

Thursday – September 4, 2025 - 11:00 a.m.

Agenda Briefing Worksession - For September 9, 2025, Council Meeting

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

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

At 12:08 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – September 9, 2025 - 5:00 p.m

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding (recused at 8:48 p.m.); Vice-Mayor S. Antanette Mosley; Councilman Bo Hess; Councilwoman Kim Roney; Councilwoman Sheneika Smith; Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

- A. APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON AUGUST 21, 2025, AND THE FORMAL MEETING HELD ON AUGUST 26, 2025**
- B. RESOLUTION NO. 25-196 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH CDM SMITH INC. FOR THE PATTON AVENUE WATER SYSTEM DISTRIBUTION PROJECT 2**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a change order with CDM Smith Inc. in the amount of \$724,463.00 to increase the Patton Ave, Water System Distribution Project 2 – Professional Services Contract from a total in the amount of \$1,583,638.00 to \$2,308,101.00

Background:

- On February 27, 2018, a resolution was adopted to authorize the City Manager to execute a professional services contract with CDM Smith, Inc. for the Patton Water System Distribution Project 2.
- The original contract work included: a survey, a hydraulic analysis, engineering design, construction administration and other related professional services for approximately 10,600 linear feet of 24" potable water transmission main and all associated appurtenances along Patton Avenue from Craven Street to Haywood Road.
- The design and construction of first phase of the project from Haywood Rd to Hazel Mill Road has been completed

- The final phase of this water transmission project to be completed from Hazel Mill Road to Craven Street is located within NCDOTs I-2513 BD project area and the existing water main must be rerouted along portions of Patton Ave and I-26 because of impacts and conflicts associated with NCDOT's I-26 widening and relocation project.
- COA Water Resources and our consultants at CDM Smith have been cooperating and collaborating with NCDOT on the final phase of the waterline reroute since 2018, however; due to multiple delays and changes to the NCDOT interstate project design, our water transmission main design consultants have had to adjust the line routes, redesign portions, collect additional surveys and geotechnical data, leading to unplanned project expenditures.
- A change order to increase the value of the existing professional services contract is needed, in order to complete the final phase of water transmission main design.
- Water Resources Staff requested that the consultant provide an amended scope with the additional tasks and costs needed to complete the transmission main design and coordinate the work with NCDOT .
- The proposed change order request is based on the amended scope.

Vendor Outreach Efforts:

- Not applicable, change to an existing contract

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None.

Pro(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.
- Allows COA Water Resources to continue collaboration and cooperation with NCDOT to minimize utility conflicts with the ongoing I-26 widening project

Con(s):

- None

Fiscal Impact:

- The funding needed for the professional services agreement is currently allocated within the Water Capital Project Fund in the Small Waterline Replacement Project.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a change order with CDM Smith Inc. in the amount of \$724,463.00 to increase the Patton Ave, Water System Distribution Project 2 – Professional Services Contract from a total in the amount of \$1,583,638.00 to \$2,308,101.00.

RESOLUTION BOOK NO. 46 - PAGE 93

- C. RESOLUTION NO. 25-197 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH ARDURRA GROUP INC. FOR THE SHILOH SERVICE LINE FIND AND REPLACE ENGINEERING SERVICES CONTRACT**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a change order with Ardurra Group Inc. in the amount of \$430,000 to increase the Shiloh Service Line Find and Replace Engineering Services Professional Services Contract from a total in the amount of \$150,000.00 to \$580,000.

Background:

- On July 23, 2024, a resolution was adopted to authorize the City Manager to execute a professional services contract with WK Dickson who is now known as Ardurra Group INC for the Shiloh Community Find and Replace Project for \$150,000.
- The original contract work included that Ardurra provide an Engineering Report (ER), an Environmental Information Document (EID) which is a requirement of the NC Department of Water Infrastructure (NC DWI) funding.
- City of Asheville Water Resources submitted a second application to NC DWI which increased the funding for the Shiloh Community project from \$2M to \$4M. This doubled the scope of the project.
- The increased project scope increased the cost of the Design Bid Requirement, which will require more project management including permitting, inspections and construction.
- NC DWI funding also requires that a Bid and Design Package be submitted and approved before the construction can begin.
- A change order for the Ardurra Group contract is needed to increase the amount from \$150,000.00 to a total of \$580,000.00.
- Therefore a total of \$430,000.00 will be used from the NCDWI funding to pay for the cost of Design Bid and project management.

Vendor Outreach Efforts:

- Not applicable, change to an existing contract

Council Goal(s):

- Well Planned and Livable Community

Committee(s): NA

Pro(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system, in order to provide safe and reliable service.
- Ardurra Group INC. has successfully provided engineering services for other water system projects.
- Ardurra's experience with the City of Asheville water system and expertise in water distribution projects will lead to a successful project and will lessen negative impacts to customers and the City's water system.
- Direct benefit for the Shiloh community and the residents that live there.

Con(s):

- There are no cons with entering into this contract.

Fiscal Impact:

- This project is funded with a NC Department of Water Infrastructure award, with funding split between a grant and a no-interest loan. Funding is already included in the Water Capital Projects Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a change order the with Ardurra Group, INC in the amount of \$430,000.00 to increase the Shiloh Community Find and Replace Project from a total in the amount of \$150,000.00 to \$580,000.00

RESOLUTION BOOK NO. 46 - PAGE 94

D. RESOLUTION NO. 25-198 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE RENEWAL AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF ASHEVILLE FOR 224 LOUISIANA AVENUE

Action Requested: Adoption of a resolution authorizing the City Manager to sign a new lease between the City of Asheville and the United States of America for the City-owned property located at 224 Louisiana Avenue. The Lease will be retroactive to January 1, 2021, and terminate on December 31, 2025, a five (5) year lease period with an option to renew for an additional two (2) years if terms regarding the condition of the property at termination can be agreed upon.

Background:

- The City of Asheville owns approximately 8.857 acres of real property at 224 Louisiana Avenue. The U.S. Army has occupied the site since 1950, and currently, the 81st Regional Support Command (RSC) of the US Army Reserves operates out of the facility.
- The United States Congress has made an appropriation that will allow the Army to purchase land and construct a new complex for relocation and use by the U.S. Army Reserves operating in the Asheville area.
- The entire process of relocating this facility will take as long as five years to accomplish.
- The current lease, approved by Council on April 26, 2016, via resolution no 16-88, expired on December 31, 2020.
- In 2019, staff pursued a five-year lease renewal at the request of the U.S. Army's realty agent, but an extensive environmental review required by the federal government prevented the US Army from entering into that lease renewal until now.
- The US Army remained on the property during this time under a holdover lease, making regular rental payments.
- The US Army now wishes to enter into a new Lease that will be retroactive to January 2021 and extend until December 31, 2027, with the new rental rate described below.
- City Staff recommend a five year lease term ending on December 31, 2025, with an option to renew for an additional two (2) year period which may be exercised if the US Army provides additional information to the City regarding the current environment condition of the property and the lease is amended to reflect mutually agreeable language regarding the condition in which the property will be left at the end of the final lease term.
- The City of Asheville has commissioned a fair market lease appraisal to determine the lease rate in today's market, and it has been approved by the Army's review appraiser. The appraised value for a ground lease at this property is \$164,000 per year.
- The current lease rate of \$124,000 per year will increase to \$164,000 (retroactive to 2021) with an annual escalation of 3% over the term.
- At the end of the term, the site will be available for the City's use.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- The City receives fair market rent during the term of the lease.
- The City will have a planning period during the lease to determine an alternate use for this site.

Con(s):

- The City will lose rental income after the Army vacates the site.

Fiscal Impact:

- The revenue from this lease is already budgeted in the General Fund operating budget.

Motion:

- Motion to approve the resolution authorizing the City Manager to execute a new lease with the United States of America for City property at 224 Louisiana Avenue for use as an Army Reserve Center for a five-year period beginning retroactive to January 1, 2021, and ending on December 31, 2025, with an option to renew for an additional two-year period

RESOLUTION BOOK NO. 46 - PAGE 95

E. ORDINANCE NO. 5171 - BUDGET AMENDMENT TO ACCEPT AWARDED GRANT FUNDS FROM DOGWOOD HEALTH TRUST FOR THE ASHEVILLE-BUNCOMBE CONTINUUM OF CARE

Action Requested: Adoption of a budget amendment to accept \$95,000 in funding awarded from Dogwood Health Trust for the Asheville-Buncombe Continuum of Care.

Background:

- The City of Asheville is the designated Lead Agency for the Asheville-Buncombe Continuum of Care (CoC). The CoC oversees homelessness response in Asheville and Buncombe County.
- The CoC has been awarded \$95,000 in funds from Dogwood Health Trust to support CoC development based on needs identified by the CoC Board.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Quality affordable housing

Committee(s):

- N/A

Pro(s):

- Supports development of the Asheville-Buncombe Continuum of Care

Con(s):

- None noted

Fiscal Impact:

- This amendment will add \$95,000 to the Special Revenue Fund.
- Matching funds will not be required for this grant.

Motion:

- Motion to adopt a budget amendment to accept \$95,000 in funding awarded from Dogwood Health Trust for the Asheville-Buncombe Continuum of Care.

ORDINANCE BOOK NO. 36 - PAGE 298

F. RESOLUTION NO. 25-199 - RESOLUTION TO ENTER INTO A ROUND 3 CASHFLOW LOAN AGREEMENT WITH THE STATE OF NORTH CAROLINA AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE ASSOCIATED DOCUMENTS

ORDINANCE NO. 5173 - BUDGET AMENDMENT FOR ROUND 3 CASHFLOW LOAN AGREEMENT

Action Requested: Adoption of 1) a resolution to enter into a Round 3 cashflow loan agreement with the State of North Carolina and to authorize the City Manager to execute the associated documents; and 2) a budget amendment in the amount of \$12,218,317.22 to budget the loan in the Helene Cashflow Loan Fund, as required by the loan agreement.

Background:

- The North Carolina General Assembly created a \$100 million cashflow loan program in December 2024 to help local governments whose communities were devastated by Hurricane Helene while they wait for federal reimbursements to arrive.
- Asheville received two loan allocations through this program which Council approved via resolution - \$2.8M in March 2025 and \$1.8M in June 2025.
- On July 31, 2025 The State Treasurer announced that an additional \$51.5M in loans (Round 3) would be made available through the program.
- The City received notification that it was awarded a Round 3 loan of \$12.2M.
- Asheville's loan amount is higher in Round 3 due in part to the fact that the City, with assistance from Hagerty, has been very successful in moving projects forward and getting them submitted to FEMA for funding consideration.
- Council has approved a number of budget amendments over the last two months for recovery projects, including the water treatment systems and muni golf course design. This \$12.2M loan will help assist with cash flow as spending starts to occur on these projects while the City awaits FEMA reimbursements.
- The loan, which is not structured as a forgivable loan due to duplication of benefit concerns with FEMA funding, comes with a 0% interest rate and a five-year payback schedule.
- To participate in the cashflow loan program Round 3, local governments must execute a loan agreement, promissory note, and other associated agreements with the State.
- Staff is recommending approval of a resolution accepting this third round of loan funding from the State and authorizing the City Manager to execute necessary documents to participate in the loan program.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- While the loan can't be utilized to replace revenue that City lost due to Helene, it will help with overall cash flow and strengthen the City's balance sheet.
- The State has indicated the possibility of multiple rounds of financial support so acceptance of this loan will help demonstrate to the State and other potential funders that there is a continued need for additional Helene-related assistance.

Con(s):

- None

Fiscal Impact:

- As noted above, the City will receive approximately \$12.2 million in cash from the loan to support Helene-related expenses.
- The loan is designed to be a cash flow bridge until FEMA reimbursements are received, which will then be used to pay back the loan.
- Unlike the Community Disaster Loan (CDL) program, which allows funding to be used to maintain essential government services after a natural disaster, the funding from this State loan can only be used for Helene-related response expenses that will ultimately be reimbursed as part of the FEMA Public Assistance Program.

Motion:

- Motion to adopt 1) a resolution to enter into a Round 3 cashflow loan agreement with the State of North Carolina and to authorize the City Manager to execute the associated documents; and 2) a budget amendment in the amount of \$12,218,317.22 to budget the loan in the Helene Cashflow Loan Fund, as required by the loan agreement.

**RESOLUTION BOOK NO. 46 - PAGE 97
ORDINANCE BOOK NO. 36 - PAGE 299**

**G. RESOLUTION NO. 25-200 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO EXTEND THE CONTRACT WITH RESPONDER SUPPORT
SERVICES TO PROVIDE COUNSELING SERVICES TO EMPLOYEES
THROUGH OCTOBER 31, 2025, AND TO AMEND THE CURRENT
CONTRACT BY INCREASING THE NOT TO EXCEED AMOUNT BY \$7,250**

Action Requested: Adoption of resolution authorizing an amendment to the contract with Responder Support Services for counseling services to employees and their families.

Background:

- The City of Asheville contracts with RSS to provide individual counseling services to employees and their families.
- The current contract expires and the City is in the process of developing and releasing an RFP to select a vendor through the competitive bidding process.
- The amendment will extend the contract through 10-31-25 and increase the total contract amount by \$7,250 to \$181,249.
- The requested amendment will allow time for the RFP process to be completed while ensuring no disruption in services to employees and families utilizing counseling services.

Vendor Outreach Efforts:

- Current Contract - N/A

Council Goal(s):

- Clean, Safe & Healthy Environment

Committee(s):

- N/A

Pro(s):

- Fulfills employee and employee family benefit needs.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to approve a resolution authorizing the City Manager to approve an amendment to the contract with RSS to extend the provision of counseling services to employees through October 31, 2025 and to increase the current contract by \$7,250 for a total contract amount not to exceed \$181,249.

RESOLUTION BOOK NO. 46 - PAGE 98**H. RESOLUTION NO. 25-201 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE LOVELY FALL FESTIVAL ON OCTOBER 11-12, 2025**

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Lovely Asheville Fall 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.
- Asheville Creative Arts has requested that City Council permit them to serve beer and/or unfortified wine at the Lovely Asheville Fall Festival on October 11 through 12, 2025, at Pack Square Park and allow for consumption at the event.
- 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 a resolution to permit the possession and consumption of malt beverages and/or unfortified wine at the Lovely Asheville Fall Festival

RESOLUTION BOOK NO. 46 - PAGE 99

I. RESOLUTION NO. 25-202 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INFORMAL CONSTRUCTION CONTRACT WITH UNITED ELEVATOR FOR THE MODERNIZATION OF THE FREIGHT ELEVATOR AT HARRAH'S CHEROKEE CENTER ASHEVILLE

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an informal construction contract with United Elevator in the amount of \$344,190, for the upgrade and modernization of the freight elevator at the Harrah's Cherokee Center - Asheville.

Background:

- The HCCA elevator is original to the construction of the arena dating to the early 1970's.
- In 2023, staff applied for and were awarded grant funding through the Buncombe County Tourism Development Authority's Legacy Investment From Tourism (LIFT) Fund.
- Matching funds for the LIFT grant are supplied through the naming rights agreement with Harrah's Cherokee.
- The planned improvements include, new controls, hoist, machine rope, doors, brakes and safety features.

Vendor Outreach Efforts:

- Staff performed outreach to minority & women owned businesses through solicitation processes using the State's interactive purchasing system.
- Seven companies participated in site visits to review the project
- Two companies formally submitted a bid for the project with United elevator as the lowest responsive and responsible bidder.
- Bids were advertised on June 5, 2025. Two bids were submitted;
 - United Elevator, Knoxville, TN, \$312,900
 - Elevated, Charlotte, NC \$369,370
- Total Contract amount of \$344,190 includes a 10% contingency budget.
- Neither responding companies were MWBE companies.

Council Goal(s):

- A well planned and livable community
- Thriving local economy
- Fiscally resilient city

Committee(s):

- NA

Pro(s):

- Upgrades will provide a safer and more efficient experience for guests and venue clients

Con(s):

- Venue will temporarily be required to operate with one functional elevator during the construction period.

Fiscal Impact:

- Funding for this contract was previously budgeted and is available in the HCCA Capital Improvements fund.

Motion:

- Motion authorizing the City Manager to enter into an informal construction contract with United Elevator in the amount of \$344,190, for the upgrade and modernization of the freight elevator at the Harrah's Cherokee Center - Asheville

RESOLUTION BOOK NO. 46 - PAGE 102

J. RESOLUTION NO. 25-203 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH DAIKIN APPLIED FOR HARRAH'S CHEROKEE CENTER ASHEVILLE'S BUILDING AUTOMATION

Action Requested: Adoption of a resolution authorizing the City Manager to amend the Harrah's Cherokee Center Asheville's (HCCA) contract with Daikin Applied Americas, Inc. to increase the contract amount by \$25,600, for a revised total maximum price amount of \$113,100.00 for Building Automation.

Background:

- HCCA has been upgrading the HVAC Building Automation system for nearly 2 years (Software, service, computer and communications equipment)
- To date, approximately 80% of the Building Automation system has been upgraded.
- The amendment to this contract includes work of replacement of 2 new primary control JACE modules and controllers for air handlers and VAV units and the integration and programming of modules and controllers along with support signal boosters.
- This will ensure seamless and continuous uninterrupted operations of the HVAC system during events.
- The additions allow better temperature control by HCCA staff and increased energy efficiency.

Vendor Outreach Efforts:

- When initially contracted, staff performed an informal bidding process which included outreach to Minority & Women-Owned Business Enterprise (MWBE) service providers for services.
- No MWBE service providers responded.

Council Goal(s):

- A Thriving Local Economy
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Reduced energy consumption with well maintained equipment with intelligent controls.
- Immediate, contractual service response for potential outage repairs that are not in the skill set of current facility staff.

Con(s):

- None.

Fiscal Impact:

- Funds are budgeted within the Harrah's Cherokee Center's Capital Projects Fund (\$25,600).

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the contract with Daikin Applied Americas, Inc. to increase the contract amount by \$25,600 for a revised total maximum price of \$113,100.00.

RESOLUTION BOOK NO. 46 - PAGE 103

K. RESOLUTION NO. 25-204 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE HARRAH'S CHEROKEE CENTER ASHEVILLE'S CONTRACT WITH PEPSI COLA BOTTLING COMPANY OF HICKORY NC TO EXTEND THE TERM OF THE AGREEMENT AND INCREASE THE CONTRACT FOR PRODUCT PURCHASE

Action Requested: Adoption of a resolution authorizing the City Manager to amend a contract with Pepsi Cola Bottling Company of Hickory NC to extend the term of the agreement to a total of 10 years and to increase the contract amount by \$750,000 to a total amount not to exceed \$1,350,000.00.

Background:

- After a competitive bid process, in December 2020 staff executed a six year sponsorship agreement with Pepsi Bottling Company of Hickory NC.
- Pepsi provides equipment (refrigerators, coolers, recycling bins and ice machines) and service upkeep for the HCCA at an in kind value of over \$125,000 annually.
- Pepsi will increase their annual cash sponsorship of the venue from \$5,000 to \$13,500
- Pepsi will increase their annual complimentary product provided to the venue from 100 cases to over 350 cases.
- Pepsi provides fair product purchase rates, with locked in maximum increases for the duration of the contract.
- Pepsi, HCCA staff and the Eastern Band of Cherokee Indians have worked diligently together for well over a year to create an opportunity for the HCCA to drastically reduce the amount of single use plastic bottles sold at the venue.
- On average over 40,000 plastic bottles are sold at the HCCA
- The amendment to the agreement introduces Cherokee Water, a 16oz canned water option. In addition all carbonated beverages will transition to 12 and 16oz cans.
- Plastic bottle sales should decrease by over 90%.
- The amended contract will increase the annual product purchase for resale budget from \$120,000 to \$150,000 annually and will increase the contract maximum from \$600,000 to \$1,350,000.
- Average profit margin on Pepsi products sold at the HCCA is 42%.
- HCCA will continue to exclusively sell Pepsi distributed products in the Non-alcoholic beverage categories of carbonated beverages, water and sport drinks.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Guaranteed purchase rates for the HCCA Food & Beverage department
- Drastic reduction in single use plastic bottle sales
- Increase in annual cash sponsorship
- In line with plastic free Asheville goals

Con(s):

- None.

Fiscal Impact:

- Funding (not to exceed \$150,000 annually) is available in the HCCA operating budget.
- Purchases through this contract are offset by product sales and will generate additional revenue.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend a contract with Pepsi Cola Bottling Company of Hickory NC to extend the term of the agreement to a total of 10 years and to increase the contract amount by \$750,000 to a total amount not to exceed \$1,350,000.00.

RESOLUTION BOOK NO. 46 - PAGE 104

L. RESOLUTION NO. 25-205 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NV5 ENGINEERINGS AND CONSULTANTS INC. FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE LONDON ROAD SIDEWALK IMPROVEMENTS PROJECT; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY ADDITIONAL SERVICE REQUESTS THAT MAY ARISE DURING THE PROJECT UP TO THE CONTINGENCY AMOUNT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with NV5 Engineers and Consultants, Inc. in the amount of \$265,763 for Design and Construction Administration Services for London Road Sidewalk Improvements, and further, authorizing the City Manager to execute any additional service requests that may arise during the project up to the Contingency amount of \$26,577 (10%). The total contract authorization is \$292,340.

Background:

- The City of Asheville is committed to expanding its network of pedestrian routes and ensuring they are safe, accessible, and comfortable for all users.
- The plan to achieve this is described in the City of Asheville's Greenway, ADA, and Pedestrian (GAP) Plan, adopted by the City Council in October 2022. The GAP plan produced detailed project prioritization lists for top-ranked ADA and Pedestrian Plan projects.
- London Road is included in the GAP Plan's project prioritization lists for pedestrian improvements, including ADA compliance.
- This project includes the design of approximately 0.4 miles of new sidewalk and drainage along London Road, from adjacent to the intersection with Sweeten Creek Road, to the intersection with Belvedere Road.
- Easement and Right-of-Way acquisition, as well as Construction Administration, are included in the scope.
- The Anticipated Design Timeline is September 2025 - September 2026.
- The Request for Qualifications (RFQ) was advertised on April 11, 2025. The ten (10) firms listed below submitted statements of qualifications, and were evaluated by a city staff selection committee. NV5 ranked the highest (most qualified).
 - Baker Engineering
 - Bowman Consulting
 - Kimley-Horn and Associates
 - Mattern & Craig Engineers · Surveyors
 - NV5 Engineers and Consultants
 - Passero Associates
 - Rummel, Klepper & Kahl (RK&K)

- Terra Firma Design
- TranSystems
- WSP
- Funding for London Road Sidewalk Improvements 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 in accordance with the State statute regarding professional service contracts.

Council Goal(s):

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

Committee(s):

- None

Pro(s):

- This project will directly achieve City goals.
- It will provide a safe, accessible, pedestrian route that connects neighborhoods to Downtown and surrounding amenities.

Con(s):

- During Construction, traffic flow will be impacted along London Road. This will be addressed through required traffic control and pedestrian safety measures (if portions of the existing sidewalk are closed).

Fiscal Impact:

- The \$292,340 is allocated for design, and total project costs are fully funded with 2024 General Obligation Bonds.

Motion:

- Motion to authorize the City Manager to execute a contract with NV5 Engineers and Consultants, Inc. in the amount of \$265,763 for the Design and Construction Administration of "London Road Sidewalk Improvements", and further, authorizing the City Manager to execute contracts/documents for any additional service requests that may arise during the project up to the Contingency amount of \$26,577 (10%).

Councilwoman Roney was pleased to note that this is our third project on our bond program. Anyone can check the status of our bond program by googling the City of Asheville Bond Project Information.

RESOLUTION BOOK NO. 46 - PAGE 105

- M. RESOLUTION NO. 25-206 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH OLIN PARTNERSHIP LIMITED FOR DESIGN AND ENGINEERING SERVICES REQUIRED TO REBUILD THE AZALEA PARKS AND INFRASTRUCTURE SYSTEM; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY CHANGE ORDERS THAT MAY ARISE DURING THE PROJECT UP TO THE CONTINGENCY AMOUNT**

ORDINANCE NO. 5173 - BUDGET AMENDMENT FOR THE AZALEA PARKS AND INFRASTRUCTURE SYSTEM

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Olin Partnership Limited in the amount of not to exceed \$225,000, for Phase I design and engineering services required to rebuild the Gashes Creek Bridge and Dam; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$25,000; and approval of a budget amendment of \$250,000 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 Azalea Parks and Infrastructure components have been combined into one FEMA PA design project and includes Gashes Creek Road bridge and dam, Azalea Road East, Recreation Park and Azalea Park, including the swimming pool and support buildings.
- On April 24th, 2025 staff posted a Request for Qualifications (298-AzaleaParkRecovery-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.
- Eighteen 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.
- Olin Partnership Limited, with offices in Philadelphia, PA and Los Angeles CA 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, Hazard Mitigation Grant Program (HMGP), and Community Development Block Grant-Disaster Recovery (CDBG-DR) grants.
- Design Phases
 - Phase I - The scope of this contract phase includes preliminary bridge and dam alternatives analysis, Hydrologic and Hydraulic Modeling, and benefit cost analyses for alternatives.
 - This design service will be used to support a HMGP advanced assistance application and provide more clear direction for the Phase II design work, both anticipated in October 2025.
 - Phase II - Design concepts are further vetted along with the technical requirements and the related requirements of federal funding sources through 60% design, and will support a HMGP implementation and construction grant application anticipated in the summer of 2026.
 - Phase III - This phase will pick up the design from 60% and carry it through Construction Administration.
 - Phases II and III may result in independent or combined contract amendments depending on the findings of the Phase I design efforts.

- Due to the overlap of flood studies between the bridge, dam and park elements, the early design of these elements will occur concurrently.
- However, if there are opportunities to break-out later phases of design or construction (like the bridge and dam for example) into early or separate bid packages, we will do that wherever possible.

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.
- Eighteen firms responded to the RFQ. Olin Partnership Limited was selected as the most qualified firm based on the criteria listed in the RFQ.
- Olin Partnership Limited is a woman owned firm and will be acting as the design lead on this contract.

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 and infrastructure in this area.
- 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 \$250,000. This amount is expected to be fully offset by reimbursements: 90% through the FEMA-PA program and the remaining 10% from state sources for damages. Furthermore, we will pursue additional funding for project mitigation and enhancements from HMGP and CDBG-DR.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Olin Partnership Limited in the amount of not to exceed \$225,000, for Phase I design and engineering services required to rebuild the Gashes Creek Bridge and Dam; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$25,000; and approval of a budget amendment of \$250,000 to add federal and state funds to the General Capital Projects Fund.

**RESOLUTION BOOK NO. 46 - PAGE 106
ORDINANCE BOOK NO. 36 - PAGE 300**

**N. RESOLUTION NO. 25-207 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO ENTER INTO A CONTRACT WITH NOVUS ARCHITECTS FOR
DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR 8 RIVER**

ARTS PLACE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY ADDITIONAL SERVICE REQUESTS THAT MAY ARISE DURING THE PROJECT UP TO THE CONTINGENCY AMOUNT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Novus Architects in the amount of \$207,225 for Design and Construction Administration Services for “8 River Arts Place - Helene Recovery”, and further, authorizing the City Manager to execute any additional service requests that may arise during the project up to the Contingency amount of \$20,723 (10%).

Background:

- “8 River Arts Place” is a one-story brick structure built in 1933, originally serving as the office building for a manufactured gas plant. It was eventually donated by PSNC/SCANA Energy to the City and is listed on the National Register of Historic Places as a contributing structure to the Riverside Industrial Historic District. There is also a registered brownfield agreement for the site.
- The Finished Floor Elevation of the structure is several feet below Base Flood Elevation, but the National Flood Insurance Program (NFIP) allows for variances for eligible historic structures undergoing “substantial improvements” from flood protection standards.
- A design for the rehabilitation of the structure was completed in 2015, with construction completed in 2017. As a contributing historic structure, the building was eligible for (and still is) a variance from the City's flood protection standards, and was granted this in April 2016 as part of a Board of Adjustment review.
- In September 2024, the building was significantly damaged by Hurricane Helene, with damages primarily impacting the building's Mechanical, Electrical, and Plumbing components. In March 2025, the City determined the building to be “substantially damaged”, a term defined in the context of the National Flood Insurance Program as when the *total cost of repairs necessary to restore the building to its pre-damaged condition is 50% or more of the building's pre-storm market value*.
- The scope includes the Design for the repair or replacement of mechanical, electrical, and plumbing components, architectural elements, and limited site elements that were damaged by Tropical Storm Helene.
- The scope will also include identifying and assessing opportunities for flood mitigation.
 - Considerations will be given to flood proofing the building to create resilience against future flooding events. These techniques may include but are not limited to using flood resistant finishes and fixtures, potting or sealing electrical conduit, and raising mechanical equipment.
 - The feasibility of elevating, removal or relocation of the structure will also be discussed but will be impacted by the Historical Designation of the facility.
- Design services will include:
 - Damage assessment cost estimating
 - Environmental and Historic Preservation Considerations (EHP)
 - Full service design, cost estimating, construction documentation
 - Bidding assistance
 - Construction administration services
- The RFQ was issued May 9, 2025. The six (6) firms below were evaluated by a selection committee, with Novus Architects ranked the highest (most qualified).
 - Altura Architects
 - Carleton Collins Architecture
 - In Situ Studio
 - Novus Architects
 - Peacock Architects
 - Sizemore Group
- The Anticipated Design Timeline is October 2025 - June 2026.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses, through solicitation processes using the State's Interactive Purchasing System in accordance with the State statute regarding professional service contracts.

Council Goal(s):

- Connected & Engaged Community
- Thriving Local Economy
- Clean, Safe and Healthy Environment

Committee(s):

- None

Pro(s):

- This building has been non-operational since September 2024. As a contributing historic structure with public restrooms and leasable space, it was a valuable asset to the City and greater community. This project will restore functionality to the building and return this asset to the community.

Con(s):

- None

Fiscal Impact:

- The cost is expected to be reimbursed with a combination of FEMA-Public Assistance and State of NC funding, with the 90/10 cost share.
- Funding for this work is budgeted in the General Capital Projects Fund.

Motion:

- Motion to authorize the City Manager to enter into a contract he City with Novus Architects in the amount of \$207,225 for design services for 8 River Arts Place, 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 \$20,723 (10%).

RESOLUTION BOOK NO. 46 - PAGE 107

O. RESOLUTION NO. 25-208 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH SAMSARA INC. FOR THE PROVISION OF FLEET TELEMATICS AND CAMERA SOLUTIONS

Action Requested: Adoption of resolution authorizing the City Manager to execute an amendment to Samsara, Inc., contract to increase the contract funding for a total not-to-exceed limit of \$132,000 and authorizing the City Manager to execute any documents necessary to give effect to this resolution.

Background:

- Contract 92400188 is a three-year term contract that was executed on October 24, 2023, between the City and Samsara, Inc., under the Sourcewell cooperative purchasing program's contract 020221-SAM (Expiration 03/26/2026) for the provision of fleet telematic and camera solutions.
- Under this contract, the City pays for GPS/camera licensing fees only with Samsara providing the equipment at no cost.

- Samsara's software uses location data from installed GPS units and cameras to provide live tracking and camera footage for Public Works vehicles and integrates with both the City's GIS system and fleet management software.
- The GPS/camera units and software integration provides several benefits, including the capability for real-time location tracking, enhanced security and theft prevention, and increased accountability and transparency.
- Most importantly, GPS tracking can be used to monitor driving behaviors and identify unsafe practices, and cameras can provide visual evidence in the case of accidents or disputes, helping to determine fault and protect from false claims.
- An amendment was executed on May 16, 2025, to increase contract funding to allow for additional licenses.
- This increased the coverage of GPS and camera units to approximately 78% and 40% of the Public Works fleet, respectively.
- The contract currently totals \$60,848.45, which consists of Year 1 and year-to-date Year 2 expenses.
- This second amendment would further expand the contract with Samsara to include GPS and cameras for the remainder of the existing Public Works fleet.
- New licensing costs will be pro-rated for the remainder of the second year, while the full costs for the currently-existing and newly-added licenses will be charged for Year 3.
- To account for the increased licensing costs and shipping costs for the additional equipment, as well as allowing for potential fleet additions through the remaining contract term, the contract funding is being increased by \$71,151.55 for a total not-to-exceed contract amount of \$132,000.

Vendor Outreach Efforts:

- This is an amendment to Contract 92400188 with Samsara, Inc., which was completed under Sourcewell Contract 020221-SAM, thus no outreach efforts were conducted.

Council Goal(s):

- Clean, Safe, and Healthy Environment
- Financially Resilient City

Committee(s):

- None

Pro(s):

- Directly integrates with the current fleet management software and GIS system.
- Staff are already trained on the software.
- All existing Public Works vehicles would have a GPS and camera unit installed.
- GPS/camera data results in increased safety, accountability, and transparency, as well as evidence in cases of accidents or legal disputes.
- Only licensing costs are paid, Samsara provides the hardware at no cost aside from shipping fees.

Con(s):

- Recurring annual licensing costs.

Fiscal Impact:

- The fiscal impact will vary depending upon utilization; however, spending will not exceed the limit of \$132,000.
- Funding for this contract will be pulled from the FY 2025-2026 budgets for Sanitation (General Fund), Streets (General Fund), and the Streets - Utility Cut and Stormwater Enterprise Funds.

Motion:

- Move to adopt resolution authorizing the City Manager to execute an amendment to Contract 92400188 with Samsara, Inc., increasing the total contract funding by \$71,151.55 for a total not-to-exceed amount of \$132,000 and authorizing the City Manager to execute any documents necessary to give effect to this resolution.

RESOLUTION BOOK NO. 46 - PAGE 108

P. RESOLUTION NO. 25-209 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PASSPORT LABS INC. FOR A PARKING CITATION AND PERMIT MANAGEMENT SYSTEM AND A PARKING ENFORCEMENT LICENSE PLAT RECOGNITION SYSTEM

Action Requested: Adopt a resolution authorizing the City Manager to execute a contract with Passport Labs Inc. for a parking citation and permit management system, which includes a parking enforcement license plate recognition (LPR) system, for an initial term of three years with two optional one-year renewals for a total contract term of up to five years, and authorize contract funding in an amount not to exceed \$1,031,900.

Background:

- Passport Labs, Inc. has been the City's vendor for parking citation and permit management since March 2021, and their existing contract will expire December 31, 2025.
- An RFP was issued in 2025 for a new citation and permit management system, and Passport Labs, Inc. was the vendor selected through this competitive RFP process.
- Eight vendors submitted proposals, which were evaluated by a staff team.
- The four highest scoring vendors were invited to do a presentation and interview with the evaluation team.
- Passport was the vendor selected by the staff evaluation team.
- The Parking Citation and Permit Management Systems are critical to the Parking Services Division's Operations and revenue generation, as they comprise the systems used to issue, track, and collect revenues for citations and permits.
- Incorporation of a License Plate Recognition System (LPR) that will integrate with the citation and permit management system will significantly improve enforcement and operational efficiency by automatically scanning and checking license plate numbers against valid monthly permits, eliminating the need for enforcement officers to look up each plate for a permit.
- Additionally, an LPR system will greatly improve the ability to enforce parking space and loading zone time limit restrictions.
- The Parking Services LPR system will not be used to enforce anything other than parking regulations.
- It will not integrate with any law-enforcement associated systems or databases.
- Staff seeks approval to execute a contract with Passport Labs, Inc. for an initial term of three years with up to two additional one-year optional renewals for a total contract amount not to exceed \$1,031,900.

Vendor Outreach Efforts:

- A request for proposals (RFP) was issued to solicit proposals for a parking enforcement citation and permit management system, and the vendor was selected through the City's RFP process.
- The RFP was also posted on the International Parking and Mobility Institute's website for vendor outreach.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- The LPR system will significantly improve efficiency of permit enforcement, time limit and loading zone restrictions.

Con(s):

- None

Fiscal Impact:

- The total contract amount, including option years, will not exceed \$1,031,900.
 - Year 1 - \$213,549, includes the one-time hardware purchase for a mobile parking enforcement LPR system of \$42,175, as well as the monthly costs for permit management, citation management, and LPR software.
 - Note: The first year's costs were voluntarily discounted by the vendor to help offset some parking revenue losses from Tropical Storm Helene.
 - Year 2 - \$190,874
 - Year 3 - \$198,749
 - Year 4 Option - \$207,018
 - Year 5 Option - \$215,700
- \$6,000 is also included in the total contract amount for the purchase of up to 10 new printers for citations to replace as needed over the course of the 3 to 5 year contract at \$600 each.
- The required funding for the first year of the contract is budgeted in the FY26 Parking Services Division Operating Budget.
- Additional funds as needed will be included in future Parking Services Division Operating Budget requests.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract, and any documents necessary for contract renewals, with Passport Labs Inc. for a parking citation and permit management system, which includes a parking enforcement license plate recognition (LPR) system, for an initial term of three years with two optional one-year renewals for a total contract term of up to five years, and authorize contract funding in an amount not to exceed \$1,031,900.

RESOLUTION BOOK NO. 46 - PAGE 109

- Q. ORDINANCE NO. 5174 - ORDINANCE ENACTING A 25 MILE PER HOUR SPEED LIMIT ON (1) EMMA ROAD FROM CRAVEN STREET TO 0.44 MILES SOUTHEAST OF BRINGHAM ROAD; (2) EMMA ROAD FROM 0.44 MILES SOUTHEAST OF BINGHAM ROAD TO BINGHAM ROAD; (3) CRAVEN STREET IN ITS ENTIRETY; (4) MILLER ROAD FROM HENDERSONVILLE ROAD TO LEE STREET; (5) LEE STREET FROM MILLER ROAD TO ROSSCRAGGON ROAD; (6) ROSSCRAGGON ROAD FROM MILLER ROAD TO RATHFARNHAM ROAD; (7) ROSSCRAGGON ROAD FROM RATHFARNHAM ROAD TO SWEETEN CREEK ROAD; (6) RATHFARNHAM ROAD FROM ROSSCRAGGON ROAD TO SWEETEN CREEK ROAD; AND (7) HOMINY CREEK ROAD FROM SHELBURNE ROAD TO 0.81 MILES SOUTH OF SHELBURNE ROAD**

Action Requested: Adoption of an ordinance enacting a 25 mph speed limit on Emma Road from Craven Street to 0.44 miles southeast of Bingham Road; Emma Road (SR 1338) from 0.44 miles southeast of Bingham Road to Bingham Road; Craven Street in its entirety; Miller Road (SR 3181) from Hendersonville Road to Lee Street; Lee Street (SR 3181) from Miller Road to Rosscraggon Road; Rosscraggon Road (SR 3181) from Miller Road to Rathfarnham Road; Rosscraggon Road from Rathfarnham Road to Sweeten Creek Road; Rathfarnham Road (SR 3185) from Rosscraggon Road to Sweeten Creek Road; and Hominy Creek Road (SR 3620) from Shelburne Road to 0.81 miles south of Shelburne Road.

Background:

- N.C. Gen. Stat. § 20-141 gives the City the authority to regulate speed limits within its corporate limits.
- City staff received requests from constituents to consider changes to speed limits and NCDOT also received requests for changes within city limits.
- City staff performed appropriate traffic engineering reviews along three streets that complement or abut speed limit changes proposed by NCDOT.
- The speed limit on the following streets will be set at 25 miles per hour:
 - Emma Road from Craven Street to 0.44 miles southeast of Bingham Road
 - Emma Road (SR 1338) from 0.44 miles southeast of Bingham Road to Bingham Road
 - Craven Street in its entirety
 - SR 3181 (Miller Road/Lee Street/Rosscraggon Road) from Hendersonville Road to Rathfarnham Road
 - Rosscraggon Road from Rathfarnham Road to Sweeten Creek Road
 - Rathfarnham Road (SR 3185) from Rosscraggon Road to Sweeten Creek Road
 - Hominy Creek Road (SR 3620) from Shelburne Road to 0.81 miles south of Shelburne Road
- Safety and speeding concerns have been raised on all of these streets.
- The Asheville Police Department has reviewed the subject actions and they concur with them.
- The speed limit changes are recommended in order to establish lower, safer speed limits that are consistent with the context of these streets.
- Once the subject action is approved and prior to the installation of appropriate signs on the City-maintained streets, Transportation Department staff will coordinate outreach and public education with the Communication & Public Engagement Department (CAPE) and the Asheville Police Department.
- Subpart A, Article II, Section 18 of the City of Asheville's Charter requires revising or amending ordinance sections by repealing the original ordinance sections completely and replacing them with revised or amended ordinance sections.
- Staff is therefore requesting a repeal and replacement of the relevant ordinance sections to accomplish these speed limit changes.
- A short version of the ordinance changes is included with this staff report.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- MMTC - not presented due to no scheduled meetings.

Pro(s):

- City staff have been able to respond favorably to citizens' requests.

- Provides more appropriate posted speed limits in commercial, recreational, and residential areas.
- Provides more appropriate posted speed limits for pedestrians, transit, and bicycle riders.

Con(s):

- None

Fiscal Impact:

- The cost of installing and maintaining speed limit signs is included in the Transportation Department operating budget.

Motion:

- Motion to repeal ordinance sections and replace with the revised ordinance sections to enact (1) a 25 mph speed limit on Emma Road from Craven Street to 0.44 miles southeast of Bingham Road; (2) Emma Road (SR 1338) from 0.44 miles southeast of Bingham Road to Bingham Road; (3) Craven Street in its entirety; (4) Miller Road (SR 3181) from Hendersonville Road to Lee Street; (5) Lee Street (SR 3181) from Miller Road to Rosscraggon Road; (6) Rosscraggon Road (SR 3181) from Miller Road to Rathfarnham Road; (7) Rosscraggon Road from Rathfarnham Road to Sweeten Creek Road; (8) Rathfarnham Road (SR 3185) from Rosscraggon Road to Sweeten Creek Road; and (9) Hominy Creek Road (SR 3620) from Shelburne Road to 0.81 miles south of Shelburne Road.

Mr. Paul Howell supported reducing speed on the streets; however, we need the enforcement of those speed limits.

ORDINANCE BOOK NO. 36 - PAGE 301

R. RESOLUTION NO. 25-210 - RESOLUTION SUPPORTING AND REQUESTING THE N.C. DEPT. OF TRANSPORTATION TO DEDICATE A SECTION OF I-40 AT EXIT 51 IN MEMORY OF JIM DANIELS

Action Requested: Adoption of a resolution supporting and requesting the N.C. Dept. of Transportation to dedicate a section of I-40 at Exit 51 in memory of Jim Daniels.

Background:

- Prior to dedicating a section of interstate highway in honor of someone, the North Carolina Department of Transportation (NC DOT) requires that the City authorize the dedication if the section of road is within the City limits.
- Passage of the resolution must be unanimous.
- The family of Jim Daniels has requested that the City authorize the section of highway at exit 51 be dedicated in honor of Jim Daniels.
- The Daniels family has agreed to pay the expenses of this dedication directly to the NC DOT.
- After passage of the resolution, the application is considered by the N.C. Board of Transportation for final approval.
- Jim Daniels was a businessman and second generation president of Daniels Business Services which includes Daniels Graphics (a commercial printing company) and Daniels Communications (a 24 hour Answering Service).
- He was a member of a group of motivated people that really reshaped Asheville in the 1980s. He worked closely with other visionaries to help improve the Asheville downtown area and business landscape.

- Under the Governor Hunt administration Jim served on the NC DOT board and was in part responsible for the exit 51 project off of I-40 to Sweeten Creek Road.
- Jim also served on many boards which were essential to the growth and revitalization of Asheville.
- These boards include but are not limited to, Advisory Board Wachovia Bank (member), Quality Forward (founder), Printing Industry of the Carolinas, (President), Board of Directors Institute at Biltmore (member). A board on which he was especially proud to participate was the NC Community Colleges board.
- He was involved in the founding of many NC and local organizations including the NC Alarms Systems Monitoring Board.
- Mainly he was a real Asheville homegrown character who did great things for the City of Asheville and the State of North Carolina.

Vendor Outreach Efforts:

- N/A

Committee(s):

- N/A

Pro(s):

- This dedication will honor an individual that contributed to the growth and development of the City of Asheville.

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to adopt a resolution supporting and requesting the N.C. Dept. of Transportation to dedicate a section of I-40 at Exit 51 in memory of Jim Daniels.

RESOLUTION BOOK NO. 46 - PAGE 110

S. RESOLUTION NO. 25-211 - RESOLUTION PROVIDING FOR THE CITY OF ASHEVILLE, NORTH CAROLINA, TO BECOME A MEMBER OF THE AMERICAN FLOOD COALITION

RESOLUTION BOOK NO. 46 - PAGE 111

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

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

III. PRESENTATIONS & REPORTS:

A. COMMUNITY REPARATIONS COMMISSION FINAL REPORT

Ms. Bobbette Mays, Vice-Chair of the Community Reparations Commission, was pleased to present the final report and progress closeout for the Community Reparations Commission (CRC) . The mission of the Reparations Commission is empowered to make short-, medium-,

and long-term recommendations that will make significant progress toward repairing the damage caused by public and private systemic racism. On July 14, 2020, City Council tasked the CRC with the following: (1) Issuing a report in a timely manner for consideration for incorporation into short- and long-term, priorities and plans; and (2) Providing budget and program priorities for the following to include but not be limited to: (a) Increasing minority home ownership and access to other affordable housing; (b) Increasing minority business ownership and career opportunities; (c) Developing strategies to grow equity and generational wealth; and (d) Closing gaps in healthcare, education, employment and pay, neighborhood safety, and fairness within criminal justice.

The CRC voted on and passed all 39 recommendations created by the CRC in June 2024. At the August 27, 2024 Council Meeting, the CRC Chair and Vice-Chair Came Before City Council and Requested a Six-Month Extension to Complete the Work - The Request was Approved. On March 22, 2025, a CRC retreat was held by staff to begin the process of the 6-month extension. During the retreat the CRC members in attendance agreed to focus on the most impactful items from the extension request: (a) Possible creation of the 501(c)3; (b) Community Engagement; and () City Staff recommended and CRC agreed to use an existing council already in place (African American Heritage Commission) for the Advisory Council.

Regarding the 501(c)3 Committee, (1) over the last six months this Committee of the CRC has been tasked with the creation of The 501(c)3 to support in the implementation of Reparations in Asheville and Buncombe County; (2) name has been approved by the CRC 40 Acres in The Land Of The Sky Alliance Community Development Corporation (40 Acres LOTSA CDC); (3) Mission Statement has been Created and approved by the CRC - The mission of 40 Acres in The Land Of The Sky Alliance CDC (40 Acres LOTSA CDC) is: To revitalize Asheville/Buncombe County communities by creating sustainable economic opportunities, increasing access to affordable housing, improving educational and health outcomes, and reducing harm caused by criminal justice involvement. This will be based on data analytics and achieved through community engagement, while being guided by the necessities and aspirations of low income/economically disinvested people, as well as those directly impacted and the Descendents of Redlining and Urban Renewal; (4) ·The purpose of the Corporation has been determined and approved by the CRC - The purpose of the Corporation is to empower and revitalize our community by developing affordable housing, fostering economic opportunity, providing equitable educational opportunities, improving health care access, reforming criminal justice systems and enhancing quality of life for all residents; (5) ·The initial Incorporators was determined as the members of the 501c3 committee and approved by the CRC; (6) ·Nonprofit entity has been incorporated with the NC Secretary of State; (7) ·Employer Identification number has been obtained; and (8) ·Bylaws are being drafted, and initial board appointments will follow shortly after application for federal designation is underway.

Regarding the final presentation, the report of work during the extension (3 points of interest) include (1) Previously Approved 39 Recommendations; (2) Recovery Selections -Recommendations aligned with recovery in Asheville & Buncombe County -Criminal Justice/Economic Development/Education/Housing/Health & Wellness -Recommendations that are policy driven rather than budget/expenditure driven -Advisory Council (Education), Asheville PD Creation of Community Board (Crim. Just); and (3) Additional Funding - Conclusion (Upholding Our Commitment To Stopping The Harm).

Ms. Dewana Little, Chair of the Community Reparations Commission, provided a brief overview of the recommendations included in the the report: (1) Criminal Justice - Criminal Justice Recommendations that Rise to the Top and Align with Recovery - (a) Funding for Community Based Support Services; (b) Black representation in law enforcement; and (c) Mental Health support for justice involved people and law enforcement (especially impacted by Hurricane Helene); (2) Economic Development - Economic Development Recommendations that Rise to the Top and Align with Recovery (a) Provide grants to legacy neighborhoods and public housing

communities; (b) Establish Business Corridors; and (c) Provide grants to Black owned businesses; (3) Education - Education Recommendations that Rise to the Top and Align with Recovery (a) Universal funding for Early Childhood Education - free, high quality early childhood education (child care); (b) Gifting land/campus for cooperative community development programs; (c) Gifting land for housing recruited teachers; and (d) Hiring a reparations lawyer to enact accountability measures; (4) Health and Wellness - Health and Wellness Recommendations that Rise to the Top and Align with Recovery (a) Health Care Subsidy, including the establishment of a dedicated transportation service for expecting mothers ensuring access to prenatal appointments, birth classes, and hospitals, and a free health clinic; (b) Black Birthing and Healing Centers; and (c) Establish Black Mental Health Network; and (5) Housing - Housing Recommendations that Rise to the Top and Align with Recovery (a) Special attention needed to address damage to churches/homes in legacy neighborhoods as a result of Helene; and (b) Create a new dollar lot program.

Director of Human Relations, Anti-Discrimination and Compliance Sala Menaya-Merritt said that moving forward (1) staff will identify those recommendations that are within the City's purview or area of responsibility; and (2) Dissolution of the Community Reparations Commission will take place at the October 14, 2025.

On behalf of City Council, Mayor Manheimer thanked all the Commissioners for their hard work on this very important matter.

B. I-26 CONNECTOR AESTHETICS COMMITTEE FINAL REPORT

Ted Figura, Chair of the I-26 Connector Aesthetics Committee said the N.C. Dept. of Transportation (NCDOT) announced a design change to the I-26 Connector Section B that takes I-26 over, instead of under, Patton Avenue west of the French Broad River. The I-26 Aesthetics Committee was reconvened and charged with making aesthetic recommendations for the new bridge.

He said the recommendations fall into the following 4 categories (1) recommendations incorporated into the project design at no cost to the City; (2) recommendations constituting "betterments" to be paid for by the City - Funds already committed by City were made available due to changes to the design of the interstate east of the River - no additional funding needed; (3) recommendations to be paid for with the project's landscape budget at no cost to the City, except maintenance; and (4) recommendations to be implemented by the City after construction is completed (this will be a cost to the City).

Regarding "incorporated into the project design at no cost to the City" (bridge abutment on the south side is vertical, not sloped) (1) four rows of overhead lighting to light the multi-use path (MUP) and sidewalk under the bridge; (2) conduit to support future installation of decorative lighting under the bridge; (3) conduit for installation of decorative pole lighting by Duke Energy along the West Patton Avenue MUP, including under the bridge; (4) elimination of high-mast lighting front the West Patton Avenue interchange; (5) bridge surfaces will match the color palette selected by the Committee for the bridges over the interstate; (6) metal components will be Corten steel or other brown metal; (7) NCDOT will provide borings to allow potential installation of a metal scrim, should the City decide to do this; (8) NCDOT will minimize interstate visibility from Patton Avenue; (9) "no air braking" signs will be placed strategically along the interstate, and approaching the bridge over Patton Avenue; (10) NCDOT will use noise mitigation, such as sound walls and noise-reducing pavement, to the maximum extent possible; (11) NCDOT will permit MUP to meander, especially under the new bridge, to move the MUP farther from Patton Avenue traffic; and (12) pedestrian refuge islands will be placed at each crosswalk crossing Patton Avenue west of the Bowen Bridge to Florida Avenue.

Regarding “betterments to be paid for by the City”, (1) Smith Mill Creek Greenway MUP along Patton Avenue to be expanded to 18-feet wide to accommodate extension of the cycle track crossing the Bowen Bridge to just west of the new bridge across Patton Avenue - cost of this betterment - \$277,000 funded by savings from design changes east of the Bowen Bridge; (2) former liner with pattern evoking Asheville City Hall and the Bowen Bridge monuments to be placed on the bridge’s horizontal span - cost of this betterment - \$74,100 - funded by savings from design changes east of the Bowen Bridge; and (3) place planters, like those on the Bowen Bridge, along Patton Avenue west of the Bowen Bridge; and future landscape design should (a) maximize opportunities for vistas, especially of the downtown; (b) reduce noise impact from the bridge; and (c) resonate with landscape design elements chosen for the Bowen Bridge - betterments to be paid for with the project landscape budget.

Regarding “special opportunity - Public Art”, (1) bridge surfaces will be left plain concrete to allow installation of public art by the City post-construction - surfaces include (a) wing walls on the south side of the bridge; (b) abutment wall underneath the bridge; and (c) bridge support columns; and (2) public art should be colorful and vibrant, reflecting Asheville’s character (a) can include medallions placed on wing walls on the south side of the bridge or on column capstones; (b) can include sculptures placed in area between the MUP and the vertical abutment wall; and (c) will be implemented through the City’s Public Art & Culture Commission.

Regarding “special opportunity - lighting”, (1) City should install colorful, dynamic LED lighting under the new bridge to create a unique sense of place and be integrated with the public art installations - cost will depend on the technology used and the complexity of the design; (2) lighting under the bridge, installed and paid for by NCDOT (including utility bills), will use contemporary style fixtures mounted on the walls and columns on both sides of the bridge to light the MUP and sidewalk with uniform safe light; and (3) NCDOT-installed lighting will be supplemented by pole lighting with Monticello fixtures spaced every fifty feet under the bridge (a) recommended by the Greenways Committee for all City greenways, this lighting will also be installed along the MUP along Patton Avenue every 110 feet; (b) lighting will be installed by Duke Energy post-construction and leased by the City; and (c) expected cost less than \$9,000 annually in 2025 dollars.

Regarding “special concern - under-bridge activation”, responding to community concerns, the Aesthetics Committee made several recommendations to discourage the loitering under and around the new bridge (1) activate the space under the bridge to encourage frequent pedestrian and bicyclist traffic; (2) design the vertical abutment to make it difficult to enter the space between the top of the abutment and the bottom of the bridge deck; and (3) fill the space between the MUP and the abutment wall with uneven river rock. Additional recommendations include (1) activate the 7-acre open area and space under the interstate causeway north of the bridge; (2) this will be planned and executed post-construction by the City, involving multiple departments; (3) activities could include a skatepark, other recreation, parking, stormwater management, etc.; and (4) planning and budgeting for the space should begin within the next 12-18 months.

Councilwoman Roney thanked the I-26 Aesthetics Committee for the countless hours to provide these recommendations to make the project better within the limits we have. We were told over the years that a cap over the highway wasn’t possible, and yet [Durham](#) design and engagement includes a cap as a solution for repairing the harm of interstate expansion and to reconnect community. From Durham staff: “Of all the options, the boulevard conversion option offers the greatest potential to reclaim land for community uses such as affordable housing, public parks, and cultural landmarks,” and additionally, “This opens the door to potential land reuse and development opportunities on the caps for parks, plazas, and community facilities directly above what is now the Durham Freeway.” With gratitude for the committee’s work over the years, she also imagined we know the community deserves better.

C. MANAGER'S REPORT

Employee Recognitions

City Manager Campbell said that tonight we celebrate the dedication and excellence of City of Asheville staff that exemplify public service at its best. This will include recognitions for the following: (1) Emily Ball, on her appointment to serve on Governor Stein's Interagency Council for Coordinating Homeless Program; and (2) Dan Phairas, Kim Miller, and Chris Gentile on their outstanding work for documenting the Helene response from the WNC Nature Center.

Ms. Campbell recognized Emily Ball and said that Emily Ball has been asked by Governor Josh Stein to serve on the North Carolina Interagency Council for Coordinating Homeless Programs (ICCHP). The ICCHP is a state-level body that advises the Governor, state agencies, and other partners on strategies to prevent and end homelessness in North Carolina. Emily's invitation to serve on the Statewide Council recognizes her leadership of the Asheville-Buncombe Continuum of Care (CoC) and her dedicated service to people experiencing homelessness. Emily has eagerly accepted the invitation and is grateful for the opportunity to serve on this Council.

Ms. Campbell recognized Dan Phairas and Kim Miller and said that the Telly Awards honor excellence in video and television across all screens, making this a significant national recognition of creative storytelling. The video features the compelling storytelling of WNC Nature Center Director Chris Gentile, Curator of Maintenance and Facilities Jeremy Trantham and Assistant Animal Curator/Safety Officer Jo Willoughby. The team's award-winning video highlights the resilience of the WNC Nature Center and the impacts of Tropical Storm Helene on its animals, staff, and community. This recognition reflects the talent, dedication, and collaboration of our City team in sharing meaningful community stories.

Tropical Storm Helene After Action Report

Assistant Fire Chief Jeremy Knighton provided the following key takeaways from his presentation: (1) Preparedness pays off – Helene proved the value of having a plan. The City's investment in its Emergency Operations Plan (EOP) and Emergency Operations Center (EOC) gave leaders the structure, authorities, and tools needed to act quickly. The After-Action Review (AAR) process confirmed that planning and preparation directly translated into faster decision-making and more coordinated operations; (2) Complex storms stress systems – Helene showed how extreme events strain every part of the response. Multiple lifelines—water, power, communications—failed at the same time, exposing where the City's depth, capacity, and partnerships must improve; and (3) Continuous improvement is essential – The AAR process is about learning, not blame. By applying the POETEE model (Planning, Organizing, Equipping, Training, Exercising, Evaluating), Asheville can strengthen its systems, continue to solidify trust within the community, and ensure resilience for the next disaster.

He provided information on preparedness and the response beginning with September 25, 2024, the Emergency Operations Center Level 1 Activation. He then reviewed the After Action review process, along with the scope of work and report. He reviewed statistics regarding surveys, interviews, documents, findings, and an after action review workshop.

He provided the summary of findings categories as follows: volunteer management; donations management; sheltering and mass care; business coordination; debris management; department operations centers; recovery; public information and crisis communications; personnel support; county cooperation; resource management; and finance/administration.

The following are the executive summary findings: (1) The Emergency Operations Plan and citywide emergency management program was effective but additional training and exercises are needed to fill knowledge gaps; (2) Collaboration with partners was essential throughout the response, but their systems and processes did not always align with our operational tempo and needs. As a result, Asheville developed alternate approaches to sustain critical operations and meet community demands; (3) The City's emergency management program must expand beyond reliance on the EOP to include dedicated plans, policies, and operational structures; (4) Authorities & concept of operations executed – The Strategic Leadership Group gave direction across departments, and the EOC activation levels were scaled appropriately to match the storm's complexity. Together, this ensured decision-making was lawful, coordinated, and proportional to community impacts; (5) Plans supported continuity – Despite power outages and communications breakdowns, departmental Continuity of Operations Plans allowed essential city services to keep running. This showed that preparedness investments directly protected the government's ability to serve the community in the middle of a crisis; (6) Battle rhythm adapted – The EOC's Incident Action Plans and daily "battle rhythm" were flexible enough to adjust when the storm overwhelmed normal cycles. That flexibility kept response activities aligned with real-time community needs while avoiding breakdowns in coordination; (7) Elected Officials Guide worked – Council was briefed in structured, non-disruptive ways that kept you informed and empowered to support constituents without pulling operational staff away from urgent response duties. This ensured elected leadership had situational awareness while operations continued uninterrupted; (8) Citywide EOP literacy uneven – Many staff had to learn response processes in real time, which slowed decisions and created uncertainty. This highlighted the need for citywide training so every department can act confidently under the EOP; (9) Bench depth is thin in key EOC roles – Critical functions like Liaison, Finance/Admin, and Public Information were staffed by too few people. Limited redundancy caused fatigue and risked burnout, underscoring the need to broaden our trained cadre; (10) Systems misaligned with City needs – Regional resource processes did not move at the pace required for Asheville, limiting visibility and delaying support. To support our community, we had to pivot and find alternate ways to secure critical resources, highlighting the need for clearer agreements and accountability between partners; (11) Communications under strain – With power and cell networks down, radios became the only reliable tool. While One-Pagers, the Joint Information Center, and radio partners kept the public informed, unclear roles and lack of rumor control slowed messaging; (12) Staffing and capacity gaps – Some departments were stretched to exhaustion while others were underused, showing the need for clear policies to reassign personnel during major events; and (13) Recovery needs clearer structure – Initial recovery actions worked thanks to support groups and consultants, but the City needs its own Recovery Framework with defined action points, roles, and timelines to accelerate future recovery.

He then summarized the path forward as (1) Planning – Broader playbooks so we don't improvise mid-crisis; (2) Organizing – Every department contributes to resilience; (3) Equipping – Tools & agreements so resources move faster to community members; (4) Training – Build a deeper bench of leaders & staff; (5) Exercising – Continue to stress-test plans before real events; and (6) Evaluating – Learn and adapt from every incident.

Councilwoman Roney highlighted Assistant Chief Knighton's leadership that goes back to 2022. An example is Assistant Chief Knight's taking the Emergency Operations Plan on tour in 2023, including neighborhoods and business organizations. He sought input and invited the community to own the plan that we developed, invested in, and put to use. In reviewing her notes from Emergency Response Training on May 30th 2024, just 4 months pre-Helene, she brought forward concern about: internal and external communications in case of technical or communications system failure—we literally discussed redundancy for phone and internet and our community's rich resource of local radio stations; the importance of engaging community partners; concern about potential for known, overlapping crises of flooding, landslides, and wildfires. Her notes show the next test was scheduled for September during National Emergency

Preparedness month. She thanked him for hearing the community's concerns. She said his leadership, community engagement, and commitment to preparedness made a difference. She lifted up mutual aid, community aid, radio stations especially Blue Ridge Public Radio, and life-saving emergency response neighbors took on at the street and neighborhood level. This is an opportunity to celebrate and bridge gaps through capacity building, especially for the electric grid, food systems, and communications. As we celebrate what worked, we've also got to identify gaps so we can take better care of each other moving forward. Each staff member went above and beyond. We also had helpers across the state, country, and world. Thanks to colleagues on the City Council, County Commission, House Representatives Eric Ager and Lindsey Prather, and State Senator Julie Mayfield who convened each day, advocating, applying pressure, and bringing the spirit of fierce, community care that Appalachia is well-known for. Also, thanks to Durham County Chair Nida Allam, Local Progress electeds across the country, and especially New York Councilmember Sandy Nurse—representative of the residents of Brooklyn—for leaning in to help get the Level One Incident Management Team with Hurricane Sandy experience here—it saved lives.

Assistant Chief Knighton responded to Councilwoman Roney when she asked what it looks like to synchronize our systems-level emergency operations plan and help neighborhoods format their emergency operations planning so we can better respond together.

Councilwoman Roney asked what are we willing to do to retain the people who gained recovery skills, to keep the people who will stabilize and keep us safe moving forward.

Mayor Manheimer also thanked Assistant Chief Knighton, Fire Chief Cayse, and their team. She would be interested in knowing what our proactive approach will be to establish communications with some of our major employers, i.e, the hospital, Housing Authority, etc.

City Manager Campbell noted that the City Council Public Safety Committee will be given a more in-depth report at their meeting on September 23. She said that this is a community concern, not just the City, County or State. The non-profits stepped up in a way that was unimaginable.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO AMEND CHAPTER 7 OF THE CODE OF ORDINANCES TO AMEND SECTIONS 7-3-(B), 7-6-1(C), AND 7-5-20 OF THE BOARD OF ADJUSTMENT MEMBERSHIP AND LEGAL AD NOTIFICATION REQUIREMENTS

ORDINANCE NO. 5175 - ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO AMEND SECTIONS 7-3-(B), 7-6-1(C), AND 7-5-20 OF THE AND BOARD OF ADJUSTMENT MEMBERSHIP AND LEGAL AD NOTIFICATION REQUIREMENTS

Principal Planner Will Palmquist said that this is the consideration of an ordinance to amend the Unified Development Ordinance to (1) better align with N.C. Gen. Stat. and Buncombe County County Government practices by revising number of members, and appointments, (2) remove quasi-judicial public noticing; and (3) make submitting Board of Adjustment (BOA) applications and administrative appeals more efficient by submitting them directly to the Planning Director, or their designee, rather than the City Clerk's office. This public hearing was advertised on August 29 and September 5, 2025.

Background:

- The General Assembly of North Carolina passed Session Law 20-13-276 entitled “An Act to Clarify and Modernize Statutes regarding Zoning Boards of Adjustment,” effective October 1, 2013, which resulted in a number of modifications to N. C. Gen. Stat. sec. 160D-302 which governs the composition, duties and procedures of the Board of Adjustment.
- On January 28, 2014, the Asheville City Council adopted Ordinance No. 4274, “Ordinance Amending Chapter 7 of the Code of Ordinances of the City of Asheville concerning Board of Adjustment procedures.”
- City staff believe it is in the best interest to amend the membership terms to align them with N.C. Session Law 2013-30 regarding the Buncombe County Board of Commissioners appointments and to amend the location where appeals for zoning decisions are filed.
- The amendment will revise the BOA membership to consist of a total of five regular members and three (was seven) alternate members. Four regular members and two (was five) alternate members to be appointed by City Council; and one regular member and one (was two) alternate members to be appointed by the Buncombe County Board of Commissioners.
- The amendment to the location where appeals for zoning decisions are filed is from the city clerk to the online permit system, or the Planning Director or their designee.
- The General Assembly in 2021 made updates to the required notices for quasi-judicial hearings, removing the requirement for published notices.
- Staff believe it is in the best interest to amend the requirement for the published notice for quasi-judicial boards and hearings especially because only those with standing may participate in the discussion so general notices may be confusing to the public.
- Staff is working internally and with the Communication & Public Engagement department to develop an improved means to provide public notice for these meetings.
 - The Planning and Zoning Commission recommended that in lieu of the published notice, that staff also send a notice to any potential neighborhood association in addition to the adjacent property owners.

Comprehensive Plan Consistency:

- These proposed amendments support the Living Asheville Comprehensive Plan by the following:

Encourage Responsible Growth:

- by promoting clear and effective communication between city residents at all stages of development through streamlining the Board of Adjustments processes; and ,
- by improving government efficiency.

Council Goal(s):

- An Equitable and Diverse Community
- A Well-Planned & Livable Community
- Interwoven Equity
- A Healthy Community

Committees:

- Board of Adjustment - Feb 26, 2024: approved initial conceptual proposal
- Planning & Zoning Commission - May 20, 2024: Approved initial conceptual proposal (Vote 7:0)
- Planning & Zoning Commission - August 6, 2025: Approved current proposal (Vote 6:0)

Pros:

- Allows for greater statutory compliance with NC Session Law N.C. Session Law 2013-30.
- Creates efficiency and reduces confusion when submitting for zoning decision appeals.

- Reduces the possibility of confusion/frustration at QJ hearings that only allow participants with “standing” to be involved in the proceedings.
- Saves \$3,300.00-\$5,700.00 annually in posting/noticing fees.

Cons:

- None

Fiscal Impact:

- Saves \$3,300.00-\$5,700.00 annually in posting/noticing fees.

Staff Recommendation:

- Staff recommends approval of this zoning text amendment request based on the reasons stated above.

Mr. Palmquist reviewed the proposed amendments as follows: (1) 7-3-3 - The board of adjustment for the City of Asheville shall consist of five regular members and three ~~seven~~ alternate members. Four regular members and two ~~five~~ alternate members who are residents of the City of Asheville shall be appointed by the Asheville City Council. ~~Two~~ One regular member and one ~~two~~ alternate member who resides within one mile of the municipal limits shall be appointed by the Buncombe County Board of Commissioners, pursuant to N.C. Session Law 2013-30; (2) 7-5-20 - Published notice shall not be required for quasi-judicial hearings, with the exception of hearings for special use permits. PZC: Include Neighborhood Associations in mailing; and (3) 7-6-1 +7-6-2 - Planning Director, or designee receive applications, not city clerk. The following was the review process (1) Board of Adjustment - Feb 26, 2024: approved initial conceptual proposal; (2) Planning & Zoning Commission - May 20, 2024: Approved initial conceptual proposal (Vote 7:0); and (3) Planning & Zoning Commission - August 6, 2025: Approved current proposal (Vote 6:0) - Separated ADU amendment; Included condition for Neighborhood Association notification for Quasi-Judicial matters. He said the amendments comply with the *Living Asheville Comprehensive Plan goals by* (1) Encourage Responsible Growth: (a) by promoting clear and effective communication between city residents at all stages of development through streamlining the Board of Adjustments processes; and (b) by improving government efficiency; and (2) Responsible Regionalism (a) Improve Regional Collaboration, Coordination, and Communication; (b) Interwoven Equity - Community Involvement in Decision-Making; and (c) A Healthy Community - Fiscal Sustainability. Additional alignment considerations are (1) NCGS - Statutory Compliance; (2) Buncombe County Processes - Clearer coordination; and (3) FAST - Confusion for submitting flood variances. Staff recommends Council approve the proposed wording amendments to Chapter 7 of the Asheville Code of Ordinances and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the development needs of the community in that the amendments will: 1) align boards and commissions with statutory requirements; and, 2) improve the efficiency of city operations.

In response to Councilwoman Roney, Mr. Palmquist said that signage will still be posted on the property.

Mayor Manheimer opened the public hearing at 6:24 p.m., and when no one spoke, she closed the public hearing at 6:24 p.m.

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

Councilwoman Roney moved to approve the proposed wording amendments to Chapter 7 of the Asheville Code of Ordinances and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the

development needs of the community in that the amendments will: 1) align boards and commissions with statutory requirements; and, 2) improve the efficiency of city operations. This motion was seconded by Vice-Mayor Mosley and carried unanimously.

ORDINANCE BOOK NO. 36 – PAGE 312

B. PUBLIC HEARING TO AMEND THE CONDITIONAL ZONING OF PROPERTIES LOCATED AT 1617 HENDERSONVILLE ROAD FOR THE PURPOSES OF AMENDING THE SITE PLAN AND CONDITIONS

ORDINANCE NO. 5176 - ORDINANCE TO AMEND THE CONDITIONAL ZONING OF PROPERTIES LOCATED AT 1617 HENDERSONVILLE ROAD FOR THE PURPOSES OF AMENDING THE SITE PLAN AND CONDITIONS

Principal Planner Will Palmquist said that this is the consideration of an ordinance to amend the conditional zoning of 28 properties totalling approximately 125 acres located at 1617 Hendersonville Road for the purposes of amending the site plan and conditions. This public hearing was advertised on August 29 and September 5, 2025.

Project Location and Contacts:

- The project site consists of a 120-acre parcel located at 1617 Hendersonville Rd (PIN 9645-89-9707) and 27 smaller parcels within the community.
- Owner name: Deerfield Episcopal Retirement Community Inc

Summary of Petition:

Project Site

- The project site consists of one large property, and 27 smaller properties totalling approximately 125 acres located at 1617 Hendersonville Rd.
- The project site is the Deerfield Episcopal Retirement Community, a faith-based, non-profit retirement community offering a full continuum of care, including independent living, assisted living, and skilled nursing care on-site.
- The main property at 1617 Hendersonville Rd is approximately 120 acres (PIN 9645-89-9707). The 27 additional parcels within the conditional zoning total approximately 5 acres and are: 14, 18, 28, 38, 39, 48, 49, 55, 58, and 59 Glastonbury Ln, 9, 15, and 17 Hastings Ct, and 1, 2, 3, 5, 6, 7, 19, 21, 22, 32, 42, 52, 57, and 62 Lincolnshire Loop and PINs 9645-80-8283, -8698, -9351, -9708, -9826, 9649-90-0309, -0448, -0578, -0742, -1117, -1177, -1341, -1494, -1796, -2176, -2362, -2515, -2616, -3138, -3294, -3329, -3488, -3706, -4330, -4528, -4722, and -5823
- The community was founded in 1955 and has been expanded multiple times over the years, most recently through a Conditional Use Permit approved in 2008.
- The site is currently zoned Commercial Expansion - Conditional Zone (COM EXP-CZ) by Ord. No. 4397, adopted on August 24, 2021, for the purposes of constructing a major expansion of the existing Deerfield retirement community along with associated site improvements including parking, open space, and sidewalk connections.
- 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 major amendment of similar scale to the previously approved conditional zoning at the Deerfield site, mainly on the vacant southern half of the main parcel. The project consists primarily of new building construction, and also includes additions to existing buildings on the northern portion of the site.
- The existing conditional zoning for the expansion approved in 2021 proposed a total new

building construction of approximately 833,000 sq. ft. This amendment proposes a total new building construction of approximately 822,300 sq. ft.

- The project proposes the following new building construction, built in phases as appropriate:
 - Expansion of the existing skilled nursing facility (approximately 23,500 sq. ft.)
 - 9% increase from the original CZ of 21,500 sq. ft.
 - A new, five-story independent living building with 69 units (approximately 191,000 sq. ft.)
 - 13% decrease from the original CZ of 220,000 sq. ft.
 - 12 new “Hybrid” buildings, each with 16 Independent Living apartments (approximately 45,600 square feet per building, and 547,200 sq. ft. total)
 - A 27% increase per building from the original CZ of 36,000 sq. ft. per building.
 - Three separate building additions to the existing Haden Hall, totalling 48,400 sq. ft., as identified on site plan as Haden Hall East: 6 stories tall to match existing Haden Hall height, Haden Hall South: 3 stories tall, and Haden Hall West: 1 story tall
 - A 67% decrease from the original CZ of 148,000 sq. ft.
 - An addition to the existing Community Center for a new multi-purpose room (approximately 9,000 sq. ft.)
 - No change from original CZ
 - A new outdoor center building (approximately 9,400 sq. ft.).
 - Not proposed in the original CZ
 - Several existing buildings will be renovated and repurposed as part of this expansion project.
- Other site improvements include:
 - Approximately 333 parking spaces in new surface parking lots and expansions of existing surface parking lots, 69 structured parking spaces within the proposed new Independent Living Building, and parking spaces within individual residential driveways and garages.
 - The proposed 128-space parking structure in the original CZ has been removed.
 - Extensive landscaping, walking trails, preserved trees, and new tree plantings.
 - The proposed water feature in the original CZ has been removed.
 - A Type “B” 30’-wide Landscape Buffer where the project site abuts residential zoning districts along its western, southern, and southeastern boundaries.
 - A minimum of 10% of the total project site designated as Open Space.
 - Compliance with the Tree Canopy Preservation standards in Article XIX of the UDO.
- Per the draft Exhibit E - Project Conditions, all proposed building sizes and units may vary up to 10% in the final plan.
- The tallest building will not exceed 65’ in height. The final approved plans shall substantially comply with the conceptual master plan and building elevation exhibits contained within Exhibit D.

Access, Sidewalks and Parking

- Vehicular access to the Project will continue to be from Hendersonville Rd via Valley Springs Rd, Lambeth Dr, and Racquet Club Rd. Internal access and circulation will be via a private drive, as shown on the site plan.
- The project site is located on the ART S6 bus route. A bus stop was installed on the project site pursuant to the 2008 Conditional Use Permit (CUP). That bus stop will remain on site.
- New sidewalk along Hendersonville Rd along the project’s frontage built to City standards, with final design to be approved by the City Traffic Engineer.

- Internal sidewalks, walking surfaces, and pedestrian connections, as approximately shown on the site plan, ranging from 5' to 8' in width.

Staff Recommendation:

- Staff recommends **approval** of this rezoning 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:
 - **Encourage Responsible Growth** - by prioritizing greater densities of development overall, throughout the city as appropriate.
 - **Increase and Diversify the Housing Supply** - by ensuring a diverse mix of housing to accommodate a broad range of age groups, lifestyle choices and affordability levels.
 - **Increase Access to Opportunities for All** - by realizing goals for an Age Friendly Community.
- The proposed rezoning is compatible with the proposed Future Land Use designation of "Residential Neighborhood", which is proposed, in part, 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".

Compatibility Analysis:

- The project is integrated into the existing Deerfield retirement community and is, therefore, consistent and compatible with that community that already provides a full range of housing types and support services.
- The existing community and proposed expansion is compatible with the surrounding residential land uses.

Council Goal(s):

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

UDO Compliance

UDO Provision	Requirement (COM-EXP)
Gross Floor Area:	None.
Density:	None.
Lot Size Minimum:	None.
Lot Width Minimum:	100'
Building Height(s):	80' max
Building Setbacks:	Front: 35' Rear: 25' Side: None

Vehicle Parking Spaces:	As required in UDO Sec. 7-11-2												
Bicycle Parking Spaces:	10% of the maximum vehicle parking amount												
Open Space:	10%												
Impervious Surface Area:	80% max												
Sidewalks:	5'-wide sidewalk & 8'-wide utility strip along road frontage; 5'-wide minimum internal sidewalks												
Building Orientation:	Towards the primary access corridor.												
Building Entrances:	Provided at regular intervals not exceeding 75'.												
Fenestration:	Minimum of 40% on the ground floor facing the primary access corridor.												
Transition Area:	Within 100 feet of a residentially zoned area, the height of buildings and other structures shall be subject to the height limitations of the residential zone.												
Trash Collection & Delivery	Should be directed away from residentially zoned areas.												
Tree Canopy Preservation:	<u>Resource District:</u> Suburban <u>Class:</u> Class C <u>Existing Canopy:</u> 52.231% <u>Requirement:</u> 15% if preserved, 25% if planted												
Applicable Landscaping Standards	<table border="1"> <tr> <td>Property Line Buffer</td><td>Does apply ▾</td></tr> <tr> <td>Street Buffer</td><td>TBD ▾</td></tr> <tr> <td>Street Trees</td><td>Does apply ▾</td></tr> <tr> <td>Parking Landscaping</td><td>Does apply ▾</td></tr> <tr> <td>Building Landscaping</td><td>Does apply ▾</td></tr> <tr> <td>Screening</td><td>TBD ▾</td></tr> </table>	Property Line Buffer	Does apply ▾	Street Buffer	TBD ▾	Street Trees	Does apply ▾	Parking Landscaping	Does apply ▾	Building Landscaping	Does apply ▾	Screening	TBD ▾
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Screening	TBD ▾												

Committee(s):

- Planning & Zoning Commission (PZC) - August 6, 2025 - Continued at the applicant's request to allow for more time to work through requested amendments with the surrounding neighborhood.
- Planning & Zoning Commission (PZC) - September 3, 2025 Recommend approval (Vote: 4-1) with the following conditions-1) Incorporation of the amended "E1 conditions", as presented, with additional clarification that the funds for the buffer landscaping on the Ramble HOA property shall be transferred to the Ramble HOA or its designee; 2)

Amendment of Project Condition #4 to state a maximum total building square footage of 822,300 sq. ft. and a maximum unit count of 261; and, 3) An additional condition for a sidewalk connection through Salisbury Drive on the subject property.

Mr. Palmquist reviewed the existing and proposed zoning, the aerial imagery and the future land use map. About the site plan, (1) New building construction totalling approximately 822,300 sq. ft.; (2) 261 independent living units, 10 assisted living units, and 24 health center beds; (3) 333 surface parking spaces and 69 structured parking spaces - 325 min/607 max (plus spaces for employees); (4) Landscaping, Planted Buffer, TCP, and Open Space; (6) A) Health Center Addition - 23,500 sq. ft - 2 stories; (7) E) Hayden Hall Additions - 48,400 sq. ft.; (8) East: 6 stories - South: 3 stories; West: 1 story; (9) G) Blue Ridge Community Room Addition - 9,000 sq. ft.; 2 stories; (10) H) Independent Living Building - 69 units and 191,000 sq. ft.; 5 stories; (11) I) Hybrid Homes - 547,200 sq. ft. - 12 new buildings; 16 units and 45,600 sq. ft. each; 3/4 stories; and (12) K) Outdoor Center - 9,400 sq. ft.; 2 stories. He showed the conceptual master plan comparisons. The conditions are (1) All proposed building sizes and number of proposed units may vary up to 10% in the final plan, not to exceed the maximum sq. ft. and unit counts.; (2) The tallest new building will not exceed 65' in height; (3) The operation of the Grounds Maintenance Building will be located off campus; (4) Funds dedicated to additional landscape screening on HOA-owned property that borders the Deerfield site; (5) A new sidewalk will be built on Hendersonville Rd along the project's frontage, designed to City standards in coordination with NCDOT, with final design to be approved by the City Traffic Engineer; and (6) Internal sidewalks, walking surfaces, and pedestrian connections, as approximately shown on the site plan, ranging from 5' to 8' in width. Regarding southeast parking conditions, (1) Limits on number of spaces and vehicles to be parked; (2) Details on covered golf cart parking design; (3) Specifications on site lighting; (4) 8'-tall privacy fence; (5) Temporary, construction screening; and (6) Details on dumpster and trash compactor location. For the review process, (1) Technical Review Committee (TRC) - June 6, 2021 - Approved with conditions; and (2) Planning and Zoning Commission (PZC) - September 3, 2025 - Approved (Vote 4:1) with the following conditions: 1) Incorporation of the amended "E1 conditions", as presented, with additional clarification that the funds for the buffer landscaping on the Ramble HOA property shall be transferred to the Ramble HOA or its designee; 2) Amendment of Project Condition #4 to state a maximum total building square footage of 822,300 sq. ft. and a maximum unit count of 261; and, 3) An additional condition for a sidewalk connection through Salisbury Drive on the subject property. He then explained how the project was consistent with the Living Asheville Comprehensive Plan. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning.

Councilwoman Roney asked if the applicant is pursuing any renewable energy options and/or is there anything preventing them from the future adoption of renewable energy options. Mr. Palmquist said he would have to defer to the applicant to respond.

Councilwoman Roney asked where we are at with tree canopy preservation requirements. Mr. Palmquist said they will be required for the entire site, but he would have to look back at the 2021 Technical Review Committee report, but essentially that entire 125 acre area that the Deerfield area consists of will be calculated through that requirement. He recalled that at the last review they met the vast majority of that requirement. That was not reviewed at this stage of the project.

In response to Councilwoman Roney about what is typically included in the application for the conditional zoning process. Mr. Palmquist said the applicant's Exhibit D contains most, if not all, of the drawings you would typically see in a conditional zoning review. Those were provided as supplemental information since the time of original submission. Things like stormwater plans that are still very conceptual were not initially included; detailed landscape drawings were not initially included and that was in response to the level of detail and certainty they had in their

development drawings at that stage. Staff was willing to accept that and take it through as a more conceptual review. Council has done that for a few projects that are larger and more complex and might take more time to work out the details on.

When Councilwoman Roney asked if the Unified Development Ordinance (UDO) allows this type of master plan review without those documents, Mr. Palmquist said that the UDO is not very specific. Staff have checklists for conceptual review for conditional zonings and we are able to administer some flexibility around those things. We are not necessarily super tied down by the UDO itself.

Councilwoman Roney said that she did talk with the applicant about permeable parking surfaces and wondered if our development standards give us an option of some voluntary support in our stormwater efforts. After talking with the neighborhood, she wondered if the applicant would be willing to (1) reduce the number of parking spaces; (2) do permeable instead of impervious surfaces; and (3) use the main entrance for the construction traffic.

Mr. Bob Oast, attorney representing Deerfield, explained how Deerfield would like to expand their facilities in south Asheville. He explained that this is an amendment to the existing conditional zoning of 2021. He said that Deerfield has met numerous times with neighbors and has made major adjustments to the site plan, with the main adjustment being the relocation of the grounds maintenance facility to an off-site location. Other changes include, but are not limited to, enhanced buffers, conditions, lighting, etc. All of which are conditions for the project. The project complies with several different goals of the Living Asheville Comprehensive Plan. He said that a letter was sent to Mr. Palmquist which detailed the approximately \$3 Million in sustainability efforts over the past 7-10 years. Deerfield has also made substantial financial contributions to the City's Affordable Housing Trust Fund. He urged City Council to support this conditional zoning amendment.

Mr. Chris Day, with Civil Design Concepts, went into details of the project, noting that they have eliminated all of the jurisdictional impact for wetlands and streams in the south campus. This plan protects more of the canopy, the forest and the existing environmental features. There have been over 30 meetings and phone calls with neighbors. He felt that concerns have been expressed by the neighbors about what will happen in the southeast portion of the property parking lot. He felt they have addressed those concerns in the conditions, regarding outdoor lighting, 6-foot tall temporary construction fence, landscape buffer plantings and new permanent privacy fence, funding to the Ramble HOA landscape architect for additional buffer plantings on the Ramble HOA property, parking lot in southeast area limited to personal vehicles, etc. They have met with the City's Traffic Engineer and N.C. Dept. of Transportation to ensure that access for construction vehicles are done in a safe manner.

Mr. Day responded to Vice-Mayor Mosley when she asked if the applicant could reduce the number of 135 parking spaces. He said that they need the 135 parking spaces on the site. The plans have evolved, but there always was 100 parking spaces and the grounds maintenance facility in the southeast corner, and then they relocated the grounds maintenance building, so they added an additional 35 needed parking spaces, for a total of 135 spaces. He noted that the applicant would like to amend the condition no. 7 to delete the word "minimum" parking requirements, because they don't want more parking than they need. They have also committed to 444 plants in the buffer on our side of the line.

Ms. Libby Bush, CEO and President of Deerfield, provided Council with the description, statistics and activities of Deerfield. They want to enrich the lives of those who live in Deerfield and want to offer more options.

Mayor Manheimer opened the public hearing at 7:19 p.m.

Ten individuals were not opposed to Deerfield's residential buildings; however, they spoke in opposition to the proposed conditional zoning amendment for various reasons, some being, but are not limited to: 135 parking spaces are too many in the southeast corner which will have a negative effect on property values, cause people to move, and is not in keeping with the character of the neighborhood; need to explore alternate route (other than Racquet Club Road) for construction vehicles because Racquet Club Road it is an active road with many pedestrians and existing traffic with serious safety concerns; noise from golf carts and employees opening and closing doors; fumes, water runoff; oil and gas dripped from cars running into Dingle Creek; need for additional watershed protection measures; and question completeness of application and have appealed to the Board of Adjustment who will hear appeal on September 22.

Mayor Manheimer closed the public hearing at 7:59 p.m.

Mr. Day responded to various questions/comments from Council, some being, but are not limited to: confirmation that the lighting in the parking lot meets the City's dark sky ordinance with no light spillage over the parking lot; confirmation that the very wooded area in the southeast corner will not be cleared and re-planted; confirmation of their stormwater mitigation including a series of rain gardens and stormwater ponds; confirmation that it is not possible to reduce the parking spaces in this particular southeast section and spread them throughout the development; and confirmation that the site plan cannot be flipped so that parking spaces can be on the southwest corner of the site and the houses on the southeast corner.

In response to Councilwoman Roney regarding the pending Board of Adjustment appeal, City Attorney Branham said that current North Carolina law does not impose a stay on the rezoning process while an appeal to a board of adjustment is pending. If requested by the applicant to move forward, Council must move forward with the request in a timely manner. When the Board of Adjustment renders a final decision, that can be appealed again to Superior Court. Depending upon the outcome, it may have an effect after the fact on what Council does tonight.

Councilwoman Roney felt she could support this amendment since the parking requirements can go below the minimum requirements.

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

Councilman Hess moved to approve the conditional zoning amendment request for the property located at 1617 Hendersonville Rd, zoned Commercial Expansion - Conditional Zone (COM EXP-CZ), with the amendment to Condition 7 on Exhibit E reading "The project will comply with maximum parking requirements as stated in UDO Sec. 7-11-2", 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) ensures a diverse mix of housing to accommodate a broad range of age groups, lifestyle choices and affordability levels; and, 3) realizes goals for an Age Friendly Community. This motion was seconded by Councilwoman Smith and carried unanimously.

ORDINANCE BOOK NO. 36 – PAGE 326

V. UNFINISHED BUSINESS:

A. SECOND READING OF 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

Mayor Manheimer said that public comment was held, and a vote was taken on August 25, 2025 to approve this ordinance. Due to a fairly new state law, a second procedural note is necessary that requires any ordinance with a criminal penalty to pass 2 votes before being enacted.

In response to Councilwoman Roney, City Attorney Branham said that the burden of proof is on the District Attorney to meet the burden of proof. In addition, any person who has an image or voice on a body camera, can make a written request to the Chief of Police to schedule a time to view the body camera footage at no cost.

Councilwoman Turner moved to adopt on its second and final reading Ordinance No. 5170. This motion was seconded by Councilwoman Hess and carried on a 6-1 vote with Councilwoman Roney voting “no.”

ORDINANCE BOOK NO. 36 - PAGE 293

VI. NEW BUSINESS:

A. RESOLUTION NO. 25-212 - RESOLUTION TO ALLOCATE \$10 MILLION OF THE AFFORDABLE HOUSING BOND TO THE WNC AFFORDABLE HOUSING LOAN FUND TO CREATE AFFORDABLE RENTAL HOUSING WITHIN THE CITY LIMITS, INCLUDING A LOAN AGREEMENT WITH SELF-HELP VENTURES FUND FOR THE LOAN ADMINISTRATION, UNDERWRITING, AND SERVICING

At 8:48 p.m., Vice-Mayor Mosley moved to recuse Mayor Manheimer from participating in the remainder of the meeting. This motion was seconded by Councilman Hess and carried unanimously. (Mayor Manheimer did not vote.)

Affordable Housing Officer Sasha Vrtunski that that this is the consideration of a resolution to allocate \$10 Million of the Affordable Housing Bond to the WNC Affordable Housing Loan Fund to create affordable rental housing within the city limits, including a loan agreement with Self-Help Ventures Fund for the loan administration, underwriting, and servicing.

Action Requested: Recommendation to City Council to allocate \$10 million of affordable housing bond funding to the WNC Affordable Housing Loan Fund to create affordable rental housing within the city limits, including a loan agreement with Self-Help Ventures Fund for the loan administration, underwriting, and servicing.

Background:

- The 2016 Bond funds and HTF funds have all been allocated. Those funds went to:
 - \$11,605,000 (46.4%) to rental housing units
 - \$1,860,000 (7.4%) to home ownership projects
 - \$8,340,000 (33%) for land
 - \$3,213,000 (13%) to infrastructure, pre-development, and due diligence activities.
- Voters approved \$20 million housing bonds in November 2024. These funds are eligible

- for capital expenses and down payment assistance.
- Staff is presenting a bond strategy for the Council's information. The first proposed action item is an allocation to the WNC Affordable Housing Loan Fund.

Current Affordable Housing Funding Context:

- City of Asheville staff are aware of at least eight or more affordable rental developments in the planning stages and will need gap financing from various sources.
- Based on current estimates, those gaps total close to \$100 M.
- Other funding sources for affordable rental housing include:
 - City CDBG-DR: \$28 million to Multifamily Construction within Asheville City limits.
 - State CDBG-DR: \$191 million to Multifamily Construction across the Helene-impacted region.
- A number of affordable homeownership projects are also in the planning stages and will need assistance to come to fruition.
- Current estimates of those gaps run between \$4 and \$8 million.
- Other funding sources for affordable homeownership housing include:
 - State CDBG-DR: \$53 million in funds available for workforce homeownership.
- Home repair to enable residents to stay in their homes is still an essential need for the community.
 - State CDBG-DR: \$800 million in funds available for home repair and reconstruction
- Given these funding streams and potential demand for funding, staff have outlined a strategy for expending the \$20 million in bonds.

Affordable Housing Plan

- The Affordable Housing Plan has several strategies and considers homeownership, rental, and land trust units important to the community.
- The plan does not prioritize these programs in relation to each other.
- There are two Crosscutting Priorities in the Affordable Housing Plan to help guide the City:
 - Prioritize incentivizing and/or supporting efforts that meet the greatest need
 - Affordable housing opportunities for individuals and families with very low incomes (less than 60% of the AMI) who currently have the greatest need
 - Permanent or long-term affordability requirements that will make the city more affordable for the years to come
 - Housing improvements that make more homes accessible for residents of all abilities and ages
 - Protect against displacement in all forms
 - Physical (homes removed or residents removed from homes)
 - Economic (being priced out)
 - Cultural and social (loss of feeling of belonging)
 - Environmental (caused by a natural disaster or a climate-related issue)
- The Plan also calls for the formation of a Funding Collaborative, which is what the WNC Affordable Housing Loan Fund embodies.

Housing Needs Assessment Data

- The Housing Needs Assessment, authored by Bowen National Research, was recently published and provides new data on current and projected housing gaps for city residents.
- Asheville has an overall five-year housing gap of **11,658 units**, with a majority of the gap being rental housing units, serving lower-income households (< 80% of AMI). Most of the for-sale housing gap is for products priced at \$248k and higher (81%+ of AMI).
- For households with incomes between 0% and 80% of AMI, there is a projected need for **4,900 rental units** over the next five years (2024-2029).
- Over the next five years, there is a projected need for **1,200 homeownership units** for households with incomes between 0% and 80% of AMI.
- The largest homeownership need is for those with incomes between 81% and 120% of AMI.
- 57% of owner-occupied homes in Asheville were built before 1970. Also, 21% of homeowner households have incomes below \$50,000 (9% of owner households have incomes less than \$25,000). Even with income alone, it is very likely that many of these homeowners are unable to keep up with home repairs.

2024 Bond Spending Strategy:

Program Area	Amount
Multifamily Construction: WNC Affordable Housing Loan Fund	\$10 M
City affordable housing projects (319 Biltmore, Oak Hill)	\$3 M
Housing Trust Fund Allocation (for DPA, homeownership projects, land acquisition, in other words, all HTF eligible activities except Multifamily-Rental Construction)	\$6 M
Home Repair	\$1 M
Total	\$20 M

Operationalizing the Bond Strategy

- The first step in operationalizing the Bond strategy is allocating funds to the WNC Affordable Housing Loan Fund, which is administered by Self Help.
- Staff will continue to bring action items to Council to implement the bond strategy over the coming months.
 - Council reviewed and approved the 319 Biltmore project in June 2025.
 - For non-rental housing loans (homeownership, etc), the next step in implementing this strategy will be for Council to allocate Bond funds to the Housing Trust Fund for a funding cycle.
 - A developer selection process for the Oak Hill property is now underway, and staff anticipate presenting it to Council in Fall 2025/Winter 2026 for approval.
 - Home Repair Funding would come before Council in the next 6-7 months.

WNC Affordable Housing Loan Fund

- The WNC Affordable Housing Loan Fund creates and preserves affordable rental housing. It is a program of Self Help Ventures Fund, a Community Development

Financial Institution (CDFI) similar to a bank that is mission-driven to serve low-income communities.

- Dogwood Health Trust invested \$40 M to start the fund, which currently serves the WNC region, including 18 counties and the Qualla Boundary.
- The fund was announced in February 2025 and has received a lot of interest from affordable housing developers. To date, the WNC Loan Fund has had the following activity:
 - 1 loan closed
 - \$19 million in origination - loan application and underwriting activities
 - \$18 million in leads (potential loans)
- The City has been invited to participate in the fund.
- Any city funding added to the loan fund would be used for projects located within city limits.
- The WNC fund is the fifth active fund in North Carolina, following those in Wake County, Durham, Chapel Hill, and Greensboro.

Leveraging City Funds Through the WNC Affordable Housing Loan Fund

- City funds added to the WNC AH Loan Fund will leverage additional private investment into the fund, enlarging the available monies to affordable housing developers.
- Low-interest gap financing is challenging for many projects. By joining the WNC Affordable Housing Loan Fund, the City can strategically partner with Dogwood, leveraging our 0% interest capital with private funds (at approximately 5%) to offer projects an impactful low interest rate (currently 2.45%).
- Without City funds added to the fund, the City will be able to support fewer projects, and the WNC Affordable Housing Loan fund will not be able to leverage additional private funding.
- Self Help staff estimate that \$10 million in City of Asheville dollars will be able to leverage an additional \$20 million in private funds (e.g., banks).

Stakeholder Feedback:

- Staff met with three groups during the week of June 23: Multifamily developers, small delvelopers, and housing advocates/service providers.
 - Multifamily developers were generally very receptive to the allocations and the proposal to use the WNC AH Loan Fund to leverage city funds.
 - Among the developers who build homes for ownership, there was concern that insufficient funding was proposed for affordable homeownership.
 - There were also concerns about ensuring that the Source of Income non-discrimination clauses remain in projects with City funding.
- Participants voiced a desire for the WNC Affordable Housing Loan Fund to also fund homeownership projects.
- Staff responded to these concerns by consolidating the funding buckets, potentially allowing for up to \$6 million in support of homeownership.
- This is in addition to the funding for Oak Hill, a city-owned site that will likely have homeownership opportunities. They have also discussed adding the non-discrimination clause to the Self Help agreement and, subsequently, their borrowers.
- Staff reviewed the option of reducing the WNC AH Loan Fund contribution.
- However, based on available data, funding gaps, and forthcoming funding from the State, the recommendation is still \$10 million for affordable rental housing.

Council Goals:

- A Well-Planned and Livable Community

- Quality Affordable Housing

Committee(s):

- The Housing and Community Development Committee met on August 19 and voted to recommend approval, 3-0.

Pros:

- Low-interest gap financing is challenging for many projects. By joining the WNC Affordable Housing Loan Fund, the City can strategically partner with Dogwood, leveraging our 0% interest capital with private funds (at approximately 5%) to offer projects an impactful low interest rate (currently 2.45%).
- City involvement should dramatically increase the number of projects the fund can support, ensuring our public dollars go further in addressing critical community needs.
- Streamlines and consolidates the loan application process for developers to one application.
- The application-to-approval time for the WNC Affordable Housing Loan Fund is approximately 90 days and is on a rolling basis.
- Self-Help Staff would take over all underwriting and loan administration duties, freeing up staff time to carry out other important Council priorities laid out in the Affordable Housing Plan.
- Self-Help has a long history of loan underwriting and deeper experience than City staff, and will give additional confidence to the process.
- City funds will only be spent within the city limits.

Cons:

- Placement of funds with the WNC Affordable Housing Loan fund would mean that City Council would not be involved in the funding decisions for individual projects. Council will be involved in those projects that will need Conditional zoning approval and CDBG-DR funding approval.

Fiscal Impact:

- The funding request requires the City to transfer \$10 million to the WNC Affordable Housing Loan Fund. Staff is working with Self Help to determine the best timeline for distributing the \$10 million, which will be distributed in installments to maintain the City's cash flow.

Ms. Vrtunski said that the following key takeaways are from her presentation: (1) Staff has developed a strategy for allocating the \$20 million in bond funds approved by voters in November 2024. The strategy is presented for Council's information and feedback; (2) The City has been invited to join the WNC Affordable Housing Loan Fund, which would leverage City funds to enable a much larger source of gap financing for affordable multifamily projects in the city limits; (3) If approved, City dollars in the WNC Affordable Housing Loan Fund will only fund projects located within the city limits; and (4) Staff has based these recommendations on new Housing Needs Assessment Data, the Affordable Housing Plan and feedback from stakeholders.

Regarding current context for affordable housing financing, (1) City of Asheville staff are aware of at least eight or more affordable rental developments in the planning stages and will need gap financing from various sources. Based on current estimates, those gaps total close to \$100 M; (2) Other funding sources for affordable rental housing include: (a) City CDBG-DR: \$28 million to Multifamily Construction within Asheville City limits; and (b) State CDBG-DR: \$191 million to Multifamily Construction across the region; (3) A number of affordable homeownership projects are also in the planning stages and will need assistance to come to fruition. Current estimates of those gaps run between \$4 and \$8 million; (4) Other funding sources for affordable homeownership housing include State CDBG-DR: \$53 million in funds available for

homeownership; (5) State CDBG-DR: \$800 million in funds available for home repair and reconstruction; and (6) Given these funding streams and potential demand for funding, staff have outlined a strategy for expending the \$20 million in bonds.

She showed a chart of the 2016 Housing Bond Initiative.

Regarding the Affordable Housing Plan, (1) The Affordable Housing Plan has many related strategies and considers homeownership, rental, and land trust units important to the community. The plan does not prioritize these programs in relation to each other; (2) There are two Cross Cutting Priorities in the Affordable Housing Plan to help guide the City - Prioritize incentivizing and/or supporting efforts that meet the greatest need (a) Affordable housing opportunities for individuals and families with very low incomes (less than 60% of the AMI) who currently have the greatest need; (b) Permanent or long-term affordability requirements that will make the city more affordable for the years to come; (c) Housing improvements that make more homes accessible for residents of all abilities and ages; and (d) Protect against displacement in all forms; and (3) The Plan also calls for the formation of a Funding Collaborative, which is what the WNC Affordable Housing Loan fund embodies.

Regarding the housing needs assessment data - 2024 - Asheville has an overall five-year housing gap of 11,658 units, with a majority of the gap being rental housing units, serving lower income households (< 80% of AMI). Most of the for-sale housing gap is for product priced at \$248k and higher (81%+ of AMI). For households with incomes between 0% and 80% of AMI, there is a projected need for 4,900 rental units and 1200 homeownership units over the next five years (2024-2029).

The following is a 2024 Affordable Housing General Obligation (GO) bonds - for draft allocations:

Program Area	
Multifamily Construction: WNC Affordable Housing Loan Fund	\$10 M
City affordable housing projects (319 Biltmore, Oak Hill)	\$3 M
Housing Trust Fund Allocation (for DPA, homeownership projects, land acquisition, in other words – all HTF eligible activities except Multifamily-Rental Construction)	\$6 M
Home Repair	\$1 M
Total	\$20 M

Regarding operationalizing the bond strategy, (1) The first step in operationalizing the Bond strategy is allocating funds to the WNC Affordable Housing Loan Fund, which is administered by Self Help; and (2) Staff will continue to bring action items to Council to implement

the bond strategy over the coming months. (a) Council reviewed and approved the 319 Biltmore project in June 2025; (b) For non-rental housing loans (homeownership, etc), the next step in implementing this strategy will be for Council to allocate Bond funds to the Housing Trust Fund for a funding cycle; (c) A developer selection process for the Oak Hill property is now underway, and staff anticipate presenting it to Council in Fall 2025/Winter 2026 for approval; and (d) Home Repair Funding would come before Council in the next 6-7 months.

J.J. Froehlich, staff with Self-Help, provided the following information about the WNC Affordable Housing Loan Fund, (1) The WNC Affordable Housing Loan Fund creates and preserves affordable rental housing. It is a program of Self Help Ventures Fund, a Community Development Financial Institution (CDFI) similar to a bank that is mission-driven to serve low-income communities; (2) Dogwood Health Trust invested \$40 M to start the fund, which currently serves the WNC region, including 18 counties and the Qualla Boundary; (3) The fund was announced in February 2025 and has received a lot of interest from affordable housing developers, and to date, the WNC Loan Fund has had the following activity: 1 loan closed; \$19 million in origination - loan application and underwriting activities; and \$18 million in leads (potential loans); and (4) The City has been invited to participate in the fund. Any city funding added to the loan fund would be used for projects located within city limits.

They then reviewed some examples of the Affordable Housing Loan Funds public-private partnerships.

Traci Thompson, staff with Self Help, said that regarding the Recovery fund to create and preserve affordable rental housing in Western North Carolina (1) \$40MM, 20-year fund jumpstarted by Dogwood Health Trust's inaugural investment in 2025; (2) Provides low cost, flexible financing to help affordable housing developers and owners compete with market rate developers for available property (bridge loans) and to fill the financing gaps in affordable housing development projects (permanent subordinate loans); and (3) Leverages and extends scarce, local housing-focused capital for more affordable housing units in WNC.

About the Asheville Loan pipeline, investment from the City of Asheville will attract more private capital and increase the number of projects the fund can support in Asheville, resulting in more affordable units in the city.

Ms. Vrtunski said that the benefits of investing in WNC AHLF, (1) Low-interest gap financing is challenging for many projects. By joining the WNC Affordable Housing Loan Fund, the City can strategically partner with Dogwood, leveraging our 0% interest capital with private funds (at approximately 5%) to offer projects an impactful low interest rate (currently 2.45%); (2) City involvement will dramatically increase the number of projects the fund can support, ensuring our public dollars go further in addressing critical community needs; (3) Streamlines and consolidates the loan application process for developers to one application; (4) Application to approval times for the WNC Affordable Housing Loan Fund is ~90 days and is on a rolling basis; and (5) Self-Help Staff would take over all underwriting and loan administration duties, freeing up staff time to carry out other important Council priorities laid out in the AH Plan.

Stakeholder feedback includes (1) Staff met with three groups during the week of June 23: Multifamily developers, small developers, and housing advocates/service providers (a) Multifamily developers were generally very receptive to the allocations and the proposal to use the WNC AH Loan Fund to leverage city funds; (b) Among the developers who build homes for ownership, there was concern that insufficient funding was proposed for affordable homeownership; and (c) There were also concerns about ensuring that the Source of Income non-discrimination clauses remain in projects with City funding; (2) Participants voiced a desire for the WNC Affordable Housing Loan Fund to also fund homeownership projects; (3) Staff responded to these concerns by consolidating the funding buckets, potentially allowing for up to

\$6 million in support of homeownership. This is in addition to the funding for Oak Hill, a city-owned site that will likely have homeownership opportunities. They have also discussed adding the non-discrimination clause to the Self Help agreement and, subsequently, their borrowers; and (4) Staff reviewed the option of reducing the WNC AH Loan Fund contribution. However, based on available data, funding gaps, and forthcoming funding from the State, the recommendation is still \$10 million for affordable rental housing.

Next steps include (1) If City Council approves the allocation to the WNC Affordable Housing Loan Fund, staff will work with Self-Help staff to develop a Loan Agreement between Self Help Ventures Fund and the City of Asheville; and (2) Later this year, staff will bring forward a recommendation to allocate fund to the Housing Trust Fund for purposes not including multifamily rental units (i.e. down payment assistance, homeownership development, land acquisition).

Staff recommends Council approve the allocation of \$10 million of affordable housing bond funding to the WNC Affordable Housing Loan Fund to create rental housing affordable to low and moderate-income households within the city limits, and authorize the City Manager to execute a service agreement with Self-Help Ventures Fund for the loan administration, underwriting, and servicing.

Councilmember Roney read the staff memo regarding the Talbert lot next to the transit center: "Later this fall, the City will solicit proposals for firms to analyze the 50 Asheland property and develop conceptual plans for the future transit center and affordable housing on the site. We are referring to this project as "ART Place". This will be the first step in a lengthy process to ultimately develop the site, and will evaluate options for how the site may be laid out to facilitate transit needs as well as housing and community functions. We expect this ART Place study to take about 18 months after we contract with a planning team. Future actions are likely to include additional planning and site investigation, as well as seeking funding and development options." So when you see a temporary skating rink in the lot next to the transit center, know that we have a long-term vision for expanded transit and housing at this location among other projects.

When Vice-Mayor Mosley asked if Buncombe County has been asked to participate in this fund, Ms. Vrtunski said that she is only aware that Ms. Thompson gave a presentation to the County's Affordable Housing Committee.

In response to Councilwoman Roney, City Attorney Branham said that the State generally regulates housing discrimination issues. There is a state Human Relations Commission in Raleigh that deals specifically with housing complaints. The State has not adopted source of income as a protected class. He said that the City's Human Relations, Anti-Discrimination, and Compliance Department would be happy to let citizens know where they would need to file a complaint.

When Vice-Mayor Mosley asked for public comments, none were received.

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

Councilwoman Turner moved to approve the allocation of \$10 million of affordable housing bond funding to the WNC Affordable Housing Loan Fund to create rental housing affordable to low and moderate-income households within the city limits, and authorize the City Manager to execute a service agreement with Self-Help Ventures Fund for the loan administration, underwriting, and servicing. This motion was seconded by Councilwoman Ullman and carried unanimously.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council about various matters, some being, but are not limited to: outstanding word by the Community Reparations Commission and the need for Council's commitment to rectify harms and develop policies to push towards justice; problems with ICE not following the law; request to move Springside Road safety upgrades up on the Capital Improvement Program next year; and need for City employees to be paid a living wage.

Closed Session

At 9:31 p.m., Councilman Hess moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) To discuss matters relating to the location or expansion of industries or other businesses in the City of Asheville, including agreement on a tentative list of economic development incentives. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(4). This motion was seconded by Councilwoman Ullman and carried unanimously.

At 9:44 p.m., Councilwoman Roney moved to come out of closed session. This motion was seconded by Councilwoman Ullman and carried unanimously.

VIII. ADJOURNMENT:

Vice-Mayor Mosley adjourned the meeting at 9:44 p.m.

CITY CLERK

MAYOR