways are also recognized as “green infrastructure” that offer significant environmental, psychological, and physical health benefits.

Con(s):

- During Construction, traffic flow may be impacted along Broadway Street due to construction access and staging. This will be addressed through required traffic control and pedestrian safety measures (if portions of the existing sidewalk are closed).

Fiscal Impact:

- The project currently has \$3.75M allocated for Design and Construction (inclusive of Contingency) in the adopted CIP. Through the design process, the cost will be refined and it will be determined whether the current budget is sufficient or if additional funds will need to be identified.

Motion:

- Motion to authorize the City Manager to enter into a contract with Kimley-Horn and Associates, Inc. in the amount of \$490,600 for the Design of North Reed Creek Greenway Phase I, and further, to authorize the City Manager to execute any additional service requests that may arise during the project up to the Contingency amount of

\$49,060 (10%).

RESOLUTION BOOK NO. 46 - PAGE 83

AA. RESOLUTION NO. 25-191 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SASAKI ASSOCIATES FOR DESIGN AND ENGINEERING SERVICES REQUIRED TO REBUILD THE FRENCH BROAD RIVERFRONT PARK SYSTEM

ORDINANCE NO. 5167 - BUDGET AMENDMENT TO ADD FEDERAL AND STATE FUNDS FOR THE FRENCH BROAD RIVERFRONT PARK SYSTEM

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Sasaki Associates, Inc. in the amount of \$4,581,773, for design and engineering services required to rebuild the French Broad Riverfront park system; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 6% (\$274,906); and approval of a budget amendment of \$4,856,679 to add federal and state funds to the General Capital Projects Fund.

Background:

- 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.
- It is estimated that storm damage to city-owned infrastructure totals at \$1 billion, and that rebuilding will take years.
- The focus of infrastructure recovery, in the short term, is to assess damage and lay the groundwork for the long-term effort. The City is committed to doing this in a way that promotes efficiency and ensures maximum use of outside funding sources.
- FEMA Public Assistance (FEMA PA) guidance recommends grouping damage assessment and repair into logical projects.
- The French Broad Riverfront Parks have been combined into one FEMA PA project (#956981) and includes Carrier Park, French Broad River Park, Amboy Riverfront Park, Craven Street boat access, Jean Webb Park, Wilma Dykeman Greenway, French Broad Greenway and City owned property at 314 Riverside Drive.
- On April 24th, 2025 staff posted a Request for Qualifications (298-FBRparkRecovery-FY25) for this project soliciting statements of qualifications from interested design firms for full design services, including a review/inventory damages, providing resilient design services, cost estimates and FEMA coordination.
- Twenty one different statements of qualifications were received from across the country.
- A seven member selection committee evaluated and ranked the statements of qualifications and interviewed two firms.
- Sasaki Associates, Inc., with offices in Boston, MA and Denver, CO was selected as the most qualified firm based on the criteria listed in the RFQ.
- Funding for this project is anticipated to come from multiple sources, including FEMA PA, HMGP and CDBG-DR grants.
- The scope of this design contract includes early site investigation, cost estimating, FEMA coordination, flood modeling, community engagement, and design through the 30%/60% design phase.
- Further Design Development through Construction Administration phases will be issued through a contract amendment once the design ideas are vetted and funding sources are more developed.

- The base scope of this phase of the project is to have all landscape improvements and new building facilities be designed to be compliant with or enable SITES V2 and LEED V5 certifications.
- The schedule of this early project design phase is expected to last through Summer 2026.

Vendor Outreach Efforts:

- This is a professional services qualifications based selection process following NCGS 143-64.31
- Staff performed outreach to minority and women owned businesses (MWBE) through solicitation processes using the NC electronic Vendor Portal (eVP)
- Staff also contacted twelve MWBE vendors directly with notification of upcoming City of Asheville professional services opportunities, this project being one of the opportunities on the list.
- Twenty one firms responded to the RFQ. SASAKI, Inc. was selected as the most qualified firm based on the criteria listed in the RFQ.

Council Goal(s):

- A Clean, Safe and Healthy Environment

Committee(s):

- N/A

Pro(s):

- Provides a comprehensive recovery and enhancement design plan to rebuild, mitigate, and improve Asheville's parks, greenways, and open spaces along the French Broad Riverfront.
- Provides a long-term vision for resiliency and community protection along the riverfront.

Con(s):

- None.

Fiscal Impact:

- The proposed contract for this project, including contingency, totals \$4,856,679. This amount is expected to be fully offset by reimbursements from a combination of federal and state sources.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Sasaki Associates, Inc. in the amount of \$4,581,773, for design and engineering services required to rebuild the French Broad Riverfront park system; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 6% (\$274,906); and approval of a budget amendment of \$4,856,679 to add federal and state funds to the General Capital Projects Fund.

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ORDINANCE BOOK NO. 36 - PAGE 280**

BB. RESOLUTION NO. 25-192 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE DESIGN AND CONSTRUCTION OF A TEMPORARY BRIDGE ACROSS THE SWANNANOA RIVER NEAR THE GASHES CREEK ROAD BRIDGE

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an agreement with the NCDOT for the design and construction of a temporary bridge across the Swannanoa River near the Gashes Creek Road bridge

Background:

- Tropical Storm Helene caused extensive damage to the existing Gashes Creek Road bridge/dam due to them being integral to each other.
- Following the storm, alternate public access was established utilizing temporary signals and a narrow section of roadway along Azalea Road East, converting a one-way road into a two-lane, two-way section.
- As other facilities (namely the Nature Center and the JBL Soccer fields with a potential for 8500 players per weekend day) come back online, traffic volume is escalating and safety concerns are increasing.
- The growing traffic on this temporary two-way section creates increased risk of traffic incidents or crashes due to constrained pavement widths, and increased emergency access and response delays.
- ABYSA is slated to resume soccer this fall at the JBL soccer fields.
- A temporary bridge will reasonably restore the pre-storm traffic pattern which will allow for acceptable emergency access and response times and relieve traffic congestion related to the associated activities at the surrounding facilities.
- The construction of a temporary bridge in this area is complex and NCDOT has the capacity, capabilities, and experience designing for and constructing temporary bridges in western NC.
- Staff is currently working on a mutual aid / municipal agreement with NCDOT to perform the work with the City reimbursing NCDOT for full cost recovery.
- Staff is seeking reimbursement through the FEMA PA process.
- DOT is initially tasked with reviewing the options for building a temporary bridge in this location and estimating the cost of any feasible options.
- These estimates will be submitted to FEMA for their review and approval prior to moving forward with the construction of these facilities.

Vendor Outreach Efforts:

- This is an emergency protective measure response in which NCDOT has the capacity to undertake this temporary bridge project through the mutual aid / municipal agreement process.
- Through this agreement, NCDOT will follow all applicable purchasing procedures including appropriate outreach.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- None

Pro(s):

- Execution of this agreement will expedite the construction of a temporary bridge that will allow for faster emergency response and safer traffic flow.

Con(s):

- Construction will cause temporary disruptions in the impacted neighborhood.

Fiscal Impact:

- \$3 - 6 Million depending on location, service life, and type of temporary bridge used. This project is being considered as part of emergency protective measures and will be eligible for reimbursement through the FEMA PA process.

Motion:

- Motion to authorize the City Manager to enter into an agreement with the NCDOT for the design and construction of a temporary bridge across the Swannanoa River near the Gashes Creek Rd bridge in an amount not to exceed \$6M.

RESOLUTION BOOK NO. 46 - PAGE 95

CC. RESOLUTION NO. 25-193 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HERC RENTALS INC. FOR THE TEMPORARY PROVISION OF PARKS & RECREATION VEHICLES DAMAGED BY TROPICAL STORM HELENE

Action Requested: Adoption of a resolution to authorize the City Manager to contract with Herc Rentals, Inc., for the temporary provision of Parks & Recreation vehicles damaged by Hurricane Helene.

Background:

- In late September, the City of Asheville experienced unprecedented rainfall both from Tropical Storm Helene and a preceding heavy rain event. A state of emergency covering Asheville was declared on September 25th in relation to Tropical Storm Helene.
- Flooding of the Swannanoa River rose to levels that destroyed the park's operations facility and fleet, located at 81 Thompson Street.
- The department followed the outreach and engagement as outlined in the City of Asheville's Purchase and Contracting Policy. This entailed following the public bid process.
- The City received 2 submissions from the following contractors:
 - HERC Rentals,
 - Monmouth Solutions
- The contractor was selected based on the lowest responsive/responsible bid.
- The City of Asheville plans to contract with Herc Rentals, Inc. to address the needed fleet until permanent vehicles can be acquired.

Vendor Outreach Efforts:

- Staff performed outreach through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to perform outreach to subcontractors in accordance with applicable purchasing policies.

Council Goal(s):

- Clean, Safe, and Healthy Environment

Committee(s):

- None

Pro(s):

- Allows the City to continue to maintain city parks in a safe, usable condition while waiting on permanent replacement vehicles.

Con(s):

- Non-recoverable operations cost

Fiscal Impact:

- The contract is expected to be fully funded with FY26 Parks & Recreation budget. In addition to Parks operating funds, the contract will also utilize money in the General Capital Projects Fund that is historically set aside annually for emergency flood repairs at Parks and PW facilities and infrastructure.

Motion:

- Motion to adopt a resolution to authorize the City Manager to contract with Herc Rentals, Inc., for the temporary provision of Parks & Recreation vehicles damaged by Hurricane Helene in an amount not to exceed \$355,436 in response to Tropical Storm Helene Emergency Response.

RESOLUTION BOOK NO. 46 - PAGE 87**DD. 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 July 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 July 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 July 2025.

EE. MOTION AUTHORIZING THE MAYOR TO SEND A LETTER TO THE CHANCELLOR OF THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE REGARDING THE POTENTIAL DEVELOPMENT OF LAND DESIGNATED AS A MILLENNIAL CAMPUS.

Said letter reads: “On behalf of the Asheville City Council, I am writing to share both our appreciation for UNC Asheville’s vital role in our community and our request for a thoughtful path forward regarding the future of the forested campus land.

“This forested area is more than a scenic resource; it is a cherished natural asset that provides ecological, educational, and emotional value to students, faculty, and the broader Asheville community. It also plays a critical role in stormwater management, biodiversity preservation, carbon sequestration, and urban cooling. In the wake of Tropical Storm Helene and the broader climate challenges facing our region, protecting green space is not only environmentally wise but also essential to Asheville’s public health and resilience goals.

“The Five Points Neighborhood Plan, along with numerous community voices, has consistently expressed a desire to preserve this forest and to foster collaborative stewardship between UNC Asheville and surrounding neighborhoods. We recognize that UNC Asheville faces significant financial challenges, including rising operational costs, declining public funding, and increased competition for students, and we acknowledge the need to explore solutions that ensure the university’s long-term financial sustainability. At the same time, we believe that any decisions regarding this land must strike a balance between institutional needs and the community’s deeply held environmental values.

“We are encouraged that current plans have been paused, and we respectfully request that before any further development or site alterations take place, UNC Asheville establish a more inclusive, transparent, and robust community engagement process. Specifically, we ask that this process be:

- Transparent, accessible, and inclusive, engaging both subject matter expertise and diverse community perspectives;
- Publicly reported, with outcomes that are thoughtfully considered in final decision-making; and
- Designed to ensure that the integrity of the forest - the trees and the ecological functions of the space - is maintained until a final decision has been made.

“The City of Asheville is committed to working in partnership with UNC Asheville, local residents, the soccer community, and other stakeholders to pursue an outcome that honors our community’s values of environmental stewardship and public trust, while also supporting a financially and environmentally sustainable future for the university.

“Thank you for your leadership and for your ongoing commitment to serving both your students and our broader region. We look forward to working with you on a path forward that reflects the best of Asheville’s shared vision for resilience, equity, and sustainability.”

Two individuals thanked City Council for the letter and hoped for their continued support in the future.

Councilwoman Roney thanked the community for organizing and getting the City Council to this point today and the collaborative spirit to move forward on a better plan for our entire community. We are fragile and connected to our eco system after Tropical Storm Helene. We do have a long way to go and she wanted to thank the Save of Woods group for their advocacy.

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

Councilwoman Turner moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda Item “Q”. This motion was seconded by Vice-Mayor Mosley and carried unanimously.

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

Q. ORDINANCE NO. 5162 - ORDINANCE AMENDING THE MEMBERSHIP AND APPOINTMENTS TO THE HUMAN RELATIONS COMMISSION OF ASHEVILLE

Action Requested: Adoption of an amendment to Section 2-185.25 of the Code of Ordinances regarding membership and appointment of the Human Relations Commission of Asheville.

Background:

- The HRCA was established by Ordinance No. 4663 in July of 2018.
- The ordinance has been amended on multiple occasions to reflect updates in applicable law, as well as to adjust the size of the board.
- Currently, the HRCA ordinance is inconsistent with similar provisions governing membership and appointment for other City boards and commissions.
- The proposed amendment will remove subsection (b)(2) in order to ensure compliance with applicable law and consistency with other City ordinances governing board and commission appointments.

Vendor Outreach Efforts:

- Not Applicable

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- N/A

Pro(s):

- Ensures legal compliance and consistency with other code provisions regarding advisory bodies.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Move to approve the amendment to Section 2-185.25 of the Asheville City Code regarding membership and appointments to the Human Relations Commission of Asheville.

Patrick Conant asked that a more clear explanation be provided for this ordinance amendment.

In response to Councilwoman Roney, City Attorney Branham said that this is a minor modification to an existing ordinance, only dealing with the appointment process of the Human Relations Commission. It removes one subsection. This came about because of a lawsuit the City has been involved in for some time. This amendment is part of the settlement which allows

the City to fully resolve the litigation. The ordinance amendment maintains the current structure of the Commission, and still ensures that everyone will have an equal opportunity to serve on this commission.

Councilwoman Roney said that she was not on City Council when the Human Relations Commission was formed. In the ordinance we had a number of data sets explaining racial inequities; inequities in our schools and access to education; pay and housing inequities; issues with Americans with Disability Act compliance across our transportation network, etc.. There are so many struggles and ways that we should do better by each other. When the ordinance describes who we want to bring their professional expertise, it's a reminder to her of who is impacted and who is left behind. When we design our City for everyone, it's good for all of us.

Councilwoman Ullman moved to adopt an ordinance amendment to the membership and appointments to the Human Relations Commission of Asheville. This motion was seconded by Vice-Mayor Mosley and carried on a 5-2 vote, with Councilman Hess and Councilwoman Roney voting "no."

ORDINANCE BOOK NO. 36 - PAGE 269

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - Employee Recognitions

City Manager Campbell said that today we honor and recognize the outstanding achievements/recognitions of a few of our exemplary City employees. Edward "Eddie" Gardner, Program Leader at the Burton Street Center; Christin King, Faculty Supervisor at the Shiloh Center; and Crump Shiloh Center staff—Tameka Crudup, Zymia Hammond, Kristopher Moore, Kenny McDaniels, Eugene Smith, and Devonte Penland.

She said the Asheville Police Department (APD) responded to a shooting at the Linwood Crump Shiloh Center that occurred Monday evening, July 21, which left two people injured.

Eddie Gardner, Program Leader at Burton Street Center, was providing training with two individuals on the basketball court when a white Hyundai four-door sedan driving east on Shiloh Road stopped in front of the basketball court. A man exited the vehicle and began firing, while the other two remained inside and discharged their weapons. All three then left the scene in their vehicle heading east. All pedestrians took cover as best as they could. Once the vehicle was gone, Eddie quickly assessed the scene and discovered two people had been shot.

Despite the inherent danger of a shooting incident—the risk of the shooter still being present, potential for more gunfire, and an unstable environment—Eddie immediately went to the aid of the victims. Approaching the injured meant entering a zone of uncertainty and potential harm, and the sight of severe injuries and blood can be shocking and disorienting. However, Eddie overcame any emotional distress and acted decisively.

Without hesitation, he took charge and initiated life-saving measures, first providing CPR to the most critically injured victim. Christin King, Facility Supervisor at Shiloh Center, instructed center staff to call 911 and then took over CPR compressions to allow Eddie to rest. Their sole focus shifted to the victims' survival, pushing aside thoughts of personal discomfort, the graphic nature of the injuries, or potential contamination. Both victims were transported to Mission Hospital with serious injuries.

While canvassing the area, officers recovered 43 shell casings in the roadway. Eddie and Christin were heroes to our community on this day!

We are also grateful to all the Shiloh staff, including Tameka Crudup, Zymia Hammond, Kristopher Moore, Kenny McDaniles, Eugene Smith, and Devonte Penland, for their quick actions in keeping kids and residents safe at the center on that day and in the days that followed.

ASHEVILLE REGIONAL HOUSING NEEDS ASSESSMENT

Patrick Bowen of Bowen National Research outlined the following key takeaways from his presentation as follows: (1) The City of Asheville, in partnership with Land of Sky Regional Council, commissioned Bowen National Research to conduct a regional Housing Needs Assessment as part of the development of the 2025-2029 Consolidated Plan for the Dept. of Housing & Urban Development Community Development Block Grant and HOME Investment Partnership Programs for which the City is the lead entity; (2) Asheville continues to experience affordability pressures, especially for renters; (3) While annual home sales volume has slowed in recent years, the median sales price has reached a new record in 2025; (4) Tropical Storm Helene had an outsized impact on housing units in Buncombe County compared to rest of the study area, which owner-occupied homes most impacted; and (5) Asheville has an overall 5-year housing gap of 11,658 units, with a majority of the gap for rental housing.

He then outlined the scope of work as follows: (1) Study of Four-County Region, Each Individual County, and the City of Asheville; (2) Demographic Characteristics and Trends; (3) Economic Conditions and Investments; (4) Existing Housing Stock (Rentals, Senior Care and For-Sale); (5) Evaluation of Evictions and Foreclosures; (6) Evaluation of Access to Community Services; (7) Evaluation of Special Needs Populations; (8) Natural Disaster Impact Analysis; (9) Online Stakeholder Surveys; and (10) Quantified Rental and For-Sale Housing Gaps by Various Levels of Affordability.

He then provided Council with the housing overview on demographics; housing supply; and hurricane impacted housing estimates. He said Asheville has an overall five-year housing gap of 11,658 units, with a majority of the gap for rental housing units serving lower income households (< 80% of AMHI). Most of the for-sale housing gap is for product priced at \$248k and higher (81%+ of AMHI).

Mr. Bowen responded to various questions/comments from Council on the data from the report.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONDITIONALLY ZONE PROPERTY AT 587 HAYWOOD ROAD FROM HAYWOOD ROAD FORM DISTRICT - CORRIDOR AND COMMUNITY BUSINESS II DISTRICT - CONDITIONAL ZONE TO HAYWOOD ROAD FORM DISTRICT - CORRIDOR AND COMMUNITY BUSINESS I DISTRICT - CONDITIONAL ZONE

ORDINANCE NO. 5168 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY AT 587 HAYWOOD ROAD FROM HAYWOOD ROAD FORM DISTRICT - CORRIDOR AND COMMUNITY BUSINESS II DISTRICT - CONDITIONAL ZONE TO HAYWOOD ROAD FORM DISTRICT - CORRIDOR AND COMMUNITY BUSINESS I DISTRICT - CONDITIONAL ZONE

Principal Planner Will Palmquist said that this is the consideration of conditionally rezoning property located at 587 Haywood Rd from Haywood Road Form District - Corridor (HR-3) and Community Business II - Conditional Zone (CBII-CZ) to Haywood Road Form District - Corridor (HR-3) and Community Business I - Conditional Zone (CBI-CZ). This public hearing was advertised on August 15 and 22, 2025.

Project Location and Contacts:

- The project site consists of one parcel totalling 3.26 acres at 587 Haywood Rd (PIN 9638-35-4182).
- Owner name: Trinity United Methodist of Asheville

Summary of Petition:

Project Site

- The project site consists of one property totalling 3.26 acres at 587 Haywood Rd.
- The property is currently zoned Haywood Road Form District - Corridor (HR-3) and Community Business II - Conditional Zone (CBII-CZ).
- The project site consists of the Trinity United Methodist Church and educational building at the rear of the church which is currently used for a nightly shelter, community center, and educational purposes.
- The shelter use and associated uses were approved under a Temporary Use Permit through Code Purple. The applicant is seeking permanent zoning approval for these uses.
- The rear portion of the site was conditionally rezoned by Ord. No. 3995 on July 26, 2011 for the purposes of using the existing educational building as a K-8 school.
- Based on the Living Asheville Comprehensive Plan Future Land Use Map (FLUM), the site is designated "Traditional Corridor." A change to the Future Land Use map is not required.

Overall Project Proposal

- The project is seeking an amendment to conditional zoning ordinance No. 3995 to allow for the new permanent use of the site as a nightly shelter with a maximum of 35 beds, as well as other uses, including: a community center, barbershop, consignment shop, preschool, K-12 learning center, a community gathering and training space with a focus on workforce development.
- There is no proposed development or site improvement proposed at the site.

Staff Recommendation:

- Staff recommends **approval** of this conditional zoning amendment request based on the reasons stated below.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan, including:
 - **Alleviate Homelessness** - by supporting organizations with the mission of combating homelessness to the greatest extent possible, and strategically locating services for the homeless so that they are accessible and equitably distributed throughout the city and region.
 - **Promote Social Equity and Paths to Upward Economic Mobility** - by encouraging partners to promote job placement and workforce development services in disadvantaged communities, and providing career path mentoring across all skill and education levels, especially for those living in poverty (p. 199).

- The proposed rezoning is compatible with the proposed Future Land Use designation of "Traditional Corridor", which is proposed, in part, that, "Traditional corridors can be enhanced with full multimodal access, a broad range of community service uses, parking located to the side or rear of buildings, higher residential densities that are supported by transit and wider sidewalks to enhance access to/from neighborhoods."

Compatibility Analysis:

- The proposed use of the site is compatible with the surrounding land uses, including:
 - Commercial uses located along Haywood Rd located to the east and west of the site.
 - Surrounding residential neighborhoods located to the north and south of the site.

Council Goal(s):

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

Committee(s):

- Asheville-Buncombe Continuum of Care (CoC) - August 14, 2025 - Recommended Approval (Unanimous).
- Planning & Zoning Commission (PZC) - August 6, 2025 - Recommended Approval (Vote 6:0)

Mr. Palmquist reviewed the existing and proposed zoning, the aerial imagery and the future land use map. Regarding the project proposal and conditions, (1) The rear portion of the site was conditionally rezoned by Ord. No. 3995 on July 26, 2011 for the purposes of using the existing educational building as a K-8 school; (2) The shelter use and associated uses were approved under a Temporary Use Permit through Code Purple. The applicant is seeking permanent zoning approval for these uses; (3) The project is seeking an amendment to conditional zoning ordinance No. 3995 to allow for the new permanent use of the site as a nightly shelter with a maximum of 35 beds, as well other uses, including: a community center, barbershop, consignment shop, preschool, K-12 learning community, a community gathering and training space with a focus on workforce development; and (4) There is no proposed development or site improvement proposed at the site. The Planning & Zoning Commission voted unanimously to approve the project. 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 proposed conditional zoning.

Anna Pizzo of Counterflow described the Safe Shelter program as a program of community and faith leaders coming together to fill the gap in emergency shelters throughout the area. When the program started, it was just during the winter months when the City did not have Code Purple. The goal of Safe Shelter is to keep families together. She said they try to make the locations as safe as possible and didn't consider them low barrier shelters, but there aren't many barriers to get in. She then responded to various questions/comments from Council regarding the program; their safety protocols; and their community outreach.

Councilwoman Turner expressed concern about allowing the temporary nature of the program to become permanent, and then allowing them to grow, especially with all the concerns expressed by West Asheville residents.

When Councilwoman Turner asked what would happen if the conditional zoning was not approved, Ms. Pizzo said they would only be able to operate during the winter months. In addition, Mr. Palmquist said that under a temporary use permit, the permit is capped at 180 days

and the number of people allowed are 19. If the conditional zoning was not issued, the property would be in violation.

In response to Councilwoman Ullman, City Manager Campbell explained what the Continuum of Care is doing to address concerns in West Asheville. City Manager Campbell stressed that this cannot be a City issue alone.

Mayor Manheimer said that our north star is the study we had done with Buncombe County about what our needs are to address homelessness in Asheville and Buncombe County. She felt this program fits into the conclusions of that study.

Councilman Hess stressed that this is a public safety issue.

Mayor Manheimer opened the public hearing at 6:44 p.m.

Two individuals spoke in support of allowing Safe Shelter to continue their important work, while one individual voiced concerns of trash, needles, and aggressiveness towards those walking in the area.

Mayor Manheimer closed the public hearing at 6:51 p.m.

Councilwoman Roney said that she hears the concerns expressed, and as a member of the Continuum of Care, she understands we are struggling with the reality of not enough resources or houses, and behavior and substance issues. She felt this Safe Shelter program is one of the solutions.

Mayor Manheimer noted that we created the Continuum of Care and want to honor their work. She felt it was important to support their recommendation of supporting this conditional zoning. She also noted that the Continuum of Care has created a committee to try to address issues in West Asheville.

Councilwoman Turner said she would not be able to support this conditional zoning request, but wants the organization to succeed. She continues to have concerns about the West Asheville area and the City's role in managing the concerns.

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

Councilwoman Ullman moved to approve the conditional zoning amendment request for the property located at 587 Haywood Rd from Haywood Road Form District - Corridor (HR-3) and Community Business II - Conditional Zone (CBII-CZ) to Haywood Road Form District - Corridor (HR-3) and Community Business I - Conditional Zone (CBI-CZ) 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) supports organizations with the mission of combating homelessness to the greatest extent possible, and strategically locates services for the homeless so that they are accessible and equitably distributed throughout the city and region; and, 2) encourages partners to promote job placement and workforce development services in disadvantaged communities, and providing career path mentoring across all skill and education levels, especially for those living in poverty. This motion was seconded by Councilwoman Roney and carried on a 6-1 vote, with Councilwoman Turner voting "no."

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

ORDINANCE NO. 5169 - ORDINANCE TO CONDITIONALLY 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

Principal Planner Will Palmquist said that this is the consideration of an ordinance to conditionally zone 93 and 95 Springside Rd from RS-4 Residential Single-Family Medium Density to RS-4-CZ Residential Single-Family Medium Density - Conditional Zone. This public hearing was advertised on July 11 and 18, 2025. On July 29, 2025, this public hearing was continued to this date, at the applicant's request.

Project Location and Contacts:

- The project site consists of two (2) parcels and totals 5.82 acres at 93 & 95 Springside Rd (PINs 9645-82-9276 and 9645-91-0920).
- Owner names: Brenda Moody, Beverly Wood, and Barbara Weinkle

Summary of Petition:

Project Site

- The project site consists of two (2) properties totalling 5.82 acres at 93 & 95 Springside Rd.
- The site is currently zoned Residential Single-Family Medium Density (RS-4).
- The site is currently wooded and vacant.
- The site slopes steeply uphill from Springside Rd to the north.
- Portions of the site are above 2200' in elevation but the overall grade of the site is 13.76% and therefore below the 15% grade that would trigger the Steep Slope and Ridgetop Development requirements found in UDO Sec. 7-12-4.
- Based on the Living Asheville Comprehensive Plan Future Land Use Map (FLUM), the site is designated "Residential Neighborhood." A change to the Future Land Use map is not required.

Overall Project Proposal

- The project proposes a subdivision of the site into 36 lots.
- The project is seeking a conditional zoning for technical modifications to the underlying Single-Family Medium Density (RS-4) district, including standards relating to 1) minimum lot size, 2) minimum lot width, 3) minimum setbacks, and 4) required street trees.

Access, Sidewalks and Parking

- Access to the subdivision is proposed by two new access points off of Springside Rd:
 - A new private roadway "A" accessing lots 1 through 33.
 - A new private roadway "B" accessing lots 34 through 36.
- New sidewalks are proposed along the north side of Springside Rd as well as along both sides of Private Road A. The sidewalks are proposed to be a minimum of 5'-wide with a minimum 5'-wide utility strip.
- A crosswalk with a warning signal and/or raised surface is proposed across Springside Rd adjacent to the project site. The final placement and design will be reviewed in consultation with the City Traffic Engineer.

UDO Compliance

UDO Provision	Requirement (RS-4)	Proposed (RS-4 - CZ)
Gross Floor Area:	n/a	36 SFD units
Density:	n/a	6.2 units/acre
Lot Size Minimum:	8,000 sq. ft.	3,040 sq. ft. to 12,163 sq. ft.
Lot Width Minimum:	60’	38’ to 106 ‘
Building Height(s):	40’ max	32’
Building Setbacks:	Front: 25’ but may be reduced to 15’ in designated steep slope zones Rear: 25’ Side: 10’	Front: 15’ Rear: 6’ Side: 6’
Vehicle Parking Spaces:	2 spaces min, 3 spaces max per = 72 minimum and 108 maximum	2 spaces per unit = 72 spaces total
Bicycle Parking Spaces:	n/a	n/a
Open Space:	15% of site (38,862sq. ft.)	49,530 sq. ft.
Impervious Surface Area:	n/a	42.8%
Sidewalks:	5’-wide sidewalks with 5’ to 8’-wide utility strips	5’-wide sidewalks with 5’-wide utility strips
Tree Canopy Preservation:	<u>Resource District:</u> Suburban <u>Class:</u> Class C <u>Existing Canopy:</u> 78.1% 15% if preserved, 30% if planted	<u>Total Requirement:</u> 45,634 SF - 18% <u>Preserved:</u> 30,540 SF - 12% <u>Planting:</u> 15,211 SF - 6%
Applicable Landscaping Standards		
	Property Line Buffer	Does not apply ▾
	Street Buffer	Does not apply ▾
	Street Trees	Does apply ▾
	Parking Landscaping	Does not apply ▾
	Building Landscaping	Does not apply ▾
	Screening	TBD ▾
		<u>Street Trees:</u> One small maturing tree per 30 linear feet if overhead utilities are present, OR one large maturing tree per 40 linear feet if overhead utilities are not present. <u>Screening:</u> To be determined based on final retaining wall heights, materials, and proximity to roadways.

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Technical Modifications - The project is seeking technical modifications to development standards through the conditional zoning process, including:

- Minimum lot size of 3,040 square feet instead of the required 8,000 square feet.
- Minimum lot width of 38 feet instead of the required 60 feet.
- Minimum front, side, rear setbacks of 15 feet, 6 feet, and 6 feet, respectively, instead of the required 25 feet, 10 feet, and 25 feet.
- No street trees along "Private Road B."

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed development **supports** the following goals in the Living Asheville Comprehensive Plan:
 - **Make Streets More Walkable, Comfortable and Connected**- by eliminating gaps in the sidewalk network..
 - The project proposes new sidewalk along the north side of Springside Rd
 - **Mitigate Flooding and Erosion** - by maintaining and enhancing buffers and open space preservation along creeks, streams and rivers.
 - The project maintains the required 30'-wide riparian buffer along the stream along the eastern side of the site and designates a majority of this area as perpetually-maintained open space.
- The proposed development **partially supports** the following goals in the Living Asheville Comprehensive Plan:
 - **Encourage Responsible Growth** - by prioritizing greater densities of development overall, throughout the city as appropriate, as a means of achieving more walkable and efficient urban environments and as a tool to help protect and preserve open space and the natural environment, and by incentivizing development that protects the natural environment including natural open space, steep topography and riparian areas.
 - While the project proposes single-family houses at a higher density than the current zoning would otherwise allow, it could reduce the footprint of the development by exploring different building types such as duplexes, townhomes, and small-scale multi-family in order to provide the same number of housing units while disturbing less of the overall site.
 - **Celebrate the Unique Identity of Neighborhoods Through Creative Placemaking** - by supporting contextually appropriate infill development and a variety of housing types.
 - The proposed single-family houses are consistent with the land use of the surrounding residential neighborhoods. However, the proposed lot area, width, and setbacks are at a much denser form than adjacent neighborhoods, and may not fit the surrounding context.
 - **Promote General Health and Wellness** - by promoting accessibility to parks and open spaces to encourage their use for health, wellness and recreation.
 - The project proposes open space in the form of both natural open space and recreational open space. The recreational open space could be enhanced by the project providing specific programming and uses such as playgrounds and small-scale recreational facilities.

- The proposed development **does not support** the following goals in the Living Asheville Comprehensive Plan:
 - **Increase and Diversify the Housing Supply** - by ensuring that affordable housing is equitably distributed throughout the city and encourage mixed-income developments and communities.
 - The project does not propose any level of affordable housing consideration in the form of lower rents or sale prices.
 - **Protect Land and Water Assets** - by locating development to minimize environmental impact, including environmentally sensitive areas such as steep slopes, mature forests, intact native ecosystems, and wetlands, and by clustering buildings within these areas to minimize road construction and preserve open spaces and wildlife habitats.
 - The project is laid out in a manner which disturbs virtually the entire site and requires a significant new roadway which impacts the existing natural state of the site and increases the impervious surface.
- The proposed development is **compatible** with the Future Land Use designations of “Residential Neighborhood”, which is described, in part, as: “Mainly consisting of single family housing,” and that, “Over time, residential neighborhoods can benefit from having more housing diversity such as accessory apartments, duplexes and other types of small-scale infill housing”.
 - Residential densities within the Residential Neighborhood Future Land Use Category may approach 3-5 units/acre. The proposed development is slightly higher at 6.2 units/acre.

Compatibility Analysis:

- The proposed project is **partially** compatible with the surrounding land uses, including:
 - Existing residential neighborhoods to the north, east, and south zoned Residential Single-Family Medium Density District (RS-4).
 - Staff finds the proposed subdivision to resemble more closely the Residential Single-Family High Density District (RS-8).
 - Existing residential neighborhoods to southwest zoned Residential Single-Family High Density District (RS-8).
 - Institutional land uses to the south, including T.C. Roberson High School.

Council Goal(s):

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

Committee(s):

- Technical Review Committee (TRC) - February 17, 2025 - Approved with conditions.
- Planning and Zoning Commission (PZC) - April 2, 2025 - Continued. The commission discussed the compatibility of the proposed development with the surrounding area, focusing on density, traffic safety, and environmental impact. As part of the continuance, they requested the applicant to consider the community’s recommendations, including more community engagement and design modifications.
- Planning and Zoning Commission (PZC) - May 7, 2025 - Approved (Vote 4:2) with the following conditions: 1) That the maximum building height be 40’ as prescribed in the RS-4 zoning district; 2) That the post-construction impervious surface area not exceed 45%; 3) That a crosswalk with a warning signal and/or raised surface be installed across

Springside Rd adjacent to the project site, in consultation with the City Traffic Engineer regarding final design and placement; and, 4) That the size of the stormwater system be designed to detain a 25-year storm event.

Staff Recommendation:

- Staff recommends approval of this rezoning request based on the reasons stated above while noting that the project's consistency with the Comprehensive Plan could be enhanced by changes to the project that reduce the overall footprint of the development, increase the amount and quality of open space and landscaping, and provide for a more mixed-income community.
- No information submitted on the price range of the future houses, so assuming market rate.
- It has recently come to Staff's attention that a legal action has been filed contesting ownership of a small portion of the property to be conditionally rezoned. This matter has been discussed with the Applicant and it has been agreed that this Conditional Zoning Ordinance, if approved, shall not go into effect until this ownership issue has been resolved.

Mr. Palmquist reviewed the existing and proposed zoning, the aerial imagery and the future land use map. About the site plan, (1) 35-lot single-family detached subdivision; (2) New "Private Road A"; (3) New sidewalks along north side of Springside Rd and west side of Private Road A; and (4) Crosswalk with a warning signal and/or raised surface is proposed across Springside Road. Technical modifications are requested for: (1) Minimum lot size - 3,040 SF (smallest) instead of 8,000 SF; (2) Minimum lot width - 38' (smallest) instead of 60'; (3) Minimum setbacks - Front, Side, Rear of 15', 6', 6', instead of 25', 10', 25'; and (4) Sidewalk construction - No new sidewalk on east side of Road A. Regarding the landscape plan, (1) 12 small maturing trees along Springside Rd (overhead utility lines present); (2) 44 large maturing trees along Private Roadway A (no overhead utility lines present); (3) No street trees proposed along eastern roadway stub; and (4) Open Space - Required: 38,028 SF; Proposed: 47,530 SF. Regarding the conceptual tree canopy preservation plan, (1) Existing Tree Canopy: 78.5%; and (2) Total Requirement: 18% - Preserved: 12% - New Planting: 6%. Regarding the conceptual grading plan, (1) 10'-wide area to remain undisturbed; and (2) Stormtech stormwater system designed to detain a 25-year storm event.

Technical modifications include (1) Minimum lot size of 3,040 square feet instead of the required 8,000 square feet; (2) Minimum lot width of 38 feet instead of the required 60 feet; (3) Minimum front, side, rear setbacks of 15 feet, 6 feet, and 6 feet, respectively, instead of the required 25 feet, 10 feet, and 25 feet; (4) No sidewalk on east side of Private Road A; and (5) No street trees proposed along eastern roadway stub. Project conditions include (1) A crosswalk with a warning signal and/or raised surface will be installed across Springside Rd adjacent to the project site, in consultation with the City Traffic Engineer regarding final design and placement; (2) The size of the stormwater system will be designed to detain a 25-year storm event; and (3) In lieu of a sidewalk on the east side of the main road to be constructed, Applicant will deposit the cost of construction (calculated at \$35 per linear foot times 620 feet = \$21,700) into a designated fund to be used exclusively for future construction of a sidewalk by the City of Asheville along Springside Rd. He then showed concept drawings from the front and rear views.

The following was the review process: (1) Technical Review Committee (TRC) - February 17, 2025 - Approved with conditions; (2) Planning and Zoning Commission (PZC) - April 2, 2025 - Continued. The commission discussed the compatibility of the proposed development with the surrounding area, focusing on density, traffic safety, and environmental impact. As part of the continuance, they requested the applicant to consider the community's recommendations, including more community engagement and design modifications; and (3) Planning and Zoning Commission (PZC) - May 7, 2025 - Approved (Vote 4:2) with the following conditions: 1) That the

maximum building height be 40' as prescribed in the RS-4 zoning district; 2) That the post-construction impervious surface area not exceed 45%; 3) That a crosswalk with a warning signal and/or raised surface be installed across Springside Rd adjacent to the project site, in consultation with the City Traffic Engineer regarding final design and placement; and, 4) That the size of the stormwater system be designed to detain a 25-year storm event.

Regarding the Living Asheville Comprehensive Plan (1) Consistent with the Future Land Use designation of "Residential Neighborhood", which is described, in part, as: "Mainly consisting of single family housing," and that, "Over time, residential neighborhoods can benefit from having more housing diversity such as accessory apartments, duplexes and other types of small-scale infill housing". Residential densities within the Residential Neighborhood Future Land Use Category may approach 3-5 units/acre. The proposed development is slightly higher at 6.0 units/acre. The project supports the following goals in the Plan: (1) Make Streets More Walkable, Comfortable and Connected - by eliminating gaps in the city-wide sidewalk network; and (2) Mitigate Flooding and Erosion - by maintaining and enhancing buffers and open space preservation along creeks, streams and rivers. The project partially supports the following goals in the Plan: (1) Encourage Responsible Growth - by prioritizing greater densities of development overall, throughout the city as appropriate, as a means of achieving more walkable and efficient urban environments and as a tool to help protect and preserve open space and the natural environment, and by incentivizing development that protects the natural environment including natural open space, steep topography and riparian areas; (2) Celebrate the Unique Identity of Neighborhoods Through Creative Placemaking - by supporting contextually appropriate infill development and a variety of housing types; and (3) Promote General Health and Wellness - by promoting accessibility to parks and open spaces to encourage their use for health, wellness and recreation. The project does not support the following goals in the Plan: (1) Increase and Diversify the Housing Supply - by ensuring that affordable housing is equitably distributed throughout the city and encourage mixed-income developments and communities; and (2) Protect Land and Water Assets - by locating development to minimize environmental impact, including environmentally sensitive areas such as steep slopes, mature forests, intact native ecosystems, and wetlands, and by clustering buildings within these areas to minimize road construction and preserve open spaces and wildlife habitats.

Staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning while noting that the project's consistency with the Comprehensive Plan could be enhanced by changes to the project that reduce the overall footprint of the development, increase the amount and quality of open space and landscaping, and provide for a more mixed-income community. It has recently come to Staff's attention that a legal action has been filed contesting ownership of a small portion of the property to be conditionally rezoned. This matter has been discussed with the Applicant and it has been agreed that this Conditional Zoning Ordinance, if approved, shall not go into effect until this ownership issue has been resolved. Mr. Palmquist noted that all the Planning & Zoning Commission's concerns have been addressed by the applicant in the project conditions.

In response to Councilwoman Roney, Christopher Cairns, the City's Traffic Engineer, said that Springside Road is 20 projects down on the priority list and this contribution by the applicant would not have any effect on the priority list. He noted that Springside Road is number 2 on the project corridor; however, that is a big project and he didn't know when that project would occur. Councilwoman Turner noted that City Council could address this in next year's 5-year Capital Improvement Program budget.

In response to Councilwoman Turner about the ownership issue timeline, City Attorney Branham said that any approved conditional zoning will be valid for five years.

In response to Councilwoman Ullman, Mr. Cairnes said that regarding the crosswalk with the warning signal, safety of pedestrians is the goal. He will have to investigate the site before giving a final recommendation on the design and placement, again noting that the safety of pedestrians is of the utmost importance.

Mr. Palmquist responded when Mayor Manheimer pointed out that if any applicant builds single family homes at market rate, we will never reach the City's goal of "increase and diversity of the housing supply" in our Comprehensive Plan.

Mayor Manheimer felt that the two outstanding issues from the neighborhood were (1) increasing the buffer along the north property line to 20 feet with 10 feet being undisturbed between Lots 1 and 10; and (2) request that the entrance shift south a few feet for the safety location.

Mr. Wesley Greene, applicant, felt this project is an excellent way to increase the housing stock. The location is ideal with all the businesses, and schools in the immediate area. He said this location has been on the market for 5 years and 35 homes on this site will be small homes within the \$400,000 price point. He felt this is missing middle infill.

Mr. Derek Allen, attorney representing the applicant, said that they have been working on this project since January, 2025. He said that the City needs diversity in all housing. He then outlined the several changes to the site plan since their original applicant. He agreed that he felt there were only two outstanding issues from the neighborhood but explained why they could not agree to the 20 foot buffer along the north property line.

Mayor Manheimer opened the public hearing at 8:02 p.m.

Eight individuals spoke in opposition to the conditional zoning for various reasons, some being, but are not limited to: safety; the project is not aligned with (1) Asheville zoning regulations and standards; (2) Missing Middle Housing Initiative; (3) The Bowen Report; (4) The Asheville 5x5 Economic Growth Plan; and (5) Asheville Comprehensive Plan; congestion of an already congested road; there is an existing overburdened infrastructure; people down from the area will be flooded; existing difficult traffic situation with 4 schools in the immediate area; project prioritizes housing instead of safety; the applicant does not have clear title for the property; project does not align with the intent of RS-4 zoning; there is no clear public benefit of this conditional zoning project; and introducing an many new vehicles to the narrow and curvy Springside Road is dangerous.

Two individuals spoke about the slight approval of the community vote, noting that it is a better plan than what was originally presented.

Two individuals spoke in support of the conditional zoning for various reasons, some being, but are not limited to: opportunity for homeownership; and the need for housing.

Mayor Manheimer closed the public hearing at 8:49 p.m.

There was considerable discussion between the neighborhood representative Suzanne Godsey and Mr. Allen and the development team to try to come to an acceptable agreement.

It was agreeable to Ms. Godsey and Mr. Allen that the following two additional conditions be added to the project conditions: (1) The Project will provide a 20'-wide buffer along the western property boundary of lots 1-10, specifically comprised of an undisturbed 10'-wide buffer at the rear of lots 1-10 where tree removal and grading is prohibited, and an additional 10' buffer

from the undisturbed buffer to the building envelope. The Type A planting requirements will be made within this 20' buffer including allowing planting within the 10' undisturbed area. Existing vegetation can be used to satisfy the Type A planting buffer requirements; and (2) The entrance road and crosswalk shall be located in coordination with the City's traffic engineer at the safest possible location.

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

Councilwoman Turner moved to approve the conditional zoning request for the property located at 93 & 95 Springside Rd from Residential Single-Family Medium Density (RS-4) to Residential Single-Family Medium Density - Conditional Zone (RS-4 - CZ), with the following two conditions be added to the Project Conditions: (1) The Project will provide a 20'-wide buffer along the western property boundary of lots 1-10, specifically comprised of an undisturbed 10'-wide buffer at the rear of lots 1-10 where tree removal and grading is prohibited, and an additional 10' buffer from the undisturbed buffer to the building envelope. The Type A planting requirements will be made within this 20' buffer including allowing planting within the 10' undisturbed area. Existing vegetation can be used to satisfy the Type A planting buffer requirements; and (2) The entrance road and crosswalk shall be located in coordination with the City's traffic engineer at the safest possible location; 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) prioritizes greater densities of development overall, throughout the city as appropriate; 2) eliminates gaps in the sidewalk network; and, 3) maintains and enhances buffers and open space preservation along creeks, streams and rivers. This ordinance shall be effective only upon the transfer of all the real property described in Section 1 of this Ordinance and as shown on the approved Zoning Map and Site Plan, to Sage Communities, LLC, or its assigns and as required by Condition #3 on Exhibit E, Project Conditions. This motion was seconded by Councilwoman Smith and carried on a 5-2 vote, with Councilman Hess and Councilwoman Roney voting "no."

ORDINANCE BOOK NO. 36 – PAGE 285

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. ORDINANCE NO. 5170- ORDINANCE AMENDING THE CITY OF ASHEVILLE CODE OF ORDINANCES SECTION 11-5, PUBLIC SOLICITATION AND BEGGING REGULATED, SPECIFICALLY TO EXPAND DEFINED "HIGH TRAFFIC" ZONES TO INCLUDE GEOGRAPHIC LOCATIONS ON AND AROUND HAYWOOD ROAD, PATTON AVENUE, AND MERRIMON AVENUE

Deputy Chief Sean Aardema said that this is the consideration of amendments to existing City of Asheville ordinance Sec. 11-5, Public Solicitation and Begging Regulated, specifically, to expand defined "high traffic" zones to include geographic locations on and around Haywood Road, Patton Avenue, and Merrimon Avenue.

Background:

- The high-traffic zones were created for areas within the City of Asheville that experience a large amount of pedestrian and bicycle traffic and designed to address quality of life issues related to those modes of transportation.
- Since the original ordinance was enacted, the proposed areas have grown immensely in popularity, as well as in multi-modal transportation.

- CoA staff has received a large amount of concern from community residents, business owners, and patrons regarding public solicitation and resulting issues from those encounters.
- The Asheville Police Department Data Accountability Section has produced data indicating a number of police calls for service related to public solicitation within the areas proposed to be designated as new or expanded high traffic zones.
- The APD is confident that the recommendation of an expansion of the existing solicitation ordinance will provide them with additional tools to address calls for service related to solicitation, as well as help in responding to community concerns over solicitation in high traffic zones.
- Ordinance 11-5 currently addresses high traffic zones in subsection (2)a.:
 - The communication, by use of gestures or spoken words, by one person or group of persons directed at another person or group of persons, of a request for a contribution of any type to the person or group making the communication or to others. This definition shall not include transactions between family members or mutual acquaintances.
 - Zone 1: Within the area defined by a line drawn along the centerline of the following streets: starting at the intersection of Hilliard Avenue and Market Street, west along Hilliard Avenue to the intersection of Hilliard Avenue and French Broad Avenue; then north along French Broad Avenue to the intersection of French Broad Avenue and Haywood Street; then east Haywood Street to the intersection of Haywood Street and Montford Avenue; then north along Montford Avenue to the intersection of Montford Avenue and Cherry Street; then east along Cherry Street to the intersection of Cherry Street and Broadway Street; then south on Broadway Street to the intersection of Broadway Street and Woodfin Street; then east on Woodfin Street to the intersection of Woodfin Street and College Street; then south on Valley Street to the intersection of Valley Street and Marjorie Street; then west along Marjorie Street to the intersection of Marjorie Street and Davidson Street; then south on Davidson Street to the intersection of Davidson Street and Eagle Street; then west along Eagle Street to the intersection of Eagle Street and Market Street; then south on Market Street to the point of beginning.
 - Zone 2: Within Biltmore Village Historic District.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Clean, Safe and Healthy Environment

Committee(s):

- Public Safety Committee

Pro(s):

- Amendments are the direct result of calls for city service and complaints from residents, businesses, and visitors.
- Provides a more appropriate balance between preserving first amendment rights and protecting public safety in areas of greatest need where data suggests these changes will result in a genuine impact to business and residential resiliency.
- Expanding and clarifying the ordinance gives law enforcement additional authority to respond to complaints, especially in locations not currently designated as a high traffic area.

- Expanding the ordinance can help reduce aggressive or unsafe panhandling in high-traffic areas, helping to protect pedestrians.
- Enhanced regulations on solicitation in certain areas can create a more appealing environment for residents, shoppers, and businesses, supporting economic growth.

Con(s):

- Expanding the ordinance broadens the enforcement areas, which may cause strain on police resources or increase police response time to these complaints.
- While this may reduce panhandling in certain areas, it could also displace it or push it into other areas of the city.

Fiscal Impact:

- This action would merely expand an existing ordinance, and falls in line with policing efforts that currently take place in regular police operations. It would have no increased fiscal impact.

Deputy Chief Aardema said the following are the key highlights from his presentation: (1) Violations of the City's solicitation ordinances occur most frequently in commercial areas and near high traffic corridors (dense business corridors and interstate exits); (2) It is recommended that additional areas be considered for High Traffic Zone based on calls for service and community complaints, (a) Areas for consideration: Patton Avenue and Haywood Road, and (b) It is also recommended that Zone 1 be expanded to include sections of Merrimon Avenue and South Slope; and (3) City Ordinance 11-5.2(a) will need to be amended to include the boundaries of each new zone.

High traffic zones are (1) High Traffic Zones are currently defined as geographic areas within the city, and are discussed in city ordinance 11-5, Public Solicitation; (2) The current zones encompass the majority of the central business district, as well as Biltmore Village; and (3) City Ordinance 11-5.2(a) may only be enforced within defined high traffic zones. The **City of Asheville Code of Ordinances - Chapter 11-5. Public solicitation and begging regulated** (1) Prohibits the acts of solicitation based under certain conditions, such as physical or aggressive behavior, location, time or under the influence of alcohol or controlled substance. (Sec. 11-5.b.1); (2) In addition to the restrictions set forth in section (b)(1), it is unlawful for any person to verbally beg, solicit, or panhandle within any **high traffic zone**. (Sec. 11-5.b.2). *NOTE: Solicitation with a printed sign is permitted; and* (3) There are currently only two areas designated as "high traffic zones": Portions of the Central Business District (specified by street); and Biltmore Village Historic District.

It is recommended that additional areas be considered for High Traffic Zones based on calls for service and community complaints (a) Areas for consideration: Patton Avenue and Haywood Road; and (b) It is also recommended that Zone 1 be expanded to include sections of Merrimon Avenue and South Slope.

Why we are considering expanding High Traffic Zones is , (1) In the past 12 months, there were **431** calls for service in the proposed high-traffic zones; and (2) These calls for service include panhandling, suspicious persons, and trespassing.

The Asheville Police Department (APD) Call for Service data is as follows:

- **147 Calls For Service on Patton Avenue from Regent Park to the New Leicester intersection:**
 - 26 Suspicious Person Calls
 - 21 Panhandling Calls

- 4 Trespassing Calls
- **152 Calls For Service along Haywood Road Business corridor**
 - 37 Suspicious Person Calls
 - 12 Panhandling Calls
 - 13 Trespassing Calls
- **61 Calls For Service in South Slope**
 - 3 Suspicious Person Calls
 - 0 Panhandling Calls
 - 2 Trespassing Calls
- **71 Calls For Service on Merrimon Avenue from I-240 north to the Harris Teeter store.**
 - 12 Suspicious Person Calls
 - 3 Panhandling Calls
 - 5 Trespassing Calls

Regarding APD's solicitation enforcement, (1) In the past 12 months, the APD has issued 82 citations for violations of the ordinance; (2) In the past 3 years, the APD has issued, on average, 118 citations per year; and (3) In comparison, the highest three-year average occurred in 2009 through 2012, where an average of 326 citations were issued.

The penalties for violating the ordinance is found in Code of Ordinances Section **14-4. Violation of local ordinances misdemeanor.** (a) Except as provided in subsection (b) or (c) of this section, if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00). (c) A person may not be found responsible or guilty of a local ordinance violation punishable pursuant to subsection (a) of this section if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following: (1) No new alleged violations of the local ordinance within 12 months from the date of the initial alleged violation. (2) The person provides documented proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance.

Buncombe County has three treatment courts coordinated by several community partners. Treatment courts are a recovery-based intervention to assist people living with substance use and mental health disorders out of the justice system and into lives of wellness and stability. Buncombe County has three treatment courts coordinated by the County. APD officers serve as designated agency liaisons to all three of these courts, signifying our commitment to deferred prosecution options - Adult Drug Treatment Court; ASPIRE Court; and Veteran Treatment Court.

Staff's recommendation action is to expand the City's current public solicitation ordinance to expand, and designate new, high traffic zones - (1) High Traffic Zone 1 to be expanded (Merrimon Avenue and South Slope); and (2) New Zones to be Designated: Haywood Road corridor; and Patton Avenue.

In response to Councilwoman Ullman, City Attorney Branham said that if a person is on the sidewalk holding a sign, it is legal everywhere in the City now and if this ordinance passes, it is still legal.

Chief Mike Lamb clarified that individuals cannot be on median strips holding signs. Median strips have the most pedestrian accidents.

In response to Councilwoman Roney, City Manager Campbell said that the Continuum of Care was given this information about the expansion, but they did not provide input.

Deputy Chief Aardema explained to Council how the violation section of the ordinance works, noting that only the courts can decide the penalty.

Mayor Manheimer opened the public hearing at 10:12 p.m.

Nine individuals spoke in opposition of the proposed changes to the panhandling ordinance for various reasons, some being, but are not limited to: need for more meaningful and long-term solutions to poverty; invest in programs that help the homeless thrive; and stop criminalizing the unhoused and those deeply in poverty.

One individual spoke in support of the proposed changes to the panhandling ordinance in that they felt that not everyone who panhandles is homeless. They are putting themselves into dangerous situations standing and walking on medians.

Mayor Manheimer closed the public hearing at 10:43 p.m.

Councilman Hess agreed that Asheville's working class are being priced out of the City. He stressed that this is not a homeless policy, but a pedestrian and traffic safety measure. We want to protect our most vulnerable neighbors and also our drivers on the roadways.

Councilwoman Turner moved to amend existing city ordinance 11-5, Public Solicitation and Begging Regulated, expanding the areas identified as high traffic zones as outlined in the staff report. This motion was seconded by Councilman Hess.

Councilwoman Roney felt we are doing the best we can with what we have. She notices the desperation when she is walking and riding the bus, that there is less to glean - less to pick up off the ground. She read a portion from the ACLU website on July 24, 2025, "Executive Order Tagging Disabled and Unhoused People - by Scout Katovich, Senior Staff Attorney for the ACLU Trone Center for Justice & Equality. President Trump signed an executive order today directing states to criminalize unhoused people and institutionalize people with mental health disabilities and substance use disorder. The order, titled '[Ending Crime and Disorder on American Streets](#),' directs the Justice Department to expand indefinite forced treatment for people with mental health disabilities or substance use disorder, and those living on the street who 'cannot care for themselves.' The order also purports to eliminate federal funding for evidence-based programs, like harm reduction and housing first, that save lives, and directs federal funds toward cities and states that criminalize substance use disorder, punish people for sleeping outdoors, or enforce other laws targeting unhoused people. The order also calls for sweeping federal data collection on unhoused people and those with mental health disabilities, raising serious concerns about surveillance, privacy, and how such data could be used to justify further criminalization. Instead of funding services or support, the administration is prioritizing profiling and control." Because we know that having the highest pedestrian fatality rate in the State of North Carolina per capita is bad for the people who live and work here and it's bad for business. We should implement the Close the GAP recommendations. We are hundreds of thousands of dollars behind in our Americans with Disabilities Act compliance and we have so far to go. If we want to work on

homelessness, the Continuum of Care Plan has 53 recommendation buckets and subcategories under those buckets. We have too much to do and not enough resources. We need to get that \$17 Million of recovery money on the ground to support our local businesses. What is most confusing for her is she thought we were on track to reduce homelessness with our Continuum of Care Plan, how will these misdemeanor charges further limit our residents ability to access jobs and housing. Those are among the many layers of what she is feeling as she is moving into this, and that is the reason why she will vote against this ordinance.

Councilwoman Turner sees every day the dangerous situation of individuals in the medians and she fears for their safety.

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

The motion made by Councilwoman Turner and seconded by Councilman Hess carried on a 6-1 vote, with Councilwoman Roney voting “no”.

ORDINANCE BOOK NO. 35 – PAGE 293

B. RESOLUTION NO. 25-194 - RESOLUTION ESTABLISHING FOUR HELENE RECOVERY BOARDS AND THE TEMPORARY OPERATIONAL STRUCTURE OF CURRENT CITY ADVISORY BOARDS AND COMMISSIONS

Assistant City Manager Ben Woody said that this is the consideration of a resolution establishing 4 Helene Recovery boards and the temporary operational structure of current City advisory boards and commissions.

Background:

- Recovery efforts from this storm remain ongoing and a top priority for the Asheville City Council, City staff, and this community.
- In the immediate aftermath of the storm, and in an effort to focus City resources and efforts on storm response and recovery, all City-staffed advisory boards were temporarily suspended.
- In January 2025, the City began the process of board remobilization by restarting quasi-judicial boards according to each body’s regular meeting schedule.
- In September 2025, the following technical boards will resume their regular meetings: Mountain Community Capital Fund; Asheville Regional Housing Consortium; Design Review Committee; Board of Electrical Examiners; Soil Erosion & Stormwater Control Board; and Firefighter’s Relief Fund Board.
- Some additional boards have also been permitted to meet on an ad hoc basis when sufficient need existed.
- Despite the temporary ongoing suspension of the City’s remaining boards and commissions, these public bodies remain a critical community connection and resource for City Council to provide efficient and effective government, as well as recovery efforts for the community.
- Advisory board members provide expertise, community input, and ultimately develop policy recommendations on issues of importance to City Council.
- The Asheville City Council asked staff to develop a temporary operational framework for all City boards and commissions in order to resume the mutual benefit of this resource, leverage this asset towards a full and robust recovery, ensure alignment between the work of the boards and commission and the City Council’s priorities and organizational workplan, and balance the limited City resources needed to support these bodies.

- The recommended structure will establish four recovery boards and place the remaining advisory boards on an assignment based work schedule.

Vendor Outreach Efforts:

- N/A

Council Vision 2036 Focus Area(s):

- Connected and Engaged Community

Committee(s):

- Information Only - City Council Agenda Briefing on July 24, 2025
- Information Only - Manager's Report on City Council formal meeting on July 29, 2025

Pro(s):

- Maintains all existing boards and commissions
- Provides board members with more meaningful work and engagement with City Council by aligning all board and commission work with City Council priorities and the organizational workplan.
- Balances limited City resources by ensuring board support is provided strategically
- Allows continued means for board members to suggest work assignments

Con(s):

- Limits the work of some boards in order to focus work product and balance limited resources

Fiscal Impact:

- None

Mr. Woody said the following are the key highlights 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) The city is establishing four Helene Recovery Boards to support recovery efforts from the storm which remain an ongoing and top priority for Council; (3) The Helene Recovery Boards will hold regularly scheduled meetings until June 30, 2027 based on alignment with city priorities and work plans; (4) Other advisory board members provide expertise, community input, and develop policy recommendations on issues of importance and will meet on an as needed basis until June 30, 2027 in alignment with city priorities and work plans; and (5) Quasi-judicial and technical boards will resume their regular meeting schedules.

The proposed Helene Recovery Boards are People & Environment; Housing; Infrastructure; and Economy.

The purposes of the 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; (3) Helene recovery boards membership structure utilizes broad community perspectives and expertise when developing policy recommendations; and (4) Helene recovery boards will develop work plans 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 (1) Each Helene Recovery Board will have no more than 11 members; (2) Up to 7 members will be appointed from existing Chairs, Vice Chairs, or their designees of current advisory boards; (3) 4 to 5 remaining members will be appointed by

Council at large; (4) Work of the four 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.

He then provided some examples of 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; Asheville Downtown Commission; Community Entertainment Facilities Commission; Noise Advisory Board, Public Art & Cultural Commission; and Urban Forestry Commission; (2) **Infrastructure** - A-B Riverfront Commission; Audit Committee; Community Entertainment Facilities Commission; Multi-modal Transportation Commission; 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.

The following are advisory boards that will meet on an as-needed basis: Affordable Housing Advisory Committee; African American Heritage Committee; A-B Riverfront Commission; Asheville Downtown Commission; Audit Committee; Community Entertainment Facilities Commission; Human Relations Commission; Multimodal Transportation Commission; Neighborhood Advisory Committee; Noise Advisory Board; Public Art & Cultural Commission; Sustainable Advisory Committee; and Urban Forestry Commission.

He said the proposed structure for existing advisory boards are on-demand: Most of the current advisory boards only meet when assigned a task: (1) Council-created advisory boards (13) meet on-demand, when a task is assigned by Council, Council Committee, or Department Directors; (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.

Regarding avenues for board members to propose new tasks, 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) Communicate the idea to a Council Committee; (3) Communicate the idea to a City Council; and/or (4) Ask their board chair to present the idea to the department director who provides support to their board (e.g., Urban Forestry Master Plan, Arts & Culture Plan, Home Repair, Resilience Hubs, etc.).

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.

Next steps include: (1) Staff begin developing engagement, administrative, and legal framework to establish new recovery and advisory board structure; (2) August 26: Council votes on resolution to establish the new framework; (3) Appointment and Application process to the Helene Recovery Boards completed by the Fall of 2025; (4) Department Directors work with advisory board chairs to determine potential tasks and meeting schedules; and (5) CAPE and

City Clerk's Office work with focus groups (including the Realignment Working Group "RWG") to improve ease of access to Board and Commission meetings and materials (through June 2026).

Councilwoman Roney supported expediting the recovery boards. We felt we need a path for regularly-scheduled advisory boards, thankfully we have the RWG support. Specific examples are the Affordable Housing Advisory Committee to take on Affordable Housing plan recommendations, Missing Middle Housing Study implementation, bond and recovery funding projects; Urban Forestry Commission community engagement and Urban Forestry Master Plan finalization/implementation; and Transit Committee for the ongoing transit study in addition to it being sidelined as a sub-committee of Multimodal Transportation Commission when transit is a core service and critical to our economic recovery and climate goals. We can engage in the front of decisions, or attempt to plow ahead and end up with delays and putting engagement at the end if it turns out we're on the wrong path. She'd prefer to get our advisory boards that are ready to get back to work the support they need to do so, accepting the help of the RWG to make it possible.

Mayor Manheimer said that the advisory boards will have the opportunity to select their own two designees for the Recovery Boards. She felt the staff's proposal is an exciting opportunity to streamline our recovery efforts. The City is receiving so much funding and there are so many decisions to be made, with input from the community. Even though some feel this temporary structure is imperfect, and it is, she hoped that in the future we will evaluate how this structure is working to make sure our advisory board members know their work is meaningful, received, and incorporated into the final Council project.

Councilwoman Ullman moved to adopt a resolution establishing four Helene Recovery boards and the temporary operational structure of current city advisory boards and commissions. This motion was seconded by Vice-Mayor Mosley.

Six individuals supported the creation of 4 Helene Recovery boards and that they assigned specific tasks to individual advisory boards, but that the advisory board also retain the ability to request regular meetings through a simple, consistent process, ensuring that they can remain engaged and responsive without placing additional burden to City staff.

Councilwoman Roney moved to amend the original motion to instruct City staff to accept the offer of the RWG's support for the boards who want to meet regularly. This motion was seconded by Councilman Hess and failed on a 2-5 vote, with Mayor Manheimer, Vice-Mayor Mosley, Councilwoman Smith, Councilwoman Turner and Councilwoman Ullman voting "no".

In response to Mayor Manheimer, City Attorney Branham with regard to the question of whether or not the assistance of any community organization could be used to support the boards to supplement the limited staff resources, the biggest concern is compliance with the Open Meetings Law. All advisory boards are subject to those laws. It is the reason why we have staff at these meetings with attorneys that work for the City. If non attorneys tried to provide this sort of support, it could constitute the unauthorized practice of law, which is illegal.

Councilwoman Roney couldn't think of an advisory board, outside of the Urban Forestry Commission, that met regularly with legal assistance.

Councilwoman Ullman sensed that department directors are the subject matter experts and would probably still want to attend the meetings. She felt that City staff would still need to attend the meetings and assist them achieving Council's goals.

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

The original motion made by Councilwoman Ullman and seconded by Vice-Mayor Mosley carried on a 6-1 vote, with Councilman Hess voting “no”..

RESOLUTION BOOK NO. 46 – PAGE 88

C. BOARDS & COMMISSIONS

RESOLUTION NO. 25-195 - RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

Vice-Mayor Mosley, former Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Buncombe County Tourism Development Authority (TDA).

The term of Larry Crosby as the seat for the owner/operator or hotels, motels, bed and breakfasts, or vacation rental management companies, with 100 or fewer rental units on the TDA, expired on August 31, 2026.

The following are the eligible individuals who applied for the vacancy: Amy Kelly and Ron Mashburn.

The Tourism Development Authority Board Development Committee recommends the appointment of Amy Kelly.

After a roll call vote, Amy Kelly received 5 votes and Ron Mashburn received 2 votes. Therefore, Amy Kelly is hereby appointed to serve in the seat for the owner/operator or hotels, motels, bed and breakfasts, or vacation rental management companies, with 100 or fewer rental units on the TDA, for a three-year term, term to expire August 31, 2028, or until Amy Kemp’s successor has been appointed.

In response to Councilwoman Roney regarding the part-time residency of Ms. Kelly in Atlanta, Georgia, City Attorney Branham said that the State legislature establishes the membership framework for the Buncombe County Tourism Development Authority (TDA), and there is no requirement of having City residency or County residency to serve on the TDA. However, City Council has a policy that Council will give preference for a City resident, but it isn't mandatory and has been waived in the past.

Councilwoman Turner was uncomfortable with appointing a member from out of North Carolina.

Councilwoman Roney did not want to set a precedent on this residency issue.

RESOLUTION BOOK NO. 46 – PAGE 92

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Two individuals spoke to City Council about various matters, some being, but are not limited to: requested support for solar transportation infrastructure; and suggestion that the City invest in the book “You’ll Pay for This”.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 11:32 p.m.

CITY CLERK

MAYOR