

Tuesday – October 23, 2018 - 3:00 p.m.

Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith (arrived in meeting at 3:48 p.m.); Councilman W. Keith Young; Acting City Manager Cathy Ball; and City Clerk Magdalen Burleson

Budget Director Tony McDowell said that we are starting the budget process differently this year by sharing with Council and the public detailed budget information for each department earlier in the process. As you might recall from the previous budget workshop Asheville has unique challenges around its cost of living, demographics, affordable housing, as well as significant daytime growth in the city population. At this worksession, Council will continue to hear about how these challenges are impacting departmental budgets. Council will also continue to hear about the impact of the national economy on the City as an employer, and also hear about our focus on equity and how that is changing our service delivery models.

The City also continues to experience significant community interest in planning and zoning as we address growth and the impact of non-residents. All of these and other factors demand changes in how services are delivered, in the kind of technology and the equipment needs that exist. Keeping pace with changes in these areas allows us to have the best facilities and equipment to provide quality services to our residents and visitors.

As important as our facilities, equipment and technology needs are, people are still the organization's most important resource. The people we hire here are integral to quality of the service delivery. Throughout the presentations last month, we noted that a large part of the budget is dedicated to the employees who provide the services.

Department Directors from the Planning & Urban Design Department, Police Department, Information Technology Department, Finance Department and non-departmental each reviewed their organizational chart; overview of core services; key partners; budget and Fiscal Year 2018-19 budget drivers; prior year spending trends; Fiscal Year 2018-19 budget changes; department challenges; and Fiscal Year 2018-19 department goals from their respective department.

Various staff responded to several questions/comments raised by Council, some being, but are not limited to: to what extent do we collaborate or interact with the Buncombe County Planning staff; do the smaller municipalities in Buncombe County pay their fair share of joint projects; what type of calls are included in Police Department calls for service; is the 5% increase in the Police Department's calls for service typical for a city this size; request for breakdown of the Police Department's calls for service; and has the security contract for City Hall and Public Works ever been handled in-house, and if so, what would that amount look like. For those questions not readily answered, and for any additional questions Council members submit, they will be provided to Council via a memorandum.

Mayor Manheimer adjourned the worksession at 4:15 p.m.

Tuesday – October 23, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Acting City Manager Cathy Ball; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. RECOGNITION OF FLORENCE RESPONDERS

Acting City Manager Ball said that Hurricane Florence had an extreme impact in Eastern North Carolina and quickly overwhelmed the cities and counties of that region. These communities were in need of help due to damaged water infrastructure, communication systems and flood waters. NC requested assistance from less impacted communities and Asheville employees stepped up in a big way. City of Asheville Employees affected numerous rescues from boats and helicopters, evacuated dozens of hospital bound patients to safer locations inland, supported the communication infrastructure in the region, supported a large shelter for evacuees, coordinated and monitored social media to assist with community engagement, assessed and supported the mental health needs of responders in the region and helped to manage water infrastructure challenges. Numerous lives were impacted and saved by our amazing employees. In all, 37 employees assisted in the response to Hurricane Florence; we are very proud of the services that they provided and how they represented the City of Asheville. Those employees are: Chris Corl (US Cellular Center);_Brandon Buckner and David Melton (Water Resources); Christy Edwards, Christina Hallingse, Ashley Traynum-Carson, and Polly McDaniel (Community & Public Engagement); and from the Fire Department Eric Johnson, Adam Wilson, Patrick Boland, Adam Hoffman, Eric Wardwell, Scott Hare, Patrick Crudup, Mike Webb, Nathan Miller, Ryan Anderson, Kevin Proffitt, David Sullivan, Ross Parkinson, Austin Hall, Spencer Tetrault, David House, Jeremy Knighton, Wallace Sexton, Norris Going, Isaac McCurry, Jackie Buckner, Jamie Bryson, Barry Sheppard, Brendan Flood, Trey Young, Brad Holmes, Jay Bettencourt, Dennis Ball, Josh Jenkins and Kelley Klope.

II. CONSENT AGENDA:

- A. APPROVAL OF THE MINUTES OF THE SPECIAL MEETINGS HELD ON OCTOBER 4 AND 5, 2018; THE REGULAR MEETING HELD ON OCTOBER 9, 2018; AND THE SPECIAL MEETING HELD ON OCTOBER 17, 2018**
- B. RESOLUTION NO. 18-265 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FISCAL YEAR 2019-20 METROPOLITAN TRANSPORTATION PLANNING GRANT, SECTION 5303 OF THE FEDERAL TRANSIT ADMINISTRATION, AND IF AWARDED, ENTER INTO THE AGREEMENT**

Summary: The consideration of a resolution authorizing the City Manager to apply for and accept a grant from the N.C. Dept. of Transportation (NCDOT) to fund the Metropolitan Planning Program, Section 5303 of the Federal Transit Administration (FTA).

The FTA Section 5303 Metropolitan Planning Program is part of the annual Unified Planning Work Program (UPWP) of the French Broad River Metropolitan Planning Organization (FBRMPO), which outlines transportation planning tasks to be performed by the FBRMPO. The Metropolitan Planning Program is designated to pay exclusively for transit planning activities, such as grant administration and reporting activities, short-range and long-range transit planning, transportation improvement program preparation, Title VI and DBE programs, and planning and operational analyses. The funds are used to supplement the Transit Planning Manager position (90% of the grant) and other transit related positions (the remaining 10%) for time spent on transit planning.

This funding makes it possible to have dedicated staff developing and engaging in complex processes such as the transit master plan implementation, route changes, and to develop programs required by the Federal Transit Administration for Asheville, as designated recipient, and sub-recipients to ensure compliance with federal regulations. This resolution is required by the North Carolina State Department of Transportation.

FY 2019-20 funding totals \$75,000. The subject grant will provide 80% of the anticipated funding (\$60,000), the North Carolina Department of Transportation will provide 10% (\$7,500), and the City of Asheville will provide the remaining 10% (\$7,500). The grant funding and the City's local match are budgeted annually in the Transit Services Fund budget.

The Finance & HR Committee will review this action at their October 23, 2018, meeting and if there is any action other than a unanimous recommendation, it will be shared at the City Council meeting.

Pros:

- Supplements funding for multiple transit-related positions.
- Enables the City of Asheville to use \$67,500 in Federal and State funds for transit planning activities.

Con:

- A 10% local match in the amount of \$7,500 is required.

The total grant funding is \$75,000. As noted above, the City is required to provide a 10% local match in the amount of \$7,500. The anticipated grant funding and the City's local match in the amount of \$7,500 are budgeted annually in the Transit Services Fund budget.

City staff recommends that City Council adopt a resolution authorizing the City Manager to apply for and accept a grant from the North Carolina Department of Transportation to fund the transit planning program, Section 5303 Metropolitan Planning Grant of the Federal Transit Administration for FY 2019-20.

RESOLUTION BOOK NO. 40 - PAGE 164

C. ORDINANCE NO. 4703 - BUDGET AMENDMENT FOR DEVELOPMENT SERVICES TECHNOLOGY PROJECT

Summary: The consideration of a budget amendment in the amount of \$100,000 to allocate revenue collected in the Development Services Technology Project to fund contracted services and supplies.

The Development Services Department assesses a four percent technology fee on most applications for development related permits and services. The revenue associated with this fee is intended to fund technology projects that improve service delivery to development related customers. Examples of previous technology improvement initiatives include implementation of the Accela permitting software system, replacement and upgrade of staff computers, the procurement of software, and ongoing technology consulting services.

This budget amendment proposes to allocate \$34,500 to contract with Open Counter Enterprises, Inc. to provide software based services to create and maintain a Development Portal. This web based portal will function as a resource tool for development customers and as the submittal platform for digital plans and permits.

The amendment also proposes to allocate \$15,000 to purchase staff subscriptions of BlueBeam plan review software, and support hardware such as scanners, to facilitate the implementation of a digital plans and permit submittal and review process.

Finally, the remaining allocation of \$50,500 provides for ongoing software maintenance for the Accela permitting software system including related professional services, and needed upgrades/replacement of staff computers and related technology items.

This item is being reviewed by the Finance & Human Resources Committee on October 23, 2018, and if there is anything other than unanimous recommendation to move forward, it will be noted at the meeting.

Pros:

- Allows the department to continue implementing the electronic submittal and review of plans and permits, which is consistently the top priority of development customers.
- User fees are dedicated to funding technology improvements that directly benefit them.
- Reduces demand on the city's general fund.

Con:

- None noted.

The technology fee revenue to support this budget amendment has already been collected in the Development Services Technology Project, but has not been budgeted. Allocating these funds is an appropriate use of technology fee revenues and does not impact the general fund.

Staff recommends City Council adopt the budget amendment in the amount of \$100,000 to allocate revenue collected in the Development Services Technology Project to fund contracted services and supplies.

ORDINANCE BOOK NO. 32 - PAGE 225

D. RESOLUTION NO. 18-266 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE AN EASEMENT FROM BUNCOMBE COUNTY FOR THE INSTALLATION AND MAINTENANCE OF PARKING AVAILABILITY SIGN

Summary: The consideration of a resolution authorizing the City Manager to acquire an easement from Buncombe County for the electrical infrastructure that will be needed to install and operate an available parking sign in front of the Downtown County Library on Haywood Street.

The Parking Services Enterprise Fund will provide the funding for a sign in front of the Public Library on Haywood to alert the driving public of the availability of parking spots in the US Cellular Center's lot. Parking Services will maintain the sign and ensure that the information provided is accurate. It is thought that this sign would significantly reduce the number of motorists who do not realize that the parking garage is full and have to find a way to turnaround in a very tight area. The actual sign will be placed in the City's right of way, but an easement is needed from the County for the electrical improvements that are needed to connect the sign to the electrical system in the current parking garage.

Buncombe County owns the property that is home to the library and it is identified as PIN # 9649-31-4051-00000. This parcel has .61 acres and the entrance on Haywood is actually the third floor of the building. The first floor is below street level and a retaining wall was needed to be able to construct the roadway between the Library and Vanderbilt Senior Housing building that acts as an entrance to the parking garage. The easement is approximately two (2) feet wide and extends from the intersection of Vanderbilt Place and Haywood Road to the US Cellular Center parking garage. The electrical conduit will be attached to the library side of the retaining wall with a metal covering in order to avoid cutting the concrete. The City will be requesting a permanent easement from the County for 520 square feet or .012 acres. Real Estate and Parking Services staff have met with the manager of the Buncombe County Libraries and their staff is amenable to the project. The easement is on the County's agenda for approval on October 16, 2018. Legal has been working with the County's attorney to develop the easement.

Pro:

- This easement will ease congestion on Haywood Street that is caused by motorists trying to turnaround when the parking garage is full.

Con:

- City resources will be needed to install and maintain the sign.

The Parking Services Department has budgeted the money in its Enterprise Fund to pay for the parking availability sign in front of the Public Library on Haywood Street. Buncombe County has not requested compensation for said easement.

Staff recommends authorizing the City Manager to acquire the electrical easement from Buncombe County to facilitate the installation of the parking sign on Haywood Street and Vanderbilt Place.

RESOLUTION BOOK NO. 40 - PAGE 165

E. RESOLUTION NO. 18-267 - RESOLUTION AUTHORIZING SUBMITTAL OF THE FISCAL YEAR 2018-19 EMERGENCY SOLUTIONS GRANT APPLICATION, ACCEPTING ANY FUNDS SUBSEQUENTLY AWARDED, AND AUTHORIZING THE CITY MANAGER TO SIGN AWARDED HUD CONTRACTS

Summary: The consideration of a resolution authorizing submittal of the Fiscal Year (FY) 2018-19 Emergency Solutions Grant (ESG) application, accepting any funds subsequently awarded, and authorizing the Interim City Manager to sign awarded HUD contracts.

ESG funds are made available from the US Dept. of Housing and Urban Development through the State of North Carolina Division of Aging and Adult Services (DAAS). The City of

Asheville has been the fiscal sponsor for Emergency Solutions Grant funding since 2012 to fund local agencies working to address homelessness.

In the FY 2017-18 cycle, the community received an initial award of \$123,460. An additional allocation of \$21,650 was granted for Emergency Shelter Operations.

The Homeless Initiative Advisory Committee appointed a Finance Subcommittee to review the ESG projects and application process. This subcommittee was comprised of individuals and agencies who did not apply for ESG funding. Each project was evaluated using the 2018 Scorecard for ESG funds developed by the North Carolina Balance of State Continuum of Care.

The following projects were recommended by the HIAC Finance Subcommittee for the 2018-19 ESG Grant Application. Both HIAC and the Homeless Coalition voted to approve the Finance Subcommittee’s recommendations:

Agency	Project Type	Request	Award
Caring for Children	Emergency Shelter	\$ 15,000	\$ 12,000
Helpmate	Emergency Shelter	\$ 32,000	\$ 32,000
Helpmate	Rapid Rehousing	\$ 35,000	\$ 20,000
Homeward Bound	Homelessness Prevention	\$ 65,306	\$ 54,412
City of Asheville	HMIS	\$ 10,000	\$ 2,000
Total		\$ 157,306	\$ 120,412

This distribution provides level funding for emergency shelters, additional HMIS support, and includes housing assistance through Homeless Prevention activities. These projects are expected to maximize the use and ensure the expenditure of ESG funds.

At their October 16, 2018, meeting, the Housing and Community Development Committee reviewed the application, and voted to recommend that City Council approve the application and associated actions.

Pro:

- The Emergency Solutions Grant program is a key funding resource for emergency shelter and housing stability for persons experiencing homelessness.

Con:

- None noted.

Program funding is entirely from the US Dept. of Housing and Urban Development, through the State of North Carolina. Existing Community Development Division staff will administer the program. No general funds are requested to support this program.

Staff recommends City Council approve the HCD recommendation and staff request to make application for \$120,412 in Emergency Solutions Grant funds to the State Division of Aging and Adult Services and accept funds awarded, including any additional allocations.

RESOLUTION BOOK NO. 40 - PAGE 166

F. RESOLUTION NO. 18-268 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH CAROLINA CORNERSTONE CONSTRUCTION INC. FOR THE MILLS RIVER WATER TREATMENT PLANT ROOF REPLACEMENT & STRUCTURAL

IMPROVEMENTS PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a construction agreement with Carolina Cornerstone Construction, Inc., for the Mills River Water Treatment Plant Roof Replacement and Structural Improvements Project for the bid amount of \$1,932,782 plus a 15% contingency in the amount of \$290,000 for a total project budget in the amount of \$2,222,782.

On August 27, 2018, the Water Resources Department (WRD) issued an Advertisement for Bids for the Mills River WTP Roof Replacement and Structural Improvements Project. The scope of work for this project includes: (1) removal and replacement of the existing roof system to all buildings on-site; (2) corrections and improvements to the facade of all four buildings on-site; (3) addition of skylights above the chemical facility to allow for the removal of bulk chemical tanks, including structural modifications to the roof framing and relocation of some HVAC, electrical, fire protection, and plumbing equipment; (4) installation of roof access ladders on the raw and finished water pumping building and intake structure; and (5) replacement of five indoor air handling units and their associated outdoor condensing units, along with the electrical associated with removing HVAC units.

In response to the Advertisement for Bids, the department received one bid on September 24, 2018, and rebid the project due to the legal requirement that three bids must be received for formal construction projects. In response to the rebid, the WRD received two bids on October 3, 2018. The companies responding were:

1. Cityscape Roofing, LLC (Claremont, NC) - bid \$2,378,875
2. Carolina Cornerstone Construction, Inc. (Asheville, NC) - bid \$1,932,782

Following a review of the bids by City Staff and the project engineers, GHD Consulting Services, Carolina Cornerstone Construction, Inc., was selected as the lowest responsible, responsive bidder for the bid amount of \$1,932,782. A contingency amount of \$290,000 has been added for a total project budget in the amount of \$2,222,782.

Pro:

- This project will replace the leaky roof at the Mills River WTP, make much-needed structural repairs and improvements, and make it easier to access and replace chemical storage tanks, which are housed inside the plant.

Con:

- If the construction agreement is not approved, the roof will continue to leak and cause additional structural damage that would be more costly to repair in the future.

The Water Resources Department currently has the funds needed for this construction agreement budgeted in the "Water Treatment Plant Project" in the CIP Fund.

City staff recommends City Council authorize the City Manager to execute a construction agreement with Carolina Cornerstone Construction, Inc., for the Mills River Water Treatment Plant Roof Replacement and Structural Improvements Project for the bid amount of \$1,932,782 plus a 15% contingency in the amount of \$290,000 for a total project budget in the amount of \$2,222,782.

RESOLUTION BOOK NO. 40 - PAGE 167

G. RESOLUTION NO. 18-269 - RESOLUTION IN SUPPORT OF PROACTIVE STANCE ON HOW OPPORTUNITY FUNDS WILL AFFECT OUR LOCAL

**OPPORTUNITY ZONES, INCLUDING PROMOTING EQUITABLE GROWTH,
ECONOMIC OPPORTUNITY FOR ALL, AND AN IMPROVED QUALITY OF
LIFE FOR RESIDENTS AS WELL AS SENDING SIMILAR COMMENTS UPON
THE RELEASE OF THE PUBLISHED REGULATIONS**

Summary: The consideration of a resolution in support of proactive stance on how Opportunity Funds will affect our local Opportunity Zones, including promoting equitable growth, economic opportunity for all, and an improved quality of life for residents as well as sending similar comments upon the release of the published regulations.

As part of the 2017 federal tax reform package (Tax Cuts & Jobs Act), Opportunity Zone Funds are designed to drive long-term capital into low-income communities (Opportunity Zones) by using tax incentives to encourage private investment into impact funds (Opportunity Funds). The hope is that these funds will ease the burden for the investor in the distressed community and the tax benefits derived from these investments will incentivize participation in the fund. The goal is to revitalize Opportunity Zones, lower income census tracts that have not benefited equitably in the economic recovery.

The City of Asheville worked closely with the N.C. Dept. of Commerce as well as state and national legislative representatives to insure that as many qualified low-income census tract designations (Opportunity Zones) could be nominated by NC Governor Roy Cooper and certified by the U.S. Treasury. Asheville received 5 census tract designations:

- Census Tract 2
- Census Tract 7
- Census Tract 9
- Census Tract 14
- Census Tract 20

Staff has an internal working group that is communicating with local developers and business owners that the City has these census tracts designations that can assist with funding, especially when it comes to affordable housing, business expansion, job creation and building rehabilitation. While there is excitement that Opportunity Zone Funds, an adjustment to the tax code not a program, can funnel up to \$6 trillion in investment in lower income census tracts across the country, there is concern regarding displacement, gentrification, and equity if the resources are deployed without a focus on the residents in the Opportunity Zones.

On September 12, 2018, the Internal Revenue Service sent regulatory guidance on Qualified Opportunity Zones and Funds to the Office of Management and Budget. After review, the regulations will be released for public comment. Staff will work with CAPE to insure that those residents affected by Opportunity Zones, as well as investors and other interested parties, are aware upon public release of these published regulations as well as a link for public comment.

Pro:

If invested in projects with the community in mind, Opportunity Funds could spark catalytic development that creates economic opportunity and improves neighborhood quality of life.

Con:

If Opportunity Funds are deployed without a focus on improving opportunities and outcomes for residents living inside the zones, the investments could lead to displacement of low-income people and communities of color in addition to the loss of community assets and land.

Opportunity Zone revitalization could add significantly to property tax collection over time. There is no direct impact to the City budget.

Staff, after meeting with a group of local citizens who may be affected by Opportunity Funds, recommends that City Council adopt a resolution in support of proactive stance on how Opportunity Funds will affect our local Opportunity Zones, including promoting equitable growth, economic opportunity for all, and an improved quality of life for residents as well as sending similar comments upon the release of the published regulations.

Dee Williams and Matilda Bliss each spoke in support of the opportunity zones.

RESOLUTION BOOK NO. 40 - PAGE 168

H. RESOLUTION NO. 18-270 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH AAR OF NORTH CAROLINA INC. TO REPLACE THE ROOF AND PERFORM RELATED CONSTRUCTION ACTIVITIES AT THE LINWOOD CRUMP SHILOH CENTER

Summary: The consideration of a resolution authorizing the City Manager to execute a Construction Contract with AAR of North Carolina, Inc. to replace the roof and perform related construction activities at the Linwood Crump Shiloh Center.

The project will replace the roof of the whole building with components including new insulation to meet current energy code, positive drainage in all areas, 20 year roof warranty, fall protection system, building envelope masonry repairs, cleaning and sealing.

On August 31, 2018, the General Services Department issued an Invitation for Bids for Roof Replacement Construction Services (IFB # 298-19-Shiloh Roof) at the Linwood Crump Shiloh Center at 121 Shiloh Road. The department received six (6) bids on September 27, 2018. The companies responding were:

<u>Company</u>	<u>Location</u>	<u>Base Bid + Alternates</u>
<u>2-3-4</u>		
1. TeamCraft Roofing	Salisbury, NC	\$501,050.00
2. WNC Roofing	Arden, NC	\$422,100.00
3. CityScape Roofing	Claremont, NC	\$518,430.00
4. J. Bartholomew Construction, LLC	Hendersonville, NC	\$480,800.00
5. Baker Roofing	Raleigh, NC	\$423,845.00
6. AAR of North Carolina, Inc.	Kernersville, NC	\$381,200.00

The Invitation for Bids included line items for base bid and alternate bid items. The lowest total price for the base bid and selected alternates (2-3-4) was \$381,200.00 submitted by AAR of North Carolina, Inc.

Pros:

- The new construction will provide a safer condition for the patrons of the recreational facility.
- The roof will be replaced before there is further leaking in the building.
- The exterior walls will be treated to prevent further moisture intrusion into the building and the new roofing system.
- Insulation will be increased to lower energy use and provide better occupant comfort.

Con:

- During the improvements, some modest disruption will be seen in the visitor experience at scheduled times.

Project funding was approved by City Council in the Capital Improvement Program (CIP Project B1801), and the proposed expenditures are within the available budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Construction Contract with AAR of North Carolina, Inc. for the Roof Replacement at Linwood Crump Shiloh Center.

In response to Vice-Mayor Wisler, Director of General Services, said that they have designed the roof so solar panels can be added to the roof at a future date.

RESOLUTION BOOK NO. 40 - PAGE 169

I. RESOLUTION NO. 18-271 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FOLLOWING THREE FEDERAL EMERGENCY MANAGEMENT AGENCY GRANTS: (1) ASSISTANCE TO FIREFIGHTERS GRANT; (2) STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT; AND (3) FIRE PREVENTION AND SAFETY GRANT; AND IF AWARDED, ENTER INTO SAID AGREEMENTS

Summary: The consideration of a resolution authorizing the City Manager to apply for the following three Federal Emergency Management Agency (FEMA) grants: (1) Assistance to Firefighters Grant; (2) Staffing for Adequate Fire and Emergency Response Grant; and (3) Fire Prevention and Safety Grant; and if awarded, enter into said agreements.

There are currently three federally funded grant programs that the Asheville Fire Department (AFD) has applied for in the past. The three programs are all administered by the Federal Emergency Management Agency (FEMA) and awarded after several different reviews, with the final decision being made by fire service members who review all the applications based upon the proposed expected outcomes and community needs. The three programs are:

- AFG - Assistance to Firefighters Grant
- SAFER - Staffing for Adequate Fire and Emergency Response Grant
- Fire Prevention and Safety Grant

All three programs are authorized annually by the United States Senate and Congress, and the amounts available vary from year to year. The application periods are established when the funding is secured, and are typically only a few weeks.

The AFG program's primary focus is firefighting safety equipment such as Self Contained Breathing Apparatus (SCBA), protective equipment and items to reduce cancer risks. AFD was successful in its last request for \$36,000 to fund four sets of personal protective equipment washers and dryers. This grant includes a 10% match for the department.

The SAFER program is designed to help fire departments hire and retrain firefighters to provide for a safer emergency scene. Multiple studies over the past ten years have shown that the overall effectiveness of emergency scene operations increases significantly as minimum fire company staffing increases up to a level of four firefighters per company. AFD was successful in the last request for \$1.3 million dollars which funds nine additional firefighters' salaries and benefits. This grant is for three years and requires a match in year one of 25%, year two of 25% and year three of 65%. The total cost to the City is approximately \$500,000.

The Fire Prevention and Safety Grant program focuses on equipment and programs for community risk reduction. AFD was unsuccessful last year in the Fire Prevention and Safety Grant program. In 2017, the ADS was awarded \$110,000 to purchase items for fire and life safety education programs and smoke alarms.

These programs' unpredictable and short application periods makes it difficult for staff to provide the City Council with adequate time to review needs and provide policy direction for grants prior to the application deadlines. AFD recommends policy direction from Council to apply for all of these grant opportunities as they become available.

The Public Safety Committees will review the grant requests on October 22, 2018; and the Finance and Human Resources Committee will review the grant requests on October 23, 2018. If there is not unanimous support to move them forward to City Council, that will be noted during the City Council meeting.

Pros:

- Firefighter and Citizen safety would be increased significantly
- Grant would bring COA into compliance with national consensus standards
- The grant would allow a much-needed infusion of protective gear
- AFD would not need to request funds to be spent from the Fund balance for added safety equipment

Con:

- The total match for all three grants could be between \$5,000 and \$862,500. This range of matching funds is explained in the fiscal impact section of this staff report.

The Assistance to Firefighters Grant (AFG):

- Requires a 10% local match.
- The grant amount, if awarded, would likely be between \$50,000 and \$100,000
- One time local match would be between \$5,000 to \$10,000.

The Staffing for Adequate Fire and Emergency Response Grant (SAFER):

- Awarded over a three year period.
- The first year and second year require a 25% local match, and the third year requires a 65% local match.
- The grant amount, if awarded, would likely be between \$150,000 and \$300,000 annually.
- The local match would be between \$37,500 and \$75,000 in years one and two. The local match for year three would be between \$97,500 and \$195,000.
- The grant does not require the City to maintain the higher level of staffing after year three. If Council direction at year four was to continue the higher staffing level, the cost in year four and ongoing would be between \$150,000 and \$300,000 (increasing annually with inflation). If the direction was to return to current level staffing after year three, the firefighters hired under the grant would be reassigned within the department and normal hiring in year four would be curtailed, with no ongoing staff or financial impact.

The Fire Prevention and Safety Grant:

- Requires a 5% local match.
- The grant amount, if awarded, would likely be between \$100,000 and \$200,000.
- One time local match between \$5,000 to \$10,000.

City staff recommends City Council authorize the City Manager to apply for the following three Federal Emergency Management Agency (FEMA) grants: (1) Assistance to Firefighters Grant; (2) Staffing for Adequate Fire and Emergency Response Grant; and (3) Fire Prevention and Safety Grant; and if awarded, enter into said agreements.

RESOLUTION BOOK NO. 40 - PAGE 170

J. RESOLUTION NO. 18-272 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR \$100,000 FROM FEDERAL HOME LOAN BANK OF ATLANTA "COMMUNITY HERO" PROGRAM FOR DOWN PAYMENT LOANS TO ENABLE LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, OTHER FIRST RESPONDERS, AND PUBLIC SCHOOL TEACHERS EARNING BETWEEN 81% AND 120% (AS PUBLISHED BY HUD) OF AREA MEDIAN INCOME (AMI) TO PURCHASE A HOME UNDER LOCALLY STRUCTURED PARTNERSHIPS

RESOLUTION NO. 18-273 - RESOLUTION AUTHORIZING THE AMENDMENT TO THE HOUSING TRUST FUND POLICY TO REFLECT THIS SPECIAL PARTNERSHIP WITH THE FEDERAL HOME LOAN BANK OF ATLANTA AND ITS TERMS FOR PARTICIPATION

Summary: The consideration of applying to partner with The Federal Home Loan Bank of Atlanta (FHLB) on their "Community Heroes" initiative to help with Down Payment Assistance (DPA) to enable law enforcement officers, firefighters, other first responders, and public school educators earning between 80% and 120% (as published annually by HUD) of area median income (AMI) to purchase a home under locally structured partnerships; and to amend the City Housing Trust Fund (HTF) Policy to reflect this special partnership with the FHLB and its terms for participation.

The Federal Home Loan Bank of Atlanta (FHLB) has established a "Community Heroes" initiative to help with Down Payment Assistance (DPA) to enable law enforcement officers, firefighters, other first responders, and public school educators earning between 80% and 120% (as published annually by HUD) of area median income (AMI) to purchase a home under locally structured partnerships. FHLB has invited the City of Asheville to apply to participate in the program. The match would be 3 to 1, with the City contributing 3x the amount granted from the FHLB. Funds received from the FHLB do not need to be paid back to the FHLB and can be structured into our own DPA program and utilized as the City of Asheville sees fit. The FHLB would like a proposal submitted by November 1, 2018.

The City's General Obligation Housing Bond funds are to be used for low to moderate income households, which by US Department of Housing and Urban Development (HUD) definition is for individuals and families under 80% AMI. In August, the Affordable Housing Advisory Committee (AHAC) recommended that affordable housing tools like the Housing Trust Fund not be used to fund the City's match. Staff reached out to the UNC School of Government for guidance on the legality of using local funds - be they Housing Trust Funds or other local funding - to underwrite homeownership for households with incomes above 80% AMI. UNC stated that using local funds to assist homeowners between 80% and 120% of AMI (Workforce Housing) would be allowable with an adjustment to our Housing Trust Fund (HTF) Policy.

In September, the Housing & Community Development Committee (HCD) passed by 2 - 1 the use of \$300,000 of HTF dollars to participate in the FHLB Community Heroes initiative. HCD recommended that HTF Policy be updated to include language regarding the FHLB and servicing households between 80% and 120% of AMI. Currently, HTF policy can be used for DPA as long as the funds are not forgiven and serves potential Homes for Sale by limiting the buyer's total household income to not exceed 100% of AMI. In addition, HCD recommended including a sunset provision for one (1) year beyond the date of award.

Proposals, suggested by the FHLB, can be in the form of a one page proposal, to include:

- Readiness
- Level of Commitment from the Local Entity
- Leveraging
- Capacity (Operational)
- Shareholder Support

Participation in the FHLB Community Heroes Initiative will assist local City employees like law enforcement officers, firefighters, other first responders, and public school educators making between 80% and 120% of AMI with homeowner down payment assistance to purchase a home in the City of Asheville. This Initiative will support Council's 2036 Vision of An Equitable and Diverse Community, A Thriving Local Economy and Quality Affordable Housing.

Pro:

This FHLB Initiative will assist local eligible employees, with household incomes of 81-120% AMI, purchase a home within City limits through down payment assistance.

Con:

The Affordable Housing Advisory Committee (AHAC) advised that funding for this initiative should not come from monies already earmarked for affordable housing, i.e. the Housing Trust Fund or Bond funding.

\$300,000 taken from the Housing Trust Fund for the required match for this program during the length of the program.

The Housing and Community Development Committee voted 2-1 at their September meeting to recommend to City Council to: 1) authorize the City Manager to apply to participate in this FHLB initiative, using \$300,000 from the Housing Trust Fund and to accept if received a \$100,000 match from the FHLB; and 2) approve that the HTF Policy will be updated with the following language to reflect this special partnership with the FHLB and its terms for participation:

Page 4, Section III, Part B. Eligible Activities:

12. Special Partnerships: Federal Home Loan Bank of Atlanta's Community Heroes Down Payment Assistance. To serve law enforcement officers, firefighters, other first responders, and public school educators earning between 80% and 120% (as published annually by HUD) of area median income (AMI) to purchase a home under locally structured partnerships within City limits. This Special Partnership will sunset in one year from the date of the agreement with the FHLB, approximately November 1, 2019.

**RESOLUTION NO. 18-272 - RESOLUTION BOOK NO. 40 - PAGE 171
RESOLUTION NO. 18-273 - RESOLUTION BOOK NO. 40 - PAGE 172**

K. ORDINANCE NO. 4704 - ORDINANCE AUTHORIZING THE HOUSING CODE COORDINATOR TO UNDERTAKE ADDITIONAL ENFORCEMENT EFFORTS WITH RESPECT TO 460 ½ BOOKER STREET

Summary: The consideration of an ordinance authorizing the Housing Code Coordinator, or his designee, is hereby authorized to take any or all of the enforcement actions specified in Chapter 4, Article VII, Section 4-217 of the Code of Ordinances of the City

of Asheville in order to bring 460 ½ Booker Street, Asheville, in compliance with the Chief Code Official's Order of August 25, 2017.

This matter relates to a piece of real property located at 460 ½ Booker Street, Asheville. In June of 2016 it was reported to the City of Asheville Developmental Services Department (DSD) that someone appeared to be residing at 460 ½ Booker Street despite the fact that it lacked running water or electricity. After a Housing Code Inspector met with one of the owners of the property, a Notice of Violation was sent by certified mail to Shirley Brown, Kenneth Wilson, and George Wilson, who own the property.

After a hearing, the City's Chief Code Official entered an Order on August 25, 2017, finding that the property was in violation of the minimum housing code standards set forth in the following sections of the City Code:

Section 4-210(3)(e) - sanitation
Section 4-210(5)a - electrical service
Section 4-210(6)(a) - potable water supply system
Section 4-210(6)(c) - hot and cold water supply
Sections 4-210(6)(d) - water heating
Section 4-210(7)(a) - mechanical heating
Section 4-209(a)(1,3,4,5,7,18)- life safety/unsafe conditions

Given these housing code violations, the Order required that the owners bring the property up to code, or ensure that it was not used for human habitation. The Order further specifically provided that, before the property could be again declared to be in compliance with the Housing Code, the owners must first be inspected by a code enforcement officer. In September of 2017, code enforcement officers confirmed that the property had been vacated, and was not being used for human habitation.

Beginning in the summer of 2018, DSD began receiving reports from neighbors that George Wilson had moved back into the house without making the required repairs. In September 2018, Mr. Wilson requested an electrical inspection under an old permit from 2016. Upon inspecting the house, the City electrical inspector reported that unpermitted electrical work had been performed and that the wiring was dangerous. Subsequently, an Asheville Police Department officer, along with a county social worker and the Asheville Housing Code Coordinator, met with Mr. Wilson on site, where Mr. Wilson admitted to moving back into the house. He still does not have water or electricity.

Consistent with the provisions of Chapter 4, Article VII, Section 4-217, subsection (g) of the Code of Ordinances of the City of Asheville, which states that "In enforcing the provisions of this Code, the housing code coordinator shall make every effort to prevent unnecessary displacement of occupants, and to the extent possible, discuss with the affordable housing agencies and other organizations on any alternate housing needs," City staff is actively engaging with community resources in an effort to insure that the current occupant of 460 1/2 Booker Street has alternative housing secured prior to the commencement of a summary ejection action.

Pros:

- Will provide the City's code enforcement officials to ensure compliance with their Order concerning 460 ½ Booker Street.
- Will promote the health, safety, or welfare the City's citizens by preventing the public from accessing a dangerous property.

Con:

- None known at this time.

The expected costs of initiating a summary ejectment proceeding to remove any inhabitants from the property is \$126, and the subsequent cost of securing the property to ensure it remains vacant will be *de minimis*.

City staff recommends that City Council approve an ordinance authorizing the Housing Code Coordinator, or his designee, to take any or all of the enforcement actions specified in Chapter 4, Article VII, Section 4-217 of the Code of Ordinances of the City of Asheville in order to bring 460 ½ Booker Street, Asheville, in compliance with the Chief Code Official's Order of August 25, 2017 time period of the contract up to the budgeted amount.

ORDINANCE BOOK NO. 40 - PAGE 227

L. RESOLUTION NO. 18-274 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FISCAL YEAR 2019-20 N.C. DEPT. OF TRANSPORTATION APPRENTICESHIP GRANT, AND IF AWARDED, ENTER INTO THE AGREEMENT

Summary: The consideration of a resolution authorizing the City to apply for the Apprenticeship Program Grant and if awarded, authorizing the City Manager to enter into an agreement with the N.C. Dept. of Transportation (NCDOT) to fund the Apprenticeship Program for FY 2019-20.

The NCDOT Public Transportation Apprenticeship Program gives current college seniors the opportunity to work in the field of public transportation management upon receiving their undergraduate degree. The 12-month program, which starts July 1st, provides exposure to all aspects of a transit system and allows apprentices to gain experience in managing public transportation operations.

The application for the Apprenticeship Program Grant is due November 2, 2018. A selection process will be conducted by the NCDOT before the beginning of the fiscal year. The apprentice will work in the Transit Planning Division, Transportation Department, performing transit specific tasks, as required by the grant. The apprentice will assist with route planning, analysis of transit related surveys and procurement processes and special projects.

FY 2019-20 funding totals \$37,498. The North Carolina Department of Transportation will provide 90% of the anticipated funding (\$33,748.20), and the City will provide the remaining 10% (\$3,749.80). The grant funding and the City's local match in the amount of \$3,749.80 will need to be budgeted in the Transportation Department's budget for FY 20.

The Finance & HR Committee will review this action at their October 23, 2018, meeting and if there is any action other than a unanimous recommendation, it will be shared at the City Council meeting.

Pros:

- The subject grant supplements funding for an apprentice position for FY 2019-20.
- The subject grant enables the City of Asheville to use \$33,748.20 in State funds for transit planning activities.

Con:

- A 10% local match in the amount of \$3,749.80 is required.

The total grant funding for Fiscal Year 2019-20 is \$37,498. The City is required to provide a 10% local match in the amount of \$3,749.80. The anticipated grant funding and the City's local match in the amount of \$3,749.80 will need to be budgeted in the Transit Services fund FY 20 budget.

City staff recommends that City Council adopt a resolution authorizing the City to apply for the Apprenticeship Program Grant and if awarded, authorizing the City Manager to enter into an agreement with the North Carolina Department of Transportation to fund the Apprenticeship Program for FY 2019-20.

RESOLUTION BOOK NO. 40 - PAGE 173

M. RESOLUTION NO. 18-275 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FISCAL YEAR 2019-20 N.C. DEPT. OF TRANSPORTATION INTERNSHIP GRANT, AND IF AWARDED, ENTER INTO THE AGREEMENT

Summary: The consideration of a resolution authorizing the City to apply for the Internship Program Grant and if awarded, authorize the City Manager to enter into an agreement with the N.C. Dept. of Transportation (NCDOT) to fund the Internship Program for Fiscal Year (FY) 2019-20.

The NCDOT Public Transportation Internship Program gives current college students in the fields of Engineering, Public Administration, Business Administration, Marketing, English/Journalism, Planning and Project Management the opportunity to work in the field of public transportation management. The 12-month program, which usually starts July 1st but can begin no earlier than May 15, 2019, provides exposure to all aspects of a transit system and allows interns to gain experience in managing public transportation operations.

The application for the Internship Program Grant is due November 2, 2018. A selection process will be conducted by the NCDOT before the beginning of the fiscal year. The intern will work in the Transportation Department, performing various transportation related tasks, as required by the grant.

FY 2019-20 funding totals \$19,309.50. The North Carolina Department of Transportation will provide 90% of the anticipated funding (\$17,554), and the City will provide the remaining 10% (\$1,755.40). The grant funding and the City's local match in the amount of \$1,755.40 will need to be budgeted in the Transportation Department's budget for FY20.

The Finance & HR Committee will review this action at their October 23, 2018, meeting and if there is any action other than a unanimous recommendation, it will be shared at the City Council meeting.

Pros:

- The subject grant supplements funding for an intern position for FY 2019-20.
- The subject grant enables the City of Asheville to use \$17,554 in State funds for transit planning activities.

Con:

- A 10% local match in the amount of \$1,755.40 is required.

The total grant funding for Fiscal Year 2019-20 is \$19,309.50. The City is required to provide a 10% local match in the amount of \$1,755.40. The anticipated grant funding and the City's local match in the amount of \$1,755.40 will need to be budgeted in the FY20 Transit Services fund.

City staff recommends that City Council adopt a resolution authorizing the City to apply for the Internship Program Grant and if awarded, authorize the City Manager to enter into an agreement with the N.C. Dept. of Transportation to fund the Internship Program for FY 2019-20.

RESOLUTION BOOK NO. 40 - PAGE 174

N. RESOLUTION NO. 18-276 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE HIGH INTENSITY DRUG TRAFFIC AREA 2018 GRANT

ORDINANCE NO. 4705 - BUDGET AMENDMENT TO MODIFY THE HIGH INTENSITY DRUG TRAFFIC AREA 2018 GRANT

Summary: The consideration of (1) a resolution authorizing the City Manager to accept additional grant funds for the Asheville Police Department as the fiduciary for the Asheville Area High Intensity Drug Traffic Area (HIDTA) for the 2018 grant; and (2) a budget amendment in the City's Special Revenue Fund in the amount of \$87,627.

On August 28, 2018, City Council approved Resolution 18-197 authorizing the City Manager to enter into an agreement to accept grant funds under the Executive Office of the President, Office of National Drug Control Policy in the amount of \$19,000. This modification of \$87,627 is an increase to the previously approved award of \$19,000 for a new total of \$106,627 which reflects the full fiduciary responsibility assumed by Asheville Police Department (APD).

The purpose of the HIDTA program is to reduce drug trafficking and production in the United States, specifically in places where drug-related activities are having a significant harmful impact, by:

- Facilitating cooperation among Federal, state, local, and tribal law enforcement agencies to share information and implement coordinated enforcement activities;
- Enhancing law enforcement intelligence sharing among Federal, state, local, and tribal law enforcement agencies;
- Providing reliable law enforcement intelligence to law enforcement agencies to facilitate the design of effective enforcement strategies and operations; and
- Supporting coordinated law enforcement strategies that make the most of available resources to reduce the supply of illegal drugs in designated areas of the United States and in the Nation as a whole.

The Asheville HIDTA is comprised of members of the United States Drug Enforcement Administration (DEA), APD, Buncombe County Sheriff's Office, Henderson County Sheriff's Office and McDowell County Sheriff's Office. The Asheville HIDTA is a component of the Asheville DEA Task Force. The HIDTA task force primarily concentrates on high volume, high value drug trafficking.

The allotted funds from the Federal government will be used for investigative purposes and other program expenses including employee overtime, mobile phones and miscellaneous supplies. The expenditure of all funds are tracked and audited by both local and Federal authorities.

The Public Safety Committees will review the grant requests on October 22, 2018; and the Finance and Human Resources Committee will review the grant requests on October 23, 2018. If there is not unanimous support to move them forward to City Council, that will be noted during the City Council meeting.

Pros:

- Federal HIDTA funds will be used for investigative purposes and program expenses.
- Continue to foster partnerships with Federal and local law enforcement agencies.

Con:

- Funding from the Office of National Drug Control Policy is awarded annually.

There is no impact to the City's General Fund Budget.

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to accept the grant funds; and (2) a budget amendment in the amount of \$87,627 through the Office of National Drug Control Policy to modify the HIDTA 2018 Grant.

RESOLUTION BOOK NO. 40 - PAGE 175
ORDINANCE BOOK NO. 32 - PAGE 228

O. RESOLUTION NO. 18-277 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS THROUGH THE U.S. DEPT. OF JUSTICE 2018 BULLETPROOF VEST PARTNERSHIP PROGRAM

ORDINANCE NO. 4706 - BUDGET AMENDMENT FOR 2018 BULLETPROOF VEST PARTNERSHIP GRANT

Summary: The consideration of (1) a resolution authorizing the City Manager to accept grant funds from the Department of Justice, Office of Justice Programs, 2018 Bulletproof Vest Partnership solicitation and (2) a budget amendment in the City's Special Revenue Fund in the amount of \$64,815.00 utilizing funds from Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership (\$32,407.50) and Fiscal Year (FY) 2018-19 budgeted City General Operating Funds (\$32,407.50) to establish the Bulletproof Vest Partnership 2018 grant.

The City of Asheville Police Department currently participates in the Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership program. The funds allocated through this program are designed to offset departmental cost associated with purchasing bulletproof vests. The City of Asheville has been awarded \$32,407.50 through this program, which requires the City to match dollar for dollar. The budget amendment is necessary to authorize the full project budget amount of \$64,815.00 in the Special Revenue Fund. The City's match of \$32,407.50 will come from the Police Department's adopted FY 2018-19 operating expense budget. The funding will enable the purchase of 87 bulletproof vests over the next 2 years.

This request will be presented to the Public Safety Committee on October 22, 2018, and the Finance and Human Resources Committee on October 23, 2018, and any response other than unanimous approval to move forward to the full City Council will be noted at those meetings.

Pros:

- Reduction in cost to the City of Asheville for the purchase of bulletproof vests
- Increase in officer safety by providing crucial safety equipment

Con:

- Requires City match.

This grant requires a match of \$32,407.50, which will come from the Police Department's existing General Fund budget (Patrol Division – Supplies – Safety Equipment). It should be noted that the overall fiscal impact to the City of Asheville is reduced because the Police Department would have to purchase these vests at full replacement costs if the grant is not accepted.

Staff recommends City Council authorize (1) the City Manager to accept grant funds from the Department of Justice, Office of Justice Programs, 2018 Bulletproof Vest Partnership solicitation and (2) a budget amendment in the City's Special Revenue Fund in the amount of \$64,815.00 utilizing funds from Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership (\$32,407.50) and Fiscal Year (FY) 2018-19 budgeted City General Operating Funds (\$32,407.50) to establish the Bulletproof Vest Partnership 2018 grant.

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ORDINANCE BOOK NO. 32 - PAGE 230

P. RESOLUTION NO. 18-279 - RESOLUTION ESTABLISHING A 100% RENEWABLE ENERGY GOAL FOR THE CITY OF ASHEVILLE

Summary: The consideration of a resolution authorizing the Mayor to adopt a municipal 100% Renewable Energy goal for the City of Asheville.

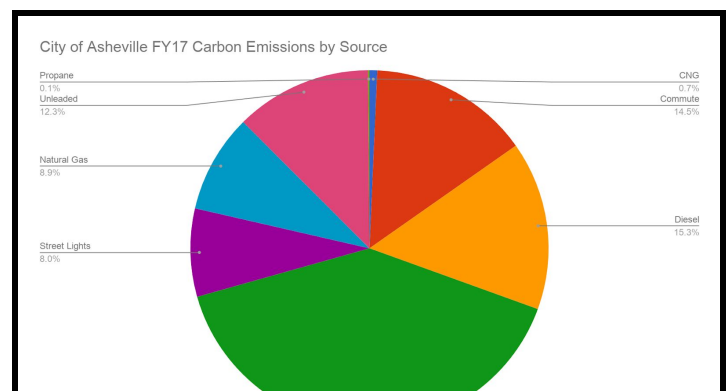
The Sustainability Advisory Committee on Energy and the Environment (SACEE) reviewed City Council's request to examine adoption of a resolution to support the City of Asheville's energy sources be 100% renewable energy by 2030. Through this process, SACEE collaborated with Duke Energy Progress, the Office of Sustainability and incorporated public comments, concerns and suggestions from citizens during their monthly meetings.

The City of Asheville's Office of Sustainability (OoS) provided technical expertise and data on national trends concerning types of energy sources, and goal dates by other cities that have adopted 100% renewable energy goals.

As North Carolina communities address the transition of fossil fuels to renewables multiple strategies are being examined; however, what is consistent across the board are the lack of costs and action plans involved in doing so. At present time six (6) US cities are powered entirely by renewable energy through municipal utilities and cooperates.

Last year, Buncombe County adopted a 100% renewable energy resolution to implement the best fiscally and environmentally responsible energy solution to reach the goal of 100 percent renewable energy by 2030 for County government and 100 percent renewable for Buncombe County within 25 years.

The supporting graphic is the FY17 Municipal Carbon Emissions by energy



source with electricity being the largest use for the municipality at 48.1% and cost the City \$1.6 million dollars. Total energy use spending in FY17 was \$3.1 million dollars.

The Planning and Economic Development Committee reviewed SACEE's resolution request at the September 10, 2018, meeting and unanimously approved moving the resolution forward to full Council.

The aforementioned resolution has been brought forth by SACEE for City Council's review and adoption.

The 100% Renewable Energy resolution aligns with City Council's 2036 vision of A Clean and Healthy Environment.

Additionally, the 100% Renewable Energy Resolution supports the following plans: (1) Living Asheville: A Comprehensive Plan for our Future; and (2) Sustainability Management Plan.

It also supports the following Resolutions signed by Council:

- Resolution 13-228, Supporting a Clean Energy Economy
- Resolution 16-64, Establishing a joint City, County and Utility Energy Innovation Task Force
- Resolution 17-104, Support a State Goal of 100% Renewable Energy by 2050
- Resolution 17-119, Reaffirming Asheville's commitment to reducing climate pollution and continued support of the principles of the Paris Climate agreement

Pros:

- Supports Living Asheville: A Comprehensive Plan for our Future through renewable energy generation
- Supports the Sustainability Management Plan to produce renewable energy in appropriate facilities and increase purchases of renewable energy
- Will have a positive correlation on the City's Carbon Reduction Goal

Cons:

- The Renewable Energy Planning Services contract with Buncombe County is in the beginning stages and has not been completed
- Electrifying all energy sources contradicts Living Asheville: A Comprehensive Plan for our Future when addressing resiliency
- Fiscal impacts of full implementation are unknown at this time

Fiscal impacts are unknown at this time.

SACEE recommends that City Council adopt a 100% Renewable Energy goal for the City of Asheville.

Councilwoman Mayfield said this is the City's next step in our ongoing path towards sustainability. We adopted a carbon reduction goal about 10 years ago, a clean energy framework a few years ago, and we launched the Energy Innovation Task Force a couple of years ago, so this is the natural next step. There are some concerns about how we are going to get there or how much it's going to cost, but that's where we were back in 2007 when we adopted the carbon reduction goal. It's important to have something to be working toward. We are going to have to find the resources, as our Sustainability Office is our smallest office with two people and one of the smallest budgets. If we are going to do this right, that is going to have to change.

We will have to put more resources into that office and give them the ability to meet with goal. Every City department has a role and obligation to help meet the City's sustainability goals. The City and the County are working together on getting a report that will give us this path and tell us what it will cost and what it will take for both the City and the County to get to renewable energy. That will take about one year. In the meantime, there are opportunities and work underway. She personally thanked Carol Anderson for all her efforts in moving this action forward.

Councilman Young said that we need to put the resources into the departments in order to achieve our goals. Some of the most significant barriers in other places to implementing large scale renewable energy goals are climate change denial, but that is not the case here. In thinking about how we can put the finances behind this to make our goals work, one thought was renewable energy bonds, which we can't do anymore. He asked the public to start thinking about larger aspects of how to put the money behind these initiatives and goals to really make them concrete and just not on paper. Perhaps we should look at Green Bonds, or General Obligation Bonds to help implement this goal. He hopes this spreads to other municipalities so North Carolina is committed to this policy adjustment. He feels Asheville will be able to set the tone.

The following individuals spoke in support of establishing a 100% renewable energy goal for Asheville:

Tom Tribble, President of the Elisha Mitchell Audubon Society (presented a petition signed by 45 members) and stated another 72 members submitted an online email to Council)

Ken Brame, representing both the Sierra Club and the WNC Renewables Coalition (presented over 650 letters and petitions)

Elias Varn, student from Asheville High School with dual enrollment at A-B Tech (presented a petition with 506 signatures from Asheville High students and 35 signatures from A-B Tech)

Danielle Holtz and Ben Stockdale, Students from UNC-Asheville (presented a petition with 261 signatures from UNC-Asheville)

Rev. Mark Ward, Unitarian Universalist Congregation of Asheville

John Noor, Chair of the Sustainability Advisory Committee on Energy & the Environment

Dee Williams

Matilda Bliss

James Smith, student from UNC-Asheville

Mayor Manheimer said that she participated with the mayors who stand behind the Paris Climate Accord and she and Councilwoman Mayfield have spent one year going to Duke University to participate with a bipartisan group looking at how to meet the future energy needs in North Carolina. She was very supportive of the resolution. This is just another step in our journey as a community to identify ourselves as a climate-forward community. A community that understands the impacts of climate change and trying to do our part to address it. We have to talk about our capacity to handle projects as a City in terms of staffing. The other aspect is a broader question of ways to finance the upfit required to go 100% renewable - probably several million dollars. We will have to find that revenue and some would be found through the savings we would see in not having to pay the higher power bill. If the other revenue has to be made up through taxes, we are looking at property taxes. One of the things she worries about is energy poverty in our community, and how do we thoughtfully disburse the cost of embracing renewable energy. Ideally our federal government would step up and have a renewable portfolio requirement of all utilities that provide energy in America. That won't happen. It is also unrealistic that it would happen on a state level. We can make the change, but questioned who pays for it. Utility bills are a regressive tax some argue and they are not the fairest way to tax households, but she understands the environmental concern and the benefits that embracing

100% renewable energy bring to our community. The challenge we will have is how to structure this so that it is fair and bearable as possible for a community.

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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.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Mayfield and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. CITIZENS SURVEY RESULTS

Communication & Public Engagement Director Dawa Hitch presented the following citizen survey results. “The National Citizen Survey™ is a statistically valid survey which measures:

- resident opinions of community characteristics
- satisfaction with city services and governance, and
- resident participation in community matters.

With a high probability that the responses represent a cross section of the entire community, the results are an important tool in assisting City Council and City departments’ understanding of community priorities. The responses also suggest overall satisfaction with services and are helpful in the continual improvement of City services.

The survey is the product of a partnership between the National Research Center Inc. (NRC) and the International City/County Management Association (ICMA). This long standing partnership has resulted in an extensive database which allows the responses to be benchmarked against responses in other cities. There are over 500 communities in this year’s database.

In addition to the national database, Asheville results were benchmarked against a smaller subset of destination/resort communities with populations under 175,000. Similar subset comparisons can provide additional perspective to responses.

The Community Livability Report was prepared by National Research Center, Inc. and is a plain language summary of the survey results. Additional reports provide data that allow for deeper analysis such as resident satisfaction and priorities by:

- Zip Code
- Age
- Race/Ethnicity
- Median Income, and
- whether the participant rents or owns his/her home.

A better understanding of subgroup preferences can be beneficial in the city’s communication and engagement efforts as well as efforts to equitably provide City services and investments.

The results assist departments in the continuous improvement of service delivery and the identification of priorities throughout the budget process.

Methodology - The survey was mailed to 1500 homes within the city limits and responses were accepted both online and through return mail. The survey was available in English and Spanish. The sampling method was designed to closely mirror the overall housing unit density, including oversampling of multi-family housing units as residents of this type of housing typically respond to surveys at a lower rate than residents of single-family homes. Results were also weighted to reflect the demographics of the population.

The results of the survey are statistically valid with a 95% confidence level that in most cases is no greater than +/- 5 percentage points around a given response value. The demographic and geographic subgroup comparison reports have margins of error of roughly +/- 10 percentage points. The margin of error increases in the subgroup comparison reports because of the smaller sample sizes within each of the subgroups.

A total of 343 surveys were received, yielding a 24% response rate. Response rates for citizen surveys are typically in the 25-40% range. The opt-in survey was completed by 1,266 residents and non-residents.

Trends between resident responses in 2008 as compared to responses in 2015 were also reported.

Special Topics - A number of special topics were included in the survey. While they cannot be benchmarked against other communities, they provide insight into:

- 1) community perception of police department performance including recommendations for improved police services
- 2) the importance the community places on specific city investments
- 3) community preferences for aspects of future development
- 4) community sentiment for the prohibition of accessory dwelling units in the short-term rental ordinance, and:
- 5) the ways and frequency with which residents engage with local government news

The final question was an opened-ended question that asked, "What do you think is the single biggest issue facing Asheville over the next three to five years."

Benchmarking - Asheville resident responses were benchmarked against the 500+ cities included in the NRC database. As another benchmark comparison, Asheville responses were compared to a narrower subset of other destination/resort communities with populations less than 175,000. There were 50 cities in this subset.

Results - Survey results offer insight into resident perceptions and priorities. The methodology involved in obtaining a representative sample of the Asheville community helps to ensure more voices are heard, including the voices of people who may not regularly engage in local government.

The responses of a representative sample can then be used to determine areas where further engagement is needed, areas that are working well, and areas where there is low satisfaction. This is a valuable tool for continuous improvement and establishing priorities.

The ability to analyze trends over time (i.e., did satisfaction change from 2015 to 2018) assists with assessing whether or not courses of action are improving resident satisfaction in City government.

Analyzing demographic comparisons assists with assessing City government's efforts toward equity in the delivery of City services.

The entirety of the survey responses are shared with City Council, City staff and are available to the community at large through the Open Government page of the City website. Results from 2008 and 2015 are also available on this page.

The following is a brief overview of the results:

Excerpt from the Report: As in 2015, residents identified Natural Environment and Economy as priorities for the Asheville community in the coming two years. New in 2018, respondents also identified the facet of Mobility as a priority in the future. Ratings for most facets were positive and similar to comparison communities, though evaluations for Mobility were lower than benchmark comparisons. -The National Citizen Survey, Community Livability Report, 2018

Additionally, Asheville continues to be more civically engaged than most communities and residents are split on whether or not accessory dwelling units should be allowed as short term rentals.

Respondents felt the top 5 most important investments were:

- Public safety including police, fire and emergency preparedness (**89%** Essential or Very Important)
- Environmental protection and sustainability (**88%** Essential or Very Important)
- Affordable housing development (**85%** Essential or Very Important)
- Improving roads (**84%** Essential or Very Important)
- Sidewalks, bikeways, and greenways (**84%** Essential or Very Important)

Subgroup comparisons brings a better understanding to where certain groups differ from the overall response. For example, people of color placed more importance on affordable housing than people who identified as "White alone, not Hispanic. The percent of Essential or Very Important were 96% and 83% respectively.

The table below outlines responses to the open-ended question, "What do you think is the single biggest issue facing Asheville over the next three to five years?"

Issue	% of respondents rating issue as the biggest issue 2018	% of respondents rating issue as the biggest issue 2015
Affordable Housing	24%	16%
Growth/development/planning and zoning/environmental issues	24%	29%
Mobility (infrastructure, traffic, parking, etc.)	22%	14%
Economic development issues, jobs, cost of living	16%	29%
Police department issues	6%	--
Crime and Safety	3%	4%
Other	4%	7%
Don't know	1%	1%
Total	100%	100%

Asheville is **trending up** AND is **Higher than Benchmark**

- Watched a local public meeting

Asheville is **trending down** AND is **Lower than Benchmark**

- Traffic Flow
- Travel by Car
- Overall ease of travel
- Land use, planning and zoning
- Would recommend Asheville
- Childcare/preschool
- Overall direction

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER ADOPTION OF THE BURTON STREET NEIGHBORHOOD PLAN

RESOLUTION NO. 18-278 - RESOLUTION ADOPTING THE BURTON STREET NEIGHBORHOOD PLAN

Planning & Urban Design Director Todd Okolichany said that this is the consideration of the adoption of the Burton Street Neighborhood Plan. The plan was initially reviewed and supported by City Council on September 25, 2018, under “New Business” on the Council agenda. It is recommended that this item be considered as a public hearing so that the plan adoption process is consistent with other adopted neighborhood plans in the City. This public hearing was advertised on October 12 and 19, 2018.

The proposed I-26 Connector project (State Transportation Improvement Project (STIP) I-2513) is a seven mile interstate freeway that would connect I-26 in southwest Asheville to U.S. 19/23/70 in northwest Asheville. The Burton Street neighborhood is one of 10 communities being impacted by the proposed I-26 improvements and has been classified as an Environmental Justice population that has incurred reoccurring impacts. With an Environmental Justice designation, the N.C. Dept. of Transportation (NCDOT) can provide additional mitigation opportunities to lessen the burden of the project on the Burton Street neighborhood.

To address and remedy the anticipated impacts to the Burton Street community as a result of the I-26 improvements, a community driven mitigation strategies plan was initiated by NCDOT. At the request of the City of Asheville Planning and Urban Design Department, a neighborhood planning component was added to the project scope. The goal of the project was to develop a *Burton Street Neighborhood Plan* that would be adopted by the city as a revision to the 2010 *Burton Street Community Plan* and that includes a list of mitigation strategies related to the I-26 Connector project, as well as other neighborhood goals and strategies. NCDOT retained Public Participation Partners (“the consultant”) to prepare the plan and act as the liaison between the Burton Street community, NCDOT and City of Asheville.

In partnership with the Burton Street Community Association and Burton Street neighborhood, the consultant developed a neighborhood plan over an approximately 10-month long period. The initial draft was released for public review on April 29, 2018, and updated in June and August 2018 based on input from the public, City of Asheville staff, the Planning and Economic Development (PED) Committee and the NCDOT. A number of community meetings and surveys were also conducted during this time. At its July 2018 meeting, PED members

recommended moving forward with the plan for review and consideration by the Planning and Zoning Commission and the full City Council.

The plan is organized by the following sections:

- Introduction
- Burton Street History
- Existing Conditions
- Local Area Plans
- Burton Street Neighborhood
- Themes, Goals and Strategies
- NCDOT Mitigation
- Implementation

The main strategies are found in the Themes, Goals and Strategies chapter of the plan. This section also includes an analysis of how the plan's goals and strategies align with the recently adopted *Living Asheville Comprehensive Plan*. All strategies have been designed in accordance with NCDOT and National Environmental Policy Act (NEPA) policies and procedures.

The Implementation chapter includes a list of all the plan's strategies, including those to be coordinated and/or implemented by NCDOT to mitigate community impacts resulting from the I-26 Connector project, by the City of Asheville or Burton Street Community Association. As part of the process, community members were also asked to prioritize strategies in the plan. The following strategies were ranked the highest:

- Improve Community Center infrastructure
- Improve existing sidewalks to meet ADA standards
- Support design guidelines and policies that aim to preserve or enhance neighborhood character
- Expand Community Center programming
- Construct a new park and community gathering space at Smith Mill Creek that will include an access point to the future greenway
- Install historic markers throughout the neighborhood
- Install Burton Street community gateway signs
- Establish and implement programs to reinvest into current residential properties
- Stabilize property tax rates by promoting affordability by design principles in new development

This project was funded by NCDOT as part of the I-26 Connector Project. Staff resources were used throughout the project to provide technical assistance, review materials and during community engagement.

The *Burton Street Neighborhood Plan* aligns with the 2036 Council Vision in the *A Well-Planned and Livable Community area*. The *Burton Street Neighborhood Plan* includes recommended mitigation measures for impacts related to the I-26 Connector project, while also including a neighborhood plan element that includes updated information and strategies for the Burton Street neighborhood that will align with city goals. The plan also aligns with Goal 23: Continue to work toward achieving goals on I-26, which includes minimizing impacts adjacent to neighboring communities.

The Planning and Zoning Commission held a public hearing on September 5, 2018, to review the plan. The Commission voted unanimously (7-0) to recommend approval of the *Burton Street Neighborhood Plan*. The plan was also initially presented to City Council on September 25, 2018, and Council supported the adoption of the plan.

Mayor Manheimer opened the public hearing at 6:12 p.m., and when no one spoke, she closed the public hearing at 6:12 p.m.

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

Vice-Mayor Wisler moved to recommend that the Asheville City Council adopt the *Burton Street Neighborhood Plan* in that the plan: (1) Includes mitigation strategies related to the I-26 Connector project; (2) Was developed with community input and reflects the Burton Street neighborhoods' vision for the future; (3) Provides guidance on goals and strategies that aim to improve the neighborhood; and (4) Aligns with the *Living Asheville Comprehensive Plan*. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 177

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONAL ZONING OF 190 HOMINY CREEK ROAD FOR THE BUNCOMBE COUNTY TRANSFER STATION LANDSCAPE PLAN AND CONDITIONS TO ACCOMMODATE ENVIRONMENTAL CONDITIONS OF THE SITE AND LIMITATIONS BY THE STATE OF NORTH CAROLINA

ORDINANCE NO. 4707 - ORDINANCE TO AMEND THE CONDITIONAL ZONING OF 190 HOMINY CREEK ROAD FOR THE BUNCOMBE COUNTY TRANSFER STATION LANDSCAPE PLAN AND CONDITIONS TO ACCOMMODATE ENVIRONMENTAL CONDITIONS OF THE SITE AND LIMITATIONS BY THE STATE OF NORTH CAROLINA

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance to amend the conditional zoning of 190 Hominy Creek Road for the Buncombe County Transfer Station landscape plan and conditions to accommodate environmental conditions of the site and limitations by the State of North Carolina. This public hearing was advertised on October 12 and 19, 2018.

Ms. Vrtunski explained that this is a request to review an amendment to the B-1 Conditions for the Institutional Conditional Zone that was approved by City Council in May 2017. The amendment is solely for the purpose of amending the landscape plan for the site. This project is considered a Conditional Zoning Amendment review pursuant to Section 7-7-8 of the Unified Development Ordinance (UDO).

The original conditional zoning was for the expansion of the Buncombe Transfer Station. The staff report for Council (dated May 9, 2017) was provided. The Transfer Station is located on top of an old landfill, which limited the amount of trees that could be planted on the site. Since that time, the State of North Carolina performed additional analysis of the site and found that the trash plume greatly exceeded the boundaries of where landscaping would be accepted. The amendment to the conditional zoning is to further reduce the additional landscaping due to the environmental conditions on the site.

The landscaping plan that was approved by City Council provided that instead of 54 trees for parking lot landscaping, that 54 trees would be located along the greenway. The State has mandated that the County cannot add any plant materials along the greenway because of the trash plume. In addition the County is unable to plant street trees because of the same issue.

County staff has looked for alternate locations for as many trees as possible that are not near the landfill boundaries and found locations for 16 trees. In addition, the County has offered to donate five additional trees for planting on a city greenway. A site visit also showed that there are approximately 7-8 trees on either side of Hominy Creek Road which will help shade the road, and are mature trees.

Conditions - Due to the existing site features (former landfill site), the following condition will accompany this request:

1. Reduced number of trees, 16 on County property and 5 donated to the city for a greenway.

As the proposed amendments only concern landscaping requirements, staff determined that review by the Technical Review Committee was not warranted. City Council review and approval is required. The Planning and Zoning Commission heard the request on October 3 and recommended approval of the request with a 6-0 vote.

This site is fairly isolated, located between I-40, the Biltmore Estate and the NC Farmers Market, accessed only by Hominy Creek Road. The majority of surrounding zoning is Buncombe County zoning: Public Service (PS) district for the WNC Farmers Market, Conference Center/Resort (CR) zoning for the Biltmore Estate. Given the isolated nature and scale of the site and the unique attributes of the on-going operation, staff believes that even with the amended landscape plan, this will continue to be a compatible use for this location.

This proposal aligns with several aspects of the City Development Plan 2025 including "Continue to promote and facilitate effective and efficient governmental coordination" and "Continue to direct a substantial amount of solid waste and organic materials away from landfill disposal... through recycling and reuse".

The proposal aligns with the 2036 Council vision in the following areas: (1) *A Well-Planned and Livable Community* – The project expands and upgrades an existing use instead of attempting to relocate it to another part of the community where there is greater development or use potential; and (2) *A Clean and Healthy Environment* - The expansion of this facility will further accommodate recycling and waste disposal in the community.

Considerations:

- Environmental conditions onsite prevent the planting of any additional trees along the greenway or along Hominy Creek Road.
- The Transfer Station property and the nearby park have significant numbers of existing trees that will remain and Buncombe County has worked with the State of NC to ensure that the trees are allowed to remain.
- County staff have spent significant time identifying locations for trees on the adjacent property. These are the few locations where trees will survive due to other trees and sunlight. Trees will be planted in these locations.
- The County would donate an additional 5 trees to the City to be planted along a greenway.

The Planning and Zoning Commission reviewed this project on October 3, 2018. The Commission voted 6-0 in favor of the project and recommended Council approval of this Conditional Zoning request subject to the B-1 Conditions that were presented to Planning & Zoning.

Mr. Nate Pennington, Buncombe County Planning Director, explained how the State Tree Regulatory Landfill Commission contacted them and said that after they reviewed the County's

plans for planting on the landfill, they pointed out that there is a prohibition of planting anything on the landfill materials. When they were building the sidewalk, they found that the landfill encompassed most of the site. The State accepted their innovative idea of the floating island that took care of the parking lot landscaping. He visited the site several times and found the site is reamed with large sewer lines, Duke Energy Power lines, rights-of-way and large areas of poison ivy that cover most of the very large existing trees. When they originally approached the City with with project, the conditions written at the time did not fully capture the total number of existing trees on site. There are large trees in a particular area covered with poison ivy so he felt the City is not actually losing any trees.

When Councilwoman Mayfield felt we are giving up trees that can be planted somewhere else, Mr. Pennington stated that when the poison ivy foliage drops, he would be happy to go back to the site and verify they have enough credit to cover the other existing trees. He further explained that at the time they conducted a vegetation survey, they elected to stop counting and say they would make up for the total required. Then they found out from the State that they couldn't do the plantings at all. He will simply continue that counting and find probably enough credits of existing vegetation to where the City will not be losing any trees.

Mayor Manheimer opened the public hearing at 6:26 p.m., and when no one spoke, she closed the public hearing t 6:26 p.m.

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

Vice-Mayor Wisler moved to approve the amendment to the Industrial District/Conditional Zone (IND-CZ) with the requested condition for the reduced landscaping and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan in that: (1) the site has historically been an industrial use; (2) the State of North Carolina has prohibited Buncombe County from planting trees on the site and along Hominy Creek Road; and, (3) the County has worked with the State to preserve the existing trees and vegetation along the greenway. This motion was seconded by Councilman Kapoor and carried unanimously.

ORDINANCE BOOK NO. 32 - PAGE 232

C. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 324 BILTMORE AVENUE FROM REGIONAL BUSINESS DISTRICT TO LODGING EXPANSION/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A 7-STORY, 103 ROOM HOTEL

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone 324 Biltmore Avenue from Regional Business District to Lodging Expansion/ Conditional Zone for the construction of a 7-story, 103 room hotel. This public hearing was advertised on October 12 and 19, 2018.

The project site consists of a single parcel located at 324 Biltmore Avenue with an area of approximately 0.78 acres (per plans). The site is currently zoned Regional Business (RB) and surrounding zoning includes RB to north and west (across Biltmore Avenue), Institutional to the south and RS-8 to the east. Uses in the vicinity include Mission Hospital to the south, single-family residential to the east and a variety of businesses to the north heading into downtown. The site is currently vacant.

The applicant is proposing to construct a hotel building on the site with approximately 103 rooms and associated parking. The building has a maximum height of seven stories

(approximately 75' according to plans; 90'6" to the tallest roof peak). There is a portion of the building that falls within 100 feet of a residential zone, thereby limiting the maximum allowed height to match the residential limit. The building height in that restricted area is approximately 25 feet. The structure contains a total of approximately 88,593 square feet.

Vehicular access to the site is proposed via a single two-way driveway from Biltmore Avenue. According to plans, 106 structured parking spaces are provided within the development, including accessible parking and bicycle spaces.

Sidewalks are shown along both road frontages, at least 10 feet in width according to district standards. The site is situated along the S1, S2 and S5 transit routes and the Transportation Department has requested that the applicant install a transit shelter at the corner with White Fawn to meet the standards in the Lodging Expansion District.

Landscaping is required for this project and includes street trees, a 30 foot type-B property line buffer, building impact landscaping and parking deck screening. While some aspects appear to be in compliance, there are a number of conditions proposed related to landscaping as well that are detailed below.

Five percent of the lot area is required for designated urban open space. Plans appear to comply utilizing the interior recreational spaces.

There are standards relating to building orientation and fenestration in the requested zoning district and the plans appear to comply. Although the entire length of the frontage along Biltmore Avenue is not activated, the building facade at the ground level will be fenestrated according to the standards in the district.

Conditions - The project does not comply with the following standards in the requested zoning district:

1. Setbacks - Proposing zero foot setbacks along front and side; three foot on the corner side and 10 feet for the rear. District standards are five feet for the front; 15 feet for the side and 25 feet to the rear.
2. Landscaping -
 - a. Property line buffer - the plans indicate a reduction in the property line buffer to between approximately 10-23 feet in width. An administrative reduction is allowed by code to 15 feet in width if all planting material is installed on the high end of the grade change since it is over 15 feet of vertical separation.
 - b. Street trees - the applicant proposes no street trees along Biltmore Avenue due to significant utility conflicts; six trees would be required. The applicant is proposing large planters along the Biltmore Avenue frontage as an alternative solution.
3. Impervious Surface - Maximum allowed is 80%; plans indicate 82%.

Projects undergoing conditional zoning review are required to hold a neighborhood meeting; the meeting for this project was held on June 12, 2018. The project was approved with conditions by the Technical Review Committee (TRC) on September 17, 2018.

The Planning & Zoning Commission discussed this proposal at their meeting on October 3, 2018, and ultimately voted unanimously to support approval of the project (6-0). Commissioners expressed a desire to highlight the street tree alternative by using a species that is as large as possible to provide shading on the sidewalk and to irrigate well for plant longevity.

Staff received comments of concern regarding this project from members of the public

early in the review process about increased traffic in the adjacent residential neighborhood; the applicant subsequently revised the plans to eliminate a driveway that provided access onto White Fawn Drive. At the Planning & Zoning Commission meeting, several nearby residents spoke in general support of the project and the efforts of the developer to meet on multiple occasions with residents and to incorporate some of their concerns. They also noted a desire that the applicant incorporate a restaurant use, that the height will impact existing views from the neighborhood and concerns about the balcony shown on the rear of the building. The applicant has since indicated a willingness to relocate or remove the balcony.

Recent projects in the area include the Lee Walker Heights redevelopment directly across the street and the Mission Hospital expansion currently under construction to the south. There have been a number of residential projects in the surrounding area over the past several years as well.

The applicant is required to undergo the conditional zoning due to the lodging use. The suitability of the request is discussed further in this report. Staff recommends the completion of the comprehensive plan strategy that suggests a study of lodging uses, need and impact to aid in evaluating the amount of new lodging uses that continue to be received.

The proposed lodging use can be considered compatible with the other uses along the corridor. The site is situated between the Central Business District and the Mission Hospital campus where there are a variety of medical, retail and office uses along this section of Biltmore Avenue. The existing heights of immediately nearby buildings are considerably lower, mostly one and two story structures to the north and south until the intersection with Hospital Drive, where current building heights are more comparable to this proposal. There is a single-family residential neighborhood adjacent to the subject property to the east. The project is restricted from locating taller building heights or trash receptacles within 100 feet of the residential zoning and the design respects those prohibitions.

The Living Asheville Comprehensive Plan identifies this location as an Employment / Anchor Institution Center on the Future Land Use Map. A limited application of the lodging use is considered complementary in this land use category as it “may improve the campus environment to support its primary function to the benefit of staff, students, workers and/or patrons.” A hotel use in this area could provide rooms for visitors of Mission Health. Transit facilities and safe pedestrian routes are noted as being essential within this area.

The subject area is designated for potential expansion of the Downtown land use category, in which lodging is noted as essential to the mix of uses provided that the design is done in the proper context. The site design is urban in nature with parking structured on the site rather than on exposed surface lots and the building is pulled to street, directly behind the sidewalk with limited height against the residential neighborhood.

The proposal aligns with the 2036 Council vision in the following areas: (1) *A Well-Planned and Livable Community* – the project is aligned with the Future Land Use designations of Employment / Anchor Institution as well as Downtown expansion; and (2) *Transportation and Accessibility* - the project contributes to pedestrian connectivity in the area by providing new sidewalks, and transit enhancements are possible if a new bus shelter is provided.

Considerations:

- The use is anticipated in the current Future Land Use category as well as a proposed Downtown expansion area
- The proposal can support visitors to the Mission Hospital campus as it is located with a half mile and directly on multiple transit lines

- The building height exceeds structures within the immediate vicinity; however it is in line with the maximum building height allowed in the other zoning districts along the corridor
- Potential visual and noise impacts to the adjacent residential neighborhood should be considered and mitigated as needed
- The applicant has agreed to include a transit shelter on the project site

Staff is supportive of the proposal as the use is anticipated in the existing land use category as a support of the medical and institutional uses in the vicinity and the applicant has worked closely with the neighborhood to address concerns and minimize impacts. The development meets a number of stated City goals including providing an urban development pattern along this corridor, the inclusion of a transit stop and a commitment of providing transit passes for both guests and employees.

The Planning & Zoning Commission recommends approval of the conditional zoning for the construction of a new lodging facility based on policies in the Living Asheville Comprehensive Plan, Future Land Use map and City Council's 2036 Vision considerations.

Mr. Wyatt Stevens, representing Milan Asheville LLC, talked about the principals behind Milan Asheville LLC noting they are good corporate and community citizens. Regarding the project, he said there are no hotels that service this area and it is walking distance to the hospital and downtown. They have reached out to Mission Hospital and offered preferential pricing to families of patients at the Hospital, along with preferential pricing to the families of children in the Caiyalynn Burrell Child Crisis Center across the street. They have talked with Rev. Scott Rogers of the Asheville-Buncombe Community Christian Ministry (ABCCM) about opportunities to provide more jobs for veterans and other beneficiaries of ABCCM. They talked with Mountain Housing Opportunities and the Housing Authority of the City of Asheville regarding the revitalization of Lee Walker Heights. They will be able to provide a job training program (similar to ABCCM) for the residents of Lee Walker Heights. In addition, they will provide free bus passes to the residents of Lee Walker Heights, all of their staff and all of the hotel guests who would like one. They have also committed \$125,000 for a playground at Lee Walker Heights upon approval of this zoning application. They understand that affordable housing is our number one problem in Asheville. He explained that it doesn't make sense to put affordable housing on a $\frac{3}{4}$ acre piece of property. But, because they want to be good community partners, they have agreed to make a contribution of \$100,000 a year for 5 year to the Affordable Housing Trust Fund, once the hotel is up and running. He said this is a good project and asked for Council's approval.

Mayor Manheimer opened the public hearing at 6:48 p.m.

The following individuals spoke in support of the conditional zoning of property at 324 Biltmore Avenue for a hotel:

General Manager of Noble Kava at 268 Biltmore Avenue
 Rev. Ronald Gates, Pastor of Greater Works Church of God and Christ
 Johanna Johnson, business owner in Asheville
 Luella Whitmire, Living Water Ministry
 Pam Coppedge, RN, Director of Caiyalynn Burrell Child Crisis Center
 Gene Bell, Executive Director of the Housing Authority of the City of Asheville
 General Manager of Quality Inn

Matilda Bliss spoke against the conditional zoning as the project does not contribute to the affordable housing crisis in Asheville

Mayor Manheimer closed the public hearing at 7:05 p.m.

Councilman Kapoor is aware that there is some sense of fatigue when it comes to hotels in the City. As a Council member, he views his role is to look at each project individually and judge it on its own merits. He felt this hotel fits a specific need in this part of town as it relates to the Hospital and Child Crisis Center. He felt what the owners are offering is positive for Asheville - money for a playground, money for the Affordable Housing Trust Fund, and a commitment of jobs for people in that area. He agreed that we have an affordable housing problem in Asheville, but he didn't believe affordable housing will be at this location.

Councilwoman Mayfield agreed with Councilman Kapoor. She encouraged neighborhood input, and hoped they never assume that neighborhood input doesn't matter. She commended the developers for meeting with the neighborhood three times and trying to address their concerns.

Councilman Young felt we need to balance the way we move development. He supported some hotels further away from the downtown, but until we have more conversations about the fiscal health of the City and its ability to maintain infrastructure, he could not support this hotel.

Councilman Haynes felt that we have enough hotels in our City, especially in the Central Business District and downtown area. We need housing. He didn't like to see developers sink a lot of money into hotel proposals, but asked future developers to step back and think long and hard about bringing another hotel project forward.

Mayor Manheimer said we have had conversations about the fiscal health of the City and its ability to maintain infrastructure and keep a vibrant tourist industry in Asheville. We are at a critical point where there is no doubt the tourism economy is a pillar of Asheville. But, as Council, our challenge is to use the revenue stream we have to be able to pay for the infrastructure and expense needs to host our visitors every year. She did not feel comfortable in making a decision about additional hotels until we figure out how to address our lack of revenue diversity to support real infrastructure improvements, i.e., sidewalks, cleaning, repaving streets, filling potholes, etc. She appreciated what this hotelier has put together to bring forward, but could not support the project. If this doesn't pass, she hoped they would consider coming back to Council again in the future so we, as a City, may have reached a different place and feel we have the capacity to be able to continue this trend. For now, we have to make sure our house is in order and balancing the needs of our community against a growing industry that brings a great deal of positive and challenge for us.

Mr. Stevens said that in light of the comments, they would respectfully withdraw the application.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Roger Sharpe spoke to Council about the lack of maintenance at the bus station and bus stops. He provided Council with his Op Ed piece he wrote about Asheville's public transportation system.

Mr. Reid Thompson played several videos of trucks blocking the sidewalk on Maxwell Street and the noise from the trucks. Acting City Manager Ball said that moving violations can only be cited by the Asheville Police Department and they are prepared to increase enforcement. They are not writing warnings, but giving citations to everyone. Regarding blocking the sidewalk,

the requirement is there has to be 4 foot of clearance. If there is 4 foot of clearance for a handicapped individual, they are able to maneuver through that. They are working on a plan to have Parking staff and resources in place for 5-7 hours a day for the next 6 weeks to write tickets and take appropriate action. Staff from Parking Enforcement will only be able to write citations for parking violations. They are working with the residents along Maxwell Street to make sure they have hang tags allowing them to park on Maxwell Street. We are also in contact with the people who own the grease truck and dumpster truck to limit the times that they come so that they come more during the day. Councilwoman Mayfield asked that Acting City Manager Ball send Council an email that specifically lays the enforcement plan out.

Closed Session

At 7:32 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (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, a lawsuit or a potential lawsuit. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (3) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 7:52 p.m., Councilman Young to come out of closed session. This motion was seconded by Councilwoman Smith and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:52 p.m.

CITY CLERK

MAYOR