

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

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

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

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

Discussion occurred on the following other issues and updates:

- ART Comprehensive Operations Analysis (COA) Update and Next Steps

Closed Session

At 12:37 p.m., Councilman Hess moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). The laws that make the information privileged and confidential are N.C. Gen. Stat. § 143-318.10(e); and (2) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6). This motion was seconded by Vice-Mayor Mosley carried on a 7-0 roll call vote.

At 2:08 p.m., Councilwoman Roney moved to come out of closed session. This motion was seconded by Councilwoman Turner and carried on a 7-0 roll call vote.

At 2:08 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Thursday – October 14, 2025 - 4:00 p.m.

Special Meeting - Closed Session

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

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

the handling or settlement of a claim or judicial action. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Councilwoman Ullman and carried unanimously.

At 4:46 p.m., Councilwoman Ullman moved to come out of closed session. This motion was seconded by Councilwoman Turner and carried unanimously.

Tuesday – October 14, 2025 - 5:00 p.m

Regular Meeting

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

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING OCTOBER, 2025, AS “NATIONAL COMMUNITY PLANNING MONTH”

Mayor Manheimer read the proclamation proclaiming October, 2025, as "National Community Planning Month" in the City of Asheville. She presented the proclamation to Planning & Urban Design Director Stephanie Dahl, and other City planners..

II. CONSENT AGENDA:

Mayor Manheimer said that Consent Agenda Item “M” was removed from the Consent Agenda for discussion and/or individual votes.

A. APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON SEPTEMBER 4, 2025, AND THE FORMAL MEETING HELD ON SEPTEMBER 9, 2025

B. RESOLUTION NO. 25-213 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW A CONTRACT WITH CDW-G FOR AMAZON WEB SERVICES CLOUD COMPUTING SERVICES

Action Requested: Adoption of a resolution authorizing the City Manager to renew a contract with CDW-G for Amazon Web Services (AWS) Cloud Computing Services.

Background:

- City of Asheville IT Services has been modernizing the City's data center to create a hybrid environment that leverages both cloud service providers and our on-premises infrastructure.
- This approach enables us to benefit from the advantages of the cloud while maintaining a physical hardware presence as we transition many major applications and operational functions to cloud-hosted solutions.
- This provides better security and flexibility in provisioning resources as needed, as well as improves service to staff and the community with increased speed and resiliency.

- Key city systems are managed using cloud computing services, including GIS, the City website, notification and permitting applications, identity & access tools, and more.

Vendor Outreach Efforts:

- No vendor outreach because we are purchasing from the Omnia Partners Total Cloud Cooperative Contract (Total Cloud Solutions and Services Region 4 ESC - TX Contract Number: R220801).
- The cooperative contract was competitively bid with consideration of proposals from nine different vendors.
- Collectively, CDW-G was awarded the cooperative contract with unmatched depth and breadth of experience with AWS cloud computing services.

Council Goal(s):

- Fiscally Resilient City

Committee(s):

- N/A

Pro(s):

- Provides faster, more reliable access to GIS services from anywhere for staff and the public.
- Cloud services can be scaled to meet current demand and mitigate large capital expenses for on-premise technology infrastructure.
- Includes enhanced security and built-in disaster recovery services.
- Utilizing cloud computing services allows for the continuation of GIS and other services when Internet services are disrupted at City Hall.
- Modernizes our architecture to allow us to build out technology with a forward-thinking mindset which sets us up to implement solutions that allow for a better employee and customer experience.

Con(s):

- None

Fiscal Impact:

- The total cost for cloud computing services for Fiscal Year 2025/2026 is \$100,000.00.
- These funds are included in the I.T. Services Budget - General Fund and DSD Tech Funds.

Motion:

- Move to adopt a resolution authorizing the City Manager to renew a contract with CDW-G for Cloud Computing Services.

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C. RESOLUTION NO. 25-214 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE CONTRACT WITH ACME TECHNOLOGIES INC. FOR SOFTWARE LICENSING AND MAINTENANCE AT THE WNC NATURE CENTER

Action Requested: Adoption of a resolution authorizing the City Manager to renew and fund an additional year of an existing contract with ACME Technologies, Inc. for software licensing and maintenance for the WNC Nature Center Ticketing, Registration and Point of Sale.

Background:

- On March 22, 2023 the WNC Nature Center Education Department went live with ACME software solutions for summer camp registration, shortly followed by the Admissions Office with Point-of-Sale ticketing on May 3, 2023.
- This contract renewal would allow the WNC Nature Center to continue offering admissions to the award winning facility.
- Currently the ACME software is providing guest and membership tracking, with both online ticket sales and at the admissions office, summer camp registration and logging guest zip codes.

Vendor Outreach Efforts:

- In FY23, Request for proposals (298-WNCNCPOS2023) was conducted to select the vendor for this service and we received five responses.
- This is to authorize the renewal of the current contract.
- No additional vendor outreach was conducted for this renewal.

Council Vision 2036 Focus Area(s):

- Financially Resilient City

Council Priority Recovery Area(s):

- N/A

Committee(s):

- N/A

Pro(s):

- The City and WNC Nature Center have been using ACME Software for over two years and staff are familiar with its strengths, limitations and support process.

Con(s):

- N/A

Fiscal Impact:

- The 1-year renewal contract will cost \$24,400.00 for FY26 and will be funded from the Community & Regional Entertainment Facilities Department. This will make the 4-year lifetime amount of the contract equal \$113,600.00.

Motion:

- Move to adopt a resolution authorizing the City Manager to renew the contract with ACME Technologies, Inc.

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- D. RESOLUTION NO. 25-215 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF NORTH CAROLINA DEPARTMENT OF COMMERCE'S DIVISION OF COMMUNITY REVITALIZATION TO PROVIDE REPAIR AND RECONSTRUCTION FOR ASHEVILLE HOMEOWNERS WHO WERE AFFECTED BY TROPICAL STORM HELENE; AND TO FURTHER AUTHORIZE THE CITY MANAGER TO SIGN ALL NECESSARY DOCUMENTS TO THIS EFFECT**

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an agreement with the State of North Carolina Department of Commerce's Division of Community Revitalization to provide repair and reconstruction for Asheville homeowners who were affected by Tropical Storm Helene; and authorizing the City Manager to sign all necessary documents to this effect.

Background:

- In September 2024, the City of Asheville (City) was severely impacted by Tropical Storm Helene (DR-4827-NC), producing unprecedented impacts on the City's infrastructure, economy, and housing.
- When a community's recovery needs exceed what is available through recovery resources from FEMA or other federal agencies, Congress may appropriate additional recovery funding through the United States Department of Housing and Urban Development's (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) Program.
- HUD allocated \$225,010,000 in funds to the City of Asheville on January 16, 2025.
- The City's CDBG-DR Action Plan allocated \$31,000,000 to Housing Programs, inclusive of \$3,000,000 for single-family homeowner repairs.
- The City is partnering with the State of North Carolina Renew NC Single-Family Housing Program to administer home Rehabilitation and Reconstruction activities for Asheville homeowners on the City's behalf.
- The Renew NC program is live and accessible to Asheville (and all WNC) residents.
- Current funding limits per home include \$50,000 for rehabilitation and \$375,000 for reconstruction.
- The State will administer assistance to beneficiaries and act as a subrecipient to the City, using a phased rollout that prioritizes households earning < 60% AMI who have children, elderly, or disabled residents in the home, then moving forward to other income levels.
- The State will manage day-to-day program operations like fielding and reviewing applications, case management, eligibility determination, environmental reviews, and hiring and directing contractors to perform work.
- The City will reimburse the State only for eligible hard construction costs incurred while implementing the program within Asheville city limits; review and verify all reimbursement requests prior to distribution of funds; monitor the State to ensure Program compliance with all applicable federal regulations; and prepare and submit Quarterly Performance Reports (QPRs) to HUD.
- To proceed, City Council must authorize a subrecipient agreement between the City and State.

Committee(s):

- The Housing and Community Development Committee met on September 16 and voted to recommend approval, 3-0.
- A question was posed at the Housing and Community Development Council Committee meeting regarding whether demolition is an eligible activity under this program.
- The purpose of this program's funding is to have a fully habitable home at the end of the programmatic support, so demolition alone would not be considered an eligible activity, but demolition as a site preparedness activity could be considered eligible.

Council Goal(s):

- Financially Resilient City
- Quality Affordable Housing

Pro(s):

- Approval of the Subrecipient Agreement paves the way for the State to administer the Single-Family Housing Repair program within Asheville city limits and for the CDBG-DR funds to be utilized to make positive impacts in low- and moderate-income communities.

Con(s):

- None.

Fiscal Impact:

- The City's CDBG-DR Action Plan allocated \$3,000,000 for single-family homeowner repairs. This amount is expected to be fully offset by reimbursements from the CDBG-DR grant.. The state is covering all administrative costs.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into an agreement with the State of North Carolina Department of Commerce's Division of Community Revitalization to provide repair and reconstruction for Asheville homeowners who were affected by Tropical Storm Helene; and authorizing the City Manager to sign all necessary documents to this effect.

Councilman Hess was pleased on how this will help our homeowners, especially the legacy neighborhoods.

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E. RESOLUTION NO. 25-216 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO ACCEPT AND ADMINISTER THEIR MATCHING FUNDS TO SUPPORT CODE PURPLE EMERGENCY SHELTER IN THE 2025-26 SEASON

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an Interlocal Agreement with Buncombe County to accept and administer their matching funds to support Code Purple Emergency Shelter in the 2025-26 season.

Background:

- Code Purple is a longstanding community initiative begun by shelter providers to provide additional capacity with fewer requirements during extreme weather conditions to ensure safety and survival for people experiencing homelessness.
- In FY 2025-26, the City of Asheville and Buncombe County have each budgeted \$50,000 to support Code Purple operations.
- Buncombe County has requested that the City administer their matching budgeted funds for Code Purple and has initiated an interlocal agreement to that effect.
- Buncombe County funds have already been budgeted for this purpose.
- The Asheville-Buncombe Continuum of Care (CoC) is leading Code Purple planning efforts, including recommendations about best use of City and County budgeted funds for Code Purple.
- Code Purple shelter is typically available beginning October 15.
- Code Purple shelter will be available through April 30, 2026 when the temperature is 32 or below, or 33-40 with precipitation.
- Code Purple events will be called by the Code Purple Work Group in accordance with the Code Purple Manual.
- The interlocal agreement will have an effective date retroactive to July 1, 2025 and shall terminate on June 30, 2026.

Vendor Outreach Efforts:

- The Asheville-Buncombe CoC will manage the allocation process to provide budgeted City and County funding to Code Purple providers.

Council Goal(s):

- Quality Affordable Housing
- Connected and Engaged Community

Committee(s):

- Asheville-Buncombe Continuum of Care Board - will vote to approve the Code Purple Plan including allocation process to provide budgeted City and County funding to Code Purple providers.

Pro(s):

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

Con(s):

- None noted

Fiscal Impact:

- \$100,000 is available in FY 2026 in the Community & Economic Development operating budget, funded with \$50,000 in operating funds and \$50,000 in matching funds from Buncombe County.

Motion:

- Move to adopt a resolution to authorize the City Manager to enter into an interlocal agreement with Buncombe County to administer their matching funds to support Code Purple Emergency Shelter in the 2025-26 season.

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- F. RESOLUTION NO. 25-217 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT GRANT APPLICATIONS FOR TWO PROPOSALS, AND ARTS AND ENTERTAINMENT FACILITY AND A FEASIBILITY STUDY FOR A FOURTH WATER TREATMENT PLANT, TO THE ECONOMIC DEVELOPMENT ADMINISTRATION AND ANY RELATED GRANTS THAT SUPPORT THESE APPLICATIONS, PROVIDED THEY DO NOT REQUIRE A MATCH; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS RESOLUTION**

Action Requested: Adoption of a resolution authorizing the City Manager to submit grant applications for two Economic Recovery proposals, an Arts and Entertainment Facility and a feasibility study to add a Fourth Water Treatment Plant, to the Economic Development Administration (EDA); and authorizing the City Manager to apply for any related grants that support these applications, provided they do not require a match.

Background:

- The Economic Development Administration (EDA) has issued a disaster supplemental notice of funding opportunity (NOFO).
- This NOFO allows for proposals to support economic revitalization and related infrastructure projects.
- If awarded, the EDA requires 20% in matching funds.
- The City of Asheville is seeking to secure funds to support two proposals:
 - An Arts and Entertainment Facility

- A feasibility study to add a Fourth Water Treatment Plant.
- The City recently engaged in a public-private partnership with ATG to conduct an economic and cultural impact study, which will be used to inform this grant proposal. If awarded, the Arts and Entertainment Facility grant will support the furtherance of this project.
- The fourth water treatment plant proposal will focus on pre-development activities to support future planning and development for a fourth water treatment plant, adding capacity and resilience to the City's Water Resources Department.
- If awarded, these funding opportunities will provide critically needed assistance to further economic revitalization in the arts and entertainment sector and increase the City's economic resilience with increased capacity and redundancy for water infrastructure.
- Staff is also asking for authorization to submit to any related grants that support these applications, provided they do not require a match.
- For example, staff are also exploring grant opportunities for matching funds, grant writing services, or other support to facilitate the successful submission of the two EDA applications.
- If awarded funds, staff will return to Council to accept the funds and amend the approved budget.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Well Planned and Lived Community
- Clean, Safe and Healthy Environment

Committee(s):

- N/A

Pro(s):

- If awarded, funds will support non-construction activities to further planning and development for a fourth water treatment plant, contributing to future economic development across target industries and sectors and supporting future infrastructure capacity and resilience.
- If awarded, funds will support project development for an Arts and Entertainment Facility, contributing to future economic recovery in the Arts and Entertainment and supporting sectors.

Con(s):

- None noted

Fiscal Impact

- EDA maximum award amount for this NOFO is \$20M.
- The EDA requires a 20% match, but if authorized, staff will seek to apply to related grants to assist with securing matching funds.

Motion:

- Move to authorize the City Manager to submit grant applications for two economic recovery projects; an Arts and Entertainment Facility and a feasibility study to add a fourth Water Treatment Plant, to the Economic Development Administration (EDA) and any related grants that support these applications, provided they do not require a match; and further authorizing the City Manager to execute any documents necessary to give effect to this resolution.

Councilman Hess was pleased that we are looking at a fourth water treatment plan to build resiliency for Asheville residents.

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G. RESOLUTION NO. 25-218 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE CURRENT CONTRACT WITH MCLAUGHLIN YOUNG EMPLOYEE SERVICES INC. TO ADMINISTER THE EMPLOYEE ASSISTANCE PROGRAM TO EMPLOYEES THROUGH NOVEMBER 20, 2025; AND TO AMEND THE CURRENT CONTRACT BY INCREASING THE NOT TO EXCEED AMOUNT

Action Requested: Adoption of resolution authorizing an amendment to the contract with McLaughlin Young Employee Services, Inc. for Employee Assistance Program (EAP) program administration for employees and their families.

Background:

- The City of Asheville contracts with McLaughlin Young Employee Services, Inc. to administer the EAP for employees and their families.
- The current contract expires September 2025 and the City is in the process of receiving and evaluating RFP submissions to select a vendor through the competitive bidding process.
- The amendment will extend the contract through 11-30-25 and increase the total contract amount by \$12,011.16 to \$156,145.16.
- The requested amendment will allow time for the RFP process to be completed while ensuring no disruption in services to employees and families utilizing the EAP.

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:

- Move to approve a resolution authorizing the City Manager to approve an amendment to the contract with McLaughlin Young Employee Services, Inc. to extend the provision of the City's Employee Assistance Program (EAP) through November 30, 2025 and to increase the current contract by \$12,011.16 for a total contract amount not to exceed amount by \$156,145.16.

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H. RESOLUTION NO. 25-219 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PLAYGROUND DONATION FROM SUPERIOR RECREATIONAL PRODUCTS

Action Requested: Adoption of a resolution authorizing the City Manager to accept a playground donation valuing \$125,050.20 from Superior Recreational Products.

Background:

- Tropical Storm Helene significantly damaged park amenities and open spaces.
- Understanding the financial and staffing burden that a disaster such as Tropical Storm Helene has on any municipality, Superior Recreational Products (SRP) has expressed an interest in providing a product donation for a park that would benefit the community during the recovery and rebuilding efforts.
- Stephens Lee Recreation Center has been identified by the Director of Parks and Recreation as the best location for this product donation, based on priorities established in *Recreate Asheville*.
- The product donation fits spatially within the existing space of the Stephens Lee playground.
- The donation of \$125,050.20 will provide the opportunity for capital funding to be redistributed to another Parks and Recreation amenity.
- Installation of the playground, totalling \$31,672 will be provided by SRP through the Co-Op program, and funded from the Parks and Recreation Department operating budget.

Vendor Outreach Efforts:

- Not Applicable

Council Goal(s):

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

Committee(s):

- None

Pro(s):

- Product donations help offset the costs associated with prioritized park improvements.
- The donor is a certified playground manufacturer, donating a new, safe, and proven playground type.

Con(s):

- None

Fiscal Impact:

- \$125,050.20 can now be applied to other Parks & Recreation improvements.
- Installation of the playground, totalling \$31,672 will be provided by SRP through the Co-Op program, and funded from the Parks and Recreation Department operating budget.

Motion:

- Move to authorize the City Manager to accept a product donation of up to \$125,050.20 from Superior Recreational Products.

I. RESOLUTION NO. 25-220 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH APPALACHIAN SITEWORK INC. FOR THE CONSTRUCTION OF THE JOHNSTON BOULEVARD SIDEWALK PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a construction contract with Appalachian Sitework Inc. in the amount not to exceed \$3,547,489.86 plus a construction contingency of \$354,749.00 for a total not to exceed contract of \$3,902,238.86, for the construction of the Johnston Blvd. Sidewalk project.

Background:

- Johnston Boulevard Sidewalk is part of the 2016 Transportation Bond funded sidewalk improvements.
- This project will construct 5,000 linear feet of sidewalk along Johnston Boulevard (S.R. 1319) between Patton Avenue (U.S. 19) and Iona Circle in Buncombe County.
- The purpose of this project is to improve mobility and safety on City streets and provide pedestrian connections to local schools.
- Sidewalk construction will include addressing grade changes through retaining walls, relocating or adjusting several utilities, and installing guard rail and street signs.
- The project also involves a railroad crossing (Blue Ridge Southern Railway, or BLU) where curb cuts and ADA ramps, along with surface treatments across the track, will be coordinated with BLU prior to construction.
- The anticipated Construction timeline is December 2025 – December 2026.
- The City of Asheville entered into a design contract with Mattern & Craig, Inc. in November 2017 for the engineering and design for sidewalks along Johnston Blvd.
- In 2018 the City was approved to add federal funds provided by NCDOT project (STIP EB-5944) to provide supplement funding, and will be administered locally by the City.
- July 1, 2025, the Construction bid was advertised as 298-FY26-CMD-BID-EB5944.
- August 14, 2025, one (1) bid was received from Appalachian Sitework Inc. Because only one (1) bid was received, the project was re-advertised on the same day.
- August 21, 2025, again one (1) bid was received from Appalachian Sitework Inc.
- Appalachian Sitework's bid came in within 1.5% of the Engineer's Estimate.
- Per North Carolina General Statutes, Appalachian Sitework Inc. is selected for Award as the lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- Due to the federal funding involved in this project, the Federal Disadvantaged Business Enterprises program is being applied.
- The federally established goal for this project is 6% participation.
- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- The Bidder performed outreach through advertisement and direct outreach, but achieved 0% DBE participation.
- NCDOT has performed a formal review and determined that a good faith effort was made.

Council Goal(s):

- Transportation and Accessibility
- Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Expanding the pedestrian transportation network which provides a safe and comfortable route that meets standards for pedestrian safety and is compliant with accessibility requirements to the maximum extent possible.

Con(s):

- Impacts to local traffic due to construction (to be addressed through required traffic control and pedestrian safety measures).

Fiscal Impact:

- Funding for this contract was budgeted and is available in the General Capital Projects fund.
- NCDOT will fund 80% of the construction, up to \$1,880,000.

Motion:

- Motion to authorize the City Manager to execute a contract with Appalachian Sitework, Inc., in the amount of \$3,547,489.86 for the construction of Johnston Boulevard Sidewalk, and further, authorizing the City Manager to execute contract documents for any additional service requests that may arise during the project up to the contingency amount of \$354,749.00 (10%).

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J. RESOLUTION NO. 25-221 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GFT, INC. FOR THE JOHNSTON BOULEVARD SIDEWALK CONSTRUCTION ENGINEERING AND INSPECTION SERVICES; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY CHANGE ORDERS THAT MAY ARISE DURING THE PROJECT UP TO THE CONTINGENCY AMOUNT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with GFT, Inc. in the amount of \$389,606.07 for the Johnston Blvd. Sidewalk construction engineering and inspection services; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$38,961 for a total not to exceed contract of \$428,567.07.

Background:

- This project will construct 5,000 linear feet of sidewalk along Johnston Boulevard (S.R. 1319) between Patton Avenue (U.S. 19) and Iona Circle in Buncombe County.
- The project (STIP EB-5944) will use federal funds provided by NCDOT that will be administered locally by the City of Asheville.
- Sidewalk construction will include addressing grade changes through retaining walls, relocating or adjusting several utilities, and installing guard rail and street signs.
- The project also involves a railroad crossing (Blue Ridge Southern Railway, or BLU) where curb cuts and ADA ramps, along with surface treatments across the track, will be coordinated with BLU prior to construction.
- The anticipated Construction timeline is December 2025 – December 2026.
- The Johnston Boulevard Sidewalk is part of the 2016 Transportation Bond funded sidewalk improvements.
- The purpose of this project is to improve mobility and safety on City streets and provide pedestrian connections to local schools.

- In order to provide supplemental funding for this extensive project, the city sought out and received NCDOT funding in 2018.
- Construction engineering and inspection must be performed in accordance with North Carolina Department of Transportation specifications in order for the Department and FHWA to participate in the costs of a project.
- City of Asheville staff publicly advertised for Construction Engineering and Inspection services, as required for a professional service selection process on 4/05/2024.
- Three professional engineering submittals were received and evaluated based on their qualifications, experience and technical approach.
- The evaluation of those submittals, ranked by an evaluation committee, resulted in TranSystems Corporation being the highest ranked firm.
- In September 2025, City of Asheville requested an updated CEI Fee estimate from GFT Inc. (formerly TranSystems). The estimate came to \$389,606.07.

Vendor Outreach Efforts:

- With all Federally funded projects, the Disadvantaged Business Enterprise (DBE) program is required for construction services, but not professional engineering services such as this agreement.
- Because the agreement with GFT Inc. is for professional services, DBE participation is not considered.

Council Goal(s):

- Improve and Expand Core Services
- A well planned and liveable community

Committee(s):

- None

Pro(s):

- Connection throughout the area, including a school zone, with safe pedestrian facilities.

Con(s):

- Construction impacts to traffic while under construction.

Fiscal Impact:

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

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a professional services contract with GFT. Inc. in the amount of \$389,606.07 for the Johnston Blvd. Sidewalk construction engineering and inspection services; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$38,961 for a total not to exceed contract of \$428,567.07.

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- K. RESOLUTION NO. 25-222 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AAR OF NORTH CAROLINA INC. FOR THE THOMAS WOLFE AUDITORIUM ROOF REPLACEMENT; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY CHANGE ORDERS THAT MAY ARISE DURING THE PROJECT UP TO THE CONTINGENCY AMOUNT**

ORDINANCE NO. 5177 - BUDGET AMENDMENT FOR THE THOMAS WOLFE AUDITORIUM ROOF REPLACEMENT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with AAR of North Carolina, Inc. in the amount of \$413,600.00 for the Thomas Wolfe Auditorium Roof Replacement Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$41,360 (10%); and approval of a budget amendment of \$528,460 to add federal and state funds to the General Capital Projects Fund for both design and construction services.

Background:

- The primary roof level of the Thomas Wolfe Auditorium was severely damaged during Hurricane Helene.
- An application is in process with FEMA for Public Assistance grant funding for the replacement of the storm damaged roof.
- The engineering for the new membrane roof system was completed and the bid documents were reviewed by the consulting team for compliance with federal terms and conditions.
- The roof replacement bid was advertised on August 18, 2025. Bids were due on September 4, 2025, and five bids were received:
 - AAR of North Carolina, Inc. (Kernersville, NC) – \$413,600.00
 - Benton Roofing, Inc. of (Flat Rock, NC) – \$424,824.00
 - Owens Roofing, Inc. (Smithfield, NC) – \$481,237.00
 - J. Bartholomew Construction, LLC (Hendersonville, NC) –\$566,772.00
 - Nations Roof of Carolina, LLC (Charlotte, NC) – \$575,000.00
- AAR of North Carolina was the lowest responsive, responsible bidder.
- Construction is anticipated to be complete by the end of the 2025 calendar year

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes using the NC electronic Vendor Portal (eVP) and requesting prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
 - One Black Business Enterprise–Access Services, a supplier out of Charlotte, NC—is included in the prime contractor's bid.

Council Goal(s):

- Thriving Local Economy

Committee(s):

- None

Pro(s):

- The Thomas Wolfe Auditorium is an important historical facility, and the new roof is required for its continued operation.
- To meet current codes and standards, the new roof will be more energy efficient than the old roof.

Con(s):

- Any funding gaps in the Federal and insurance funds will need to be covered by Capital Funds.

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.
- The City is also pursuing insurance reimbursement for the roof damage.
- The budget amendment adds funding for design and construction.
- The design contract was approved at a prior Council meeting but did not include a budget amendment.

Motion:

- Move to adopt a resolution authorizing the City Manager to enter into a contract with AAR of North Carolina, Inc. in the amount of \$413,600.00 for the Thomas Wolfe Auditorium Roof Replacement Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$41,360 (10%); and approval of a budget amendment of \$528,460 to add federal and state funds to the General Capital Projects Fund for both design and construction services.

Interim Capital Management Director Walter Ear responded to Councilwoman Roney when she asked if the City is leading by example in ensuring our buildings are accessible for renewable energy. He said that it will be a white roof which is highly reflective and which is standard for sustainable design for roofs. At the next Council meeting, he will be able to provide additional details. But, in every case where it's feasible and applicable we do consider sustainability and solar where we can apply it.

**RESOLUTION BOOK NO. 46 - PAGE 123
ORDINANCE BOOK NO. 36 - PAGE 338**

L. RESOLUTION NO. 25-223 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE N. LEXINGTON AVENUE SIDEWALK RESTORATION PROJECT (WOODFIN TO WALNUT)

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Kimley-Horn and Associates, Inc. for the N. Lexington Avenue Sidewalk Restoration project.

Background:

- The maintenance and repair of a section of N. Lexington Avenue has been a high priority for many years.
 - City staff have received numerous requests via phone, email, and the Asheville App platform to address missing bricks, trip hazards, and general sidewalk repair on the section from Woodfin/Hiawassee to Walnut.
 - In 2016, the Downtown Commission prioritized N. Lexington as the downtown street in the greatest need of sidewalk improvements.
 - The 2022 City of Asheville GAP Plan identified N. Lexington Avenue as a high priority street to address for improved accessibility.
- The project was prioritized for funding in the 2024 General Obligation Transportation Bond.
 - There is also intent to request additional funding for the sidewalk replacement through the upcoming Buncombe County Tourism Development Authority's LIFT Fund grant cycle.
- A Request for Qualifications to solicit engineering and architecture firms for the N. Lexington Avenue Sidewalk Restoration project was advertised on June 17, 2025.
- Four firms submitted qualifications for this project: Kimley-Horn and Associates, Inc., RVE, Inc., Summit Design and Engineering, and Terra Firma Design, PLLC.

- The design team led by Kimley-Horn and Associates, Inc. was selected as the most qualified firm to provide design and engineering services for the restoration project for \$212,000.
- Anticipated Project Schedule
 - Project Engagement/Design Phase Mid 2025 - Mid 2026
 - Implementation/Construction Phase Mid to late 2026

Project Scope:

- Sidewalk replacement
- Address areas of ADA non-compliance
- Street tree assessment, preservation, and/or replanting
- Preservation of existing curb alignment with the possible exceptions of modified curb extensions at the existing mid-block crossing or new curb extensions at the two intersections in the project boundaries

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which included posting on the State's Interactive Purchasing System.
- All Architecture and Engineering design firms on the City's MWBE list were emailed prior to advertising the project to inform them of upcoming City of Asheville Design Projects.
- Two of the subconsultants are minority owned.

Council Goal(s):

- Well Planned and Livable Community

Committee(s):

- Presented at Downtown Commission Annual Retreat, October 14, 2016
 - Infrastructure Planning and Prioritization
 - Sidewalks were identified by the commission as the top infrastructure priority, with Lexington Avenue identified as the highest priority sidewalk

Pro(s):

- A safer, more accessible, and more pleasant pedestrian experience for those walking and rolling on this section of Lexington
- A potential increase in business activity for merchants within the project area
- A reduction in service requests for this area, thereby increasing labor crews' capacity to focus more on other areas of concern in the city
- A decrease in maintenance needs of street trees along this section of Lexington Ave. due to a design that accommodates existing trees or replacing sick trees with healthy ones.

Con(s):

- Business disruption during construction
- Higher costs for replacing the sidewalk in kind with accessible brick paving material

Fiscal Impact:

- This project will be funded with the 2024 GO Bonds and is budgeted under Project Y2506 in the General Capital Projects Fund. .

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Kimley-Horn and Associates, Inc. in the amount of \$212,000 with a contingency amount of \$32,000 for the N. Lexington Avenue Sidewalk Restoration project, for a total amount of \$244,000.

RESOLUTION BOOK NO. 46 - PAGE 124

- M. RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE DESIGN CONTRACT WITH CLARK NEXSEN FOR THE MALVERN HILLS PARK IMPROVEMENT PROJECT; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY CHANGE ORDERS THAT MAY ARISE DURING THE PROJECT UP TO THE CONTINGENCY AMOUNT**

This item was removed from the consent agenda for discussion and/or an individual vote.

- N. RESOLUTION NO. 25-225 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH OLIN PARTNERSHIP LIMITED FOR PHASE II DESIGN AND ENGINEERING SERVICES REQUIRED TO REBUILD RECREATION PARK AND POOL, MAMMA T'S BUILDING, AZALEA PARK, 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**

ORDINANCE NO. 5178 - BUDGET AMENDMENT FOR PHASE II OF THE DESIGN AND ENGINEERING SERVICES FOR AZALEA PARK

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 \$4,228,200 for Phase II design and engineering services required to rebuild Recreation Park & pool, Mamma T's building, Azalea Park, 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 \$423,000; and approval of a budget amendment of \$4,651,200 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 Rd. 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 firms 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.
 - This contract was authorized by City Council on Sept. 9, 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 \$4,651,200. 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:

- Move to adopt a resolution authorizing the City Manager to enter into a contract with Olin Partnership Limited in the amount of not to exceed \$4,228,200 for Phase II design and engineering services required to rebuild Recreation Park & pool, Mamma T's building, Azalea Park, 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 \$423,000; and approval of a budget amendment of \$4,651,200 to add federal and state funds to the General Capital Projects Fund.

**RESOLUTION BOOK NO. 46 - PAGE 126
ORDINANCE BOOK NO. 36 - PAGE 339**

O. RESOLUTION NO. 25-226 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH LAND OF SKY REGIONAL COUNCIL FOR CLIMATE JUSTICE DATA MAP UPDATES AND IMPROVEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an interlocal agreement with Land of Sky Regional Council for Climate Justice Data Map updates and improvements.

Background:

- In 2018 the City of Asheville collaborated with UNC Asheville's National Environmental Modeling and Analysis Center (NEMAC) to conduct a climate resilience assessment.
- In 2020, via Resolution number 20-25, City Council declared a Climate Emergency and emergency mobilization effort to restore a safe climate.
- Following the Climate Emergency declaration the city engaged community members to inform tools and strategies to inform Climate Justice Initiative work.
- Data interpretation and accessible data tools were prioritized by the Climate Justice Initiative participants.
- In 2022 the City launched the Climate Justice Data Map which layers climate resilience threats alongside additional social, environmental and economic factors that intensify climate impact.
- Land of Sky Regional Council (LOS) partnered with NEMAC and Fernleaf to develop and launch AccelAdapt climate resilience software for a five county region that includes Asheville.
- The current data sources are over 7 years old.
- This project will update data and create a structure for ongoing data maintenance through integration with AccelAdapt.

Vendor Outreach Efforts:

- The LOS has developed and hosts the AccelAdapt platform which contains necessary resilience, risk and vulnerability data to perform updates to the Climate Justice Data Map.

- Any additional vendor outreach required to complete map improvements will be completed by LOS.

Council Vision:

- A well-planned and livable community
- A clean, safe and healthy environment
- A connected and engaged community

Committee(s):

- N/A

Pro(s):

- Reliable, updated climate risk and vulnerability data is available for internal and external planning.
- Systems and structure developed for ongoing data management in partnership with Land of Sky Regional Council.

Con(s):

- None

Fiscal Impact:

- This initiative is expected to cost \$35,000. Funding is included in FY2025-26 Sustainability Department operating budget.

Motion:

- Move to approve a resolution authorizing the City Manager to enter into an interlocal agreement with Land of Sky Regional Council for Climate Justice Data Map updates and improvement.

Councilwoman Roney thanked the Land of Sky for partnering to update our Climate Justice Map data.

RESOLUTION BOOK NO. 46 - PAGE 127

P. RESOLUTION NO. 25-227 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING PARATRANSIT CONTRACT WITH BUNCOMBE COUNTY TO REFLECT AN INCREASE IN FUNDING AND TO SIGN ALL DOCUMENTS NECESSARY TO EFFECT THIS AMENDMENT

Action Requested: Adoption of a resolution authorizing the City Manager to amend the existing Paratransit Contract between the City of Asheville and Buncombe County to reflect an increase of \$10,794.83 in funding and to sign all documents necessary to effect this amendment.

Background:

- The City of Asheville contracts with Buncombe County to provide the federally-required ADA Paratransit Services.

- Resolution No. 24-141 authorized a total of \$1,211,815 in paratransit costs for Fiscal Year 2025 to be added to the contract.
- However, the actual cost for Fiscal Year 2025 was \$10,794.83 more than was originally estimated, for a total of \$1,222,609.83.
- Therefore, this request seeks to add \$10,794.83 to the contract for Fiscal Year 2025 and bring the total cumulative contract value from \$2,962,310.34 to \$2,973,105.17.
- The budget increase reflects the growing usage by individuals who meet and qualify under ADA paratransit service guidelines.
- This service is mandated under federal requirements to ensure complementary paratransit service within $\frac{3}{4}$ of a mile of fixed-route transit services. The City of Asheville extends this service city-wide to all eligible individuals who meet ADA certification.

Council Goal(s):

- Transportation and accessibility

Committee(s):

- None

Pro(s):

- Supports the continuation of current/existing paratransit services.
- Ensures sufficient funding to pay for services as required by the contractual agreement.

Con(s):

- None

Fiscal Impact:

- This resolution includes an increase of \$10,794.83, bringing the original FY2025 cost from \$1,211,815 to \$1,222,609.83 and to increase the current existing Paratransit Contract, between the City of Asheville and Buncombe County, amount from \$2,962,310.34 to \$2,973,105.17.
- The additional funds will be paid out of the existing FY2026 Transit Operating Budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the existing Paratransit Contract between the City of Asheville and Buncombe County to reflect an increase of \$10,794.83 in funding and to sign all documents necessary to effect this amendment.

RESOLUTION BOOK NO. 46 - PAGE 128

Q. RESOLUTION NO. 25-228 - RESOLUTION AUTHORIZING THE CITY MANAGER AMEND BUNCOMBE COUNTY'S SUPPLEMENTAL ELDERLY AND DISABLED TRANSPORTATION ASSISTANCE PROGRAM AGREEMENT TO INCREASE THE LOCAL MATCH FOR FISCAL YEAR 2024 SECTION 5310 FUNDS AND SIGN ALL DOCUMENTS NECESSARY TO EFFECT THIS AMENDMENT

Action Requested: Adopt a resolution authorizing the City Manager to amend Buncombe County's Supplemental Elderly and Disabled Transportation Assistance Program (SEDAP) agreement to increase the local match for FY24 Section 5310 Funds from \$52,532 to \$65,665 and sign all documents necessary to effect this amendment.

Background:

- Federal Transit Administration (FTA) grant funds are apportioned to the Asheville Urbanized Area (AUZA) annually by the Federal Transit Administration and are disbursed by the City of Asheville, as the Designated Recipient, to the regional transit agencies (Subrecipients), including Buncombe County, Land of Sky Regional Council, Senior Companions - Caregiver Project and Buncombe County Agency on Aging.
- This action seeks to align Buncombe County's Supplemental Elderly and Disabled Transportation Assistance Program (SEDTap) with Federal Transit Administration (FTA) requirements by correcting the mandated local match.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None. This is an administrative action.

Pro(s):

- This action will correct the Local Match amount for Buncombe County's Supplemental Elderly and Disabled Transportation Assistance Program (SEDTap) as stated in Resolution 25-125.

Con(s):

- None.

Fiscal Impact:

- No Fiscal Impact. This correction addresses Buncombe County's local match for their Supplemental Elderly and Disabled Transportation Assistance Program (SEDTap) and has no fiscal impact on the City of Asheville.

Motion:

- Adoption of a resolution authorizing the City Manager to amend Buncombe County's Supplemental Elderly and Disabled Transportation Assistance Program (SEDTap) agreement to increase the local match for FY24 Section 5310 Funds from \$52,532 to \$65,665 and sign all documents necessary to effect this amendment.

RESOLUTION BOOK NO. 46 - PAGE 129

R. RESOLUTION NO. 25-229 - RESOLUTION DISSOLVING THE COMMUNITY REPARATIONS COMMISSION

Action Requested: Adoption of a resolution dissolving the Community Reparations Commission.

Background:

- On July 14, 2020, City Council adopted Resolution No. 20-128, which supported community reparations for black Asheville and established the Community Reparations Commission.
- The members of the Community Reparations Commission (CRC) were appointed by Asheville City Council on March 8, 2022, and the Buncombe County Board of Commissioners on March 15, 2022.
- The CRC was tasked with issuing a report in a timely manner to consider incorporating into short- and long-term, priorities and plans.
- Over the course of the process the CRC completed the following:
 - Presented an immediate recommendation to "Stop the Harm".

- On January 24, 2023, the Asheville City Council approved a resolution authorizing development of a scope of work for a Cease the Harm Audit. Results of the audit were presented in March 2024
- Organized a Community Engagement Committee where they developed a community engagement tool.
- Engaged over 3,200 Black residents during the months of March and May 2024.
- Established a working group composed of CRC members, City and County staff, and IFA Facilitators to complete the CRC report.
- They voted on and passed the motion to create their own 501(c)3
 - Paperwork has been filed with the State of NC
 - They are in the process of creating their Board
- Community Engagement work was done which included meeting in their respective IFA's and discussing recommendations as they relate to Tropical Storm Helene Recovery.
- On September 9, 2025, the Commission provided its final report to the Asheville City Council.

Goal(s):

- Diverse Community

Committee(s):

- The Community Reparations Commission agreed that the charge given to them by the City Council has been completed.

Fiscal Impact:

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

Motion:

- Move to adopt a resolution dissolving the Community Reparations Commission.

Heather Boyd felt that City Council should not dissolve the Community Reparations Commission.

In response to Councilwoman Roney, City Attorney Branham said that several members of the Community Reparations Commission expressed interest in forming a separate 501 (c) 3 that would take up the corresponding work at the end of the life of the Community Reparations Commission. Dissolution of the commission allows the members to move forward with formation of a separate entity without having to deal with open meetings laws.

RESOLUTION BOOK NO. 46 – PAGE 130

S. RESOLUTION NO. 25-230 - RESOLUTION DISSOLVING THE I-26 CONNECTOR AESTHETICS COMMITTEE

Action Requested: Adoption of a resolution dissolving the I-26 Connector Aesthetics Committee.

Background:

- The I-26 Aesthetics Committee was established by City Council as an advisory body in April 2018.
- The Committee began its work in October 2018.
- The Aesthetics Committee was charged with developing a list of aesthetics treatments to be incorporated into the NCDOT I-26 Connector project to enhance the appearance, integration, and cohesion of the project with Asheville.

- One of the primary deliverables for the I-26 Connector Project is a Final Report associated with the “Vertical Treatments” of the project, including bridges, retaining walls, sound walls, lighting, etc.
- Additionally the report was to include funding responsibilities of both the City and the NCDOT toward the proposed treatments.
- A Draft of the Final Report for the Vertical Treatments was presented to City Council on February 14, 2023 and was accompanied by Resolution 23-21 authorizing the City Manager to sign a funding letter of commitment to the NCDOT for the recommended Vertical Treatments in the report. This funding letter of commitment was provided to NCDOT on February 15, 2023.
- The Aesthetics Committee additionally provided a list of guidelines for the horizontal treatments (landscaping) for the project in mid-2024.
- Most recently, the Committee concluded its work by providing a resolution and presentation to the City Council at their September 9, 2025 meeting regarding recommendations for the West Patton Avenue Bridge.

Goal(s):

- Well Planned and Livable Community
- Transportation and Accessibility

Committee(s):

- I-26 Connector Aesthetics Committee recommended dissolution at their July 16, 2025 meeting

Fiscal Impact:

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

Motion:

- Move to adopt a resolution dissolving the I-26 Connector Aesthetics Committee.

RESOLUTION BOOK NO. 46 - PAGE 131

T. MOTION APPOINTING SUSAN BEAN TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION

U. ORDINANCE NO. 5179 - ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION 2.51 IN ORDER TO FURTHER DEFINE THE MEMBERSHIP STATUS OF ALL CITY BOARDS AND COMMISSIONS

Action Requested: Adoption of an amendment to Chapter 2 of the Code of Ordinances regarding the membership status of all boards and commissions.

Background:

- The Asheville City Council has established numerous boards and commissions.
- The membership status of those individuals appointed to serve on these bodies varies based on the relevant establishing ordinance, resolution, or other Council action.
- As a result of this lack of consistency and specificity, the authority of the City Council to alter or terminate membership from its boards and commissions remains unclear.
- The proposed amendment will add a new ordinance section (Sec. 2-51) to the City's Code of Ordinances to clarify that all members of City Council appointed boards and commissions serve at the pleasure of the City Council unless otherwise dictated by state law.

- This will memorialize the authority of the City Council over its subordinate public bodies, and infuse consistency and clarity into the membership characteristics of all boards and commissions.

Vendor Outreach Efforts:

- Not Applicable

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- N/A

Pro(s):

- Provides consistency for membership status on all City Council boards and commissions.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Move to approve the amendment to Chapter 2 of the Asheville City Code regarding the membership status of all boards and commissions by adding Section 2-51 as described in the staff report.

ORDINANCE BOOK NO. 36 - PAGE 340

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

Action Requested: Adoption of City of Asheville property tax refunds and releases for the month of August 2025.

Background:

- Buncombe County currently bills and collects City property taxes
- At the August 22, 2023, meeting, City Council approved an addendum to the existing tax collection agreement with Buncombe County to ensure that it fully conforms to the provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.
- As part of that compliance, the City Council must, on a monthly basis, approve all property tax releases and refunds that have been approved by the Buncombe County Board of Commissioners.
- City of Asheville refunds and releases for August 2025 are included in the document.

Council Goal(s):

- A Financially Resilient City

Pro(s):

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

Con(s):

- None

Fiscal Impact:

- None.

Suggested Motion:

- Motion to adopt City of Asheville property tax refunds and releases for the month of August 2025.

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

Councilwoman Ullman moved for the adoption of the Consent Agenda, minus Consent Agenda Item "M". This motion was seconded by Councilwoman Roney and carried unanimously.

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

M. RESOLUTION NO. 25-224 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE DESIGN CONTRACT WITH CLARK NEXSEN FOR THE MALVERN HILLS PARK IMPROVEMENT PROJECT; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY CHANGE ORDERS THAT MAY ARISE DURING THE PROJECT UP TO THE CONTINGENCY AMOUNT

Action Requested: Adoption of a resolution authorizing the City Manager to amend the design contract with Clark Nexsen in the amount of \$162,000.00 for the Malvern Hills Park Improvement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$16,000.00.

Background:

- The City of Asheville is replacing the existing 90 year old municipal pool in Malvern Hills Park with a new, modern, and code-compliant, accessible aquatic facility (including the pool house and pump house buildings) that enhances community recreation opportunities and ensures accessibility for all residents
- A community preference survey was launched on Public Input on March 31st, to gather community input for the pool project. The survey concluded on April 28, 2025.
- Based on a Request for Qualifications (March 12th, 2025) which solicited design teams for design, architecture, and engineering of the Malvern Hills Park Project, a selection committee reviewed qualifications of 11 firms.
- The design team led by Clark Nexsen from Asheville was selected as the most qualified to provide design services.
- The design fee was negotiated to \$269,400.00 with a \$27,000 contingency.
- The scope for the original design contract included: planning, budgeting, designing, public meeting attendance and preparing construction documents for a \$2,000,000.00 pool and building renovations.
- Updated construction estimates for the pool and the pool building are anticipated to exceed this budget, totaling \$4,300,000.00 for construction.
- Based on the additional design work required, the design contract with Clark Nexsen needs to be adjusted accordingly.
- A public meeting was held on 9/23 to share design with the public.

- Feedback received at the public meeting and from the online project page indicated the community would like more space in the 5' and deeper zone and a sloped entry.
- Additional community outreach was held on September 30th and October 1st at the West Asheville Tailgate Market and RAD Farmers Market, respectively.
- The project is currently on schedule to conclude the design portion mid- 2026. Construction is anticipated to begin thereafter and be completed late 2027.
- Staff is proposing to use a Construction Manager at Risk project delivery method in order to expedite the construction start date and will continue to look for ways to expedite project delivery.

Vendor Outreach Efforts:

- For the initial contract, staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System.
- All A/E design firms on the City's MWBE list were emailed prior to advertising the project to inform them of upcoming City of Asheville Design Projects.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- None

Pro(s):

- A new pool at Malvern Hills Park, will provide much needed city wide aquatic recreation opportunities.
- The surrounding Malvern Hills community strongly supports park and pool improvements.

Con(s):

- Some residents are concerned that the new pool's size will not be comparable to the old one.
- However, increasing the pool's size would impact the project's cost.

Fiscal Impact:

- Funding for this contract was previously budgeted and is available in the General Capital Projects Fund.
- The project will utilize FY24 General Obligation Bond funds.

Sally Grau spoke in support of adoption of the design contract for the Malvern Hills Park Improvement Project.

Shannon Aiken spoke in support of the Malvern Hills Park pool and stressed that what the community really wants is the existing pool opened.

Mayor Manheimer said that this will allow us to move forward and look at some different designs, and also deal with Americans with Disabilities Act compliance requirements.

Councilwoman Roney said that we have a long history of community heartache and loss of third spaces including pools—naming Walton Street and Southside's familiarity with loss and broken promises. She was concerned about ensuring we have access to public pools so people can learn to swim in a city where it floods. She is hearing community concern that adding complexity, options, and time to this project is expected to increase cost—if we want to mitigate

cost, can simplify by not adding complexity, options, and time. She will support this motion because it's her understanding the design gives us more options.

Councilwoman Turner moved to adopt a resolution authorizing the City Manager to amend the design contract with Clark Nexsen in the amount of \$162,000.00 for the Malvern Hills Park Improvement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$16,000.00 for a new total contract amount not to exceed \$431,400.00 with a contingency of \$43,000.00. This motion was seconded by Councilwoman Ullman and carried on a 5-2 vote, with Vice-Mayor Mosley and Councilwoman Smith voting "no."

RESOLUTION BOOK NO. 46 - PAGE 125

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONAL ZONING ORDINANCE (ORD NO. 5046) FOR PROPERTY LOCATED AT 30 BUCHANAN PLACE FOR THE PURPOSE OF MAKING AMENDMENTS TO THE SITE PLAN AND PROJECT CONDITIONS

ORDINANCE NO. 5180 - ORDINANCE TO AMEND THE CONDITIONAL ZONING ORDINANCE (ORD NO. 5046) FOR PROPERTY LOCATED AT 30 BUCHANAN PLACE FOR THE PURPOSE OF MAKING AMENDMENTS TO THE SITE PLAN AND PROJECT CONDITIONS

Principal Planner Will Palmquist said that this is the consideration of an amendment to the conditional zoning ordinance (Ord. No. 5046) for property located at 30 Buchanan Place for the purpose of making amendments to the site plan and project conditions. This public hearing was advertised on October 3 and 10, 2025.

Project Location and Contacts:

- The project site totals 8.25 acres located at 30 Buchanan PI (PIN 9648-47-8566)
- Owner: City of Asheville

Summary of Petition:

Project Site

- The project area consists of 8.25 acres located at 30 Buchanan PI and is identified in the Buncombe County land records as PIN 9648-47-8566.
- The site is the location of McCormick Field, a minor league baseball venue.
- The site is currently zoned Institutional - Conditional Zone (INST-CZ) by Ord. No. 5046, adopted October 24th, 2023, for the purposes of providing technical modifications to the underlying zoning for the planned expansion and renovation of McCormick Field.
- The site is designated "Parks / Open Space" on the city's Future Land Use (FLU) Map.
- A change in the FLU designation will not be required.

Overall Project Proposal

- The project is requesting an amendment to the conditional zoning in order to receive one additional technical modification regarding the maximum mounting height of light fixtures for outdoor sports fields.
- McCormick Field is proposing, as part of its planned renovation and expansion, to replace the six existing lighting poles which are near the end of their serviceable light.

- The poles are proposed to be between 80' and 120' in height, which is permitted under the Institutional zoning district.
- UDO Sec. 7-11-10: Outdoor Lighting Standards sets a maximum mounting height of 90' for lighting fixtures at outdoor sports fields.
- Mounting height for an outdoor light fixture is the vertical distance from grade to the bottom of the light fixture itself.
- Major League Baseball adheres to the standards set by the Illuminating Engineering Society, and any new or reconstructed lighting fixture at McCormick Field is required to meet these standards, specifically IES RP-6-22 ("Recommended Practice: Lighting Sports and Recreational Areas, an American National Standard").
- Based on these standards, two of the six new lighting fixtures are proposed to have a mounting height that exceeds the maximum 90' height in UDO Sec. 7-11-10
- As shown in the site plans, Pole A1 has a proposed mounting height of 102'-11" and Pole A2 has a proposed mounting height of 99'-11".
- The photometric drawings in Exhibit D show minimal light spillover onto neighboring properties.
- The new light fixtures, even at heights 10'-15' higher than the existing fixtures, are expected to have less spillover and light pollution than existing fixtures due to superior design and downlit capabilities.

Technical Modifications

- In addition to technical modifications approved by Ord. No. 5046, the project is seeking one additional technical modification to development standards through the conditional zoning process including:
 - Maximum outdoor sports field lighting fixture height of 105' for two lighting fixtures instead of the 90' maximum fixture height in UDO Sec. 7-11-10.

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:
 - **Promote Access to Well-Maintained Parks and Open Space for All** - by dedicating adequate resources to meet the maintenance demands of existing parks, including sufficient capital and operational funding consistent with best management practices and community standards for high level of service.
 - **Enhance and Celebrate Asheville's Unique Places and Destinations** - by continuing to create accessible urban places throughout the city and ensure that downtown services, amenities, and resources are designed to serve residents as well as visitors.
- The proposed development is compatible with the Future Land Use designations of "Parks and Open Space", which is proposed, in part, that it "includes a wide variety of different park facilities, active and passive open space, and greenways. Parks and open space are a community need and new parks, including park maintenance, will be required to serve areas of the community in an equitable fashion".

Compatibility Analysis:

- The proposed project is compatible with the surrounding land uses, including:
 - Memorial Stadium and Mountain Side Park, located directly east of the project site.
 - The commercial uses located throughout Asheville's South Slope, located to the west of the project site.

- The surrounding residential neighborhoods located to the north and south of the project site.

Council Goal(s):

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

Committee(s):

- Planning & Zoning Commission (PZC) - October 1, 2025 - Recommended Approval (Vote 5:0)

Staff Recommendation:

- Staff recommends approval of this rezoning request based on the reasons stated above.

Mr. Palmquist reviewed the existing zoning, aerial imagery and the future land use map. About the lighting plan, (1) Two of the six new lighting fixtures are proposed to have a mounting height that exceeds the maximum 90' height in UDO Sec. 7-11-10; and (2) Pole A1 has a proposed mounting height of 102'-11" and Pole A2 has a proposed mounting height of 99'-11". The project conditions are that in addition to technical modifications approved by Ord. No. 5046, the project is seeking one additional technical modification to development standards through the conditional zoning process including: Maximum outdoor sports field lighting fixture height of 105' for two lighting fixtures instead of the 90' maximum fixture height in UDO Sec. 7-11-10. The Planning & Zoning Commission voted unanimously to approve the project. He then explained how the project was consistent with the Living Asheville Comprehensive Plan. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning amendment.

Mayor Manheimer opened the public hearing at 5:31 p.m., and when no one spoke, she closed the public hearing at 5:31 p.m.

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

Councilwoman Ullman moved to approve of the conditional zoning amendment request for the property located at 30 Buchanan Pl, zoned Institutional - Conditional Zone (INST-CZ), and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan and meets the development needs of the community in that the request: 1) dedicates adequate resources to meet the maintenance demands of existing parks, including sufficient capital and operational funding consistent with best management practices and community standards for high level of service; and, 2) continues to create accessible urban places throughout the city and ensure that downtown services, amenities, and resources are designed to serve residents as well as visitors. This motion was seconded by Councilwoman Turner and carried unanimously.

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B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONAL ZONING OF 27.05 ACRES AT 767 NEW HAW CREEK ROAD FOR THE PURPOSES OF AMENDING THE SITE PLAN AND THE PROPOSED CONDITIONS TO BUILD 49 NEW SINGLE-FAMILY HOUSING UNITS AND 25 TOWNHOME UNITS

At the applicant's request, Councilwoman Ullman moved this public hearing until October 28, 2025. This motion was seconded by Councilwoman Roney and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. DOWNTOWN ACTIVATION STRATEGIES

OPEN STREETS MINI GRANTS

CENTRAL BUSINESS DISTRICT FOOD TRUCKS PILOT

FIRST READING OF ORDINANCE NO. 5181 - ORDINANCE AMENDING SECTION 10-88 (NOISE REGULATIONS) REGARDING INCREASING THE EVENT DAYS OF A LEVEL 3 SOUND EXCEEDANCE PERMIT FROM 30 TO 50 EVENT DAYS FOR A PILOT PROGRAM PERIOD WITH A SUNSET DATE OF DECEMBER 31, 2026

ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES TO ESTABLISH A DOWNTOWN EVENT-BASED SOCIAL DISTRICT PILOT PROGRAM FOR SPECIFIED SPECIAL EVENTS TAKING PLACE IN THE SOUTH SLOPE DURING CALENDAR YEAR 2026

Assistant City Manager Ben Woody provided the following key takeaways from his presentation: (1) Council's Planning, Economic Development and Environment (PEDE) Committee directed staff to bring the following quick-action downtown activation initiatives to City Council for consideration: (a) Establishment of an event-based social district pilot program; (b) An amendment to the noise ordinance that increases the number of allowable exceedance events for level III venues; (c) Support/subsidies for "open streets" events; and (d) A food truck pilot program; (2) The establishment of an event-based social district and changes to the noise ordinance require City Council action (the other initiatives do not); (3) All initiatives are pilot programs intended to increase pedestrian foot traffic and economic activity in the short-term, launched in a way that utilizes existing resources and staff capacity; and (4) Each initiative will be tracked, measured and evaluated. Results and feedback can inform future policy amendments, and/or investments for consideration.

An overview of the open streets is (1) *Open Streets* originated as a recurring program to encourage active transportation and physical activity, part of a global movement. Streets are *open* for recreation and public enjoyment, closed for vehicular traffic and parking; (2) As proposed by Asheville Downtown Association (ADA) and discussed with Council's PEDE committee, "open streets" in this context is inclusive of block parties, street festivals, and other types of programming on public streets that promote activation and foot traffic; and (3) In other words, supporting Open Streets = supporting outdoor special events that incorporate parking and vehicular closures on public streets.

Regarding updates on the event support mini-grants, (1) The City of Asheville, in partnership with ArtsAVL, launched a new Rolling Mini-Grant Pilot on September 8, 2025. This new initiative complements the existing Annual Event Support Grant, offering two distinct funding opportunities: (1) Event Support Grant (Regular): This grant typically awards \$3,000 to \$10,000 to Buncombe County nonprofit organizations for larger annual events; and (2) Rolling Mini-Grant Pilot (New): This grant provides up to \$1,000 for pop-up and smaller-scale events. It is open to nonprofit organizations in Buncombe County or for-profit businesses within the proposed event footprint, specifically to help cover City-related fees (a) \$14,000 in funds are available for awards

up to \$1,000; (b) Applications are accepted on a rolling (monthly) basis until funds are exhausted or December 31, 2026; and (c) Funds can cover fees associated with street and parking closures; (2) Both grant programs aim to enhance access to the arts, enrich Asheville's cultural landscape, and foster active and welcoming public spaces; and (3) The following impacts will be evaluated for events taking place within downtown: Foot traffic data; feedback from businesses regarding impacts on sales; and general feedback from businesses and the public.

Regarding open streets mini grants, Councilwoman Roney said we had open streets events in 2016, in 2018 and those roads were closed to vehicular traffic and it was a benefit for retail and the food and beverage industry. The infrastructure was able to be moved and it resulted in traffic reduction. Making our streets for everyone is a benefit to our economy, infrastructure and it's a way we can learn together. Open streets is a great first step to activation by offering mini-grants so we can start to measure the success.

Regarding an overview of the food truck regulations downtown - Current Site and Operating Requirements (1) Permanent food truck uses are allowed on sites in the CBD (downtown) and other specified zoning districts with an approved development plan/permit and associated site compliance; (2) Temporary food truck uses in the CBD (a) *On public property* - allowed to operate, but *only* in association with an outdoor special event; and (b) *On private property* - *not* allowed within the CBD (or in Biltmore Village), otherwise allowed in all non-residential districts with a Temporary Use Permit; and (3) Free-standing gasoline generators are prohibited within the Fire District (generally, the downtown core).

Updates on the food truck pilot (fall 2025) include (1) Input from mobile food operators through a recent survey indicated interest in downtown vending (Fri lunch and dinner hours most preferred); (2) City's ABI and OSE offices launched a limited series, "Food Truck Fridays" Oct 3 - Dec 19 in Pack Sq. Park; (3) Features 1-2 rotating food trucks from 11am - 3pm; (4) Highlights local vendors and offerings while promoting additional activation; (5) Will better inform future needs, interests and opportunities related to food truck vending downtown; (6) Customers/foot traffic along with vendor and public feedback will be evaluated; and (7) Future considerations could include an expanded event series/program, policy changes, and/or investments in supportive infrastructure.

Regarding the food trucks, Councilwoman Roney said that late night hours were originally requested when restaurants aren't open/serving, which is a benefit to residents, workers getting out late, and people leaving our bars and events. She supports furthering change to support small, local businesses and an equitable recovery.

Assistant City Manager Woody then provided an overview of the noise ordinance exceedance includes (1) The current noise ordinance was adopted in July 2021 and includes an allowance to lawfully exceed sound level limits (maximum decibel levels); (2) Performance Centers under certain conditions are allowed to obtain a sound exceedance permit that allows the venue to exceed maximum decibel levels for no more than 30 days of events within a single twelve-month period; (3) City Council's PEDE committee has expressed interest in increasing the number of days that applicable performance centers can exceed the maximum decibel levels; and (4) Council action is required to make changes to the noise ordinance. For consideration of the noise ordinance amendment is to increase the number of sound exceedance events from 30 to 50 for the 2026 Calendar Year

An overview of the social districts is: Areas designated by cities/counties where individuals may carry and consume alcoholic beverages purchased from ABC-permitted businesses within the designated area. **Differs from the type of ABC permit otherwise enabled for outdoor special events. *Does not inherently involve street closures per state regulations.* Legal Requirements are (1) Designate specific days and hours that alcoholic beverages may be

consumed in the Social District (SD); (2) Post signs in a conspicuous place listing the above days and hours; (3) Establish a management and maintenance plan for the SD and post the plans, geographic boundaries and the days and hours on the City's website; (4) Pass an ordinance with all of the above; and (5) Submit the map showing geographic boundaries and days and hours to the ABC Commission.

For consideration of the event-based South Slope social district pilot is (1) Applicable event dates during the following 2026 events and times which have been amended as follows: (1) Mardi Gras Parade - Sunday, February 15, 2026 // during established event hours not to exceed 11am - 11pm; (2) Chai Pani Holi Celebration - Sunday, March 8, 2026 // during established event hours not to exceed 11am - 11pm; (3) Independence Day - Saturday, July 4, 2026 // during established event hours not to exceed 11am - 11pm; (4) Weenie Walk - Saturday, August 1, 2026 // during established event hours not to exceed 11am - 11pm; and (5) Oktoberfest - Saturday, October 3, 2026 // during established event hours not to exceed 11am - 11pm. *The amended event hours allows the social district to turn off at the conclusion of each event. Statutorily required signage and notification must be modified accordingly for each event. City Council has the ability to approve additional dates and/or social districts by ordinance at a later date; and* (2) Operations and Management: (A) ADA in coordination with applicable event organizers will follow existing requirements for outdoor special events (i.e. safety plans, barricades, restrooms, clean-up, etc.); and (B) ADA in coordination with applicable event organizers will be responsible for business engagement, required signage, branded cups, management and maintenance, etc. (all added expenses).

Updates on the pushcart program are (1) New locations made available for popular areas downtown (Pack Sq, around Pritchard Park); (2) Improved coordination between the Pushcart program and Downtown Events; and (3) Improved online application process. Future policy/ordinance changes to be considered: (1) Eliminate the requirement for an encroachment agreement (reduces fees); (2) Clarify dimensional/safety requirements for new carts (clarifies standards while ensuring accessibility); (3) Require regular activation (to ensure spaces are being utilized); and (4) Introduce a maximum # of locations for any one vendor (to encourage diverse offerings and support opportunities/access for additional entrepreneurs/vendors).

Updates on the Temporary Activation Program (TAP) are that it accommodates temporary utilization of City-owned/managed property to support economic and natural resource recovery (www.ashevillenc.gov/TAP). Examples: adjustment of fence + pilot programming at 68 Haywood during HCCA events, plantings and signage in RAD, temporary art in Pack Square, clean-ups and seeding along riverbanks.

Noise Regulations

The following is the staff report provided to Council and the public:

"This is the consideration of an ordinance amending Section 10-88 (Noise Regulations) regarding increasing the event days of a Level 3 sound exceedance permit from 30 to 50 event days for a pilot program period with a sunset date of December 31, 2026.

Background:

- The current noise ordinance was adopted in July 2021 and includes an allowance to lawfully exceed sound level limits (maximum decibel levels).
- Performance Centers under certain conditions are allowed to obtain a sound exceedance permit that allows the venue to exceed maximum decibel levels for no more than 30 days of events within a single twelve-month period.
- Guided by direction and discussion of City Council's PEDE Committee, staff developed

an amendment to the noise ordinance that allows applicable performance centers to exceed the maximum decibel levels from 30 to 50 events as part of a downtown activation pilot program.

- The pilot program will run through the calendar year 2026 and sunset on December 31st, 2026.
- The current wording of the ordinance for 30 event days will reset beginning on January 1st, 2027.

Vendor Outreach Efforts:

- n/a

Council Goal(s):

- Thriving Local Economy

Committee(s):

- Planning, Economic Development, and Environmental Council Committee - August 19, 2025 - unanimously agreed to move this topic to full council without a formal vote.

Pro(s):

- To be determined based on the evaluation of the pilot program.

Con(s):

- Staff is present at each of these programmed events to monitor the performance and compliance with regulation. Increasing from 30 events to 50 events will require additional staff hours to monitor compliance with Type 3 Decibel limitations for 20 additional events.
- Increasing events will create an increased need for staff to monitor events. These additional hours could lead to overtime hours or the need to flex hours from the standard work week.

Fiscal Impact:

- While not a direct fiscal impact, additional hours may potentially lead to increased overtime pay to compliance staff."

Three individuals spoke in support of the noise ordinance amendment, for various reasons, some being, but are not limited to: great first step with collaboration with small businesses; and great opportunity to drive more traffic and revenue to all businesses downtown.

Vice-Mayor Mosley feels that there is disparity happening this evening. She noted that for two years the legacy neighborhoods have been requesting changes to our ordinance, but they were asked to wait and nothing has happened yet. Yet, we have two issues (noise and social districts) that result in ordinance changes. Regarding social districts, that is not coming from City staff, but a special interest group. Regarding the noise ordinance, we seem to be making the amendment for one business. She wants to recognize that when certain groups speak to certain city leaders, items get placed on the agenda and they get voted on. And then when the legacy neighborhoods ask for an item, they are put on hold.

Councilwoman Roney felt that we reached a delicate balance on our noise ordinance, and wanted to support the downtown, but she feels increasing the event days of a sound exceedance permit from 30 to 50 is too great a leap. She then moved to offer a friendly amendment to increase the permit from 30 to 35. Due to lack of a second, the motion failed.

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 adopt an ordinance amending Sec. 10-88(2)(c) of the noise ordinance regarding Type 3 sound exceedance permit for performance centers, to increase the maximum number of sound exceedance events from 30 to 50, as a pilot program with an established sunset date of December 31, 2026. This motion was seconded by Councilwoman Turner and carried on a 4-3 vote, with Vice-Mayor Mosley, Councilwoman Roney and Councilwoman Smith voting “no.”.

City Attorney Branham said that since the ordinance did not receive a super majority vote on its first reading, it would require a second reading, which will be on October 28, 2025.

ORDINANCE BOOK NO. 36 – PAGE 350 (FIRST READING)

Social Districts

The following is the staff report provided to Council and the public:

“This is the consideration of an ordinance amending Chapter 11 of the Code of Ordinances to establish a downtown event-based Social District Pilot Program for specified special events taking place in the South Slope during calendar year 2026.

Background:

- NC General Statutes §§ 160A-205.4 and 18B-300.1 authorize local jurisdictions to designate and regulate Social Districts.
- Social Districts are areas where individuals may legally carry and consume alcoholic beverages purchased from on-site ABC-permitted businesses within the designated area.
- The operation and ABC permitting associated with Social Districts differs from the type of ABC permit that can be utilized for outdoor special events outside of an established Social District.
- The Asheville Downtown Association requested the establishment of a pilot program for an event-based Social District to be activated in areas of downtown Asheville during specified special events in order to increase patronage of businesses and encourage economic activity overall.
- City staff provided information on best practices and requirements for establishing Social Districts at the August 18, 2025 PEDE Committee meeting.
- Legal requirements are:
 - Designate specific days and hours during which alcoholic beverages may be consumed in the social district;
 - Post signs in a conspicuous place that list the established days and hours;
 - Establish a management and maintenance plan for the social district and post the plans, along with a rendering of the geographic boundaries, and the days and hours during which alcoholic beverages may be consumed, and that information must be posted on the City’s website;
 - Pass an ordinance with all of the above; and
 - Submit the map showing geographic boundaries and days and hours to the ABC Commission
- While NC’s Social District Statute does not anticipate an event-specific model, designating a Social District in alignment with specified events is not expressly prohibited;

- other cities in NC have also piloted event-specific Social Districts.
- Guided by direction and discussion of City Council's PEDE Committee, the City of Asheville and ADA have developed the proposed Event-Based South Slope Social District Pilot with goals of increasing pedestrian activity and supporting businesses within the district, while ensuring that all applicable state and local laws and regulations are adhered to and public safety interest are maintained.
- The Event-Based South Slope Social District Pilot, as proposed, would be active during specified events during the 2026 calendar year, while allowing flexibility for Council to approve by ordinance additional dates and/or social districts should this pilot program be successful.
- Events included in the establishing ordinance being considered are:
 - Mardi Gras Parade - Sunday, February 15, 2026 // 11am - 11pm
 - Chai Pani Holi Celebration - Friday, March 6, 2026 // 11am - 11pm
 - Independence Day - Saturday, July 4, 2026 // 11am - 11pm
 - Weenie Walk - Saturday, August 8, 2026 // 11am - 11pm
 - Oktoberfest - Saturday, October 3, 2026 // 11am - 11pm
- The footprint of each event will mirror the established Social District boundaries and be managed accordingly (following all requirements of the City's existing outdoor special event program in addition to the requirements for operating a social district).
- The North Carolina general statutes require a Management and Maintenance Plan for a Social District be approved by Council.
- Authority to thereafter make amendments to Council-approved plans will rest with the City Manager or her designee.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Thriving Local Economy

Committee(s):

- **July 15, 2025** - City Council's PEDE Committee heard a presentation from the Asheville Downtown Association on Downtown Activation Strategies and directed staff to report back with feasibility.
- **August 19, 2025** - City Council's PEDE Committee heard a presentation from staff on feasibility of initiatives and a majority of members directed staff to seek full Council consideration on items requiring action (including an Event-Based Social District Pilot Program).

Pro(s):

- Enables ABC-permitted businesses within established social districts to participate directly in alcohol sales associated with the applicable special events.
- Allows customers to carry and consume open alcoholic beverages throughout and between public spaces and participating ABC permitted businesses within the designated social district during applicable special events.
- May encourage additional attendance and increased economic activity, most specifically benefiting participating businesses within the social district boundary in association with the applicable special events.
- The proposed pilot program is limited and event specific, which gives the city and community an opportunity to evaluate impacts prior to consideration of a wider rollout.

Con(s):

- While not anticipated, there may be an added strain on city resources to support implementation and management of the social district.
- Noise and other nuisance issues associated with outdoor special events could be exacerbated.
- Staff-led community engagement has been limited in the context of launching a limited-scope pilot program.

Fiscal Impact:

- Staff time dedicated to the establishment of the Event-Based South Slope Social District Pilot is supported by existing operating budgets.
- The Asheville Downtown Association will be responsible for all additional costs associated with the operations and management of the Event-Based South Slope Social District Pilot.”

In response to Councilwoman Smith, Community Events Manager Jon Fillman said that the organizer makes a law enforcement request through the Asheville Police Department (APD). If the positions are not filled within 2 weeks before the event, they forward the request to the Buncombe County Sheriff's Office. To date, they have not had any problems with the County filling those positions. If for some reason the County cannot fill those law enforcement positions, they would work with private security agencies.

Councilman Hess also noted that the APD will have new cadets in place before any of these events take place.

Four individuals spoke in support of the social district pilot program, for various reasons, some being, but are not limited to: opportunity to help all businesses downtown; ways to promote our businesses; and request the River Arts District to become a social district for their four quarterly events.

Three individuals spoke in opposition to the social district pilot program, for various reasons, some being, but are not limited to: priority is given to people who come here than people who live here; we have enough illegal drugs on our streets and we shouldn't give people the green light to drink alcohol in public; homeless will find left over alcohol in trash cans and drink them; the South Slope is really Southside and the City continues to ignore the Black and Legacy Neighborhoods; and concern of cultural and social displacement.

Mr. Sekou Coleman, speaking for the Legacy Neighborhoods Coalition, which includes Southside, Shiloh, Burton Street, East End-Valley Street and Emma, said that cultural and social displacement happens when City actions prioritize the people who come here over the people who live here, grew up here, and built culture here. The ULI panel that advised Asheville after Helene said it plainly: invest in legacy neighborhoods as part of recovery, and ensure historically Black neighborhoods benefit from recovery dollars and decisions. South Slope sits on land that was once the heart of Black Southside. Urban renewal demolished more than a thousand Black-owned homes and businesses and displaced more than half of Asheville's Black residents. That history is not abstract. It shapes how legacy residents feel when new policies are designed around visitor activity without real relationship with the people whose neighborhoods were removed. Today, many business owners in South Slope are good neighbors, but too often there is little understanding of the place they occupy or connection to the people who carry that history. That disconnect is itself a form of displacement. So here are three suggestions for your consideration in this process: (1) Align with ULI's equity guidance. If you move forward, pair the pilot with a clear commitment to engage legacy neighborhoods in recovery planning and outcomes, not just in name; (2) Require authentic relationship-building. Make participation in the

social district contingent on a simple, practical history and culture orientation for participating businesses, co-designed with legacy neighborhood leaders. The event permits to basic commitments: hire local culture bearers, contract with neighborhood vendors, and support youth opportunities from our neighborhoods; and (3) Report out on equity. Alongside sales and foot-traffic metrics, track and share who benefits: local hires, neighborhood vendors, and partnerships created. If the pilot cannot demonstrate community benefit, adjust it. Their invitation and their challenge to Council, staff, and the local business community is this: do better at learning the history of the spaces you occupy, and then create solutions with the community, not just for the market. That is how we recover in a way that sustains and regenerates culture for future generations.

Councilman Hess felt we are protecting our legacy neighborhoods. With this ordinance amendment, we are getting more tax revenue so we don't have to raise property taxes. Our citizens are asking for their government to be expeditious. He feels he is listening to the people that live and work in Asheville and they want to stay and save their town.

Councilwoman Roney said that this is the people's house and the public record belongs to the people. "Unlike open streets, which create an inclusive space for all, she has concerns especially around lack of cost-benefit analysis for social districts. Note lack of engagement of City engagement due to capacity, lack of infrastructure, and cons named by staff. I'm lifting up just three of the many concerns I'm hearing: AVL FBU: We are writing to express significant concerns regarding the proposed social district for downtown, particularly its potential impact on local hospitality workers and residents. Our primary concerns include: Worker Responsibility and Safety: Downtown workers feel this initiative will create additional responsibilities and potential dangers without adequate compensation or support. Existing safety concerns are already prevalent. Lack of Stakeholder Input: There has been insufficient consultation with residents, workers, and business owners within the proposed district. More research is needed to understand the full impact on these groups. Business Impact: While tourism is important, local support is crucial. We are concerned this could deter locals, who are essential for businesses during off-peak seasons, from visiting the South Slope. We also question the market research supporting the claim that this will genuinely benefit downtown businesses. Infrastructure Deficiencies: The South Slope currently lacks the necessary infrastructure to manage a social district, including public restrooms and a plan for waste management (e.g., plastic cups, human waste, potential hazards like needles). We've seen these issues in other social districts across the country. AFBU's primary goal is the safety and well-being of our workers." Susan Griffin wrote "As you decide how you will vote on enacting Social Districts downtown, please consider the following: 1) There are no metrics noted to determine if the pilot is successful or not. How will you make that decision? 2) There has been little if any community engagement on this issue (which is even noted in the report from staff). Why not? Downtown residents have a lot of trepidation that this will spiral out of control - no one wants to be Bourbon Street, or downtown Wilmington, for that matter. 3) Given that you are also considering raising the noise exceedance events from 30 to 50 a year, how are we supposed to believe that the five events you have listed in the pilot will not become many more, or that the district will not be activated full time? Bait and switch is not an attractive look." Staff cons are "While not anticipated, there may be an added strain on city resources to support implementation and management of the social district. Noise and other nuisance issues associated with outdoor special events could be exacerbated. Staff-led community engagement has been limited in the context of launching a limited-scope pilot program." She appreciated the way we showed up for each other through the storm, so many businesses waiting for the \$17-million in economic recovery that we're still working to release more than a year since the storm. She's thankful for the businesses like Bear's that hosted World Central Kitchen and fed the neighborhood for months. She wants to help, but she thinks this is the wrong tool for the ecosystem of Downtown. She will not be able to support this ordinance.

Councilwoman Smith suggested consideration be given to Mr. Coleman's suggestions and postponing this until November 18, 2025.

The motion made by Councilwoman Turner and seconded by Councilwoman Ullman was withdrawn.

Councilwoman Turner moved to continue the social district pilot program ordinance amendment until November 18, 2025. This motion was seconded by Vice-Mayor Mosley and carried unanimously. Mayor Manheimer noted that no additional public comment would be taken at the November 18 meeting.

Councilwoman Turner noted that the Asheville Downtown Association was asked to bring downtown activation strategies to City Council.

B. BOARDS & COMMISSIONS

Mayor Manheimer announced that the deadline for applications for the four Helene Recovery Boards has been re-opened and the deadline is October 21, 2025, at 5:00 p.m. All appointments for those 4 Helene Recovery Boards will be made on October 28, 2025.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council about various matters, some being, but are not limited to: Kenilworth Lake and Dam (which Assistant City Manager Jade Dundas, Mayor Manheimer and City Attorney Branham responded); need for public facing process in appointing Helene Recovery Board members; traffic safety concerns in the River Arts District; and concern about deportation.

Results of the September 18, 2025, Civil Service Board Employee Election

One copy of the results of the Civil Service Board employee election held on September 18, 2025, is to be filed with the City Manager and one with the City Clerk, who shall present such certification to the City Council at its next regular meeting. The Board of Canvassers provided the following certified certificate on September 19, 2025: We do hereby certify, having opened, canvassed, and determined the original returns of the Civil Service Board employee election, the results of the Civil Service Board Employee Election held on September 28, 2023, noting the name of each person voted for and the number of votes cast for each person as follows: Alan Escovitz - 45; Edward Michael Hahn - 58; James Wornall - 40; and Dana Trantham - 1.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:29 p.m.

CITY CLERK

MAYOR