

Tuesday – February 25, 2020 - 3:00 p.m.

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor (arrived in meeting at 3:55 p.m.); 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

Update on Hotel Development Standards

City Manager Campbell said this worksession will be an update on the hotel development standards. We have had the assistance of the Urban Land Institute (ULI) to respond to concerns and issues raised. We will provide information, along with recommendations from ULI and staff next steps around regulatory strategies. Staff will ask for City Council concurrence of their recommendations or if staff should be doing something differently.

Director of Planning & Urban Design Director Todd Okolichany said the purpose of this worksession is to get Council's concurrence on (1) Hotel development planning process; (2) Briefing book overview and highlights; (3) Urban Land Institute (ULI) Technical Assistance Panel Process (TAP) recommendations; and (4) Council concurrence on recommendations and priorities. He stressed they looked at hotel development as a land use.

He reviewed the hotel development study timeline which started on September 24, 2019, and in late summer of 2020 staff will present final regulatory changes to Council for review and discussion.

Questions answered through the TAP process were (1) What is the appropriate balance of hotels?; (2) How can Asheville leverage hotel development to meet city goals?; (3) Should the city consider special requirements for hotel development in certain areas?; and (4) How can the city work with hoteliers and other stakeholders to reduce negative impacts and better integrate hotels into the community?

He explained the Briefing Book covers all of these topics - Asheville geography, land use and demographics; Overview of relevant plans; Economic conditions, housing and taxation; Regulatory framework; Tourism history, vacation rentals and hotel development trends; and Hotel impacts. This report was prepared with the study questions in mind, and includes data that helped to inform ULI's recommendations. Hotel impacts included transportation and parking, water, sewer, community safety, economic, environmental and social impacts (e.g. displacement).

He reviewed the history and trends: Asheville has a long history as a tourism destination, and hotel development has increased at a faster rate in recent years. Asheville hotel demand remains strong based on high occupancy rates. Short term vacation rental growth also remains strong. Housing affordability continues to be a priority issue. Visitation continues to grow, with a majority of people coming from within the region for health care, entertainment, to eat, shop, etc. In the last 10 years, Asheville's population has grown by about 11% while hotels have increased by approximately 25%. Today, we have about 85 hotels and over 8,300 rooms. Hotel occupancy rates peak at over 80% during peak seasons (Summer and Fall), which is higher than national average) and reach at least 75% occupied throughout the year except during winter months (low is around 47% occupied). One short term vacation rental (STVR) for every four hotel rooms. Not everyone who visits Asheville is a tourist but may be visiting for other reasons. About 35% of visitors are overnight visitors that stay in area lodging - 65% are day trips.

Hotel impacts on water and sewer - On average, hotels use less water than similarly-sized residential uses. Wastewater system demand for hotels is comparable to residential uses. On average hotels use approximately 2,706 gallons per room/per month which is lower than other commercial uses and residential uses, which average 4,500 gallons per unit/per month. The wastewater system demand for hotels is comparable to residential uses, which require an allocation of 120 GPD/bedroom for residential units. The MSD Water Reclamation Facility is operating at approximately 50% capacity.

Hotel impacts on community safety - Hotels generally do not place a greater burden on public safety resources than other uses. Hotels represent a small portion of public safety budgets. Population growth and visitors indeed have an impact on the city's infrastructure and facilities. We clearly have many infrastructure needs and deferred maintenance. However, Asheville experiences these impacts from all types of development, not just from hotels. Our briefing report focused on the impacts of hotels compared to other land use types. Asheville's overall water system is currently at about 50% capacity. In 2018, the cost per call dispatched was \$253. Hotel-related calls, therefore, cost the city approximately \$658,000 in 2018, or 2% of the Asheville Police Department (APD) budget. AFD & APD: In 2018, the Asheville Fire Department (AFD) received about 900 calls related to hotels or less than one call per month per hotel, which translates to an annual cost of approximately \$2,500 for hotel-related AFD service. Restaurants generated approximately 940 of AFD calls in 2018. Between 2014 and 2018, calls to the APD for hotel-related issues have averaged approximately 2% of all department calls.

Hotel impacts regarding economic: Hotel guests have a large positive economic impact on the city, especially on local businesses. Buncombe County ranks in the top four jurisdictions in the state for collections of occupancy taxes. Accommodations and food services wages are low but are higher than the state average. Visitor spending impacts local businesses. About half of visitor spending was on food and beverage and retail combined, and lodging accounted for 23.4% of visitor spending. Visitors to Asheville spent \$2.0 billion in 2017, which generated \$3.1 billion in total business sales, including indirect and induced impacts. Direct Impacts: Travelers create direct economic value within a discrete group of sectors (e.g. recreation, transportation). This supports a relative proportion of jobs, wages, taxes, and GDP within each sector. Indirect Impacts: These are generated by the purchase of goods and services from each directly impacted sector (e.g. food wholesalers, utilities). Induced Impacts: These are generated when employees whose incomes are generated either directly or indirectly by tourism, spend those incomes in the Buncombe County economy. Tourism in Asheville generated \$368 million in overall tax revenues (including property, sales and occupancy taxes?) in 2017, including \$199 million in state and local revenues. For every \$1 spent on advertising, visitors spent \$43 in the Asheville community. Wages: In Buncombe, the Accommodations and Food Services job sector is the lowest paying sector (\$20,688), but is higher than the state average by 16%. When separating Food Services from hospitality, Accommodations wages are about 30% higher. Average wages in Asheville (\$43,070) are low overall compared to the state (\$47,200) and national averages (\$51,960) due to lower wages in the highest paying job sectors (e.g. Professional, Scientific and Tech).

Hotel impacts regarding the environment: Tourism, like many industries, contributes to greenhouse emissions with the industry's largest contributors linked to transportation, shopping and food. According to a 2018 article published in the journal *Nature Climate Change*, tourism accounts for approximately 8% of greenhouse gas emissions, which contribute to climate change. The study found that the industry's biggest emissions contributors are transportation, shopping and food. According to the UN Intergovernmental Panel on Climate Change, aviation accounts for [roughly 3.5% of all human related climate](#) impacts. While 82% of Asheville visitors arrive by car, passenger counts at the asheville airport continues to grow (up 45% in May 2019 compared to May 2018).

Hotel impacts around traffic and parking: Hotels typically generate less vehicle trips than other uses. Parking requirements for hotels is typically less than other uses. Parking availability downtown continues to be a top issue. A 100 room hotel generates 836 trips per weekday including trips to restaurants and other tourism related activities, while 100 single family homes would generate 940 trips. In surveys completed in 2018 and 2019 by the Downtown Commission and Asheville Downtown Association, parking was cited as a top priority as well as a top concern.

Hotel impacts regarding social impacts: Social impacts are difficult to quantify. City staff are using tools to better understand and mitigate impacts of displacement (i.e. neighborhood vulnerability map and racial equity toolkit). The need for tourism to be developed and managed in a sustainable manner for both visitors and local communities is paramount. As pointed out in the opening statement of Living Asheville - There is a need to balance the needs of full time residents, second home owners, tourists and visitors that include housing, jobs, visitor accommodations and infrastructure improvements with the need to preserve the unique sense of place, culture and natural environment that make the city a desirable place to live and visit. While tourism and the associated hotel development are an economic engine for the community and have contributed to the emergence of Asheville as a vibrant city, having provided opportunities for small businesses and industry to grow and enhanced markets for makers and other creatives, the public policy question that the city seeks to address is, how can Asheville balance tourism and the needs of residents and businesses to ensure the authentic character and quality of life for all Ashevilleians is not diminished. We are using more tools to understand and mitigate negative social impacts.

ULI recommendations - big ideas: Use tourism as a way to get what the community wants. Strengthen partnerships and build trust. Equip all stakeholders with facts. Invest in cultural and community assets for both residents and tourists. Tap into the pride and compassion of Asheville. Create predictability in the development review process.

ULI's recommendations are distributed amongst the following categories - revenue generating, planning, and regulatory.

ULI recommendations regarding revenue generating (1) Require lease of any city right-of-way needed during hotel construction - Transportation and Legal have already started a process to 1) update the ordinance to allow for penalties when lane closure permits are not adhered to; and 2) update the lane closure policy and fees. We anticipate bringing this forward before the end of the year. We are expecting to increase the fees (or license agreement) for parking, sidewalk, and lane closures so that the fee is dependent on the location, length of time, and area closed. This is similar to what other agencies do. (2) Utilize existing Business Improvement District (BID) framework - the ordinance passed in 2012; (3) Continue to explore a food and beverage tax - considered in 2018 for prepared food and beverages to be used for increased cleanliness in business districts, better public safety and improved sidewalk maintenance (for example). ULI suggested that it could be applied on a certain spending threshold (e.g. over \$10); and (4) Renegotiate the tax split from the hotel occupancy tax.

ULI's recommendations regarding planning (1) Leverage and regularly update community visioning documents (a) Downtown Master Plan; and (b) Living Asheville; (2) Prepare a tourism management plan - this plan can develop solutions for sustainable tourism and manage this sector in a way that aligns with city goals; (3) Consider a Livability and Tourism Department (or a standing committee that meets regularly). The Tourism division serves as a liaison between the tourism industry and the city's residents, enforces the tourism ordinance and provides administrative support to the Tourism Commission; and (4) Help fund transit such as a circulator bus between key attractions.

ULI's recommendations regarding regulatory - (1) Establish zoning for hotels, including criteria and standards; (2) Evaluate traffic impact analysis threshold - Transportation has started looking at this. Traffic Impact Analysis' (TIA) are now required to include comprehensive analysis of multimodal impacts, which is already in the code, but was not historically required. Consider having different TIA requirements depending on the location of the project. For example, projects in the Central Business District or other right-of-way (ROW)-restricted corridors will not likely be able to make intersection improvements, so rather focus more on pedestrian, bike, and transit facilities and safety; (3) Develop valet parking standards - This should include non-valet also. General loading and unloading and valet space should be included within the project site and not within the ROW with new construction. As with the Flatiron, it is not always possible to provide interior loading/unloading with an existing building. Therefore we need to revisit the current Unified Development Standards standard for this and revise as necessary. We also need an enforcement component to be included; (4) Evaluate current design guidelines; (5) Consider local historic district designation for downtown; and (6) Enact a Community Benefits Agreement as part of the development approval process.

Public benefit ideas include affordable housing; sustainability - green building, renewable energy, tree canopy, stormwater management, green infrastructure, recycling and/or composting; and stream mitigation; greenways; transportation demand management - day care (location sensitive), bicycle parking facilities, and transit passes; design review - restoration or preservation of historic structures; compliance with architectural review, and improved materials; public parking, public space; public art; shuttle service.

Staff is asking for Council's concurrence in the short-term to direct staff to pursue the following recommendations during the hotel moratorium: (1) Revenue generating: (a) Require license agreement for city right-of-way during hotel construction; and (b) Regulatory: (a) Re-establish hotels as a permitted use in select zoning districts and areas, including criteria and standards. (1) Incentivize public benefits; (2) Identify design improvements; (3) Evaluate traffic impact analysis threshold; and (4) Develop valet parking standards. It was the consensus of the Council for staff to move forward on these short-term recommendations.

Staff is also asking for Council's concurrence in the long-term to direct staff to investigate the remaining recommendations: (1) Revenue generating: (a) Business Improvement District (BID); (b) Food and beverage tax; and (c) Tax split from the hotel occupancy tax; (2) Planning: (a) Regularly update comprehensive plan and Downtown Master Plan; (b) Prepare a tourism management plan; (c) Consider a Livability and Tourism Department (or a standing committee); and (d) Identify sources and partners towards funding a circulator bus; and (3) Regulatory: (a) Evaluate and update current design guidelines; and (b) Consider local historic district designation for a portion(s) of downtown. Mayor Manheimer also felt that we should also be looking at the ¼ cent sales tax for revenue generating. It was the consensus of the Council for staff to move forward on these long-term recommendations with who will take the lead on some of the recommendations still to be determined.

It was the consensus of the Council for staff to move forward on these long-term recommendations.

Mr. Okolichany then reviewed the next steps as follows: February - March 2020 - Conduct additional research as necessary; March - April 2020 - Develop proposed zoning amendments; Spring 2020 - Public engagement on proposed zoning amendments; and Summer 2020 - Council approval of proposed zoning amendments.

There was considerable discussion/questions/comments raised by the Council. Mr. Okolichany responded to those questions/comments, with Council giving direction to obtain

additional information on several issues along with more public input sessions.

Mayor Manheimer adjourned the worksession at 4:37 p.m.

Tuesday – February 25, 2020- 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; 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 FEBRUARY 11, 2020, AS "IANNUCCI'S PIZZERIA & ITALIAN RESTAURANT APPRECIATION DAY"

Councilman Kapoor read the proclamation proclaiming February 11, 2020, as "Iannucci's Pizzeria & Italian Restaurant Appreciation Day" in the City of Asheville. He presented the proclamation to Nick, Danielle and A.J. Iannucci, who thanked Council for this recognition.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 11, 2020

B. RESOLUTION NO. 20-41 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AUSTIN CONSTRUCTION AND GRADING COMPANY FOR THE ELSIE'S BRIDGE GREENWAY CONNECTOR PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Austin Construction and Grading Company in the amount of \$108,759.08, to construct the Elsie's Bridge Greenway Connector project.

Background:

- This project re-purposes a former road bridge to connect Depot Street to Ralph Street. The project includes construction of concrete trail path to include grading and erosion control, construction of concrete curb ramp and incidental concrete sidewalk, and refurbishment of bridge surface and installation of handrail.
- Development of this facility will enable the neighborhood to connect to the future Town Branch Greenway.
- Plans provide for a community garden on the corner of the City-owned property.
- Expected construction duration is 90 days.

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 and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- A MWBE, Asheville Fence (Asheville Contracting Company Inc.) of Candler, NC, is a named subcontractor for this project..

Council Goal(s):

- An equitable and diverse community
- A well-planned and livable community
- A clean and healthy environment

Committee(s):

- None

Pro(s):

- Development of this facility will enable the neighborhood to connect to the future Town Branch Greenway.
- Plans provide for a community garden on the corner of the City-owned property.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is already included in the 2016 General Obligation (G.O.) Bond Program.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Austin Construction and Grading Company in an amount not to exceed \$108,759.08 to construct Elsie's Bridge Greenway Connector Project.

RESOLUTION BOOK NO. 41 - PAGE 241

C. RESOLUTION NO. 20-42 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PIEDMONT UTILITY GROUP INC. TO CONSTRUCT THE REED CREEK GREENWAY EXTENSION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Piedmont Utility Group, Inc. in the amount of \$149,523.50, to construct the Reed Creek Greenway Extension Project.

Background:

- The Reed Creek Greenway Extension is an extension of existing greenway facilities behind a planned mixed-use building construction. The project includes construction of asphalt trail path to include grading and erosion control, construction of concrete curb ramps and incidental concrete sidewalk, entrance monuments, and installation of handrail.
- Development of the extension will ultimately span the stretch between Magnolia Avenue and Elizabeth Street.
- Expected construction duration is 90 days.

- The facilities behind the upcoming mixed-use building construction (from approximately West Chestnut Street bridge south to Elizabeth Street) will be constructed by the developer simultaneously with the building construction.

Vendor Outreach Efforts:

- 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.
- No MWBE firms submitted bids with this prime contractor.

Council Goal(s):

- An equitable and diverse community
- A well-planned and livable community
- A clean and healthy environment

Committee(s):

- None

Pro(s):

- This project will extend the existing Reed Creek Greenway from Magnolia Avenue to Elizabeth Street.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is already included in the 2016 General Obligation (G.O.) Bond Program.

Motion:

- City staff recommends that City Council adopt a resolution authorizing the City Manager to enter into a contract with Piedmont Utility Group, Inc. in an amount not to exceed \$149,523.50 to construct Reed Creek Greenway Extension project.

RESOLUTION BOOK NO. 41 - PAGE 242

D. RESOLUTION NO. 20-43 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HAZEN AND SAWYER FOR PROFESSIONAL SERVICES ASSOCIATED FOR PHASE 2 OF A WATER SYSTEM FLUSHING PROGRAM TO ADDRESS DISCOLORED WATER

Action Requested: Adoption of a resolution authorizing the City Manager to execute a professional services contract with Hazen and Sawyer for a not to exceed amount of \$50,000 for the development of a Unidirectional Flushing Program Pilot Study.

Background:

- The Water Resources Department has identified the need for this project to address issues with discolored water that sometimes occurs after water main breaks or intermittent, large changes with system demand. The discolored water is a result of sediments, biofilms, and other deposits being scoured off the pipe walls when water velocities increase dramatically in a section of pipe. The dramatic increase in velocities is typically caused by main breaks and large demand changes.

- A Unidirectional Flushing (UDF) Program is designed to create water velocities in sections of pipe needed to scour the deposits from the pipe walls in a controlled manner by isolating customers, manipulating valves, and utilizing fire hydrants or blow-offs to discharge the water in an environmentally safe manner.
- Unidirectional Flushing is typically implemented over a percentage of the water system each year as a preventive maintenance measure. The methods of the UDF program can also be utilized during an emergency event where discolored water has been reported. Implementation of those methods will allow us to better isolate the issue to smaller parts of the system and to more effectively flush out any discolored water.
- This contract will allow the development of a pilot study to be implemented over two areas of the water system with pipes of various age and types to determine the effectiveness of removing deposits from pipes in the City of Asheville's water system. If the results of the pilot study are positive, a request for phase 2 of the program will be made to develop the program for the entire system.
- Selection of the two pilot areas will be a function of the contract. The process will incorporate input from staff and the engineer. Each pilot area will include approximately 25 miles or less of pipe in a geographically distinct and easily isolated section of the distribution system, one where city crews have conducted a valve assessment and one that has not been covered in the valve assessment program.
- Impact to customers will likely be possible discolored water. Customers will be notified prior to flushing. A "discolored water" template is being developed to utilize AVLAlerts for this exercise as well as normal system flushing. There will be the possibility of boiled water advisories during the flushing process which will be communicated prior to any flushing.
- The duration for the actual flushing will be a few weeks for each area. The duration for the complete pilot study will be determined based on estimates from the consultant with the limitation of not to exceed \$50,000.

Vendor Outreach Efforts:

- Through a qualifications based selection process beginning in August of 2014, the City of Asheville Water Resources staff selected nine consulting firms to provide on-call professional services for an array of different types of water system General Projects. Hazen and Sawyer was one of the selected firms due to their expertise in areas of hydraulic modeling, water system analysis, and project development.
- The City of Asheville entered into a master agreement with Hazen and Sawyer on April 22, 2015 for on-call professional services for General Projects valid for three years with the option to renew for two additional years. On April 23, 2018, the City of Asheville executed a renewal master agreement with Hazen and Sawyer for the additional two years of on-call professional services.
- If approved, the proposed engineering services described here will be developed into a subcontract under the conditions of the master agreement.
- City of Asheville Water Resources staff determined that utilizing the on-call professional services for General Projects was the best method to deliver this project and Hazen and Sawyer was the most qualified of the on-call firms to develop the UDF program.
- No other vendor outreach was performed.

Council Goal(s):

- A Financially Resilient City, A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects to provide safe and reliable service.
- Hazen and Sawyer has successfully provided engineering services for other water system improvement projects. Their experience with our water system and expertise in hydraulic modeling and other areas needed to produce an UDF program will be critical to a successful UDF program.

Con(s):

- None

Fiscal Impact:

- The funding needed for the professional services agreement is currently allocated within the Water Resources Capital Improvements Project Fund.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a professional services contract with Hazen and Sawyer for the development of an Unidirectional Flushing Program Pilot Study for an amount not to exceed \$50,000

Mr. Jonathan Wainscott spoke in support of this resolution.

RESOLUTION BOOK NO. 41 - PAGE 243

- E. RESOLUTION NO. 20-44 - RESOLUTION AMENDING THE 2020 CITY COUNCIL MEETING SCHEDULE TO ADD A CITY COUNCIL RETREAT ON MARCH 13, 2020, BEGINNING AT 8:00 A.M. IN THE BANQUET HALL OF HARRAH'S CHEROKEE CENTER LOCATED AT 87 HAYWOOD STREET, ASHEVILLE, N.C.**

RESOLUTION BOOK NO. 41 - PAGE 244

- F. RESOLUTION NO. 20-45 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH IBI GROUP TO INCLUDE A FACILITY STUDY FOR THE ART TRANSIT GARAGE**

Action Requested: Adoption of a resolution authorizing the City Manager to amend a professional services contract with IBI Group, PC in the amount of \$79,750 to add a Facilities Study for the ART Transit Garage to the contract.

Background:

- In May 2019, City Council authorized the City Manager to enter into a contract in the amount of \$278,000 with IBI Group, PC, Raleigh, NC, to conduct a facility study for the City's operations and maintenance (O&M) centers. The study includes a space needs assessment for Public Works, Fleet, Parks Maintenance, and Facilities Maintenance. The study will evaluate the costs associated with relocating these service facilities and the impact to City operations and services.
- The 2018 Transit Master Plan includes a projection for the year 2030 that increases the fleet from 26 to 52 buses and which would more than double the service hours. Additionally, it envisions a transition to 100% renewable energy within this timeframe.

- The existing Transit Garage at 360 W. Haywood Street is at capacity and cannot accommodate the projected increase in the bus fleet and service hours without an investment in facilities.
- A facility study is needed to evaluate the facilities costs associated with an expansion in transit services. The study will inform the City of the size of space required, potential cost for relocation, will help consider various maintenance delivery models, and life cycle costs associated with a new site if relocation were to occur. The study will include the funding requirements and budgetary cost estimates for a new location.
- This firm was selected by a staff committee using a qualifications based selection process. It is anticipated that the findings from the study will be available in September.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned business through solicitation processes which included posting on the State’s Interactive Purchasing System and encouraging consultants to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. No MWBE firms submitted qualifications for consideration as the prime consultant.

Council Goal(s):

- Transportation and Accessibility, A Well-Planned and Livable Community, and A Financially Resilient City

Committee(s):

- None

Pro(s):

- Funds a key study critical to implementing the 2018 Transit Master Plan.
- Performs a key planning task essential for an organization with a large facilities portfolio.
- Considers possible efficiencies of facility co-location with other City operations.

Con(s):

- None

Fiscal Impact:

- The total cost for the ART Transit Garage study is a negotiated fee of \$79,750. Funding for this study is already included in the adopted Transit Services Fund budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend a professional services contract with IBI Group, PC in the amount of \$79,750 to add a Facilities Study for the ART Transit Garage to the contract.

RESOLUTION BOOK NO. 41 - PAGE 245

G. ORDINANCE NO. 4791 - BUDGET AMENDMENT TO ACCEPT PRIVATE DONATIONS TO PURCHASE K-9 BALLISTIC VESTS

Action Requested: Approval of a budget amendment in the General Fund in the amount of \$5,000 to budget private donations to help purchase K-9 ballistic vests for the Asheville Police Department (APD).

Background:

- On October 11, 2019, a private donation was recorded in the amount of \$4,000 which included a memo that the funds be used to purchase dog protective vests.
- On November 26, 2019, a private donation was recorded in the amount of \$1,000 which included a memo that the funds be used to purchase dog protective vests.
- APD has researched different K-9 vests and received a quote to purchase 8 vests to outfit our entire K-9 team for a unit price less than the current state contract price of the chosen model of a vest.
- APD is requesting the ability to use the aforementioned donations to help fund the cost of the vests.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- n/a

Pro(s):

- Provide protection to our service animals

Con(s):

- None

Fiscal Impact:

- The budget amendment will increase the City of Asheville's General Fund budget by \$5,000.

Motion:

- Motion to adopt a budget amendment in the General Fund in the amount of \$5,000 to budget private donations to help purchase K-9 ballistic vests for the Asheville Police Department.

ORDINANCE BOOK NO. 33 - PAGE 40

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 Councilman Kapoor and carried unanimously.

III. PRESENTATIONS & REPORTS: None

IV. PUBLIC HEARINGS:

A. CONTINUATION OF PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE PREVIOUSLY APPROVED CONDITIONAL ZONING (ORDINANCE NO. 4602) FOR THE RAD LOFTS PROJECT LOCATED AT 146 AND 179 ROBERTS STREET TO REVISE CONDITIONS RELATED TO AFFORDABILITY

This public hearing was opened on January 14, 2020, and continued to this date. At the applicant's request, Councilman Kapoor moved to continue this public hearing until March 10, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

B. PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING AN

ANNEXATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE TOWN OF FLETCHER DESIGNATING A NON-CONTIGUOUS AREA AS NOT SUBJECT TO ANNEXATION BY FLETCHER

ORDINANCE NO. 4792 - ORDINANCE APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE TOWN OF FLETCHER DESIGNATING A NON-CONTIGUOUS AREA AS NOT SUBJECT TO ANNEXATION BY FLETCHER

Assistant City Attorney Jannice Ashley said that this is the consideration of an ordinance approving an annexation agreement between the City of Asheville and the Town of Fletcher designating a non-contiguous area as not subject to annexation by Fletcher. This public hearing was advertised on February 14, 2020.

Action Requested: Adoption of an ordinance approving an Annexation Agreement between the City of Asheville and Town of Fletcher designating a non-contiguous area as not subject to annexation by Fletcher.

Background:

- The City has received a petition from property owner, Butel Two, LLC, to voluntarily annex a 2.01 acre property developed as a Holiday Inn and Suites and located at 9 Brian Boulevard (PIN #9643-85-3550), near the airport, in Buncombe County which is non-contiguous to the primary corporate limits of Asheville (the "Property").
- N.C. Gen. Stat. sec 160A-58.1 permits a city to annex a non-contiguous area, however, if the area is closer to the primary corporate limits of another city/town than it is to the corporate limits of the city that is being asked to annex, then there must be an annexation agreement between the two municipalities which states that the city/town whose corporate limit is closer, will not seek to annex this area.
- It has been determined that the property for which annexation is requested is closer to the primary corporate limits of the Town of Fletcher than it is to the primary corporate limits of the City of Asheville, and therefore, the two municipalities would need to enter into an Annexation Agreement before the City could consider the requested annexation.
- N.C. Gen. Stat. sec. 160A-58.23 authorizes cities to enter into Annexation Agreements as long as they are of reasonable duration not to exceed 20 years (maximum time allowed by statute) and they are approved by ordinance of the governing board of each city.
- The Town of Fletcher has expressed its willingness to enter into an Annexation Agreement, valid for a period of 20 years, in which they agree not to seek to annex the Property. The Town adopted Ordinance No. 0-20-01 approving the Annexation Agreement at its February 3rd, 2020 Town Council meeting.
- Approval of the Annexation Agreement by the City of Asheville does not bind it to annex the Property and the actual annexation would be considered at a later date and following a separate public hearing. The property would also need to be rezoned (Lodging Expansion Conditional Zoning) in order to be annexed into the City. The annexation and rezoning process would be handled concurrently.

Council Goal(s):

- A financially resilient City

Committee(s):

- None

Pro(s):

- The Annexation Agreement with the Town of Fletcher would allow the City to annex the non-contiguous property if it so desires.
- The request to enter into an annexation agreement is a necessary step in order to be responsive to the petitioner's request for voluntary annexation.
- The annexation of the Property, if approved, will provide the City with new property tax revenue.

Con(s):

- None noted.

Fiscal Impact:

- If the property is annexed, the City would receive approximately \$56,000 in property tax revenue based on the current value and tax rate. We will have information about the cost to serve this site by the time we consider the actual annexation.

Mayor Manheimer opened the public hearing at 5:11 p.m., and when no one spoke, she closed the public hearing at 5:11 p.m.

Vice-Mayor Wislerk moved to adopt an ordinance approving an Annexation Agreement with the Town of Fletcher designating the property at 9 Brian Boulevard, a non-contiguous area, as not subject to annexation by Fletcher. This motion was seconded by Councilman Kapoor and carried unanimously.

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V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Closed Session

At 5:12 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. 143-318.11(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e) and N.C. Gen. Stat. sec. 160A-168; (2) to establish, or to instruct City staff concerning the position to be taken by or on behalf of the City in negotiating the price and other material terms of a proposed contract for the acquisition of real property by purchase; and (3) 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, the handling or settlement involving the following matters: City of Asheville v. Parkway Court, LLC; and Robert Frost vs. City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilwoman Mayfield and carried unanimously.

At 6:55 p.m., Councilman Kapoor to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:55 p.m.

CITY CLERK

MAYOR