

Tuesday – May 12, 2020 - 3:00 p.m.

This budget briefing was conducted by use of simultaneous communication in which the following participated by simultaneous communication: 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; and City Clerk Magdalen Burleson.

Mayor Manheimer explained that this worksession is being held remotely and appreciated the patience of the public. The public may listen live by phone by dialling 855-925-2801 and enter Code 8658. Live stream of the meeting can be found at www.publicinput.com/AvlBudgetBriefMay122020.

City Manager Campbell said that we will be providing an update on Current Year Financial Status since April 14 Council Work Session; and a preview of the Fiscal Year 2020-21 (FY21) Manager's Recommended Budget. She said key takeaways will be (1) Ongoing major uncertainty; (2) Continuation budget with limited service enhancements; (3) Departments worked to make cuts with a focus on minimizing operational impacts; and (4) Even with state/federal support, fund balance needed to support operations

Chief Financial Officer Barbara Whitehorn then reviewed the current fiscal year update, outlining the notes from April 14 budget worksession: (1) Operational changes: Fare-free transit service; Free on-street and garage parking; Deferring/waiving some leases, monthly charges and loan payments; Contribution to One Buncombe Fund; and Shelter for people experiencing homelessness; (2) Significant revenue and expenditure impacts; (3) Spending will continue for essential services & implementation of \$31,200 minimum pay; (4) Implementing targeted, strategic reductions and/or delays in spending where possible; (5) General and Parking Funds will use fund balance, as expenses will exceed revenues; and (6) Federal/State assistance will help to mitigate some financial impact.

She reviewed the changes to the General Fund since the April 14 budget worksession: (1) Lowered ABC revenue estimate by \$200,000; (2) Anticipating ~20% decline from March to June in sales taxes after discussions with other cities; (3) State deferral of vehicle registrations for five months; (4) Ongoing **major uncertainty** in revenue estimates, especially sales taxes; (5) Identified approximately \$1.0M in savings through departmental budget reviews and hiring freeze; (6) Anticipating expenses will exceed revenues in the range of \$2.5M - \$5.0M (Previous est. \$2.8 - \$5.5M); (7) Available fund balance at year end will drop to between 14-16%; and (8) Federal and State assistance amounts unknown.

She showed a chart of the current year sales tax estimates. The [U.S. Census Bureau](#) said that overall retail sales during March were down 8.7 percent seasonally adjusted from February and down 6.2 percent unadjusted year-over-year. The monthly drop is the largest ever recorded, exceeding a 4.3 percent decline in November 2008 during the Great Recession. April national retail sales data will be released on May 15. She then reviewed charts for the current year General Fund Update and and Fund Balance Update.

She then reviewed changes to the Enterprise Funds since the April 14 budget worksession (1) Transit COVID-19 expenses and budget shortfall will be covered with CARES Act funding - \$500,000 May 12 budget amendment for bus driver protective equipment; and (2) \$1.5M shortfall in Parking Fund due to suspension of parking deck and on-street parking fees. She used a chart to show the current year parking major revenues, and explained the transit use of CARE Act funding.

The financial impact summary is (1) General Fund projected fund balance decline: \$2.5M - \$5.0M; (2) Parking Services Fund projected fund balance decline: \$1.5M; and (3) Other Enterprise Funds unlikely to experience major financial impact in the current year.

She then reviewed the framework for the Fiscal Year 2020-21 Manager's Preliminary Recommended Budget: Updates to key takeaways from the retreat include (1) Even more uncertain economic outlook; (2) Minimal revenue growth will be used up by ongoing operating cost increases, even after making reductions to expenditures; and (3) While enhancements can be considered if the fiscal picture improves later in the year, additional revenue will be needed to fund any new capital or operating investments.

She reviewed the guiding principles of essential service delivery (ensuring departments have the resources required to meet service delivery expectations); enhancing customer value (ensuring efficient service delivery that improves the customer experience); and strategic alignment (aligning resources - new and existing - to achieve community, Council and staff goals). She explained how we implement the guiding principles in a crisis (1) **Ensure safety** of our staff and community; (2) Work to **limit impacts** on existing services; and (3) Whether essential or strategic, not the time to reduce the services our community relies on.

Ms. Whitehorn then gave a preview of the Fiscal Year 2020-21 Manager's Preliminary Recommended Budget. It **continues funding for existing services** with limited enhancements, new programs or initiatives. And, it maintains current property tax rate (42.89¢) and recommends **no fee increases**.

She then reviewed the Council's strategic priorities, along with the Fiscal Year 2020-21 budget details. Fiscal Year 2020-21 General Fund salaries & wages (1) Funding for \$31,200 minimum pay, LGERS required increase; (2) No funding to implement other recommendations of Compensation Study; (3) No general wage increase for employees; and (4) Assuming continuation of hiring freeze through first six months of FY21.

Fiscal Year 2020-21 General Fund operating expenditures (1) Primary goal: **continuity of operations**; (2) Continued **transit** support; (3) Collaborative work with departments to hold operating budgets flat year over year; (4) Budget developed with **intentionality** and a focus on **equity**; and (5) Recommend reallocation of portion of Strategic Partnership Funds (SPF) to support equity and address opportunity gap goals: (a) \$35,000 to support ACS After-School Coordinator; and (b) \$43,000 to Parks & Recreation for extended community center hours and summer youth/teen programming.

The Fiscal Year 2020-21 General Fund summary is (1) Continuity of operations and existing programs with no additional funding for new or enhanced services; and (2) Fund balance appropriation of up to \$1.5M may be necessary, reducing fund balance to the range of 13% - 15%.

The Fiscal Year 2020-21 Enterprise Fund summary is (1) **No fee increases** in water and stormwater; (2) Uncertainty around re-implementation of fees for transit and parking may impact revenues in those funds; (3) Parking revenue likely will be slow to rebound; (4) Water Capital Improvement Program charge to be eliminated (\$7M reduction in revenue) (a) Water capital fund balance to make up difference; and (b) External consultants working on rate study to better balance cost burden between commercial and residential customers; and (5) Harrah's Center budget reduced to reflect fewer expected events.

The Fiscal Year 2020-21 Capital Improvement Program (1) Projects already underway will continue; (2) No new projects funded; (3) Projects included if a delay could jeopardize external funding; and (4) General Obligation Bond projects continuing to ensure completion within

timeframe.

There is a continuation of capital investments, i.e., ongoing allocations for Facility maintenance, Computer replacement, Vehicle replacement, Road resurfacing, and Neighborhood sidewalks.

She said the key takeaways are (1) Ongoing major uncertainty; (2) Continuation budget with limited service enhancements; (3) Departments worked to make cuts with a focus on minimizing operational impacts; and (4) Even with state/federal support, fund balance needed to support operations.

City Manager Campbell, along with Ms. Whitehorn, responded to various questions/ comments from Council, some being, but are not limited to: what is fund balance and what is it a percentage of; what is included in the mitigating revenue loss for transit use of CARES Act funding; are we considering using CARES act funding for hazard or bonus pay for transit drivers and other transit workers; if the pandemic ends sooner and there is left-over CARES Act funding , does staff have any ideas on what we might spend it on; how confident does staff feel about estimates for sales tax; when will we start to know about sales tax revenue and what actions should be take to address that; we are keeping the OPEB contribution the same as prior year; what is the County projecting in sales tax; for planning purposes, will the state let us know where the sales tax comes from; confirmation that staff will provide Council a memorandum on budget assumptions; are there plans to restore bus routes, particularly to the Spruce Hill area; is dedicating the \$78,000 to address opportunity gap goals the best us of those reallocated funds because of social distancing; and request for staff to provide information on the City's support for the Asheville-Buncombe Community Land Trust.

There was discussion, initiated by Councilman Haynes, regarding employee salaries, in particular firefighters pay. In summary, City Manager Campbell said that the compensation study will be completed in late May or early June and at that time we will look at all our employees' pay.

Mayor Manheimer adjourned the budget worksession at 4:25 p.m.

Tuesday – May 12, 2020- 5:00 p.m.

This regular meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: 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.

Mayor Manheimer explained that this meeting is being held remotely and appreciated the patience of the public. Public comment was taken by calling a toll free public input line. The public may also listen live by phone by dialling 855-925-2801 and enter Code 8659. In addition, written public comment was accepted. Live stream of the meeting can be found at www.publicinput.com/AshevilleCityCouncilMay122020.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

At the request of City staff, Consent Agenda "D" was removed from consideration.

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 14, 2020; AND SPECIAL MEETING ON APRIL 28, 2020**
- B. RESOLUTION NO. 20-74 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RSM US LLP TO CONDUCT THE CITY'S AUDIT FOR FISCAL YEAR ENDING JUNE 30, 2020**

Action Requested: Adoption of a resolution authorizing the Mayor to execute a contract with RSM US LLP for auditing City accounts for fiscal year ending June 30, 2020.

Background:

- North Carolina General Statute §159-34 requires that local governments have its accounts audited each fiscal year and submit a copy of the audit report and financial statements to the Local Government Commission. Staff recommends retaining the services of RSM US LLP to conduct an audit of the City's accounts for the fiscal year ending June 30, 2020.
- The estimated fee for fiscal year 2019-2020 audit is \$98,200.
- Execution of this contract complies with the Audit Policy portion of City Council's Financial Policies which states that the City "shall enter into multi-year agreements of not more than five years in duration through a series of single-year contracts as consistent with applicable legal requirements."
- This will be the third consecutive year of contracting RSM US LLP to perform the City's audit.

Vendor Outreach Efforts:

- No competitive bid process was conducted this year.

Council Goal:

- Financially Resilient City

Committee:

- No prior Committee approval. Final audit results are presented annually to the Finance and Audit Committees.

Pro:

- Contracting with RSM US LLP aligns with City Council's financial policy and will help ensure the timely and successful completion of the annual audit.

Con:

- None

Fiscal Impact:

- Fees of \$98,200 for the annual audit are budgeted in the Internal Audit operating budget.

Motion:

- Move to adopt a resolution authorizing the Mayor to execute a contract with RSM US LLP for auditing City accounts for the fiscal year ending June 30, 2020.

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- C. RESOLUTION NO. 20-75 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A SUPPLEMENTAL AGREEMENT WITH CDM SMITH**

FOR MAINTENANCE UPGRADES TO THE MILLS RIVER WATER TREATMENT PLANT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a Supplemental Agreement for professional services contract with CDM Smith for the design, bidding, and project management of the Mills River Water Treatment Plant - Miscellaneous Plant Upgrades - Phase 2 in the amount of \$1,349,500 with a contingency of \$40,000 for a total project cost of \$1,389,500.

Background:

- Mills River Water Treatment Plant is over 20 years old. Assets and components required to produce high quality drinking water are reaching the end of their useful life.
- CDM Smith completed a Professional Engineer's Report in 2017 which is the basis of this second phase of the continued rehabilitation project.
- Phase 1 of the project is currently under construction. The water treatment plant rehabilitation is staged in 2 phases to allow for continued plant operation during rehabilitation.
- Phase 2 includes replacement of bulk chemical storage tanks, expansion of chemical storage and feed systems, additional raw and finished water storage, additional filter capacity, replacement of multiple motors and pumps, and filter control upgrades.

Vendor Outreach Efforts:

- Through a qualifications-based selection process beginning in August 2014, the City of Asheville selected nine consulting firms to provide on-call professional services for an array of different types of water system projects. CDM Smith was one of the selected firms due to their expertise in areas of water treatment plant construction and upgrades.
- The City of Asheville entered into a master agreement with CDM Smith on June 8, 2015 for on-call professional services valid for three years with the option to renew for two additional years. On April 19, 2018, the City of Asheville executed a renewal master agreement with CDM Smith for the additional two years of on-call professional services.
- If approved, the proposed engineering services described here within 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 CDM Smith was the most qualified of the on-call firms. Based on the current master agreement, no additional vendor outreach was performed.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Continued functionality of assets necessary to produce high quality drinking water.
- Ability to continue compliance with Federal and State regulations.

Con(s):

- Impacts could hamper the delivery of water into the water distribution system
- Impact the ability to meet future increased water demands
- Impact the ability to meet EPA and State regulations.

Fiscal Impact:

- The Water Resources Department currently has the funds needed for this construction agreement budgeted in the “Water Treatment Plant Project” in the Capital Improvement Program Fund.
- \$1,349,500 with a contingency of \$40,000 for a total project cost of \$1,389,500

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a professional services - supplemental agreement with CDM Smith for the Mills River Water Treatment Plant - Miscellaneous Plant Upgrades - Phase 2 Design, Bidding, and Project Management.

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D. RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH PARKER TECHNOLOGIES INC. FOR THE PARKING GARAGE VIDEO CALL CENTER ANSWERING SERVICE

This item was removed from consideration.

E. MOTION ADOPTING THE REVISED FISCAL YEAR 2020-21 BUDGET CALENDAR

Action Requested: Motion to adopt a revised Fiscal Year (FY) 2020-2021 Budget Calendar.

Background:

- At the December 9, 2019, meeting, City Council adopted the Fiscal Year 2020-2021 Budget Calendar, which included the following key dates:
 - Formal presentation of the City Manager’s Proposed Budget on May 12, 2020;
 - Budget Public Hearing on May 26, 2020; and
 - Budget adoption on June 9, 2020.
- As a result of the COVID-19 crisis, staff is recommending the following changes to the remaining dates on the calendar:
 - Budget Work Session on May 12, 2020
 - Set Budget Public Hearing on May 12, 2020;
 - Formal presentation of the City Manager’s Proposed Budget on May 26, 2020;
 - Budget Public Hearing on June 9, 2020; and
 - Budget adoption on June 23, 2020.

Council Goal(s):

- A Financially Resilient City
- A Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Provides additional time to make FY 2020-2021 budget decisions while remaining in compliance with The North Carolina Local Government Budget and Fiscal Control Act which requires submission of the City Manager’s Proposed Budget by July 1.

Con(s):

- None.

Fiscal Impact:

- None.

Motion:

- Motion to adopt the revised Fiscal Year 2020-2021 Budget Calendar.

F. RESOLUTION NO. 20-77 - RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE AND INSTALL SAFETY PROTECTION BARRIERS IN EXISTING TRANSIT VEHICLES

ORDINANCE NO. 4800 - BUDGET AMENDMENT TO FUND PURCHASE OF SAFETY PROTECTION BARRIERS IN EXISTING TRANSIT VEHICLES

Action Requested: Adoption of a resolution authorizing the City Manager to purchase and install safety protection barriers in existing transit vehicles including eighteen (18) Gillig buses, five (5) Proterra electric buses, and four (4) Vicinity buses for a total of twenty-seven (27) buses at a total estimated cost not to exceed \$500,000; and a budget amendment in the Transit Capital Projects Fund in the amount of \$500,000 from Federal Transit Administration (FTA) CARES Act funds to fund the purchases. In addition, the authorization includes the following tasks:

1. Execute a purchase order of approximately \$160,000 to work with Gillig to engineer, design, retrofit and install the safety protection barriers in the eighteen (18) existing 30-foot diesel and diesel electric hybrid Gillig buses.
2. Execute a purchase order of approximately \$140,000 to work with Proterra to engineer, design, retrofit, and install the safety protection barriers in the five (5) 35-foot electric buses;
3. Execute a change order to the existing City of Asheville/City of Oxford, Mississippi Contract No. 500350, not to exceed \$100,000, in order to engineer, design, and install safety protection barriers, to the four (4) Grande West Vicinity buses previously purchased, prior to completing the bus build and delivering them to Asheville Rides Transit System; and
4. Execute a purchase order of approximately \$100,000, to work with AROW Global Corporation, the manufacturer of the safety protection barriers, and/or selected vendor to provide assistance and oversight of the installation of the safety protection barriers in the identified transit buses.
5. Approve a sole source justification to procure the transit barriers from Gillig, Proterra and Vicinity bus manufacturers due to the configuration and specification of each of the buses to be retrofitted with the safety barriers.

Background:

- During February 2020, the Centers for Disease Control and Prevention (CDC) and other federal partners, including the United States Department of Transportation, issued guidance to the public transportation industry in response to the Coronavirus (COVID-19).
- During March 2020, the Federal Transit Administration (FTA) published a Notice of Funding Availability for the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which is intended to provide additional supplemental funding to transit systems to prevent, prepare for, and respond to COVID-19.
- On April 9, 2020, the FTA announced availability of \$25 billion apportioned to the transit industry under the CARES Act and the Asheville Urbanized Area (UZA) would receive about \$8.6 million.

- The FTA announced that the CARES Act funds are to be used for transit operating and capital expenses, and would consider all expenses incurred on or after January 20, 2020 in response to economic or other conditions caused by COVID-19.
- Transportation Department staff are working with the French Broad River Metropolitan Planning Organization (FBRMPO), as well as Buncombe, Haywood and Henderson Counties to allocate the CARES Act funding to eligible transit systems in the Asheville UZA.
- Transportation Department staff would work with the various bus manufacturers to engineer, design and retrofit existing buses in the fleet with safety protection barriers to protect ART drivers from assault and in emergency situations such as COVID-19.
- The total number of vehicles in the fleet to be retrofitted are 27, including 18 Gillig, 5 Proterra electric, and 4 Vicinity buses.
- Final design would include a sliding glass barrier in the driver's sitting area allowing face-to-face interaction with passengers without obstruction.
- Transportation Department staff recommends using CARES Act funds to purchase and install the safety barriers.
- CARES Act funds provide 100% of the Federal match of the anticipated funding and does not require any local match.
- Transportation Department staff will allocate the CARES Act funds to the Transit Capital Projects fund once received from the FTA.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- CARES Act funding provides 100% of the funds for the project.
- No local match is required.
- Provides protection for the bus drivers.

Con(s):

- None

Fiscal Impact:

- As noted above, the CARES Act provides 100% of the funding with no local match required.

Motion:

- Motion to adopt a resolution authorizing the City Manager to purchase and install safety protection barriers in existing transit vehicles including eighteen (18) Gillig buses, five (5) Proterra electric buses, and four (4) Vicinity buses for a total of twenty-seven (27) buses at a total estimated cost not to exceed \$500,000; and a budget amendment in the Transit Capital Projects Fund in the amount of \$500,000 from Federal Transit Administration (FTA) CARES Act funds to fund the purchases.

**RESOLUTION BOOK NO. 41 - PAGE 287
ORDINANCE BOOK NO. 33 - PAGE 66**

G. RESOLUTION NO. 20-78 - RESOLUTION SUPPORTING THE N.C. DEPT. OF TRANSPORTATION IN FUNDING, DESIGNING AND CONSTRUCTING IMPROVEMENTS AT THE INTERSECTION OF BREVARD AND SARDIS ROADS

Action Requested: Adoption of a resolution supporting the N.C. Dept. of Transportation (NCDOT) in funding, designing, and constructing improvements at the intersection of NC 191 (Brevard Road) and NC 112 (Sardis Road).

Background:

- The NCDOT has identified a need to make improvements at the intersection of NC 191 (Brevard Road) and NC 112 (Sardis Road).
- The improvements include a right-turn lane with appropriate taper along the eastbound approach of the intersection in order to enhance the efficiency and safety of the intersection.
- The NCDOT will fund, design, and construct the project at a total estimated cost of \$740,000.
- The NCDOT plans to use High Impact / Low Cost Funds for the project.
- The High Impact / Low Cost program was established in 2017 to provide funds to complete low cost projects with high impacts to the transportation system including intersection improvements, minor widening, and operational improvements.
- The funds are allocated equally to the 14 Divisions throughout the state.
- The projects are expected to be under contract within 12 months of funding approval by the NCDOT Board of Transportation.
- Projects that have a total cost greater than \$250,000 require a resolution of support from the appropriate city, town, or county.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Enables a low cost project with high impacts to the transportation system to be constructed.
- Enhances the efficiency and safety of the intersection.
- The NCDOT is funding, designing, and constructing the project.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution supporting the NCDOT in funding, designing, and constructing improvements at the intersection of NC 191 (Brevard Road) and NC 112 (Sardis Road).

RESOLUTION BOOK NO. 41 - PAGE 288

H. RESOLUTION NO. 20-79 - RESOLUTION UPDATING THE CITIZEN PARTICIPATION PLAN FOR THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT FUNDING & ACTION PLANS TO ADDRESS CONTINGENCY OPERATIONS DURING A LOCAL, STATE AND/OR NATIONAL EMERGENCY

Action Requested: Approval of an updated Citizen Participation Plan.

Background:

- The City of Asheville is a Participating Jurisdiction (PJ) in the U.S. Department of Housing and Urban Development (HUD) 's HOME program and an entitlement community for the CDBG program. As a recipient of federal funding, the City is required to have a Citizen Participation Plan.
- In addition to existing citizen participation plan requirements, under 24 CFR 91.105(a)(2)(i) through (iii) for local governments, the Citizen Participation Plan must also encourage citizens to participate in the development of the Analysis of Impediments (AI) / Assessment of Fair Housing (AFH) and any revisions in the same manner one would encourage citizen participation in the consolidated plan, any substantial amendments to the plan and the performance report.
- The City of Asheville is required by HUD to include contingency planning for encouraging public participation for HUD funded programs in light of emergency situations such as COVID-19.

Proposal:

- This revised Citizen Participation Plan meets the requirements for citizen participation in the development of and access to the City's AI/AFH, 5 Year Consolidated Plan, Annual Action Plans, and any substantial amendments thereto, and the City's performance report also known as the CAPER, Consolidate Annual Performance & Evaluation Report.
- The revised proposal also includes new language around contingency planning for public participation around HUD funds in a public health emergency.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community
- A Connected & Engaged Community

Committee(s):

- None

Pro(s):

- Accepting the updated Citizen Participation Plan is a HUD requirement and keeps the City of Asheville in compliance as the PJ & Entitlement Community.
- This Plan sets guidelines for encouraging participation in HUD funding & reporting, including plans for communication via the internet and social media and extended outreach to communities potentially affected by HUD funding and those often marginalized in the participation process.
- Community Development received input from various City of Asheville Departments, including the Communication & Public Engagement and Equity & Inclusion.

Con(s):

- The consequence of not adopting the revised Citizen Participation Plan would be to prevent the City from meeting its requirement to HUD.

Fiscal Impact:

- None

Motion:

- Motion to accept the updated City of Asheville Citizen Participation Plan.

I. RESOLUTION NO. 20-80 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH RESTOCON TO PROVIDE ADDITIONAL FUNDS TO REPLACE CENTER STAIRWELL IN THE CIVIC CENTER PARKING GARAGE

Action Requested: Adoption of a resolution authorizing the City Manager to amend the Asheville Parking Garage Repairs contract with Restocon Corporation (# 91900331) increasing the total value of the contract to \$408,000.

Background:

- The City of Asheville entered into a contract with Restocon Corporation in October 2018 for various repairs to the Harrah's Cherokee Center - Asheville parking garage.
- The repairs included a significant rehabilitation of the center stairwell within the garage.
- The scope of work was developed from a comprehensive garage condition assessment that was completed during October 2016.
- During February 2020, a detailed structural analysis of the center stairwell indicated a significant deterioration in the overall condition of the center stairwell and it was recommended to totally replace it.
- During March 2020, Restocon Corporation estimated that in order to replace the center stairwell, an additional \$99,422 would be required.
- Contingency funds in the amount of \$20,763 are included to ensure satisfactory completion of work by late summer 2020.

Vendor Outreach Efforts:

- N/A - This is a current contract.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None.

Pro(s):

- Enables the City to continue to provide safe and functional access within the parking garage.
- Part of an overall plan to extend the service life of the parking garage.

Con(s):

- The center stairwell is closed until the replacement work is completed.

Fiscal Impact:

- The appropriate funds are included in the current Parking Services Fund capital projects budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the Asheville Parking Garage Repairs contract with Restocon Corporation (# 91900331) increasing the total value of the contract to \$408,000.

RESOLUTION BOOK NO. 41 - PAGE 302

J. RESOLUTION NO. 20-81 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH THE JOHN R.

MCADAMS COMPANY, INC. FOR THE PEBBLE CREEK STREAM STABILIZATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment with The John R. McAdams Company Inc. in the amount of \$71,200 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of \$10,680 (15%) for a total Phase 2 budget of \$81,880 for the Pebble Creek Stream Stabilization Project - Contract Amendment # 1.

Background:

- The approved Phase 1 budget for this project was \$88,561.50 including contingency. Phase 1 realized a savings of \$23,868.44 under the budgeted amount. The Phase 1 budget with savings, along with the Phase 2 budget amount of \$81,880 results in a total budget of \$146,573.06 for this project.
- The City of Asheville has maintenance responsibility on an existing Stormwater Easement through the Pebble Creek Community. There are existing gabion basket retaining walls that are failing along the stream banks located inside the easement. This project includes the design of a new conveyance system and retaining walls along the stream banks in the easement that will safely convey the stormwater through the tight corridor between the buildings.
- The RFQ for this project was advertised on January 10, 2019, with Statements of Qualifications received on January 24, 2019.
- Four (4) consulting firms submitted Statement of Qualifications. Qualifications were reviewed and on May 15, 2019, the John R. McAdams Company Inc. was selected as the best qualified firm.
- The Contract between the City of Asheville and The John R. McAdams Company Inc. was entered into on June 10, 2019.
- Without knowing the extent of failure, capacity of the existing channel, or influence on the surrounding utilities, Phase 1 was to conduct due diligence, preliminary engineering design, and community input so that a determination could be made on how best to move forward with Phase 2 to complete the design and take the project through construction. The first phase was under the threshold for the City Manager's signature authority.
- Professional Services, including Final Design, Permitting and Construction Administration for the contract would proceed immediately after approval of the Contract Amendment. The schedule for Construction Administration would be through April 2021, dependent on any issues that might arise during Permitting.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which included posting on the State's Interactive Purchasing System, City of Asheville website, City of Asheville Twitter Account, and requiring engineering firms to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Past engineering firms who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement. During preparation for advertising this RFQ, the contract was shared with the Business Inclusion staff in the Community & Economic Development Department.
- Out of the four (4) qualifications received, no consultant firm was Minority Business or Women Owned Business certified. Two of the firms submitting qualifications proposed utilizing WBE subcontractors for portions of the project. The John R. McAdams Company was chosen for the design because of their qualifications specific to the needs of this project.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- The contract amendment will allow The John R. McAdams Company to continue with the design and construction phase of this stream stabilization project.
- The stream stabilization project will protect the existing residential structures that are in very close proximity to the existing Stormwater Easement and stream.
- The capacity of the existing corridor will be increased to allow passage of larger storm events safely through the system.

Con(s):

- Construction may be somewhat disruptive to nearby residences. Efforts will be made to notify the public and minimize disruptions.

Fiscal Impact:

- Funding for this contract is budgeted in the Stormwater Utility Fund Capital Improvement Program.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment with The John R. McAdams Company, Inc. in the amount of \$71,200 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of \$10,680 (15%) for a total revised contract amount of \$148,210 and a revised professional services budget amount of \$146,573.06 for the Pebble Creek Stream Stabilization Project.

RESOLUTION BOOK NO. 41 - PAGE 303

K. ORDINANCE NO. 4801 - ORDINANCE AUTHORIZING THE CITY MANAGER TO TEMPORARILY SUSPEND OR DEFER FEES AND CHARGES LISTED IN THE FISCAL YEAR 2019-20 FEES AND CHARGES MANUAL AND OTHER RENTAL AND LOAN PAYMENTS TO THE CITY ON A CASE-BY-CASE BASIS, AS NECESSARY TO ADDRESS HARMS CAUSED BY THE COVID-19 PANDEMIC

Action Requested: Adoption of an ordinance authorizing the City Manager to temporarily suspend or defer fees and charges listed in the Fiscal Year (FY) 2019-20 Fees and Charges Manual and other rental and loan payments to the City on a case-by-case basis, as necessary to address harms caused by the COVID-19 pandemic.

Background:

- Fees and charges assessed by the City are reviewed annually and adopted by City Council as outlined in the FY 2019-20 Fees and Charges Manual.
- The City also has rental and loan payment schedules with other parties.
- Many Asheville businesses are either closed or operating in a limited capacity due to the COVID-19 pandemic, creating substantial economic challenges for owners, employees, and customers.
- Some businesses have requested temporary relief from City fees and charges and loan payments in an effort to help reduce their expenses.
- In support of these requests, several fees and charges and other payments have already been temporarily suspended or deferred or are under review for such action.

Council Goals:

- Transportation and Accessibility
- A Thriving Local Economy
- A Financially Resilient City

Committee:

- None.

Pros:

- Facilitates business operations that are able to continue during the COVID-19 pandemic.
- Reduces operating costs for businesses during the COVID-19 pandemic.
- Reduces transportation costs for the community during the COVID-19 pandemic, helping to maintain access to essential services, businesses, and employment.
- City Manager authority to temporarily suspend fees and charges and other payments provides heightened responsiveness to community needs during the COVID-19 pandemic.

Con:

- Loss or deferment of revenue to the City.

Fiscal Impact:

- Currently suspended fees result in monthly lost revenue of approximately \$677,000.
- Loan payments deferred have no impact on operations and no long-term financial impact as the amounts will be repaid as part of the final payment on notes outstanding.
- Federal grant funds are expected to offset the loss of Transit Farebox revenue.

Motion:

- Motion to adopt an ordinance authorizing the City Manager to temporarily suspend or defer fees & charges listed in the FY 2019-20 Fees and Charges Manual and other rental and loan payments to the City on a case-by-case basis.

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L. RESOLUTION NO. 20-82 - RESOLUTION TO RATIFY THE CITY MANAGER'S EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH RED ROOF INN FOR PROVISION OF 60 ROOMS FOR COVID-19 NON-CONGREGATE MOTEL SHELTER FOR UNSHELTERED AT-RISK PEOPLE EXPERIENCING HOMELESSNESS

RESOLUTION NO. 20-83 - RESOLUTION TO RATIFY THE CITY MANAGER'S EXECUTION OF NEW SERVICES CONTRACT WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA TO CONDUCT ESSENTIAL SHELTER OPERATIONS

RESOLUTION NO. 20-76 - RESOLUTION TO RATIFY THE CITY MANAGER'S EXECUTION OF CONTRACT AMENDMENT WITH AXIS SECURITY FOR PROVISION OF 24/7 SECURITY AT RED ROOF INN

Action Requested: Approval of motions to ratify City Manager's execution of contracts with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security.

Background:

- On April 8, the City entered into a 30-day licensing agreement with Homeward Bound of Western North Carolina to operate a 50-bed emergency homeless shelter at Harrah's Cherokee Center for persons experiencing unsheltered homelessness at significant risk of contracting COVID-19 because of age and/or underlying chronic health concerns.
- Operations have gone smoothly and have achieved the initial public health objective of prevention of COVID-19 among the community's unsheltered homeless population.
- The shelter's census has dwindled to 32 over the last week and best practices emerging across the country and in other North Carolina cities now indicate that non-congregate shelter settings in motels provide an appropriate address of public health concerns for those experiencing unsheltered homelessness during the COVID-19 pandemic and an opportunity to provide supportive services with the goal of transitioning as many of these individuals to permanent housing.
- The availability of FEMA reimbursement specifically for non-congregate COVID-19 emergency motel homeless shelters now make such options more feasible.
- Council previously authorized the City Manager at its special called meeting on April 28 to apply for, execute related contracts, and receive FEMA funding for various needs in the community. City staff will complete and submit a project application to FEMA specifically for this activity.
- City staff engaged multiple local hoteliers to secure an appropriate site where Homeward Bound of Western North Carolina could continue its existing staff efforts to operate the shelter in a new venue at the Red Roof Inn, 16 Crowell Rd., with which the City has contracted for 60 rooms initially at a nightly rate of \$44.99 plus tax.
- The City has renewed its shelter operations agreement with Homeward Bound as well as extended its agreement with Axis Security Inc. to provide round-the-clock security to ensure the operational and property safety.
- The new arrangement will expand shelter capacity and increase the number of beds available to the community's most at-risk unsheltered persons experiencing homelessness.
- Outreach is both part of the City's overall COVID-19 homeless response and a key element of our ongoing strategy. There are people who will remain outdoors and we will continue to conduct outreach to those people and provide ongoing supportive services to outreach clients who have been sheltered in this effort, all with the ultimate goal of securing permanent supportive housing.

Vendor Outreach Efforts:

- Staff performed outreach to multiple hoteliers to secure competitive rates and the most appropriate property layout, per FEMA guidance.

Council Goal(s):

- A Diverse Community
- A Well-Planned and Livable Community
- Fiscally Resilient City

Committee(s):

- None

Pro(s):

- Expands existing COVID-19 homeless shelter operations capacity.
- Public Health and safety
- Non-congregate motel shelter operations, and security costs are eligible for FEMA reimbursement.
- Provides opportunities to provide counselling and supportive services to help these individuals transition into permanent housing.

Con(s):

- No set end date
- Potential Damages incurred at the Hotel are not eligible for reimbursement from FEMA

Fiscal Impact:

- Funding for the contracts will initially come from previously approved budget authorization that was approved as part of the Affordable Housing CIP project, so no budget amendment is required. Community & Economic Development will utilize Capital Improvement Program funding to cover up front costs pending FEMA reimbursement.

Motion(s):

- Motion to ratify the City Manager's execution of a Memorandum of Understanding with Red Roof Inn for provision of 60 rooms for COVID-19 non-congregate motel shelter for unsheltered at-risk people experiencing homelessness;
- Motion to ratify the City Manager's execution of new services contract with Homeward Bound of Western North Carolina to conduct essential shelter operations.
- Motion to ratify the City Manager's execution of contract amendment with Axis Security for provision of 24/7 security at Red Roof Inn.

Four comments were received from the public regarding housing the homeless at the Red Roof Inn and the security. Mayor Manheimer said that security is provided at homeless shelters as well - so this is not a different protocol. Assistant City Manager Cathy Ball said there is the ability to have people leave the rooms and go out. We worked with Mountain Mobility for on-demand transportation service. The location of the Red Roof Inn is not ideal but we cannot force hoteliers to partner with the City.

In response to Mayor Manheimer, City Attorney Campbell and Assistant City Manager Cathy Ball gave some background information regarding the homeless transition from Harrah's Cherokee Center to the Red Roof Inn. We are working very closely with homeless advocacy groups about the best way to work with the homeless. We are also providing wrap-around services to move this population to transition or permanent housing.

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

Councilwoman Mayfield moved for the adoption of the Consent Agenda, minus Consent Agenda "D". This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT FOR BEAUCATCHER COMMONS 2 RESTAURANT COURT DEVELOPMENT

Vice-Mayor Wisler moved to continue this public hearing to consider a land use incentive grant for Beaucatcher Commons 2 Restaurant Court development until May 26, 2020. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

B. PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT FOR TRIBUTE DEVELOPMENT COLLIER AVENUE APARTMENTS

Vice-Mayor Wisler moved to continue this public hearing to consider a land use incentive grant for Tribute Development Collier Avenue Apartments until May 26, 2020. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

C. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL ZONING AT 137 BROAD STREET FROM COMMUNITY BUSINESS I TO COMMUNITY BUSINESS I/CONDITIONAL ZONE TO INCLUDE AN ADJACENT PARCEL FOR THE CONSTRUCTION OF A NEW MIXED-USE BUILDING

Vice-Mayor Wisler moved to continue this public hearing to consider an amendment to a previously approved conditional zoning at 137 Broad Street from Community Business I to Community Business I/Conditional Zone to include an adjacent parcel for the construction of a new mixed-use building until May 26, 2020. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. ORDINANCE NO. 4802 - ORDINANCE AMENDING THE FIREARMS ORDINANCE TO ALLOW BOW HUNTING FOR DEER POPULATION CONTROL ON PRIVATE PROPERTY

Assistant City Attorney Aarin Miles said that this is the consideration of adoption of an ordinance to amend Sec. 11-7 of the Code of Ordinances of the City of Asheville.

Background:

- On January 28, 2020, Christopher Arbor, a teacher at Asheville School, spoke at the Public Safety Committee, during public comment requesting that the City amend its firearm ordinance to allow bowhunting of deer in order to control the deer population, with concerns of lyme disease and deer interfering with the school's forestry efforts.
- Mr. Arbor was accompanied by Joe Lasher of Backyard Bow Pro, who would be the third party that Asheville School would contract with to hunt the deer on the School's property, if permitted. Mr. Lasher indicated that meat from the harvested deer would be donated to food banks.
- Another person, who was the President of the Hillside Terrace Neighborhood Association, spoke to the Committee in support of the amendment indicating that this initiative would help with neighborhood beautification.
- On February 25, 2020, Legal presented research to the Public Safety Committee.
- Christopher Arbor, Steven Beltrem, Joe Lasher, and the President of the Hillside Terrace Neighborhood Association were present and provided public comment in response to staff presentation.
- Legal staff was directed by the Public Safety Committee to draft a proposed amendment to Sec. 11-7: Discharge of Firearms and Weapons, of the Code of Ordinances of the City of Asheville.
- This amendment would allow archery hunting of deer within the City limits under very limited circumstances to include: property size restrictions, height from which hunting must occur, occurring only during the Western Deer season or with a depredation permitted issued by the North Carolina Wildlife Resource Commission, the hunter

possess a valid NC hunting license, and hunter receives a permit to proceed from APD prior to commencing archery hunting on the property.

Vendor Outreach Efforts:

- None

Council Goal(s):

- Clean and Healthy Environment
- Connected and Engaged Community

Committee(s):

- Public Safety Committee - February 25, 2020 - Voted unanimous for Legal to draft ordinance amendment.

Pro(s):

- If this is an effective means of controlling deer, it would assist in agricultural production within the City which aligns with the Food Policy, as well as creating a better balance of deer population and their food supply.

Con(s):

- Discharge of any type of weapon within the City may be viewed as a risk and a public safety concern. Additionally, if exceptions are made, enforcement of the ordinance as it relates to discharge of other types of weapons or for control of other nuisance animals, may become more difficult

Fiscal Impact:

- None

Ms. Miles responded to various questions from Councilwoman Mayfield, noting that donating the harvested deer to a food bank is not a requirement of the ordinance. The ordinance does require a depredation permit issued by the North Carolina Wildlife Resource Commission. The hunter must possess a valid North Carolina hunting license, must have written permission from the property owner, and must receive a permit to proceed from the Asheville Police Department prior to commencing archery hunting on the property.

Mayor Manheimer announced that no public comment was received on this item.

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

Councilman Kapoor moved to adopt the amendment to Sec. 11-7 entitled "Discharge of Firearms or Weapons," of the Code of Ordinances of the City of Asheville. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Eight voice-mail comments were received regarding housing the homeless; one regarding the budget; one person who requested assistance; and two people who were opposed to re-opening hotels.

Councilman Young said that politics aside, we must pull together and do the right thing to help the City weather this storm.

Closed Session

At 5:54 p.m., Councilman Kapoor moved to go into closed session for the following reasons: (1) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6). This motion was seconded by Councilman Young and carried unanimously by roll call vote.

At 6:06 p.m., Vice-Mayor Wisler moved to come out of the closed session. This motion was seconded by Councilman Kapoor and carried unanimously by roll call vote.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:06 p.m.

CITY CLERK

MAYOR