

Tuesday – September 24, 2019 - 5:00 p.m.
U.S. Cellular Center - Banquet Hall

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; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MID-SEPTEMBER 2019 THROUGH MID-OCTOBER 2019 AS “LATINX HERITAGE MONTH”

Councilman Haynes read the proclamation proclaiming mid-September 2019 - mid-October 2019, as "Latinx Heritage Month " in the City of Asheville. He presented the proclamation to individuals from MANOS, de Mujer a Mujer, and BeLoved Asheville. The proclamation was then read in Spanish by some that attended.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 10, 2019

B. RESOLUTION NO. 19-213 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ASHEVILLE STAFFING TO PROVIDE TEMPORARY STAFFING SERVICES FOR THE CITY OF ASHEVILLE

Action Requested: Adoption of a resolution approving the renewal of the contract for temporary staffing agencies for an amount not- to- exceed \$500,000.

Background:

- In 2018 The City issued an RFP for temporary services. Ten (10) responses were received.
- As a result of the RFP in 2018, The City of Asheville entered into a contract with Asheville Staffing for temporary staffing needs. The Contract allows for a one year renewal.
- Since July 2018, four City departments - Finance, Capital Projects -Facility Maintenance, Transportation - Parking Garages, and US Cellular Center have utilized Asheville Staffing agency and collectively expended \$500,000.
- Each department reported favorable outcomes from the contract and continue to need temporary staffing.

Council Goal(s):

- A Fiscally Resilient City

Pro(s):

- We are exercising our option to renew the contract.
- Contracting with this company maximizes the ability to fill temporary positions as expeditiously as possible to allow operational needs to be met; and
- Allows the temporary staffing firm to continue to supplement in-house staff where that work is not able to be filled by a regular, temporary, or seasonal employee.

Con(s):

- None identified.

Fiscal Impact:

- Departments will pay for temporary staffing services out of their approved FY 2019-20 budgets.

Motion:

- Motion to authorize the City Manager to enter into a not-to-exceed contract in the amount of \$500,000 with Asheville Staffing to provide temporary staffing services for the City of Asheville.

RESOLUTION BOOK NO. 41 - PAGE 82

C. RESOLUTION NO. 19-214 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY REGARDING FEASIBILITY SITE ASSESSMENTS AND TO ISSUE A JOINT REQUEST FOR PROPOSALS FOR ONSITE RENEWABLE ENERGY SYSTEMS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County regarding feasibility site assessments and to issue a joint Request for Proposals (RFP) for on-site renewable energy systems in support of the City's renewable energy goals.

Background:

- The City of Asheville will enter into an interlocal agreement with Buncombe County to give authority to issue feasibility site assessments (including structural, energy and fiscal analysis) and issuance of a joint RFP for on-site solar energy systems.
- The City will fund feasibility site assessments conducted on City-owned property.
- Feasibility site assessments will identify facilities capable of housing onsite solar energy systems, cost effectiveness of each site including the payback period and the amount of renewable energy generated towards the 100% renewable energy goal .
- The City will select the sites to be included in the RFP based on the results of the feasibility site assessments.
- Projects beyond the current budget will be considered for the Fiscal Year 2021 budget.
- The City will have a role in selecting and negotiating with the responsive bidder.

Vendor Outreach Efforts:

- Not applicable

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Supports Resolution 18-279 to transition municipal operations to 100% renewable energy.
- This strategy was identified in *Moving to 100 Percent: Renewable Energy Transition Pathways Analysis for Buncombe County and the City of Asheville*.
- An interlocal agreement with Buncombe County will increase the requested number of renewable systems which may provide both the City and County with lower prices.

L

Con(s):

- None

Fiscal Impact:

- Funding for the feasibility site assessments is already budgeted and available in the amount of \$34,682. If staff determines that responsive bidders provide a fiscally viable option, Green Savings may be utilized. Projects beyond the current budget will be considered for the FY21 budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County regarding feasibility site assessments and to issue a joint Request for Proposal (RFP) for on-site renewable energy systems.

RESOLUTION BOOK NO. 41 - PAGE 83

D. RESOLUTION NO. 19-215 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE 0.28 ACRES OF PROPERTY ALONG BROADWAY FROM THE N.C. DEPT. OF TRANSPORTATION

RESOLUTION NO. 19-216 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY 0.28 ACRES OF PROPERTY LOCATED ALONG BROADWAY STREET TO REED CREEK GREENWAY PLAZA, LLC, FOR THE DEVELOPMENT OF AFFORDABLE, MIXED HOUSING

ORDINANCE NO. 4762 - BUDGET AMENDMENT TO ACCOUNT FOR THE REVENUE AND EXPENSES ASSOCIATED WITH THE TRANSACTION OF PROPERTY ALONG BROADWAY

Action Requested: Authorize the City Manager to acquire property along Broadway from NCDOT; authorize the sale of said property along Broadway to Reed Creek Greenway Plaza, LLC for the development of affordable, mixed-income housing; and approve a budget amendment in the General Fund in the amount of \$70,575 to account for the revenue and expense associated with this transaction.

Background:

- In November 2018, the City sold 0.38 acres of property located at 427 Broadway to the adjacent property owner, Reed Creek Greenway Plaza, LLC, at appraised value of \$115,000 for the purpose of building an affordable, mixed-income community.
- Reed Creek Greenway Plaza proposed to build a mixed use, mixed-income community with 38 total residential units, of which 8 units are to be affordable to households at 60% AMI. At the time, the developer agreed to a 25 year deed restriction on the affordability of those 8 units.
- To accomplish this development, additional land is needed from the North Carolina Department of Transportation (NCDOT). NCDOT has offered to sell two parcels of land to the City in a direct sale for appraised value of \$70,575 for 0.28 acres, (Parcels identified as PINs # 9649-14-4359-00000 and 9649-14-4386-00000).

- The City would then sell the parcels to the developer at cost (\$70,575), with deed restrictions to develop affordable housing.
- The developer has agreed to extend the term of affordability to 30 years for the 8 units planned within the new housing community.

Council Goal(s):

- Quality Affordable Housing

Committee(s):

- None

Pro(s):

- Supports the development of affordable housing within a mixed-income, mixed-use community, in a location that has access to jobs, transit, goods, and services.
- Utilizes the City's partnership with NCDOT to assist in assembling land for the purpose of developing affordable housing.

Con(s):

- None

Fiscal Impact:

- The City will be reimbursed for its purchase of the 0.28 acres along Broadway. Since this transaction will result in an unbudgeted revenue and expense in the General Fund, a budget amendment is included with this Council action.

Motion:

- Move to adopt a (1) resolution to authorize the City Manager to acquire property along Broadway from NCDOT; (2) resolution to authorize the sale of said property along Broadway to Reed Creek Greenway Plaza, LLC for the development of affordable, mixed-income housing; and (3) budget amendment in the General Fund in the amount of \$70,575 to account for the revenue and expense associated with this transaction.

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RESOLUTION NO. 19-216 - RESOLUTION BOOK NO. 41 - PAGE 85
ORDINANCE BOOK NO. 32 - PAGE 418**

E. RESOLUTION NO. 19-217 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DOWNTOWN DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF 360 HILLIARD AVENUE, KASSINGER DEVELOPMENT GROUP, D/B/A HILLIARD PARK LLC, FOR PUBLIC PARKING AND ASSOCIATED IMPROVEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a downtown development agreement with the developer of 360 Hilliard Avenue, Kassinger Development Group (KDG) dba Hilliard Park, LLC, for public parking and associated improvements.

Background:

- Council approved the sale of city-owned land for an affordable housing development at 360 Hilliard Avenue (zoned CBD) and the associated real estate terms at its June 11, 2019 meeting.
- At that time, staff outlined Kassinger's offer to construct a public parking lot at the rear of Aston Tennis Center, with the City to pay one-half of the proposed costs.

- Per NCGS 160A-458.3-Downtown Development Projects, the City can share up to 50% of a project's cost in the Central Business District if the project is intended to have significant impact on revitalization, which is the intended result of this project. This statute allows the development partner to perform the improvements and exempts the project from public bidding statutes.
- The overall project cost is \$650,000 and the City's share is not to exceed \$325,000. This project will result in the development of driveway improvements, landscaping, stormwater control and 63 public parking spaces to support the future Bacoate Branch Greenway and Aston Tennis Center.
- At this time, staff seeks Council's authorization to enter into a formal agreement for the construction and cost-share associated with this parking lot.

Council Goal(s):

- Well Planned and Livable Community

Committee(s):

- Housing and Community Development - May 28, 2019

Pro(s):

- Creates public parking through a partnership with the developer of the affordable, mixed-income community at 360 Hilliard.

Con(s):

- None

Fiscal Impact:

- The City's share of the parking improvements is not to exceed \$325,000. This amount is budgeted within the Parks, Recreation and Cultural Arts Department Capital Improvements Budget.

Motion:

- Motion to authorize the City Manager to enter into a downtown development agreement with the developer of 360 Hilliard Avenue, Kassinger Development Group (KDG) dba Hilliard Park, LLC, for public parking and associated improvements.

RESOLUTION BOOK NO. 41 - PAGE 86

- F. RESOLUTION NO. 19-218 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT THE FISCAL YEAR 2019 DEPT. OF HOUSING & URBAN DEVELOPMENT CONTINUUM OF CARE (CoC) CONSOLIDATED GRANT APPLICATION FOR ANNUAL CoC COMPETITION AND EMERGENCY SOLUTIONS GRANT REGIONAL APPLICATION ON BEHALF OF NC-501 A-B CONTINUUM OF CARE, ACCEPTING ANY FUNDS SUBSEQUENTLY AWARDED, AND AUTHORIZING THE CITY MANAGER TO SIGN AWARDED CONTRACTS**

Action Requested: Approve submission of Fiscal Year (FY) 2019 U.S. Dept. of Housing and Urban Development Continuum of Care (CoC) Competition Consolidated Application and FY 2019-20 Emergency Solutions Grants (ESG) Regional Application on behalf of the Asheville-Buncombe Continuum of Care (CoC NC 501), accepting any funds subsequently awarded, and authorize the City Manager to sign awarded contracts.

Background:

- The City of Asheville serves as the Continuum of Care Lead for the NC-501 Asheville-Buncombe Continuum of Care (CoC) and the Fiscal Sponsor for Emergency Solutions Grant funds allocated to Asheville by the NC Department of Health and Human Services.
- Each CoC Lead is responsible for submitting the community's Consolidated Application to be considered for grant funding from the CoC Competition. For FY2019, there \$1,238,651 available for projects in the CoC, which includes \$67,500 for the City of Asheville to operate the Homeless Management Information System (HMIS) for the entire NC-501 CoC. There is also \$37,610 available for CoC Lead Planning costs (not ranked).
- The Fiscal Sponsor for Emergency Solutions Grant funding is responsible for submitting the Regional Application to be considered for funding. A total of \$125,971 is available in ESG funds for FY 2019-20.
- The Finance Sub-committee of the Homeless Initiative Advisory Committee (HIAC) has reviewed, scored, and ranked the project applications that were submitted during the competition period.
- If all project applications are awarded, a total of \$1,462,766 will support homelessness prevention, permanent supportive housing, rapid rehousing, emergency shelter operations, HMIS, and community planning.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Homeless Initiative Advisory Committee - August 27, 2019 - unanimously approved

Pro(s):

- Provides revenue to support the City's role in operation of the NC-501 Continuum of Care.
- Provides funding to sustain existing homeless prevention, permanent supportive housing, rapid rehousing, emergency shelter operations, HMIS and community planning.

Con(s):

- None

Fiscal Impact:

- \$104,660 in revenue to support essential operations of the Asheville-Buncombe Homeless Initiative. The grant does not require a city match.

Motion:

- Motion to approve the submission of the FY 2019 United States Department of Housing and Urban Development Continuum of Care (CoC) Competition Grants NC 501 Consolidated Application and the FY 2019-20 Emergency Solutions Grant Regional Application on behalf of the Asheville-Buncombe Continuum of Care, authorize the City Manager to execute grant agreements, and accept any funds awarded.

RESOLUTION BOOK NO. 41 - PAGE 87

G. ORDINANCE NO. 4763 - ORDINANCE REDUCING THE SPEED LIMIT ALONG AMBOY ROAD FROM I-240 TO MEADOW ROAD FROM 45 MILES PER HOUR TO 35 MILES PER HOUR

Action Requested: Adoption of an ordinance changing the posted speed limit along SR 3556 (Amboy Road) from I-240 to SR 3556 (Meadow Road) from 45 mph to 35 mph.

Background:

- N.C. Gen. Stat. § 20-141 gives the City the authority to regulate speed limits within its corporate limits.
- SR 3556 (Amboy Road) is a state maintained street within the city limits.
- The North Carolina Department of Transportation (NCDOT) conducted a traffic-engineering study and determined that 35 mph would be a more appropriate speed limit.
- The Asheville Police Department has reviewed the subject action and they concur with it.
- A future NCDOT project (U-4739) to improve Amboy Road and Meadow Road will incorporate the new posted speed limit of 35 mph.
- Once the subject action is approved and prior to the installation of appropriate signs, Transportation Department staff will coordinate outreach and public education with the Communication & Public Engagement Department (CAPE) and the Asheville Police Department.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- Provides a more appropriate posted speed limit in a growing area that includes residential properties and City park facilities.
- Provides a more appropriate posted speed limit for bicycle riders.

Con(s):

- None

Fiscal Impact:

- There is no fiscal impact to the City of Asheville.

Motion:

- Motion to approve an ordinance changing the posted speed limit along SR 3556 (Amboy Road) from I-240 to SR 3556 (Meadow Road) from 45 mph to 35 mph.

ORDINANCE BOOK NO. 32 - PAGE 419

H. RESOLUTION NO. 19-219 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH EVERBRIDGE INC. FOR MAINTENANCE AND SUPPORT TO THE CITY'S EMERGENCY NOTIFICATION SYSTEM

Action Requested: Resolution authorizing the City Manager to execute a general service agreement with Everbridge, Inc. for the City's Emergency Notification System

Background:

- Contract is for the City's Emergency Notification System.
- Our current contract with Everbridge, Inc. is for \$31,285.28 and will be up for renewal on November 12, 2019.
- This rate is set to increase by 3% to \$32,223.84. Proposed renegotiated contract will be for three years with a lower locked in rate of \$30,995 per year.
- Term runs from November 13, 2019 - November 12, 2022; Total cost: \$92,985.

Vendor Outreach Efforts:

- Everbridge Inc. has been contracted to support and maintain the City's Emergency Notification System by the City of Asheville since November 2014.
- The selection process involved the North Carolina Purchasing System and the City's website. Everbridge, Inc. is the sole-source vendor to provide the said maintenance and support. This request is to renew that Service Agreement.

Council Goal(s):

- Connected & Engaged Community

Committee(s):

- None

Pro(s):

- The City has been using Everbridge, Inc. since November 2014, and staff are familiar with its strengths, limitations, and support process.
- Proposed agreement will save the City of Asheville \$3,686.52 over the term of the contract.

Con(s):

- None

Fiscal Impact:

- The funding needed for the first year of this agreement is currently allocated within the adopted Water Services Fund and General Fund budgets.
- Additional funding needed to cover years two and three and will be requested during future budget processes.

Motion:

- Move to approve a resolution authorizing the City Manager to execute a general service agreement with Everbridge, Inc. for the amount of \$30,995.00 for Fiscal Year 2020 plus the same amount in subsequent years for the maximum of (3) three fiscal years with the understanding that funding is project specific and subject to the annual appropriation of funds.

RESOLUTION BOOK NO. 41 - PAGE 88

I. RESOLUTION NO. 19-220 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DEC ASSOCIATES INC. TO PROVIDE FINANCIAL ADVISORY SERVICES FOR THE CITY OF ASHEVILLE

Action Requested: Adoption of a resolution approving contract for financial advisory services

Background:

- The City of Asheville requires a financial advisor of record for the purpose of reviewing, evaluating, planning, developing, administering, soliciting, structuring, negotiating, and otherwise assisting the City in its financial responsibilities related to municipal debt.
- DEC Associates, Inc. has assisted the City with financial modeling, debt issuance, marketing of securities, and other financial services since 2014.
- This contract replaces the previous master financial advisory contract with DEC which was mistakenly closed out at the end of Fiscal Year 2018-19.
- DEC Associates, Inc. utilizes a complex model and the continued use of this firm maintains continuity in the management of the City's debt model.

- Services rendered under this five-year master contract will have individual engagements defined through supplemental agreements for projects on an as-needed basis.
- The City does not currently owe for any services since the last contract was closed but does intend to begin our first engagement as soon as the new contract is authorized and executed.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Contracting with this company provides outside expertise that enhances the City's financial management; and
- Statute requires a financial firm of record if issuing new debt.

Con(s):

- None.

Fiscal Impact:

- This not-to-exceed, multi-year contract will be funded each year as needed, based on the services to be rendered to each department.

Motion:

- Motion authorizing the City Manager to enter into a not-to-exceed contract in the amount of \$500,000 with DEC Associates, Inc. to provide financial advisory services for the City of Asheville.

RESOLUTION BOOK NO. 41 - PAGE 89

J. RESOLUTION NO. 19-221 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DESIGN SERVICES CONTRACT WITH CLARK NEXSEN FOR THE DR. WESLEY GRANT SR. SOUTHSIDE CENTER FOR THE DESIGN OF INDOOR AND OUTDOOR RECREATION FACILITIES

Action Requested: Resolution authorizing the City Manager to execute a contract with Clark Nexsen for design services for the Dr. Wesley Grant Sr. Southside Center Project for an amount not to exceed \$465,000 and further authorizing the execution of any contract amendments up to 10% (\$46,500) to the contract which may arise during the project.

Background:

- Based on a Request for Qualification (February 2018) to solicit architectural teams for design and engineering of the Dr. Wesley Grant Southside Center, a selection committee reviewed qualifications of eight firms and interviewed three firms in May 2018. The design team led by Clark Nexsen was unanimously selected as the most qualified.
- Conceptual design contract in August 2018 (Contract# 91800052) for \$79,500
- The scope for this design contract amendment is intended to assist in public and community engagement, construction plans, cost estimating, bid documents, LEED Silver design/commissioning, and construction administration for additional indoor and outdoor recreation/community space.
- The Walton Street Pool is not part of this design contract. The design contract for Walton Street Pool will proceed to the City Council at a later date.

Council Goal(s):

- Well-Planned and Livable Community
- Connected and Engaged Community
- Smart City

Committee(s):

- Recreation Advisory Board, September 9, 2019 - informational only

Pro(s):

- Allows design work to proceed on the project authorized in the General Obligation (GO) Bond Referendum to provide additional indoor and outdoor recreation/community space and necessary support facilities.
- Facility improvements will be designed to increase equitable access to community and recreation services for current and future residents through a public community engagement process.
- Provides the City an opportunity to recognize the history of the Southside Community.

Con(s):

- None

Vendor Outreach:

- Staff performed outreach to minority and women-owned business through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. Two Women-Owned Firms submitted qualifications for consideration. The selected team will be utilizing one Women-Owned subconsultant.

Fiscal Impact:

- Funding for this contract amendment exists within the approved GO Bond Capital Budget.

Motion:

- Motion to authorize the City Manager to execute a contract with Clark Nexsen for design services for the Dr. Wesley Grant Sr. Southside Center Project for an amount not to exceed \$465,000 and further authorizing the execution of any contract amendments up to 10% (\$46,500) to the contract which may arise during the project.

RESOLUTION BOOK NO. 41 - PAGE 90

K. RESOLUTION NO. 19-222 - RESOLUTION AUTHORIZING THE SALE OF ONE 2004 STERLING LT9500 DUMP TRUCK DEEMED SURPLUS CITY PERSONAL PROPERTY

Action Requested: Approval of a resolution authorizing the sale of one (1) 2004 Sterling LT9500 Dump Truck deemed surplus City personal property.

Background:

- The Maintenance Division of the City's Water Resources Department identified a 2004 Sterling LT9500 Dump Truck as surplus personal property, with no anticipation of utilization by the City.

- The estimated wholesale value of the 2004 Sterling LT9500 Dump Truck is listed at approximately \$30,000, \$1,000 to \$10,000 above wholesale, depending on condition. Bids will be solicited through GovDeals online auction.
- Pursuant to N.C.G.S. §160A-266, the Sale and Disposal of Personal Property valued at \$30,000 or more must be approved by the City Council. The City's Purchasing Manager has authority to dispose of personal property valued at less than \$30,000 by private negotiation and sale.

Council Goal(s):

- Financially Resilient Community

Committee(s):

- None

Pro(s):

- Prudent asset management
- Space utilization eliminates the need to store large, unused equipment
- Competitive process yielded market price

Con(s):

- None

Fiscal Impact:

- The dump truck is fully depreciated and the Water Resources Fund will recognize the entire amount as revenue from the sale of the asset.

Motion:

- Move to adopt a resolution authorizing the sale of one (1) 2004 Sterling LT9500 Dump Truck deemed surplus City personal property.

RESOLUTION BOOK NO. 41 - PAGE 91

L. RESOLUTION NO. 19-223 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DOSAN FOR THE RICHARD HILL PARK RESTROOM FACILITY AND PICNIC SHELTER

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a construction contract with DOSAN of Indian Trail, NC, in the amount of \$359,300 and to further authorize change orders, if needed, up to the contingency amount of \$35,930 (10%) for Richmond Hill Park restroom facility and picnic shelter.

Background:

- Richmond Hill Park, a heavily utilized park for dog walkers, bicyclists, and disc golfers, lacks supporting amenities such as restroom facilities and picnic shelters.
- Bids were requested on January 23, 2019. Two bids were received and reviewed on February 2, 2019. Both bids exceeded the available budget.
- The Project was rebid on May 22, 2019, and three bids were received and reviewed on June 17, 2019. The high bid exceeded the available funds and the remaining two bids were deemed non-responsive due to one being submitted late and one not completing the required Minority & Women-Owned Business Enterprise (MWBE) forms.

- The project was rebid on June 24, 2019. Bids were received and reviewed on July 2nd. There were three bidders for the project.
 - Dosan Corp, Indian Trail/Charlotte, \$347,000 base bid plus add alternate \$12,300 = \$359,300
 - The Construction and Maintenance Company LLC, Mills River, \$374,526 base bid plus add alternate \$21,935 = \$396,461
 - WTAPS, Asheville, \$299,878 base bid plus add alternate \$5,875 = \$305,662
- WTAPS submitted the lowest responsive, responsible bid for the project. However, they were unable to provide the performance and payment bonds.
- Dosan is the second lowest responsive, responsible bidder for this project.

Vendor Outreach Efforts:

- Staff performed outreach to MWBE firms through solicitation processes which included posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to MWBE service providers for subcontracted services. Dosan is a minority business enterprise.

Council Goal(s):

- Clean and Healthy Environment & Well-Planned and Livable Community.

Committee(s):

- January 14, 2019 meeting - Recreation Advisory Board - project status update

Pro(s):

- Permanent restroom facilities will expand the park user base to include families with small children.
- Project will improve the park experience for Asheville residents.
- These amenities respond to public input in regards to desired park improvements.
- Supports the Parks, Recreation, Cultural Arts Master Plan (2009).

Con(s):

- Park users will be temporarily inconvenienced by construction.

Fiscal Impact:

- Funding for this contract exists within the approved GO Bond Capital Budget.

Motion:

- Authorize the City Manager to enter into a construction contract with Dosan, of Indian Trail NC, in the amount of \$359,300 and to further authorize change orders if needed, up to the contingency amount of \$35,930 (10%) for Richmond Hill Park restroom facility and picnic shelter.

RESOLUTION BOOK NO. 41 - PAGE 92

- M. RESOLUTION NO. 19-224 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN EXISTING INSURANCE BROKER OF RECORD AGREEMENT WITH INSURANCE SERVICE OF ASHEVILLE FOR FISCAL YEAR 2019-20 AND AUTHORIZE PROVIDING THE INSURANCE SERVICES THROUGH JUNE 30, 2021**

Action Requested: Adoption of a resolution authorizing the City Manager to renew an existing Insurance Broker of Record agreement with Insurance Service of Asheville (ISA) for Fiscal Year 2019-20 and authorize providing the insurance services through June 30, 2021.

Background:

- The City of Asheville (City) Risk Management Division (Risk) works with Insurance Service of Asheville (ISA) to obtain insurance policies to address City risk and loss exposures, including but not limited to: property, auto, equipment, excess liability, excess workers' compensation, dam liability, crime, and builder's risk.
- In the Spring of 2016, Insurance Broker of Record Services were sought via a Request for Proposals and ISA was the best proposer.
- In September of 2016, a contract was entered into with ISA to provide Insurance Broker Services for one year, with the option for the City to renew four additional years.
- Annually, ISA contracts total \$29,900 annually.
- As a result of multiple years of ISA Service provision, the aggregate value of ISA's Service contract will exceed \$90,000 in Fiscal Year 2020, necessitating City Council authorization for Services to continue in Fiscal Year 2020 and Fiscal Year 2021.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Ensures Service continuity to support the City insurance program.

Con(s):

- None.

Fiscal Impact:

- Contract expenses for Insurance Broker Services are budgeted within the Property & Liability Fund and adopted with the Fiscal Year 2019-20 budget. The ISA contract is contingent on budget appropriations in future fiscal years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to renew an existing Insurance Broker of Record contract with ISA for Fiscal Year 2019-20 and authorize ISA to provide services through June 30, 2021.

RESOLUTION BOOK NO. 41 - PAGE 93

N. RESOLUTION NO. 19-225 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A THREE-YEAR CONTRACT WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA FOR THE OPERATION OF A HOMELESS STREET OUTREACH PROGRAM

Action Requested: Authorize the City Manager to execute a contract with Homeward Bound of Western North Carolina to implement a homeless street outreach program.

Background:

- Council allocated \$150,000 in the adopted Fiscal Year 2019-20 budget for Homeless Street Outreach services.
- Under this contract, Homeward Bound will assist APD and AFD in referrals and issues related to persons experiencing homelessness, work collaboratively with APD officers to

de-escalate crises and divert arrest when appropriate, and educate businesses and residents in areas most impacted by the presence of people experiencing homelessness.

- Homeward Bound of Western North Carolina is the only qualified organization with capacity to effectively operate the program.
- Program can launch 30-45 days after execution of a contract, with 1 FTE person for 3 years, \$50,000 each year.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- None

Pro(s):

- Provides assertive street outreach for homeless populations not currently being served.

Con(s):

- None

Fiscal Impact:

- \$50,000 cost each year for 3 years, total cost of \$150,000 over 3 years.

Motion:

- Authorize the City Manager to execute a contract with Homeward Bound of Western North Carolina for a total of \$150,000, with annual cost not to exceed \$50,000 each year.

RESOLUTION BOOK NO. 41 - PAGE 94

O. RESOLUTION NO. 19-226 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BRADLEY & CONNER GRADING CONTRACTORS, FOR THE LAKE CRAIG SEDIMENT REMOVAL PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Bradley & Conner Grading Contractors, Inc. in the amount of \$261,244.25 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of \$39,186.64 (15%) for a total budget of \$300,430.89 for the Lake Craig Sediment Removal Project.

Background:

- The contract was advertised on August 21, 2019, with a Bid Due date of September 3, 2019 (informal, thus no public bid opening).
- During the non-mandatory pre-bid meeting, a total of (8) contractors attended this meeting.
- Bids were reviewed on September 3, 2019. Three (3) bids were received.
- The lowest responsive, responsible bidder was Bradley & Conner Grading Contractors, Inc.
- Construction is anticipated to start around mid-October. Weather permitting, the project should be completed in just over a month.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System, City of Asheville website, City of Asheville Twitter Account, and requiring prime contractors to

reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.

- With this contract being in the informal range, the decision was made not to require Performance and Payment Bonds in order to open up opportunities for MWBE firms to be able to bid on this project.
- Past contractors who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement. During preparation for advertising this contract, the contract was shared with the Business Inclusion Manager in the Community & Economic Development Department.
- Out of the three (3) bids received, only one bidder is a certified firm. This certified firm is a Small Business Enterprise (SBE), but the firm was not selected because the bid amount was significantly higher than all other bids received.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- The contract will restore the area to conditions that were designed to help reduce flooding from the Swannanoa River.

Con(s):

- Construction may be somewhat disruptive to nearby residences.
- Also, traffic to the Nature Center and soccer fields may be impacted at times.
- Efforts will be made to notify the public and minimize disruptions.

Fiscal Impact:

- Funding that was originally budgeted in the Stormwater Capital Improvement Program (CIP) for contracted pipe replacement is being used to fund this project.
- Pipe replacement moving forward will be performed by in-house crews in the Stormwater Operating Fund budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Bradley & Conner Grading Contractors, Inc. in the amount of \$261,244.25 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of \$39,186.64 (15%) for a total budget of \$300,430.89 for the Lake Craig Sediment Removal Project.

RESOLUTION BOOK NO. 41 - PAGE 95

P. RESOLUTION NO. 19-227 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT, RELEASE, AND INDEMNIFICATION AGREEMENT WITH THE LONG SHOALS PARTNERS LLC.

Action Requested: Adoption of a resolution authorizing the City Manager to execute a Settlement, Release, and Indemnification Agreement with Long Shoals Partners, LLC.

Background:

- In 2005, the City annexed property located at 291 Long Shoals Road.

- As part of the annexation, the City was required to update the utilities located on the annexed property and bring them up to City-standards.
- The Council-approved annexation plan specifically provided that the City would pay to extend sanitary sewer services to the annexed property located at 291 Long Shoals Road.
- Since the time of annexation, the previous owner of 291 Long Shoals Road had been in regular contact with the City regarding how and when the City would be allowed to install the sanitary sewer line at his property, but the line was not actually installed before that previous owner elected to sell the property earlier this year.
- The current owner of the property, Long Shoals Partners, LLC, wishes to install a much more complex sanitary sewer system on the property than the City originally agreed to install.
- The property owner has accordingly agreed to accept a one-time payment in lieu of the City installing the sanitary sewer lines. The amount of this payment, \$92,148, is based on an estimate of the actual cost to install the length of sewer line the City originally planned to install.

Council Goal(s):

- Well-Planned and Livable Community

Committee(s):

- None

Pro(s):

- The execution of this Agreement will extinguish the City's obligation to install any sewer systems at 291 Long Shoals Road.

Con(s):

- Will require the City to pay \$92,148.

Fiscal Impact:

- Funding for this one-time payment of \$92,148 will come from the FY 2019-20 Budget allocated to the Capital Improvement (CIP)/Debt model.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a Settlement, Release, and Indemnification Agreement with Long Shoals Partners, LLC, and issue a one-time payment to Long Shoals Partners, LLC in the amount of \$92,148.

RESOLUTION BOOK NO. 41 - PAGE 96

Q. RESOLUTION NO. 19-228 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MEDSTREAM ANESTHESIA FUNDRAISER ON SEPTEMBER 28, 2019

Action Requested: Adoption of resolution to permit the possession and consumption of malt beverages and/or unfortified wine at the Medstream Anesthesia Fundraiser.

Background:

- The following organization has requested that City Council permit them to serve beer and/or unfortified wine at their event and allow for consumption at the event:

- American Cancer Society for the Medstream Anesthesia Fundraiser, to occur on September 28, 2019, at Carrier Park from 5:00 p.m. - 8:00 p.m.
- Alcohol boundary is defined as per the accompanying event site map.

Council Goal(s):

- This action has no direct connection with the City Council 2036 Vision.

Committee(s):

- None

Pro(s):

- Allows fundraising opportunity for the sponsoring nonprofit organization

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at the Medstream Anesthesia Fundraiser.

RESOLUTION BOOK NO. 41 - PAGE 97

Four individuals urged Council to adopt a climate emergency resolution for Asheville. Mayor Manheimer said that the first step for Council to consider the resolution is that it be reviewed by the Sustainable Advisory Committee on Energy & Environment and it's on their agenda for October 16, 2019.

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

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

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. CONTINUATION OF PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF THREE PARCELS FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION/ CONDITIONAL ZONING FOR THE CONSTRUCTION OF A MIXED-USE BUILDING AT 71 BROADWAY AND 61 AND 67 NORTH MARKET STREET

Mayor Manheimer announced that on September 10, 2019, this public hearing was held and at the applicant's request, in order to meet with Asheville City Market vendors/ representatives, adjoining business owners, etc., this public hearing was continued until this date.

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone three parcels from Central Business District to Central Business District Expansion/Conditional Zone for the construction of a mixed-use building at 72 Broadway Avenue

and 61 and 67 North Market Street. She said the proposal is for new mixed-use building containing 138 hotel rooms, 37 residential units (including affordable and live/work units), approximately 1,187 square feet of retail space, additional restaurant/bar space within the building associated with the hotel use, and 126 structured parking spaces. At the September 10 meeting, what was mostly discussed as far as concerns had to do with the general lodging use itself and everything else was primarily based on the impact to the Asheville City Market ("City Market"). The sole vehicular access point for the project is off N. Market Street and so there was a lot of discussion related to the existing footprint of the City Market that is within that area. Staff indicated at that meeting that the current policy for vehicular access during special events that are approved with road closures, such as the City Market, is that vehicular access would be prohibited. Additionally, the applicant proposed conditions that would restrict access during the City Market just to make that extra clear that they would not use that vehicular access point during the City Market hours. There was a lot of discussion at that meeting about using the alley for vehicular access during those times of the City Market that was not set into a condition. The proposal stands as it was at that time, with the condition of vehicular access being prohibited from that point on N. Market Street during the times of the City Market.

In response to Mayor Manheimer, Ms. Bernstein said that Conditions 12 and 13 read as they did on September 10 - Condition No. 12 "Access to the City Market will not be disrupted during the construction process." Condition 13 "During the times of road closure associated with the City Market in its current configuration on North Market Street in front of the development site, there will be no vehicular access to the development from the primary driveway on North Market Street, except for emergency vehicles."

Mr. Derek Allen, attorney for the developer BPR, said that at the September 10 hearing, he heard about the City Market, the alley, and hotel saturation. Regarding the City Market, he wanted to make it clear there would be no construction activities during the City Market hours. He asked that Condition 12 be replaced with language suggested by the City Market representation. Condition 12 would now read "No outside construction activities will take place during City Market operations, 6 a.m. - 2 p.m., Saturdays from April through the third Saturday in December." When we prohibited access to N. Market Street during the City Market hours (which is Condition 13), we ended up creating a perceived issue with the alley. To be very clear, there will be no access during the City Market or during other times. We now have a deal with the Masonic Temple to provide access to the north side of the property, through the parking lot. There will be no access to the alley - just for normal alley purposes such as trash rollout. There were questions about dumpsters in the alley and we know that dumpsters will not be allowed in the alley. He didn't foresee any changes to the alley use based on this property being placed at the end of that alley, other than the tip of that alley being closed in further. Where the developer owns both sides of the alley, that short portion will be closed, but the remainder of the alley use will be unchanged. To make that very clear, we propose to add a sentence to the end of Condition 13. "Ingress/egress to the site shall be routed to the north of the site through the parking lot currently owned by the Masonic Temple." We do not want to impact the City Market and we believe the revised Conditions 12 and 13 handles that. Also, we do not want to impact anyone's impact of the alley - they don't propose any changes to the use of the alley. The last issue is about hotel saturation. Since September 10, they commissioned a market study report and sent it to all of City Council. It makes clear that the market has never been stronger. The hotel market still thrived during the recession. Even with the hotels in planning, 80% and higher occupancy is forecasted. The average daily rate is forecasted to \$195 - that is even with those hotels in planning and putting this one in line. This is the highest in all of North Carolina. The demand is here. Regarding the affordability part, we need to have a balance between our hospitality uses and the draw that this community has. It's not just about giving money to the Affordable Housing Trust Fund. It's about building units. And this project does that. There are 37 residential units proposed, 22% of which will be affordable housing and not just barely affordable housing, but 60% AMI for 50 years. Some units are even designed to be

owner-occupied. If the moratorium is approved, we will have some criteria for hotels and he hoped that it includes a lot of things that this project includes. He urged Council to approve this project.

Mayor Manheimer said that the study Mr. Allen sent to Council looked like it did a deep dive into the Airbnb market in the area. Mr. Allen said that is included as an additional point. He felt the report showed that the Airbnb market doesn't put a measurable dent into the hotel occupancy rates, despite the fact that Airbnbs are on the rise.

In response to Councilwoman Mayfield, Ms. Bernstein said that while the access from the parking deck onto the Masonic Temple parking lot, is a design change, it's not a change to the site plan. The only facade that would be affected is an internal property line, so there would not be any technical or design review concern with that.

Councilwoman Mayfield moved to deny the conditional zoning request for the project known as Create Broadway from Central Business District (CBD) to Central Business Expansion District (CBD EXP CZ) for the construction of a new mixed-use building and find that the denial is reasonable, is in the public interest, and is consistent with the city's comprehensive plan in that: 1) the project is primarily lodging in use, and as such, does not meet the comprehensive plan goal of a diverse and sustainable mix of uses in the downtown as it would contribute to a growing concentration of lodging uses and loss of opportunity for other new uses; and 2) the proposed access to/from the development is not sufficient. This motion was seconded by Councilman Young.

Mayor Manheimer opened the parking lot at 5:51 p.m. and asked that public comment be limited to any changes since the September 10 meeting.

Mr. Mike McCreary, representing the management of the Asheville City Market, acknowledged the efforts of the developer to avoid any negative impacts on the City's downtown Farmers Market. He confirmed Condition No. 12 as the developer revised. In Condition No. 13, he opposed the phrase "in its current configuration" as suggestive of there being an alternative configuration to be considered.

Nine individuals spoke in opposition to the project for various reasons, mainly because of concerns surrounding the alley and the saturation of hotels in the downtown.

Five individuals spoke in support of the project for various reasons, mainly because this will be a partner on the needed affordable housing, and the need for mixed use developments.

Mayor Manheimer closed the public hearing at 6:17 p.m.

The motion made by Councilwoman Mayfield and seconded by Councilman Young to deny the conditional zoning request carried unanimously.

B. PUBLIC HEARING TO CONSIDER REZONING PROPERTY LOCATED AT 940 WEST CHAPEL ROAD FROM NEIGHBORHOOD BUSINESS DISTRICT TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

ORDINANCE NO. 4764 - ORDINANCE TO REZONE PROPERTY LOCATED AT 940 WEST CHAPEL ROAD FROM NEIGHBORHOOD BUSINESS DISTRICT TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance to rezone property located at 940 West Chapel Road from Neighborhood Business District to RS-8 Residential Single-Family High Density District. This public hearing was advertised on September 13 and 20, 2019.

Action Requested: Rezone the property located at 940 West Chapel Road (PIN 9647-94-6312) from Neighborhood Business (NB) to Residential Single-Family High Density District (RS-8) and amend the City's Future Land Use Map for the purpose of supporting residential redevelopment.

Project Location and Contacts:

- The project site consists of one parcel with a total area of 0.5 acre located at 940 West Chapel Road (PIN 9647-94-6312) that is owned by JCS III LLC.
- Petitioner/Contact: Carr Swicegood.

Summary of Petition:

- The subject property includes a single 0.5 acre lot zoned NB and located on the northeast corner of West Chapel Road and London Road in the Shiloh community.
- The subject property currently has a small commercial structure (approximately 2600 square feet with a basement) along with a parking area. The structure is vacant and in need of repair.
- The subject property is surrounded by RS-8 zoned properties.
- The purpose of the RS-8 zoning district is to provide areas for higher density single-family dwellings and promote a suitable environment for single-family living.
- The area is identified as Neighborhood Center on the Future Land Use map, which describes areas that can be home to small businesses that serve neighborhoods with uses such as restaurants, pubs, grocers and clinics.
- The rezoning would require a change to the Future Land Use map. If approved, the land use designation would be changed to Traditional Neighborhood, which is how the surrounding property is categorized.
- This property has been included in the Draft African American Heritage Resources Survey as it previously was occupied by a grocer in the 1940's that served the Shiloh community.
- Although not officially on the National Register, the property could be recognized in the future through a marker, but that is not included with this rezoning.
- The Shiloh Neighborhood Plan supports both the expansion of housing options and preserving the character of the community, but no direct goals stating that existing commercial structures should be preserved or demolished.

Comprehensive Plan Consistency:

- The Living Asheville Plan recognizes the benefits of small businesses in neighborhoods through the Future Land Use category of Neighborhood Center, and speculates that this is a use that could be developed in other neighborhoods. There is not a direct goal in the plan stating that Neighborhood Centers or uses should be retained (page 340).
- The Comprehensive Plan generally supports historic preservation as a tool for placemaking, retaining community character, and recognizes the link between historic buildings and local businesses (page 152). This proposal would almost certainly result in the loss of a historic building.
- However, expanding housing in this area is also consistent with the Comprehensive Plan by increasing the housing supply (page 178) and the proposed Traditional Neighborhood designation.

Compatibility Analysis:

- The surrounding parcels are also zoned RS-8, therefore this rezoning would be compatible.

- The rezoning supports redevelopment of the property, which has remained vacant and underutilized for an extended period of time.
- Redevelopment of the property will discourage vagrancy and other nuisance issues that can be related to vacant properties.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- Planning & Zoning Commission - July 18, 2019 - recommended approval (6-1)

Staff Recommendation:

- Staff finds that the proposed rezoning is both consistent and compatible with the existing neighborhood development pattern, the Living Asheville Comprehensive Plan and other city goals.

Mr. Carr Swicegood, applicant, said that he will remove a dilapidated building and replace it with new homes, along with sidewalks. He has agreed with the Shiloh Community Association to install a plaque on the property to represent the grocery store that had been there for years in the Shiloh community.

Mayor Manheimer opened the public hearing at 6:25 p.m.

Ms. Norma Baynes, Assistant Liaison to the Shiloh Community Association, spoke in support of the rezoning; however, they requested to see all plans for the houses. They are concerned that the plan provided for the houses do not support their 2025 vision for housing that supports the historic character of their neighborhood. The Shiloh Community Association is not in support of staff approval of Level I projects that look like huts. The Association also felt like the six homes will cause a potential traffic problem at that intersection.

Ms. Nina Tovish felt this area is a good spot for mixed use development.

Mayor Manheimer closed the public hearing at 6:35 p.m.

Mayor Manheimer said that this is a straight rezoning and there is not a proposal for City Council to consider. It is only a change in the use of the property.

When Councilwoman Smith suggested a bus shelter for the bus stop, Ms. Vrtunski explained that this is not a conditional zoning where we can impose conditions upon the applicant.

Councilman Young suggested the applicant meet again with the Shiloh Community Association to see if they can come up with a compromise of what the applicant wants to do with the property and what the Association feels is compatible with their Shiloh 2025 Plan. Mr. Swicegood responded that he held a neighborhood meeting with the Association and has since then provided them with a copy of his plans, which are three houses, with an accessory dwelling unit behind each house. He anticipated the accessory dwelling units would be used for long-term rentals or purchase. He felt this is a fair plan with his compromise of no two-story houses and the historical plaque.

Ms. Vrtunski said that since this is a straight rezoning, Mr. Swicegood is not obligated to proceed with this plan. The design is not to be considered with a straight rezoning.

Mr. Swicegood said that they have built several houses in the neighborhood and heard no complaints. He said they have every intention of building this project right. Ms. Baynes responded that the Association supports the rezoning; however, their problem is with the design of the houses. Mr. Swicegood agreed to meet again with the Association to discuss the plan.

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

Councilman Young moved to approve the rezoning request for the project known as 940 West Chapel Road from Neighborhood Business (NB) to Residential Single-Family High Density District (RS-8) and find that the request and resulting Future Land Use Map amendment from Neighborhood Center to Traditional Neighborhood is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that 1) it will support the redevelopment of the land; 2) it assigns a zoning designation that is more compatible with the surrounding properties; and, 3) it will allow for the construction of single family homes that are compatible with the surrounding neighborhood. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 420

C. PUBLIC HEARING TO CONSIDER REZONING PROPERTY LOCATED AT 99999 LAKESIDE DRIVE FROM RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT

ORDINANCE NO. 4765 - ORDINANCE TO REZONE PROPERTY LOCATED AT 99999 LAKESIDE DRIVE FROM RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT

Urban Planner Vaidila Satvika said that this is the consideration of an ordinance to rezone property located at 99999 Lakeside Drive from RS-4 Residential Single-Family Medium Density District to RM-8 Residential Multi-Family Medium Density District. This public hearing was advertised on September 13 and 20, 2019.

Action Requested: Request to rezone a single parcel of property currently zoned Residential Single-Family, Medium Density District (RS-4) to Residential Multi-Family, Medium Density District (RM-8).

Project Location and Contacts:

- The project site consists of one parcel with a total area of 3.73 acres located at 99999 Lakeside Dr. (PIN 9628-13-2010) that is owned by Asheville West LLC.
- Petitioner/Contact: Jim Rahe.

Summary of Petition:

- The subject property is currently vacant and undeveloped.
- The proposal seeks to rezone property from Residential Single-Family Medium Density (RS-4) District to Residential Multi-Family Medium Density District (RM-8). If approved, the rezoning would allow for a subdivision of 6-10 residential lots.
- The petition does not affect the Future Land Use category of "Residential". As described in the Comprehensive Plan Consistency section of this report "Residential" covers a variety of housing types and densities.

Comprehensive Plan Consistency:

- This proposal is largely consistent with the Living Asheville Comprehensive Plan in that the “Residential” Future Land Use category allows for a variety of housing types, from lower density, single-family (RS-2) zoning districts to higher density multifamily (RM-16) zoning districts.
- The plan also acknowledges that more flexibility for development should be encouraged “in areas that could impact the natural environment, such as waterways or steep slope areas,…” (pg. 346.)

Compatibility Analysis:

- The subject property is on the edge of the city’s corporate limits and is bordered by Buncombe County’s jurisdictional territory to the west and south.
- Property across the street to the east is zoned RM-8 while larger lots to the north are zoned RS-4. This property may serve as a transition between the higher density RM-8 and lower density RS-4.
- The rezoning would result in smaller building setbacks that would allow future structures to be placed closer to the street, which is consistent with the development pattern along other parts of Lakeside Drive, less than a quarter mile away.
- If approved the rezoning would allow for a subdivision of residential lots, or a small multi-family structure.
- The rear of the site contains a stream that requires a 30 foot buffer, which limits the buildable area. By changing the zoning to RM-8, the front setback would be reduced and would provide more buildable area closer to the road. This would help to preserve the integrity of the stream buffer and potentially limit other environmental impacts.

Council Goal(s):

- A Well-Planned and Livable Community
- A Clean and Healthy Environment

Committee(s):

- Planning & Zoning Commission - September 4, 2019 - recommended approval (7-0)

Staff Recommendation:

- Staff finds that the proposed rezoning is consistent and compatible with the existing neighborhood development pattern, the Living Asheville Comprehensive Plan and other city goals.

Mr. John Hale, applicant, said that even though the rezoning would allow for multi-family, he is looking to build seven single-family homes.

Mayor Manheimer opened the public hearing at 6:53 p.m., and when no one spoke, she closed the public hearing at 6:53 p.m.

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

Councilman Young moved to approve the rezoning request for the project known as 99999 Lakeside Drive from Residential Single-Family Medium Density District (RS-4) to Residential Multi-Family Medium Density District (RM-8) in order to support infill residential development and find that the request is consistent with the city’s comprehensive plan, is reasonable, and is in the public interest in that: 1) it allows for flexibility for infill residential development; 2) the proposed pattern of development is consistent with the current neighborhood character; and 3) the proposal provides environmental benefits by encouraging grading and

development to take place further from the stream. This motion was seconded by Councilwoman Mayfield and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 424

D. PUBLIC HEARING TO CONSIDER A TEMPORARY MORATORIUM ON HOTEL DEVELOPMENT APPROVALS WITHIN THE CITY OF ASHEVILLE

ORDINANCE NO. 4766 - TEMPORARY MORATORIUM ON HOTEL DEVELOPMENT APPROVALS WITHIN THE CITY OF ASHEVILLE

Planning & Urban Design Director Todd Okolichany said that this is the consideration of an ordinance to place a temporary moratorium on hotel development approvals within the City of Asheville. This public hearing was advertised on September 13 and 20, 2019.

Action Requested: Adoption of an ordinance imposing a temporary moratorium on hotel development approvals within the City of Asheville.

Background:

- The City of Asheville has experienced an influx of new hotel applications over the past few years. Since 2015, 1,344 hotel rooms have opened in the city out of 2,761 total rooms that have been approved. Of that, approximately 39% of have been approved in the Central Business District.
- The Living Asheville Comprehensive Plan Assessment Report further notes that Accommodation and Food Service, which includes lodging, is a key industry sector in the City with a location quotient higher than the national average.
- Community members, staff and Council have expressed concerns about the impact of hotels.
- The City currently lacks concrete policies, strategies and tools to effectively manage the impacts of these uses resulting in uncertainty for developers, staff and community members.
- To effectively respond and provide some level of certainty and to determine acceptable hotel development proposals, city staff recommends enhancing the city's land use policies, tools and strategies to better regulate hotel development.
- Consideration of additional hotel development should be suspended via a temporary moratorium up to 12 months to provide the time needed to determine impacts and remedies.
- During the duration of the moratorium, the following actions are proposed:

Phase 1 (three months)

- Contract with the Urban Land Institute Charlotte District Council to conduct a planning process that includes two community engagement sessions, analysis of the hotel industry, assessment of impacts, research of best practices, and a report on best land use practices and policy recommendations for hotel development.

Phase 2 (up to nine months)

- Supplemental research and analysis by city staff, creation of a community engagement plan, and draft regulatory changes, strategies and tools for Council consideration.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- Planning and Economic Development Committee (PED) - August 29, 2019 - support shown to move forward to the full Council.
- City Council - September 10, 2019 - motion setting a public hearing on September 24, 2019 to consider a temporary moratorium on hotel development approved 7-0.

Pro(s):

- Gives the city time to better understand the impacts of new hotel development and mitigation requirements.
- Allows for research of best practices and to enhance the city's land use policies, tools and strategies.
- Will provide clearer direction to applicants of new hotel developments, City Council and the community.

Con(s):

- No new hotels will be approved during the duration of the temporary moratorium.

Fiscal Impact:

- The city will be contracting with the Urban Land Institute Charlotte District Council to conduct a Technical Assistance Panel and draft a report on policy recommendations regarding hotel development. The cost of this contract is \$15,000 and will be paid from the existing Planning Services Department budget. City staff resources will also be required.

Councilman Haynes requested the following two areas be made part of the impact assessment. The first is the tourism and future developments negative effects on the environment. With the call for the City to proclaim a climate emergency, which he fully supports, and for us to make it a part of our Comprehensive Plan, it would be wrong to not make this part of the assessment. The other item he would like to see a part of the assessment is the Tourism Development Authority's \$20 Million marketing budget. He questioned what role that plays in the affordability issues plaguing our City. With a \$20 Million marketing budget for a City our size does not seem right. The City of Wilmington has a \$5 Million marketing budget and there are larger cities with similar make-up.

Councilwoman Mayfield said that she hoped that during the moratorium we explore mixed use involving hotels.

Mayor Manheimer opened the public hearing at 6:58 p.m.

Fifteen individuals spoke in support of the moratorium.

Three individuals spoke against the moratorium.

Mayor Manheimer closed the public hearing at 7:45 p.m.

Councilman Young has heard a common theme of the intersection between hotels, housing, and how hotels affect the quality of life. With this moratorium, Council is challenged to move forward in a very strategic and purposeful way of developing policy. We are expected to come out of the moratorium with some sound policy that includes some answers to questions raised of the impacts; infrastructure; and the intersection of hotels and housing. Moving forward his specific contribution to the conversation is going to be on building affordable housing and that contribution to our community. A couple of affordable units might not seem much, but we need to explore how all that fits together. We have the obligation to explore everything across the board on how we attack this situation.

Councilwoman Mayfield spoke about the legal scope on things we can explore during this moratorium, and also what we can do in the timeframe of the moratorium. She said the Tourism Development Authority (TDA) has a planning process now for their Tourism Management & Investment Plan. They have had public input but there will be more. The hope for the outcome of that process is that there will be a list of local government projects and other opportunities to use the occupancy tax money to invest in our community in a way that is broader than happens now. She encouraged everyone to participate in that process. She doesn't think it will be possible with the current legislature for the City to unilaterally secure a change. From her standpoint, this is an opportunity for the City and the TDA to find a way to cooperate so that more of those occupancy tax dollars come to the City to meet the needs of our residents in a way that everyone has expressed. Regarding affordable housing, we have more tools in our toolbox than any City in North Carolina. We are doing a lot on affordable housing and will be doing more - we will be adopting a policy later in this meeting; there is a community land trust coming on board; and a fee rebate policy will be coming soon. Our affordable housing staff continues to build that toolbox that will incentivize and make it better and easier for us to build affordable housing. Regarding climate change, Asheville has been working on this issue with our first set of climate goals since 2007 and we have upped the game twice since then, including the resolution on renewable energy. That resolution doesn't just commit us to reaching the goals on our own municipal operation, it also commits us to supporting and working with the County to reach the larger community goal. We have committed ourselves to that. We are doing a lot and it is moving. We are doing more around climate change than any city in North Carolina.

Mayor Manheimer's only concern about this process is that we set some sort of expectation that this Council can fix all things. Most people know that we can't. We are the front line of so many issues in a community, whether technically it's within our authority-wise jurisdiction or not. She is looking forward to this innovative process. Maybe we can set a precedent for other communities that are having similar experiences to ours.

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

Councilwoman Mayfield moved to adopt an ordinance imposing a temporary moratorium on hotel development approvals within the City of Asheville, including "Hotel, extended stay", "Hotel, large" and "Hotel, small" as defined in Section 7-2-5 of the City's Unified Development Ordinance, commencing September 24, 2019 and expiring no later than September 24, 2020. This motion was seconded by Councilman Young and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 427

E. PUBLIC HEARING TO CONSIDER AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE FOR AT-LARGE ELECTIONS FOR MEMBERS OF THE CITY OF ASHEVILLE CITY COUNCIL

City Attorney Brad Branham said that this is a public hearing to consider amending the City of Asheville Charter to provide for at-large elections for members of the City of Asheville City Council. This public hearing was advertised on September 13, 2019.

Background:

- On June 29th, 2018, the N.C. State legislature ratified SB 813 which altered the form of Asheville City Council elections.
- The new local act moved City Council elections from odd to even years, removed primary elections, and established five election districts.

- Under the current law, the City Council will be made up of seven council members, including the Mayor. Five members will be elected from and by their respective districts, while one member and the Mayor will be elected at-large.
- The two proposed charter amendments would reinstate primary elections to be held in March, and return all Council positions to at-large elections.
- On September 10, 2019, City Council adopted two resolutions of intent to set the public hearings on the City of Asheville Charter amendments on September 24, 2019.

Council Goal(s):

- An Equitable and Diverse Community
- A Connected and Engaged Community

Committee(s):

- Governance Committee - July 29 (Converted to Full Council Worksession)

Pro(s):

- Returns City Council elections to a form as close as possible to what existed prior to enactment of SB 813.

Con(s):

- A Charter amendment can be further amended by State action
- May result in diminished goodwill and additional provocation from the General Assembly

Fiscal Impact:

- None at this time.

Mayor Manheimer opened the public hearing at 8:21 p.m.

Seven individuals spoke against changing the Charter back to at-large elections, with three supporting Councilman Kapoor's proposal of adding two additional at-large members.

Three individuals spoke in favor of changing the Charter to provide for at-large elections.

Mayor Manheimer opened the public hearing at 8:42 p.m.

Mayor Manheimer said that this amendment will be voted on by the City Council on October 22, 2019, at which time no additional public comment will be taken.

F. PUBLIC HEARING TO CONSIDER AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE THAT ASHEVILLE CITY COUNCIL ELECTIONS BE CONDUCTED BY THE NONPARTISAN PRIMARY AND ELECTION METHOD

City Attorney Brad Branham said that this is a public hearing to consider amending the City of Asheville Charter to provide that Asheville City Council elections be conducted by the nonpartisan primary and election method. This public hearing was advertised on September 13, 2019.

Background:

- On June 29th, 2018, the N.C. State legislature ratified SB 813 which altered the form of Asheville City Council elections.
- The new local act moved City Council elections from odd to even years, removed primary elections, and established five election districts.

- Under the current law, the City Council will be made up of seven council members, including the Mayor. Five members will be elected from and by their respective districts, while one member and the Mayor will be elected at-large.
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- An Equitable and Diverse Community
- A Connected and Engaged Community

Committee(s):

- Governance Committee - July 29 (Converted to Full Council Worksession)

Pro(s):

- Returns City Council elections to a form as close as possible to what existed prior to enactment of SB 813.

Con(s):

- A Charter amendment can be further amended by State action
- May result in diminished goodwill and additional provocation from the General Assembly

Fiscal Impact:

- None at this time.

Mayor Manheimer opened the public hearing at 8:43 p.m.

Six individuals spoke in favor of amending the City's Charter to provide that Asheville City Council elections be conducted by the nonpartisan primary and election method, with some wishing this action would have taken place sooner.

Mr. Jake Quinn, Chair of the Buncombe County Board of Elections said that operationally the County Board of Elections can handle a March primary.

Mayor Manheimer closed the public hearing at 8:58 p.m.

Mayor Manheimer said that regarding the timing issue, this is not something we have been ignoring. This requires careful planning. There was some thought put into the timing. We don't take lightly in taking on Raleigh and we have seen very real consequences in engaging in that kind of warfare. There will be a repuccision so we have to decide carefully what we are willing to take on.

Councilman Kapoor felt we have not done community engagement on what system best serves the average Asheville citizen. He has not heard why returning to an at-large system is good for Asheville. He said that Equity and inclusion is serious piece in this City and on an issue as important as districting and how we choose our representations, we did not have the Office of Equity and Inclusion look at this issue. He was concerned that we did not have community engagement in the African American community on as an important issue as this.

Councilwoman Mayfield felt we need to be responsive to our voters who have said that they want us to restore what Raleigh took away from us. Our ability to have a different conversation about some of the other options will be difficult until we do that very clearly. Perhaps at a future Governance Committee she proposed assigning Council members to

different parts of the City for purposes of having a point person for the constituents to direct their inquiries/complaints/comments. Obviously anyone can email anyone on Council about anything, but sometimes an individual Council member might think that someone else is responding and it doesn't get answered. There is room to see how Council can structure themselves to better serve our constituents and give people a very clear entry point into the maze of City government.

Councilman Young said that as an African American man, he does have the ability to speak for the African American community. He was born and raised in Asheville and has knocked on hundreds of doors to speak with and share conversations with his African American community. He was an advocate for our Equity and Inclusion Office, the Human Relations Commission, Banning the Box, and organizations accepting Housing Choice Vouchers.

Councilwoman Smith said that the voters have spoken and they don't want a different election system. Our current at-large system has produced two African American Council members that they favor. To change the system now will be a detriment to our entire community. Our current at-large system is equally powerful in getting people on Council as it has to keep people off Council.

Councilman Kapoor said he did not mean to be disrespectful to Councilwoman Smith or Councilman Young.

When Councilman Kapoor asked if we could have the Office of Equity and Inclusion look at this issue before it comes to Council before a vote, Mayor Manheimer suggested we place it on a Council committee agenda for their consideration when we have some time to discuss and think about it.

Mayor Manheimer said that this amendment will be voted on by the City Council on October 22, 2019, at which time no additional public comment will be taken.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 19-229 - RESOLUTION ADOPTING A POLICY ENTITLED "POLICIES FOR IMPLEMENTING AFFORDABLE HOUSING ON CITY-OWNED LAND"

Real Estate Program Director Nikki Reid said that this is the consideration of a resolution to adopt a policy entitled "Policies for Implementing Affordable Housing on City-Owned Land."

Action Requested: Approval of a resolution to adopt a policy for developing City-owned land for affordable housing entitled "Policies for Implementing Affordable Housing on City-owned Land."

Background:

- In 2015, the City adopted the "Comprehensive Housing Strategy and Policy Framework" which included the use of City-owned land as development sites for the creation of new affordable housing.
- In the coming months, the City is seeking to solicit development proposals for properties at 319 Biltmore Avenue and 91 Riverside Drive as part of the implementation of the Affordable Housing Bond Program.
- To guide this effort and any future development of other City property for affordable housing, staff developed a set of policies to establish procedures, affordable housing goals and financial incentives when developing affordable, mixed-income communities on City-owned land. This set of policies was based on research of national best practices,

existing regional policies and policy discussions from the Affordable Housing Work Session.

- Staff performed a review of the policy using the "[Racial Equity Toolkit: An Opportunity to Operationalize Equity](#)", as prepared by the Local and Regional Government Alliance on Race and Equity, as a tool to "integrate explicit consideration of racial equity in decisions." As part of this process, community input was sought from the Affordable Housing Advisory Committee, a stakeholder focus group of community advocates, and a stakeholder focus group of local nonprofit and for-profit developers.
- Goals of the policy include the following:
 - Affordable Housing Baseline #1: When developing City property, it is the City's baseline goal to obtain a minimum of 20% of total units (rental or for-sale) as affordable to and occupied by households at or below 60% Area Median Income, and to accept Housing Choice Vouchers.
 - Affordable Housing Baseline #2: When developing City property, it is the City's baseline goal for the affordable housing to maintain an affordability period of at least 20 years, with a strong preference towards an affordability period of 30 years or longer. A recordable enforcement mechanism, such as but not limited to, a deed restriction or some other contractual provision specifying the affordability conditions shall be required.
 - Exceeding the baseline: It is the City's strong preference that the development of City property exceed these baselines, where appropriate, and/or offer other community benefits.
- The Executive Summary of the policy and draft of the full policy are enclosed for reference.
- On September 6, 2019, City Council held an Affordable Housing Work Session and discussed the realities of local affordable housing needs, barriers to building affordable housing and the role of the City in the development of affordable, mixed-income communities.
- At this meeting staff also tested and Council agreed to support the staff's recommendation to do the following:
 - evaluate funding streams for affordable housing to include mission driven developers and social equity funders;
 - approve a policy for the disposition of City-owned Land for affordable housing;
 - evaluate update and approve regulations around zoning & housing to include a mix of housing types; and,
 - continue to be the Collaborator / Convenor for affordable housing.

Council Goal(s):

- Well Planned and Livable Community
- Quality Affordable Housing

Committee(s):

- Affordable Housing Advisory Committee - provided feedback and suggested changes.
- Housing & Community Development Committee reviewed the item at their April 2019 meeting and provided feedback and suggested changes.

Pro(s):

- Policies will enhance transparency and provide a clear process for developing City land for affordable housing.
- Policies set forth goals for creating affordable housing and achieve other community benefits.

Con(s):

- None

Fiscal Impact:

- The policy sets forth that all funds received from the sale of City land for affordable housing will be designated to be used for affordable housing. This does not apply to properties that were acquired with Enterprise Funds or properties sold for purposes other than to support affordable housing.

When Vice-Mayor Wisler asked how will we make sure the developer adheres to the requirements, City Attorney Branham said that we have very strong effective, well-used legal tools, regardless of rental or sale.

Vice-Mayor Wisler suggested an annual report be provided to the Housing & Community Development Committee on how many affordable units we have that report to the City.

Ms. Nina Tovish urged Council to be proactive in seeking affordable housing on City property for more than 20 years.

Councilwoman Mayfield said that she is confident our staff has looked to maximize our land for affordable housing.

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

Vice-Mayor Wisler moved to approve a resolution to adopt a policy for developing City-owned land for affordable housing entitled "Policies for Implementing Affordable Housing on City-owned Land." This motion was seconded by Councilwoman Smith and carried unanimously.

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B. RESOLUTION NO. 19-230 - RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

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

The term of Jim Muth, as a member of the Buncombe County Tourism Development Authority, (owner or operator of a hotel, motel, bed & breakfast, or vacation rental management company with less than 100 rental units), will expire August 30, 2019.

The following individuals applied for these vacancies: Pratik Bhakta and James Poole.

On August 27, 2019, the Boards & Commissions Committee recommended interviewing both candidates

After Council spoke highly of both candidates, Pratik Bhakta received 1 vote, and James Poole received 6 votes. Therefore, James Poole was appointed as a member of the Buncombe County Tourism Development Authority, (owner or operator of a hotel, motel, bed & breakfast, or vacation rental management company with less than 100 rental units), to serve a three-year term, term to expire August 30, 2022, or until his successor has been appointed.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Susan Sertain spoke about the need for stricter tree policies with fines being enforced.

Ms. Vicky Meath, Director of Just Economics, spoke about the need of the transit capacity benchmarks.

Results of the September 19, 2019, Civil Service Board Employee Election

One copy of the results of the Civil Service Board employee election held on September 19, 2019, is to be filed with the City Manager and one with the City Clerk, who shall present such certification to the City Council at its next regular meeting. The Board of Canvassers provided the following certified certificate on September 20, 2019: We do hereby certify, having opened, canvassed, and determined the original returns of the Civil Service Board employee election, the results of the Civil Service Board Employee Election held on September 19, 2019, noting the name of each person voted for and the number of votes cast for each person as follows: Alan Escovitz - 44; Mike Hahn - 48.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:43 p.m.

CITY CLERK

MAYOR